

*INSIDE Grandparents are turning to the courts*

# *Illinois Issues*

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*A publication of the University of Illinois at Springfield*



## *Sharing the wealth*

*The good news is that Illinois government appears to be doing a creditable job of promoting economic development among minorities*

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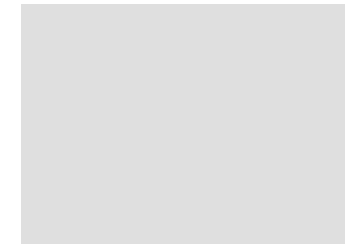
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CONVERSATION WITH THE PUBLISHER

*Ed Wojcicki*



**25th anniversary:  
a time for perspective, and thanks**

by Ed Wojcicki

Sometimes thanks is the first word that comes to mind. And the best word. That's my conclusion now that the observance of *Illinois Issues'* 25th anniversary has ended. About 350 people attended our event, "Changing times, changing Illinois politics," May 1 at the Union League Club of Chicago. Thousands more read the magazine's series over the past eight months (October-May) exploring perspectives on critical issues that face Illinois.

Perspective. That, I hope, is what our anniversary observance was all about.

Our panelists, for example, provided perspective when all agreed the result of the Cutback Amendment of 1980, which reduced the size of the Illinois House from 177 to 118 members, hasn't been good. Those panelists were former governors Jim Edgar and William Stratton, and former Senate presidents Philip Rock and William Harris.

Perspective. That is what our editors and writers provided, and still provide, as they analyze the important issues of the day.

Thanks to those who are responsible for the

magazine's success. I feel indebted to so many: those who founded it (Sam Gove, Paul Simon and Sam Witwer), the original staff members, the university, our board members and staff, our writers, photographers and illustrators, the panelists at our event, and our funders. But most important, thanks to our readers who keep telling us to analyze issues with balance and vigor.

A videotape of our event will be available soon. See page 9 to order one. Go to our Web site ([www.uis.edu/~ilissues](http://www.uis.edu/~ilissues)), not only for more coverage and photos of our event, but also for the complete series of terrific anniversary articles. □

Photograph by Michael Deane



*James Stukel, president of the University of Illinois, chats with Dawn Clark Netsch, left, and Naomi Lynn at the 25th anniversary event. Netsch, former state comptroller and state senator, serves on Illinois Issues' board, and Lynn is chancellor of the University of Illinois at Springfield.*

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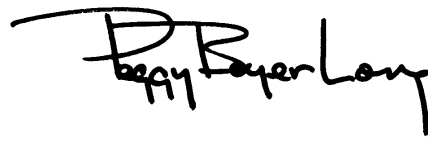
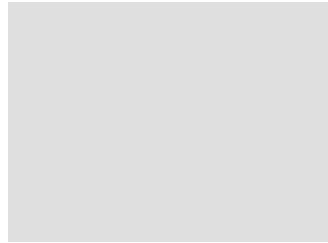
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## Illinois is a story told by many races and cultures

by Peggy Boyer Long

Who can tell the story of Illinois?

The Illini, who bequeathed a name? Their story comes to us by way of the French. The ghosts of those lost people live in old letters and journals. Their spirits speak through the mediums of another culture. Still, they are there for us to hear, however faint their voices. We can watch them tattooing their bodies head to toe, going on the buffalo hunt, playing a soccer-like game, finding ways to fool or frustrate the Jesuits.

So is it the Illinois tribes who can tell this story? Those who assimilated? Those who resisted the European trade that built a country for other people? Those who were forced out?

Can the French tell Illinois' story? Those explorers, trappers and traders opened the Midwest for white settlers. They listened well to the local lore and built the foundations of a new political economy on this continent. But in the end, they too left few traces: the dream

of empire, and the names of a few towns scattered along the rivers of the Illinois country.

This story would have to begin in Algonquian and fade to French. Then to Anglo-American.

But there are other voices, too. Can the Sauk tell this story? The purported "autobiography" of Black Hawk, the tragic warrior of the dispossessed, is, at best, another translated tale. Yet, even if it fails to capture the essential spirit of a man, it captures most of the true facts in the fall of a culture on the

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prairies in the mid-19th century. And the rise of another.

What about the Germans and the Swedes, who built idealist communities? The Amish, who stayed? The Icarians, who foundered? The Mormons, who fled? Can they tell this story?

Can the Irish tell the story of Illinois, those who built canals and a great urban political machine? What about the Poles, the Asians, Hispanics? Can they tell this story?

Can those who came to this territory in chains to work on the salt flats of southern Illinois?

Their story is most often told in whispers, but it can be heard. And editor and essayist Maureen Foertsch McKinney tells us this month that the need to listen has become critical, once again. "Facing what we've overlooked," she begins on page 22, "may be more important than resting on our dubious laurels."

Illinois remains a land of immigrants. For this reason, we should listen to all of the stories told by its many races and cultures. □



### Reading the Illinois story

**City of Big Shoulders: A History of Chicago**

by Robert G. Spinney, Northern Illinois University, 2000

A summary, including the story of the city's first permanent settler, a black man, and today's Hispanic immigrants.

**Sugar Creek: Life on the Illinois Prairie**

by John Mack Faragher, Yale University, 1986

A social history of the early white settlers of Sangamon County.

**Prairie Albion: An English Settlement in Pioneer Illinois**

by Charles Boewe, Southern Illinois University, 1962 and 1999

Letters and journal entries by George Flower and Morris Birkbeck, the founders of the southern Illinois community who fought to keep the state free of slavery.

**An Autobiography of Black Hawk**

Edited by Donald Jackson, University of Illinois, 1964 and 1990

Based on the first version published in 1833.

# Illinois Issues

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Volume XXVI, No. 6



Family feud, page 28



Sharing the wealth, page 14



Squeeze play, page 31

## FEATURES

### 14 Sharing the wealth

by Burney Simpson

The good news is that Illinois government appears to be doing a creditable job of promoting economic development among minorities.

### 18 Driving while black

by Heather Nickel

Charges that police target blacks and Hispanics for traffic stops have been grabbing attention.

### 22 Review essay:

by Maureen F. McKinney

#### Confronting the paradox

Facing what we've forgotten about race relations could be as important to Illinois' future as celebrating what we remember.

### 26 Nuclear fallout

by Tony Man

The taxable value of reactors is plummeting, meaning they generate fewer property tax dollars. Local school officials want state financial help.

### 28 Family feud

by Aaron Chambers

Grandparents are turning to the courts.

### 31 Squeeze play

by Mark Brown

Athletes are challenging Illinois' income tax system.

**Credits:** This month's cover was designed by Daisy Juarez.

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## DEPARTMENTS

3 Conversation with the Publisher by Ed Wojcicki

4 Editor's Notebook by Peggy Boyer Long

6 State of the State by Burney Simpson  
Much at stake in the Census

8 Briefly by Rodd Whelpley

34 People by Rodd Whelpley

37 A View from Metro East by Patrick E. Gauen  
Problems permeate justice system

38 Politics by Charles N. Wheeler III  
Study raises awareness of prisons

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## Illinois could lose dollars, clout if everyone isn't counted in the Census

by Burney Simpson

You have to play to win, goes the old saying. The same could be true for the decennial Census. Every person counted can mean more in federal dollars for states, counties and cities. That money can be used to help poor people, provide nutrition for infants, buy school books, shore up public transportation and build roads. When folks are missed, they miss out.

Chicago officials, for example, contend that an undercount of 159,000 residents in the 1990 Census cost that city as much as \$200 million. This time around, every person missed could cost the city \$3,391, according to Mayor Richard M. Daley in his letter to the *Chicago Sun-Times* last April.

And it's not just residents of cities who could lose out. Rural residents can be missed too. Wherever they live, those most likely to be missed are those who might benefit the most from being counted: the poor, children and seniors living on their own.

Along with money, the Census can mean political power. According to Census Bureau estimates from last July, Illinois is in danger of losing one of its 20 seats in the U.S. Congress. This is because the state's population has remained flat, while the sunbelt continues to grow.

"We're on the bubble to lose a seat,"

### ***But for the most part, the state has relied on the federal bureaucracy and its outreach efforts to do most of the work in finding citizens who could be missed.***

says Charles Wheeler, director of the Public Affairs Reporting program at the University of Illinois at Springfield. "So if we do a haphazard count, and other states do a better job, we would lose a seat."

"My estimate shows we will lose a seat," says Sue Ebetsch, a coordinator with the state's data center that studies the Census numbers. "We're just trying to keep our 20th seat. Our goal is to retain that."

In fact, Illinois lost two seats after the 1990 Census.

Some other states that lost seats last time around have chosen to look at the Census as an opportunity, a way to reach the uncoun­ted. They've invested in fresh campaigns to promote the count. But for the most part, Illinois has relied on the Census Bureau and its outreach efforts to do most of its work.

And thus far, the numbers indicate Chicago, the state's most populous city, hasn't learned much from its 1990

experience. Activists working to pump up the numbers are saying if the count is down the city will have no one to blame but itself.

The problem should be simple to remedy.

Even states that have the most reason to be complacent are going all out to count the undercounted. According to preliminary Census figures issued last July, Georgia could pick up two congressional seats and California at least one, if population growth trends continue. Still, those two states have targeted the undercounted.

California budgeted \$24.7 million for its Census efforts last year and organized local outreach committees composed of leaders in the political, religious, business and education communities. Representatives of the state's ethnic groups were included. The thinking was that the undercounted would be more likely to respond to an appeal by a respected figure in their neighborhoods than a government worker, says Ditas Katague, deputy campaign director for California Complete Count.

"They are going to work with those they trust: the local priest, health care giver and educator," says Katague. "You have to use the infrastructure."

California lost \$2.2 billion in federal money from the 1990 undercount. But state officials determined they could break even on a \$25 million investment this time around by successfully reaching 1 percent of those who were undercounted last time around.

That state surpassed its goal easily, says Katague. California has garnered a response rate of 68 percent, beating the national average. As a result, that state could receive an additional \$1 billion in federal aid over the next decade. And, of course, it stands to win that congressional seat.

Meanwhile, Georgia spent nearly \$3 million on its Census efforts in the last two fiscal years, according to Robert Giacomini, a director of research at the Georgia Institute of Technology,

and an adviser to that state's Complete Count Committee. He says the 1990 Census missed 143,000 residents of Georgia, costing the state a congressional seat. This time, the effort included live phone banks and television ads aimed at reaching African Americans and the poor. In one ad, Gov. Roy Barnes warns, "If you don't answer the Census, Georgia will be educating children in New York for the next 10 years."

Georgia reversed a downward response trend, and 63 percent of its residents sent back the mailed Census form.

In contrast, Illinois put no money in its budget for ads or outreach. And no one was named to coordinate the effort. This state rested on an executive order Gov. George Ryan sent to his agency chiefs last December, which urged them to promote the Census to the people they worked with, and asked for a weekly progress report, according to a spokesman in the governor's office. The order is not on the state's Web site and was not made available to the press.

"The governor's office directed us to do outreach to our customers and clients. That could be homeless centers or employment training centers," says Brian Reardon, a spokesman for the Department of Commerce and Community Affairs. "There was a concerted effort to get the word out. They knew what each state agency was doing."

Reardon argues it made no sense to do advertising when the Census Bureau itself was doing ads.

But some community activists who have been promoting the Census believe the city and the state have been asleep at the wheel. The leader of one prominent Hispanic organization says attempts to contact the governor were ignored.

"I called the Latino affairs director and never got anywhere. They had no budget to do anything," says Ana Maria Soto, regional Census director for the Mexican American Legal Defense Fund.

Soto says she began working on promoting the Census nearly two years ago. Efforts included public service announcements by Latino

celebrities on Spanish radio and television, articles in community papers, a cable access program and promotion at neighborhood festivals.

But there has been no coordination among city, state and county officials, according to Jeryl Levin, director of the Countdown 2000 Project at the Illinois Ethnic Coalition. Levin says she attended 30 planning meetings over the course of two years but no one from the state ever showed up. The coalition has 2,200 members and works with more than 100 ethnic groups, primarily in the Chicago metropolitan area.

Levin believes Chicago and state officials counted too much on ads and outreach by the Census Bureau itself. But the agency's campaign targeted members of the middle class, who were going to send the form back anyway. "You needed public relations to sell it to those who have had a bad experience with the government or don't trust the government," says Levin.

Still, the Census Bureau finds the Illinois response pretty good. By the end of April, 67 percent of Illinois households had responded, 2 percent better than the national rate. This initial response rate is used as a measure of how well a locality has done. And to determine where to send the enumerators who have to walk door to door to reach the undercounted.

In Chicago, the response rate on mailed forms was only 52 percent, despite the \$800,000 in city money and another \$750,000 in corporate in-kind donations spent to encourage residents to participate.

Chicago knows who is being missed, according to Don Davis, the city's point man on the Census. Children under 14 make up a third to a half of the undercounted. Another 25 percent of those missed are "unidentified households," which could include a family in a new building. Adult males 25 to 65 years old make up about another 25 percent of the undercount. "Men are more mobile. They could be temporarily sleeping on their brother's couch, or at a girlfriend's," says Davis.

Homebound seniors and public

housing residents who may be violating a lease make up the rest of the undercount.

Davis argues the city numbers will improve after the enumerators are done in July. "The [initial] response rate is an indicator, but sometimes it is overplayed."

It's not just the state's biggest city that could undercount some of its citizens. Impoverished East St. Louis had a response rate of only 47 percent. And communities in remote areas could have difficulty with the count. To rely on the Census Bureau to find everyone is a mistake, some argue.

"The federal government never asks the local governments to help," says Rep. William Black, a Danville Republican. "They say trust us — we know what we're doing. It's a typical federal bureaucracy." Black says some school systems in his district didn't get all the money they deserved last decade.

In outlying areas, there may not be mail delivery so people pick it up at a central post office. When the Census uses ZIP code maps to determine what school district a child is in, that student can be misplaced. "This is not a compact, contiguous metro area," says Black. "There might be three school districts in that ZIP code."

About 110 children attending the Oakwood school district outside Danville weren't counted in 1990, and that district lost \$1.6 million in poverty funds over the decade, according to school Superintendent James McNellis. "The Census isn't sure what district the child is in. A digitized map may not have all the roads where people live," he says.

Oakwood didn't get all the money it expected for its lunch programs, so the district had to pick up that cost. Now, school officials are scrambling to find the money to replace the 98-year-old building the district has been using. "We have classes on stages, we convert closets, and we use the custodian's room. We need the revenue," says McNellis.

Oakwood learned the hard way that you have to be in the numbers game to score federal dollars. □

# BRIEFLY

Edited by Rodd Whelpley

## THE FUNGUS AMONG US

### Shroomers: a possible new revenue for the state

**H**unting the elusive morel mushroom can be addictive. For those hunters, often called “shroomers,” who

don't have access to private land for scouting out the spring delicacy, getting a fix can be difficult. That's why one group, the Illinois Mycological Association, is considering a petition to get the state to open up Illinois' parks to legal morel hunting. In return, the state could charge a nominal fee and, at the same time, educate the public about the best way to collect the wild mushrooms to ensure their continued growth.

Morel hunting is a business that attracts hundreds of people from around the state and the nation. Two festivals, one in Jonesboro in southern Illinois in mid-April and another in Magnolia in central Illinois in early May, add thousands of dollars to the local economies. According to Tom Nauman, organizer of the Magnolia festival, which crowns the state champion morel hunter each year, mushroom hunters can sell their collections at prices ranging from \$10 to \$80 per pound. Larry Lonik, who has written three books on morels and is one of a handful of entrepreneurs to have successfully grown them in a controlled environment, says taking mushrooms from any area does not deplete the resource because the morel is the fruit of a fungus that grows underground. “As long as hunters pick the mushrooms carefully and carry them in a mesh bag so the spores can reseed the ground, the organism will continue to thrive and even expand to new areas.”

Department of Natural Resources spokesman Tim Schweizer says the state has no immediate plans to license individual mushroom hunters to use state parks, but it does license commercial hunters.

Those in northern Illinois can still enjoy this spring treat in June, but shroomers in the rest of the state have to plan their hunting strategies for next year.

Photograph courtesy of Darrell Cox,  
University of Illinois at Urbana-Champaign



The morel mushroom

Beverly Scobell

### Archaeologists say an ancient Illinois suburb may have been torched

Suburban sprawl in the Metro East region, which in recent years has caused concern among some environmentalists, dates back more than one thousand years. But modern-day city planners are not likely to embrace the solution that ancient Native Americans used to solve the problem. New evidence suggests they burned one famous suburb to the ground.

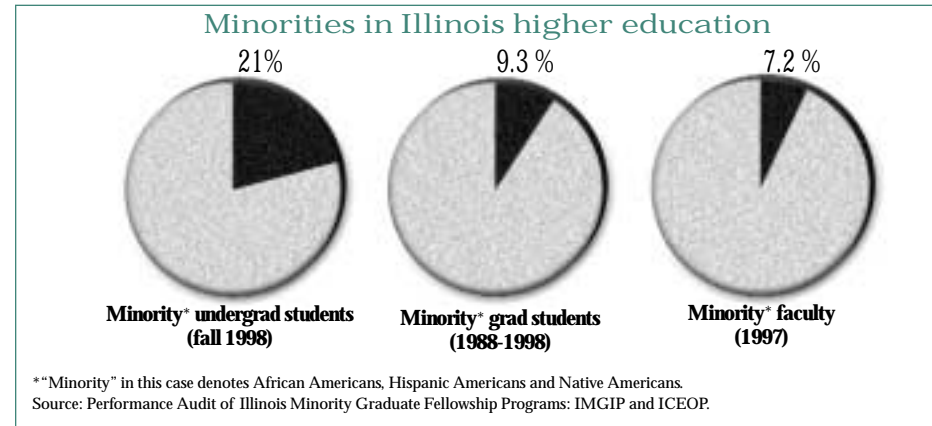
The reason and method of the disappearance of the civilization that inhabited the region between East St. Louis and Collinsville has long been a mystery to archaeologists working in the Cahokia Mounds area. But in November, scientists uncovered information from a site in East St. Louis that, in its heyday, was a “suburb” of one of the largest prehistoric civilizations in North America. While excavating land in preparation for highway construction, researchers found burned houses, adding strength to the theory that the civilization fell through warfare.

Around the start of the last millennium, Cahokia Mounds was the site of the largest metropolis north of Mexico. Centered in Collinsville, the civilization stretched out several miles into Madison and St. Clair counties.

The area was home to people of the Mississippian culture. The site is best known for the series of earthen mounds thought to have been built for burial or ceremonial purposes. Bill Iseminger, an archaeologist at Cahokia Mounds State Historic Site says at one time there were probably 120 mounds. Of the 80 remaining, 68 are protected on state property.

Why the Mississippians disappeared about 800 years ago is still officially a mystery. But the new discoveries support the idea that internal warfare or conflict with neighboring tribes brought the civilization to an end.

Heather Nickel



### State-funded stipends put more minorities in higher ed

Under-representation of minorities in graduate school programs has been “an ongoing and stubborn issue,” says Don Sevens, a spokesman for the Illinois Board of Higher Education. But an audit of two higher education affirmative action programs reveals the tide may be turning, though slowly.

The relative number of minorities earning doctorates from Illinois universities rose from 4.6 percent of all those receiving Illinois doctorates in 1988 to 6.9 percent of those earning doctorates in 1998. That finding is part of Southern Illinois University Professor Jack McKillip's performance report on the Illinois Minority Graduate Incentive Program and the Illinois Consortium for Educational Opportunity Program.

Both publicly funded programs were established in the mid-1980s to encourage minority students to complete graduate studies at Illinois colleges. Another goal is to increase the number of minority faculty, administrators and academic staff in the state's higher ed institutions.

State funding for the programs fits into the broader context of Illinois public policy, says Sevens. “We're not doing this in isolation. We're attempting to broaden [minority] opportunities in higher education and the workplace and also broaden the diversity. We have said in law, budget and programs that this is an interest of the state.”

The programs have handed out 846 fellowships since 1986. Current stipends of \$13,500 or \$10,000 allow minority students to attend Illinois graduate schools, after which they must seek jobs in Illinois education. (Students in the Educational Opportunity Program must pay back 20 percent of their awards if they fail to get education jobs in this state.) McKillip stresses that the competitive stipends are granted only after students have met all the academic requirements and have been admitted to graduate departments.

McKillip's report shows the programs are working. While the relative number of minority doctoral graduates rose 2.3 percent in 10 years, during that period 15 percent of all minority doctoral students were awarded stipends under one of the two programs. Nationally, about half of all students entering doctoral studies finish with degrees. But 69 percent of Minority Graduate Incentive fellows and 75 percent of Educational Opportunity Program fellows finished their degrees between 1986 and 1990. And 9 percent of all minority Illinois faculty, instructors, researchers or higher education public servants have received or currently are receiving stipends under these programs.

Sevens says that more minorities on campuses benefit the schools because they begin to reflect more accurately the diversity of the state. And the minority students benefit these programs by bringing perspectives that might otherwise be absent.

Not all the news is positive, however. McKillip notes that the purchasing power of the stipends is lower now than when the programs started. Both initially offered awards of \$10,000 per year. Although the Graduate Incentive Program award, administered through the Board of Higher Education, has been raised to \$13,500, McKillip recommends raising the stipends to \$15,000. He also notes that an increasing number of Educational Opportunity Program stipends are going to master's students who are less likely to get tenure track faculty positions.

Rodd Whelpley

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## BRIEFLY

### Chicago mayor, city council take up slavery reparation issue

Mayor Richard M. Daley announced his support last month of a Chicago City Council resolution that calls for the U.S. government to consider making reparations for enslaving African Americans before the Civil War. Ward 3 Alderman Dorothy Tillman wrote the resolution, which the city council approved overwhelmingly.

U.S. Rep. John Conyers, a Michigan Democrat, has pushed Congress to study reparations for more than a decade. Increased media attention in recent years has brought the issue to the discussion stage.

Those who favor reparations to descendants of American slaves argue Japanese Americans held in internment camps during World War II and Holocaust survivors have both received compensation for injustices.

But opponents say that those situations were different. Those seeking reparations for slavery are several generations removed, complicating the question of who should receive payments, who should make the payments and how they should be made. For example, how could the government assure that black tax dollars weren't used to pay for reparations? And what of those white Americans whose ancestors fought to end slavery or immigrated to America after the Civil War?

But the most fundamental — and contentious — question is: Should today's white Americans be forced to pay for the horrors of slavery?

In his book, *The Debt: What America Owes to Blacks*, Randall Robinson, president of a group called TransAfrica, argues that African Americans deserve compensation for civil rights injustices that continued at least until the 1960s. But Robinson doesn't have answers concerning who specifically should make the reparations and who should receive them. He suggests an educational and developmental fund be established for the benefit of black Americans.

*Heather Nickel*

### State may yet fund compulsive gambling program

Illinois beat most of its neighbors to the water when riverboat gambling boomed in the early 1990s. Nearly a decade later, it's the only Midwestern state with floating casinos that doesn't provide a publicly funded program to help citizens who become gambling addicted. That situation could change this summer.

Gov. George Ryan called for \$2 million for treatment, education and research programs in the fiscal year 2001 budget. But that money wasn't in the final spending plan approved by the legislature this spring. So when the Illinois Gaming Board held its first-ever hearing on compulsive gambling last month, Ryan used the occasion to direct the Department of Human Services to start anti-addiction programs in July using \$1 million from its own budget. He also reiterated his opposition to automatic teller machines on the riverboats, which some argue fuel addicts' compulsive behavior.

At press time, Tom Green, a spokesman for human services, said that the department was still evaluating the funding plan and programming ideas. "We're not sure yet where that's going to go," he said.

Ryan's actions may help placate some gambling critics, who scolded state officials for reaping a tax windfall from the casinos — more than \$328 million in 1999 — without addressing the downside. The Illinois casino industry cites research that says nationally less than 2 percent of adults become addicted to gambling. Critics contend the figure is 3 percent or more.

The Illinois casino industry already voluntarily funds a help line (1-800-GAMBLER) for problem gamblers. And Gaming Board Chairman Gregory C. Jones says regulators are taking a broader look at access to money aboard the casinos, from cash-advance machines that let gamblers tap their credit cards to the varied policies casinos have for cashing customers' checks and issuing lines of credit.

*Jim Webb, northwest Illinois correspondent, The Associated Press*

## BRIEFLY

### WEBSOURCE

Cyberspace debate on Chief Illiniwek

Not all racism is black and white. Native Americans have been trying for decades to convince the nation that some sports team names and mascots are offensive. Illinois has been the focus of some complaints because of the University of Illinois' Chief Illiniwek. Campus and national organizations have asked the board of trustees to adopt a new sports mascot. The university has asked for public feedback on the issue. The school will spend the summer considering the opinions offered, and the board will make a decision in the fall.

Even though the deadline for public input has passed, the university will continue to update its "Dialogue on Chief Illiniwek" page on its site at [www.uiuc.edu](http://www.uiuc.edu). Look under the "Quick Links" section of the home page. The university newspaper also has a site at [www.dailyillini.com/issues/chief.shtml](http://www.dailyillini.com/issues/chief.shtml). A Chief Illiniwek home page at [www.chief.uiuc.edu](http://www.chief.uiuc.edu) has historical documents and essays about the U of I symbol.

Students for Chief Illiniwek have posted a pro-Chief opinion page on their site at [www.savethechief.com](http://www.savethechief.com). Meanwhile, the Progressive Resource/Action Cooperative, a group opposing the continued use of the Chief as mascot, has its site at [www.prairienet.org/prc](http://www.prairienet.org/prc) offering the Native American viewpoint. The cooperative's site also links to local newspaper reports covering the debate. For a broader view of Native Americans' arguments against racism, check the American Indian Sports Team Mascots site at <http://earnestman.tripod.com>.

Beverley Scobell

## GOVERNOR'S ACTION

Ryan puts on the (tax) breaks

*The legislature sent Gov. George Ryan 247 measures during the shortest session in a century. With his eyes likely on the November election, the governor quickly signed several popular proposals. Most costs will be paid from Illinois' share of the settlement with major tobacco companies.*

### PROPERTY TAX BREAK

Property owners will get a one-time rebate worth 5 percent of their residential tax bill. The estimated cost to the state is \$280 million, and the checks are due to arrive before November. The average return will be \$125.

### CIRCUIT BREAKER

About 178,000 more senior citizens will be eligible for a break on prescription drug costs. The income eligibility will rise from \$16,000 for a two-person household to \$28,480. And the program will grow to include payments for drugs that treat Parkinson's disease, Alzheimer's disease, glaucoma, cancer, lung disease and smoking related illnesses.

### INCOME TAX CREDIT

A state income tax credit for the working poor equal to 5 percent of a similar federal credit will be phased in over three years. About 650,000 families statewide could qualify. The maximum credit for a family with two or more children will be \$191 annually. The average credit will be about \$60.

*The tax breaks were part of the \$49 billion state spending plan the governor signed last month.*

*Ryan also signed a modified version of the Safe Neighborhoods Act. (For more on significant legislation, see Illinois Issues, May 2000, pages 10 and 11.)*

### Ryan ups state wages

Nearly 44,000 state workers will see bigger paychecks, up 19.3 percent over the next four years, under an agreement Gov. George Ryan negotiated with the American Federation of State, County and Municipal Employees. The union got a new retirement age formula and the state can now fire certain prison workers after one positive drug test. The union has OK'd the contract. *Burney Simpson*

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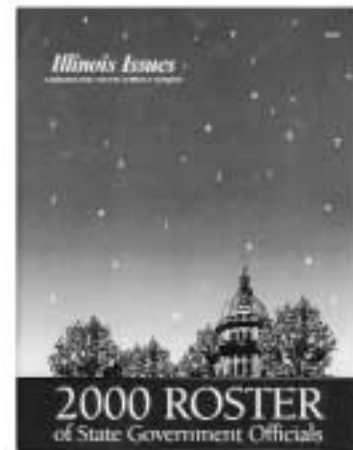
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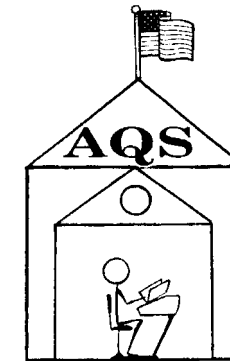


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# Sharing the wealth

## The good news is that Illinois government appears to be doing a creditable job of promoting economic development among minorities

by Burney Simpson  
Illustration by Daisy Juarez

The Rev. Jesse Jackson is working New York's Wall Street and Chicago's LaSalle Street, attempting to encourage the financial powerhouses to invest in inner city communities. The reason, he argues, is that access to capital will turn out to be the fourth phase of African-American history, following slavery, the segregation policies of the Jim Crow era and the Civil Rights movement of the 1950s and 1960s.

Jackson's strategy for jawboning the private sector is fairly new. But the public sector has been promoting economic development among minorities for decades. And, all things considered, the good news is that Illinois government appears to be doing a relatively creditable job of it.

One of the more successful efforts, falling under the rubric of affirmative action, is the so-called "set aside" program requiring publicly funded

projects to issue a portion of all contracts to under-represented groups. That requirement has covered minority- and female-owned businesses for more than 30 years.

The underlying idea is that discrimination has long held back the growth of these businesses. To help such firms prosper, state and local governments set goals for issuing contracts. Those goals are typically pegged to a percentage of the value of the government's total

contracts over the course of a year.

Officials do have a track record they can point to. Still, in the last two decades, court challenges to set aside programs have rolled across the country. In two important cases, the U.S. Supreme Court ruled governments with such programs must be able to prove statistically that past discrimination has hurt minority businesses. Further, they must be able to prove that set aside programs have remedied that discrimination.

As a result of these challenges, some governments have gone so far as to eliminate their programs altogether.

Yet, despite such pressures, the state of Illinois has stepped up its efforts. The total dollars flowing through the set aside program is rising. And the target goal was increased last year from 12 percent of state business to 19 percent. More to the point, a recent study found that Illinois government is doing a better job than the private sector in providing contracts to minority-owned firms.

Shortly after he took office last year, Gov. George Ryan issued an executive order to make it easier for such firms to get state contracts. Nevertheless, questions remain about the effectiveness — even the value — of the state's set aside policies.

except in special circumstances. It was a felony for vendors to misrepresent themselves or to otherwise win contracts fraudulently.

According to state reports, minority-owned firms earned about \$60 million in state business prior to 1984. Within the next three years, though, the state had issued contracts worth \$177 million to more than 1,000 minority- and women-owned firms. Public universities were ultimately folded into the program and the goals were expanded, meaning an additional 2 percent of contracts were to go to businesses owned by the disabled. Two years ago, some \$239.7 million in contracts were issued, exceeding the goal by more than \$20 million, according to the program's annual report. The effort, now called the Business Enterprise Program, is under the Department of Central Management Services, which oversees personnel and purchasing for agencies under the governor.

By their own account, the program has been a success.

**The Minority** and Female Business Enterprise program was launched in 1984 for 41 agencies, boards and commissions that reported to the governor. They were to issue a total of 10 percent of their contacts to firms that were at least 51 percent owned by women or by black, Hispanic, Asian or Native American men. Five percent of the contracts were to go to female-owned businesses and 5 percent to minority-owned firms. Those firms earning more than \$14 million annually were ineligible,

But, in light of the U.S. Supreme Court's rulings, the state's enterprise governing board commissioned a consultant to review the record. That 1997 study attempted to determine whether the program helps targeted businesses and whether it helps remedy discrimination.

Chicago-based National Economic Research Associates examined fiscal years 1990 through 1994. The consultants found that by the last year, targeted businesses were receiving 17 percent of the state's contracts for goods and services, exceeding the state's goal of 12 percent.

In contrast, a review of Illinois' private sector indicated it wasn't as successful at sharing the wealth with under-represented groups. For example, black-owned and Hispanic-owned service companies should have been doing more than twice as much business with the private sector, according to the report. The consultants concluded the state's program was both successful and necessary to redress discrimination still evident in the private sector.

The report wasn't all good news for the public sector. The study also found that the number of female-owned firms in Illinois enabled the state to meet its goal with regard to that group, while there was a shortage of minority-owned firms providing the goods and services the state needs. The report recommended the goals be changed to reflect that reality. As a result, program officials voted to raise the state's goal to 19 percent for all under-represented groups. Female-owned companies

### In the news *Local program under fire*

Chicago's set aside program dates to the administration of the late Harold Washington, the city's first black mayor. And according to the budget office, which oversees the effort, it has been successful in reaching its goal of issuing a quarter of the city's contracts to minority-owned firms and 5 percent to women-owned firms.

But Mayor Richard M. Daley's administration has been rocked with questions about the validity of some of the firms who win those contracts. Late last year, the city announced it would review the procedures it used to certify the 2,400 firms that participate in the program.

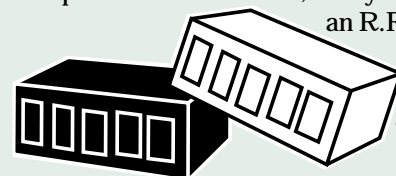
This followed reports by the *Chicago Tribune* that found one firm had been certified as being run by females, though it was actually run by men. Those men are members of a politically connected family. The firm, Windy City Maintenance, was kicked out of the program after a review by the city's law department.

Then last March, the *Chicago Sun-Times* reported that the wife of a former state representative convicted on corruption charges was earning set aside contracts for her engineering

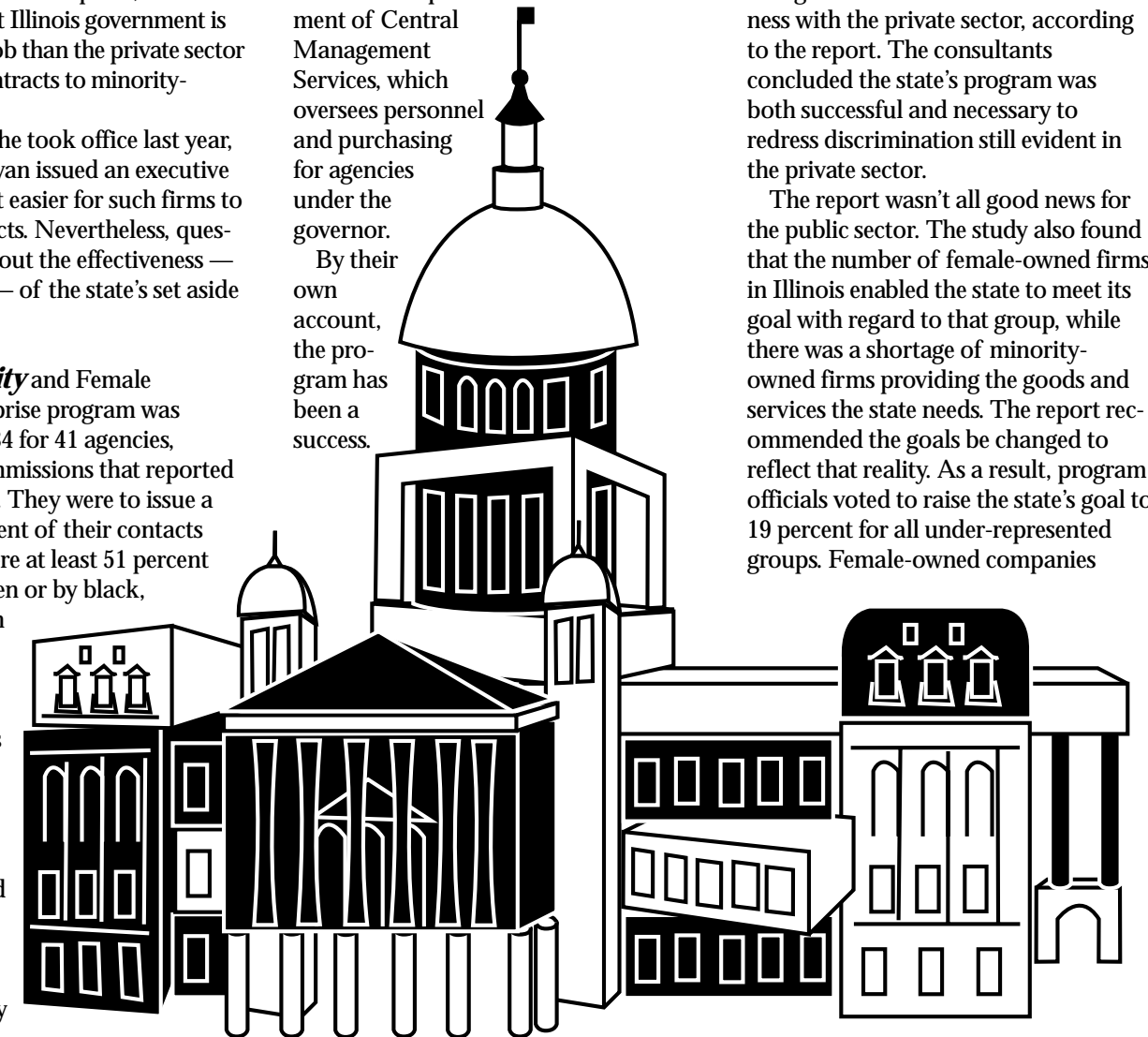
firm. Heather Kotlarz, who studied political science in college, had bought the firm in 1997, using proceeds from the sale of a house owned by her husband, Joseph Kotlarz. The firm was awarded \$10 million worth of contracts through the city program, according to the *Sun-Times*. Joseph Kotlarz, a Chicago Democrat who served in the Illinois House from 1993 to 1997, was sentenced to six months in jail for skimming money from a deal on Illinois tollway land. That made him ineligible for government contracts. Mayor Daley defended the certification, arguing someone without an engineering background could still manage the firm.

Meanwhile, the city did decertify a boat towing company that supposedly was run by a woman but was determined to be controlled by former state Sen. Glenn Dawson.

In response to the headlines, Daley named David Malone, an R.R. Donnelley executive, as the new chief of the city's set aside program.



Burney Simpson





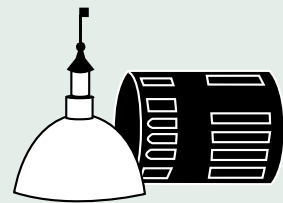
## The Illinois Business Enterprise Program

As of fiscal year 1998, the most recent year for which figures are available, the program had issued \$239.7 million in contracts, exceeding its goal by \$21 million. Nine public universities and 56 state agencies, boards and commissions participated. Firms owned by white females earned \$121 million, people of color earned \$100 million and the disabled earned \$19 million.

### THE 10 STATE AGENCIES WITH THE LARGEST DOLLAR AWARDS

Agency	Dollar Awards
Department of Transportation (construction)	\$88.8 million
Capital Development Board	\$24.5 million
Department of Transportation (operations)	\$14.6 million
Central Management Services (procurement)	\$13.2 million
Department of Human Services	\$11.2 million
Department of Corrections	\$10.7 million
Central Management Services (operations)	\$8.8 million
Department of Public Aid	\$8.6 million
Department of Children and Family Services	\$7.6 million
Department on Aging	\$6.4 million

Source: Central Management Services, Business Enterprise Program, 1998 annual report.



would get 12 percent of the total, but 3 percent of those contracts would be set aside for companies owned by women of color. The targets for minority men and the disabled would remain at 5 percent and 2 percent respectively. Those changes took effect last July.

"There was a supply of [women] vendors out there. But there were only 2.5 percent minority male [businesses]. We didn't want to reduce that. So we left it at 5 percent," says Sharon Young, an administrator with Chicago State University and a board member of the enterprise program.

In fact, the stats support the need for the change. In fiscal year 1987, firms owned by white females earned about a third of the dollars going through the program. The rest went to firms owned by men and women of color. But by fiscal year 1998, firms headed by white females earned a little more than half of the dollars. Firms owned by men and women of color earned 41 percent and the disabled 8 percent.

There's another concern. An analysis

of the state's top 15 contractors in the Enterprise Program in fiscal year 1999 indicates that only two are women- or minority-owned. The rest are sheltered workshops that employ or work with the disabled. Such state agencies as the Department of Children and Family Services and Human Services issue those contracts to run workshops.

"We can't control the state's needs," says Ben Bagby, assistant legal counsel with Central Management Services. "[The disabled] are in a similar situation as women- or minority-owned firms. People can shy away from doing business with them. We want to level the playing field."

The program's participants have concerns, too. Those firms can be certified by Central Management Services, the Illinois Department of Transportation or two independent groups that have certification reciprocity agreements: the Chicago Minority Business Development Council and the Women's Business Development Center. Such certification enables

businesses to get on the approved list for state contracts. But a common complaint is that the process involves too much paperwork. Indeed, the forms run to a dozen pages. Applicants also face work site visits by inspectors aimed at determining the gender or ethnicity of the firms and their workers.

Last February, Gov. Ryan set up an advisory committee to determine whether the certification process can be simplified.

But some believe the program needs more than tinkering. State Sen. Rickey Hendon, a Chicago Democrat, has proposed reviewing the groups covered by the program and toughening the penalties for fraud.

Other critics contend the state simply isn't living up to its end of the bargain. The transportation department, the largest state agency in terms of the dollar value of its contracts, is receiving its share of complaints these days. That agency doled out \$103 million through the program in fiscal year 1998 to builders, architects, engineers, plumbers, electricians, traffic controllers, haulers and others needed for road projects. But an African-American activist group, the Work-SHIP Coalition, has stopped traffic along the Stevenson Expressway on the southwest side of Chicago several times this spring to protest what it sees as too few minority workers hired for the \$567 million rebuilding project. Calvin "Omar" Johnson, spokesman for the group, argues firms owned by white women account for almost all of the minority businesses working on the project.

Meanwhile, the Hispanic American Construction Industry Association is troubled. Rafael Hernandez, the group's executive director, says the Stevenson is going through such Hispanic communities as Pilsen and Little Village, yet is offering few job opportunities to those residents.

"People in the community should be the primary focus for laborers and training programs," says Hernandez. "We want to make sure that the community impacted by construction participates."

But Martha Schiebel, a department spokesperson, says minority

contractors earned 15 percent of the Stevenson contracts last year. And in April, nearly half of the 399 construction laborers were minority males.

Still, women-owned firms do dominate the list of the largest contractors who find work through that department's set aside program. Seven of the 10 largest contractors were women-owned, including the top three.

Schiebel argues the department meets its goals for the program, and that can be difficult in areas of the state that have few minorities. "Some projects, we meet the goals, and some we don't. But we meet the annual goals statewide," she says.

Still, transportation Secretary Kirk Brown met with activists last month and agreed to organize a meeting between larger contractors and minority- and female-owned firms interested in working on the Stevenson.

The disagreement highlights a continuing point of contention about

these programs. A firm may be certified as minority- or women-owned, but activists worry the group is merely a front for white owners. In fact, tracking ownership can be difficult. Critics argue the public sector doesn't have enough staff to monitor the programs to ensure compliance. Officials respond that some bad apples are sure to get through but that most firms are legitimate.

**Efforts to institute** set asides go back to a 1965 presidential order that required certain federal contractors to adopt such plans. The programs have been challenged ever since.

In 1989, the U.S. Supreme Court ruled in *Richmond v. J.R. Croson Co.* that that city's minority set aside program was unconstitutional. The court ruled the Virginia city had not proven its program was necessary to remedy discrimination at the local level or that there was an adequate supply or "availability" of

minority contractors to meet the set aside requirement.

In 1995, the court ruled affirmative action programs had to be "narrowly tailored" to redress proven past discrimination. At the same time, political opposition to such programs was growing. California paved the road in the 1990s, first by curtailing race- and gender-based preferences, then by discontinuing its 15 percent set aside goals.

But in Illinois, firms that participate, even if only in a minor way, are at least in the game. And that's a step up from 30 years ago, according to state Sen. Steven Rauschenberger, an Elgin Republican.

"If I'm a [participating] minority- or women-owned firm, I work with a majority firm. I may pass through some of the contract to another firm. But I meet the letter of the law. I take an active part as a member of a discriminated group," says Rauschenberger. □

## Illinois Department of Transportation's 10 largest women- and minority-owned firms 1999 by contract dollars



FIRM	HOME	\$	W or M	WORK
1. Ladd Construction	Ladd	\$7.7 mill	W	Concrete
2. Varsity Striping	Champaign	\$4.9 mill	W	Pavement marking
3. P.J.R. & Associates	Campbell Hill	\$4.7 mill	W	Re-Bar work
4. Marking Specialist	Arlington Heights	\$3.8 mill	M	Pavement marking
5. Hawk Enterprises	Crown Point, Ind.	\$3.5 mill	W	Electrical
6. Park-Mark, Inc.	St. Louis	\$3.2 mill	W	Pavement marking
7. City Lights, LTD.	Chicago	\$3.1 mill	M	Electrical
8. Vixen Construction	Downers Grove	\$2.9 mill	W	Concrete
9. Tri-Tech Electric	Romeoville	\$2.6 mill	W	Electrical
10. Highway Safety Corp.	Addison	\$2.6 mill	M	Traffic control

Source: Illinois Department of Transportation

# Driving while black

Charges that police target blacks and Hispanics for traffic stops have been grabbing the attention of lawmakers in statehouses throughout the country

by Heather Nickel

Illustration by Daisy Juarez

Byron Harrison is 22 years old. A native of Houston, he now lives in Illinois, where he works for the state Department of Children and Family Services while attending college in Springfield. Harrison dresses professionally and drives a brand new Dodge Neon. With his interest in public affairs, he's just the kind of person politicians say they consider the best hope for America's future.

But public policies don't always match political rhetoric.

Instead, as a young black male, Harrison has reason to believe law enforcement officials consider him

a threat to public safety, even when he's simply driving down the highway. In short, Harrison believes that he, along with other young black and Hispanic males, is a likely target for "racial profiling," the suspected police practice of stopping and searching drivers for little or no reason other than race or ethnicity.

Allegations about the practice, known in some circles as the offense of "driving while black," have been getting increased attention throughout the nation.

Lawmakers in Illinois and about 25 other states have been debating proposals on racial profiling. Last

year, Connecticut and North Carolina approved laws requiring police to record information about the race of drivers who are stopped. This year, Missouri and Washington followed suit. At press time, the National Conference of State Legislatures was continuing to track the issue in other states where legislative sessions were still underway. Also at press time, the U.S. House of Representatives was considering a bill that would require a nationwide study of racial profiling by the U.S. Justice Department.

California's ongoing debate on the issue has gotten plenty of press. Last

year, that state's governor vetoed a proposal approved by lawmakers to study racial profiling. This year, a compromise proposal is in the works that would require police officers to state reasons for traffic stops and issue business cards to motorists they pull over but don't ticket. According to supporters, that plan would give motorists a chance to complain if they believe they were harassed. The procedure is already in operation in Los Angeles, where the Justice Department found a "pattern of practice in the racial arena."

But that approach doesn't have universal acceptance. Representatives

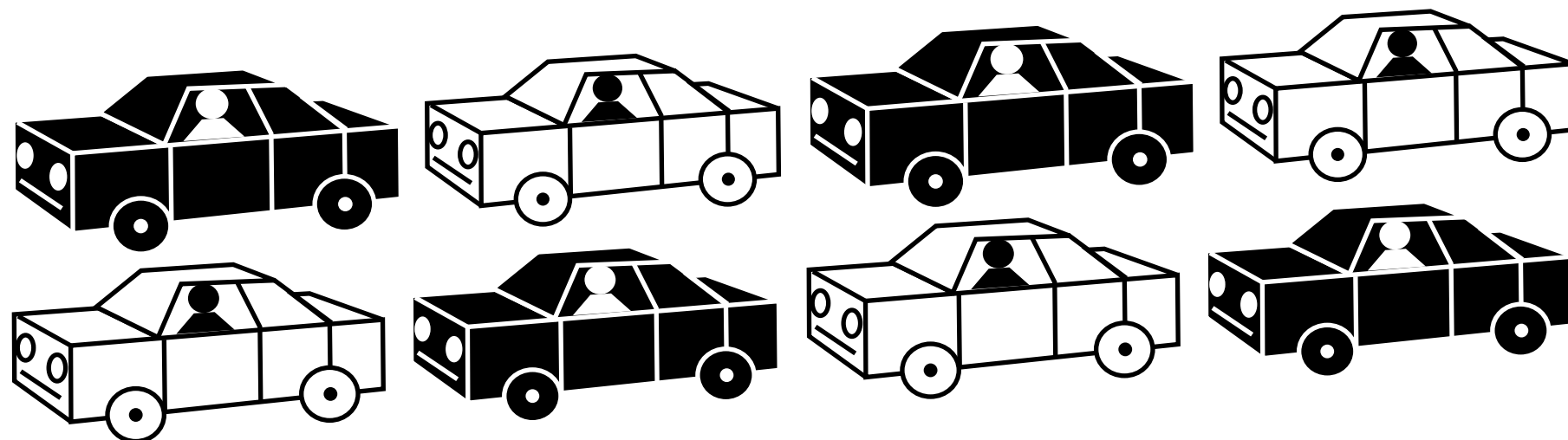
of the southern California chapter of the American Civil Liberties Union argue the procedure won't deter police from practicing racial profiling. The ACLU would prefer that officials collect racial data during traffic stops.

This spring, Illinois lawmakers held in a Senate committee proposals that would have required police to collect such data. Nevertheless, sponsors vow the issue isn't going away.

Indeed, allegations of racial profiling are working their way through this state's court system. The Illinois State Police and three local

police departments have been accused of the practice.

In 1994, the Illinois ACLU filed a class action suit charging that officers in the state's drug interdiction program target Hispanic drivers. Peso Chavez, a member of the Santa Fe, N.M., city council, was stopped for speeding on an Illinois highway. He alleges that a white driver in the car behind him was going the same speed but was not stopped. Last year, the U.S. District Court in Chicago ruled in the agency's favor in *Chavez v. Illinois State Police*. That ruling is on appeal in the 7th Circuit Court of Appeals.





Former State Police Director Jeremy Margolis is representing the agency.

Meanwhile, last April the Village of Mount Prospect settled in a suit filed by three of its police officers charging the police department with targeting Latinos for traffic stops. The village denies the charges, but agreed to pay the three officers \$900,000. As a condition of that settlement, the officers are no longer on the force. In addition, the department will be required to record the race of every driver its officers stop. And it eliminated the use of monthly arrest quotas. Nevertheless, the U.S. attorney's office is investigating allegations of racial profiling by that department.

The tony North Shore suburb of Highland Park also faced an investigation into whether its police force practices racial profiling. Five current and former police officers charged that department's leadership with encouraging officers to pull over African Americans and Latinos. Officials deny the charges. Former U.S. Attorney Thomas Sullivan, hired by the city to review the department's practices, reported finding only isolated incidents of racial profiling. While he did not find that police authorities promote racial profiling, he urged them to be more aggressive in opposing it.

And in Hillside, west of Chicago, two police officers charged in April they were encouraged to target minority drivers to meet ticket

quotas. Critics also contend the force is unrepresentative of the community, which, they argue, is a contributing factor in racial profiling.

In 1990, African Americans and Hispanics constituted about 6 percent of the population of Hillside, though village clerk Patrick O'Sullivan says those numbers have likely gone up. The police department has 38 full-time employees, two of whom are Hispanic. It also employs three African-American dispatchers and one part-time African-American officer. The village has appointed a special counsel to investigate allegations of racial profiling.

**While minorities say** they have had anecdotal evidence of racial profiling for years, the issue garnered nationwide attention in the mid-1990s, when New Jersey state troopers were accused of targeting African-American motorists along the New Jersey Turnpike. A report released in 1999 by the New Jersey attorney general concluded racial profiling was occurring. That conclusion resulted in a federal order requiring state police officers to record racial information during traffic stops and turn it over to two independent monitors and the U.S. District Court for the District of New Jersey in Trenton.

The federal requirement added legitimacy to the argument that racial profiling was a pervasive

problem in the state.

It also spurred proposals in other state legislatures to study the practice. Last spring, Illinois Rep. Monique Davis and state Sen. Barack Obama, both Chicago Democrats, introduced separate proposals to research racial profiling statewide over a four-year period. Both plans ultimately failed.

Davis' proposal sought to require state police officers to write down two new pieces of information every time they pull over a motorist. Under her plan, officers would have to record the race of the driver and whether or not a search was conducted. The measure met with opposition from Republican representatives who worried that it isn't always possible to accurately identify a person's race. Yet the intent of Davis' legislation was to measure the race the officer perceives the person to be because, she argues, officers pull motorists over based on perceptions.

Law enforcement groups also opposed Davis' proposal. Lt. Paul Dollins, a spokesman for the Illinois Association of Chiefs of Police, says his organization doesn't oppose a study of racial profiling. But, he argues, it's unfair to ask officers to possibly misidentify a person's race. His organization backs a plan to print race information on driver's licenses.

Dollins says there will be other practical concerns if police officers

are asked to record racial information. They could, he says, establish "mental quota systems," fearing that if they stop too many minorities, they will get into trouble. "I've stopped five black drivers today, so now I have to stop 20 white drivers," he says.

He adds that officers who patrol areas that are predominantly minority also would be put in an awkward position because most of their stops would necessarily be minority drivers. "How do you explain those numbers?" Dollins asks.

Davis' proposal passed the Illinois House with bipartisan support on a 78-39 vote. However, it never made it to the floor of the Senate. Davis thinks that's because Senate President James "Pate" Philip "doesn't see racial profiling as a problem."

In general, she says, "there is little understanding in the white community of the magnitude of the problem."

Davis says racial profiling occurs when someone who hasn't done anything wrong is stopped. But Dollins counters that police officers stop drivers all the time without issuing a citation or a warning. "There are a lot of white people who say they were stopped for no reason."

Davis is determined to keep the issue on the radar screen. She plans to reintroduce the legislation during the fall session, though she is not optimistic Philip will change his mind.

Sen. Obama's proposal would have gone a step further by requiring the Department of State Police to provide racial and ethnic sensitivity training to state police officers. That plan never made it to the Senate floor, either.

Yet Davis and Obama point to the cases in Highland Park, Mount Prospect and Hillside as proof that racial profiling is happening. "Police officers are coming forward and admitting they've been told to do this," Davis says.

**The debate over** racial profiling in Illinois and across the United States, while significant, may simply be symptomatic of a larger question: whether the American criminal justice system is biased against people of color.

The statistics do seem compelling. In Illinois, African Americans and Hispanics together make up only about a quarter of the state's population. Yet 65 percent of all prison inmates are black. Another 10 percent are Hispanic. And of the more than 30,000 people on parole statewide, only 7,324 are white.

The national figures are no less compelling. A report issued last month by the Justice Department indicates that, nationwide, minority youths are detained more frequently, and receive longer sentences for committing the same crimes as young whites.

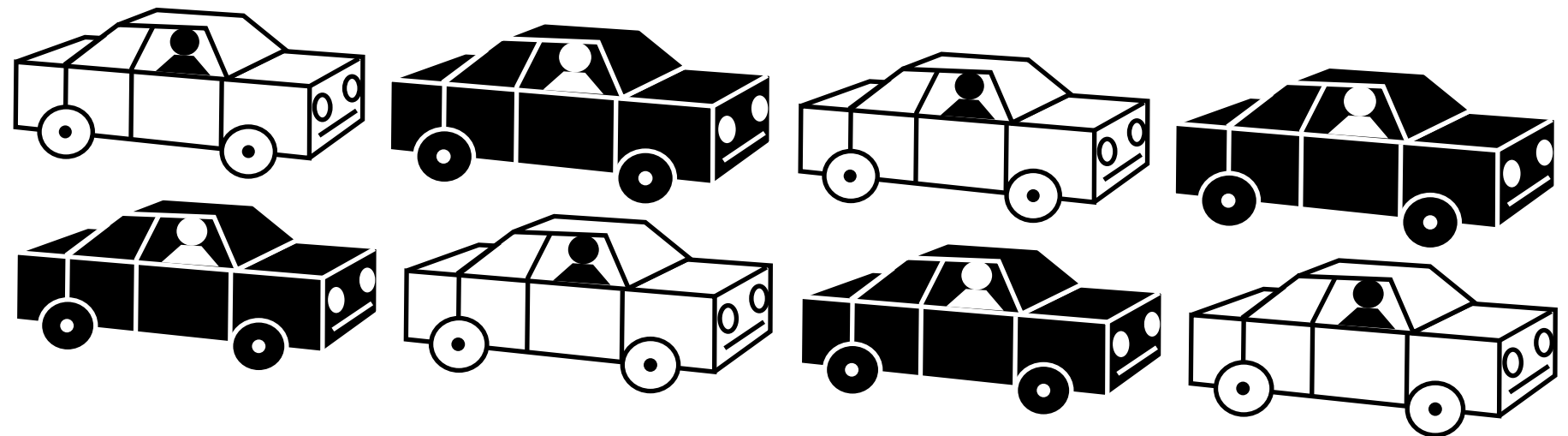
But racial bias is not a sufficient

explanation. Dollins acknowledges that people with lower socioeconomic status may be most vulnerable to prosecution on all levels. In terms of traffic violations, indigents are more likely to have a taillight out, for example, than are the wealthy. The poor are thus more likely to be pulled over by law enforcement officers. And because minorities are more likely to be poor than whites, they are more frequent targets.

Obama argues the issue of racial profiling represents a societal value judgment. African Americans are associated with higher rates of crime. But, he asks, is that a valid reason to violate the civil rights of certain members of society? Obama says no. Police officers, he argues, must be able to articulate a reason for stopping an individual.

The debate over racial profiling is likely to receive additional attention in this election year. Early in the primary race, Democrats Al Gore and Bill Bradley both promised to bring an end to the practice. Yet lawmakers, law enforcement officers, civil rights activists and citizens can't even agree on whether racial profiling exists to any great extent. So the push is on to study the issue in this state and elsewhere.

Until then, Harrison will keep glancing in his rearview mirror for the red and blue flashing lights. □



# CONFRONTING THE PARADOX

*Facing what we've forgotten about race relations could be as important to Illinois' future as celebrating what we remember*

Review essay by Maureen Foertsch McKinney  
Illustration by Daisy Juarez

## ESCAPE BETWIXT TWO SUNS: A TRUE TALE OF THE UNDERGROUND RAILROAD IN ILLINOIS

*Carol Pirtle, Forward by Rodney O. Davis, 2000  
Southern Illinois University Press*

## TELL US A STORY: AN AFRICAN AMERICAN FAMILY IN THE HEARTLAND

*Shirley Motley Portwood, 2000  
Southern Illinois University Press*

On an unseasonably warm and sunny Sunday, a pair of flags, one American, the other Confederate, ripple on a gentle afternoon breeze. Agitators gathered at the park pavilion look overheated under the weight of hoods and robes. Some robes are white. Others are black. All carry the telltale red cross of their Klan. As the hour of the rally strikes, participants begin to spit racial epithets. Many in the crowd of 200 cheer, though others remain stoic.

A description of an ugly chapter in our nation's history? Recollections from the 1920s or '30s? A story from the South? No, this is a scene from recent history, last November, in fact. And the setting is Decatur — Illinois, not Georgia.

Some of the locals, it seems, were outraged that the Rev. Jesse Jackson had come into town to protest the school board's two-year expulsion of seven students for fighting at a football game. So they called up the leader of the American Knights of

the Ku Klux Klan in Butler, Ind., and he rounded up 15 of his members to make a public show of force in Nelson Park.

*Illinois, circa 1999.*

A Klan meeting in broad daylight in the middle of the Land of Lincoln is startling. We Illinoisans like to think we're above this nastiness of racism — just look at our history.

Yes, just look at our history.

What that history tells us is that we have a troubling legacy on the question of race. And our struggle to confront this issue is at a critical stage once again.

The problem has been an inability to reconcile our paradoxical history. We choose to remember that it was favorite son Abraham Lincoln who preserved a slave-free union. And we choose to mark the route runaway slaves took to freedom along Illinois' leg of the Underground Railroad.

But there are other troubling stories about Illinois' past, a history we're less apt to recall.

*Slavery. Lynching. Segregation. Cross-burning. Race-based murders.* These events were not Southern phenomena; they were Illinois occurrences.

Facing what we've overlooked may be more important to Illinois' future than resting on our dubious laurels.

Perhaps it would be comforting to think such incidents happen more often somewhere else. But no longer is that the case. The Southern Poverty Law Center, a Montgomery, Ala.-based nonprofit organization created to fight discrimination, tracks incidents of hate crimes and the existence of hate groups, and it notes that the South is by no means the sole breeding ground for hatred in the United States.

In 1999, the center counted 457 active hate groups nationwide, including the Ku Klux Klan and various factions of neo-Nazis, Skinheads and so-called Christian Identity adherents. Pennsylvania had more Klan rallies than Alabama,

and Illinois accounted for 16 of the nation's hate groups. Among them, of course, was Matt Hale's World Church of the Creator, the organization that helped pump hate into Illinoisan Benjamin Smith before his July 1999 rampage.

Smith, remember, was the avowed racist who went on a two-day killing spree aimed at black, Asian and Jewish people. He killed two and wounded six before turning his gun on himself as he was about to be apprehended by police.

Victims and their families have sued Hale's organization, based on the 1871 Ku Klux Klan Act, which holds hate groups responsible for their members' violence on the grounds of conspiracy. Klan-related law should be archaic, but obviously it's not when a few short months ago a Klan rally drew a crowd of 200.

That the Klan can still draw a crowd sheds light on the paradox of Illinois' racial relations.

A trio of books, to be published this summer, should help put the more shameful chapters of Illinois' history into context.

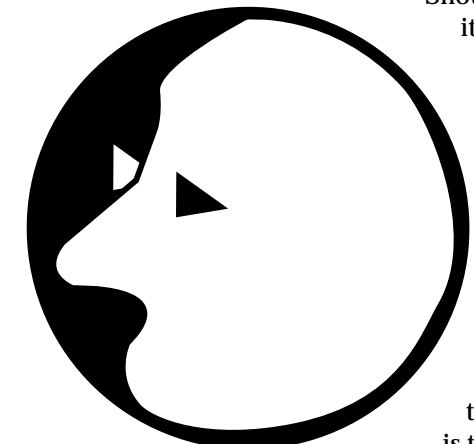
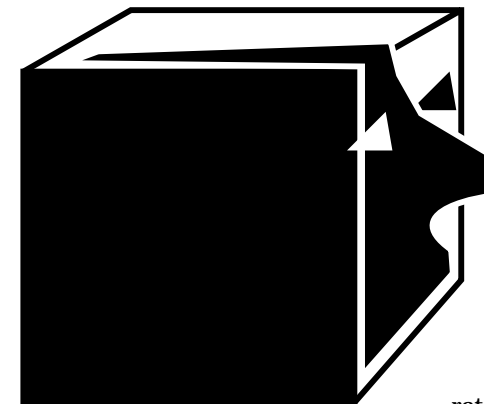
Carol Pirtle's *Escape Betwixt Two Suns: A True Tale of the Underground Railroad in Illinois* reminds us that it is not even accurate to say Illinois was free of slavery. In fact, in 1825 the state's first governor, Shadrach Bond, owned 13 slaves. His lieutenant governor had a dozen slaves and the secretary of state had five. Pirtle uses this as background for her tale of William Hayes, a southern Illinoisan who helped his neighbor's escaped slave flee northward on the Underground Railroad. It's important to note that that slave was held in Randolph County, *Illinois*; Hayes took her north to Galesburg.

Technically, Illinois was a free

state, deemed so by the Ordinance of 1787, which outlawed slavery north of the Ohio River. But in practice that was not the case.

French settlers brought 500 black West Indian slaves to the Illinois territory in 1719. And as the issue of slavery began to create divisions between the plantation-rich South and the abolitionist North, the pioneers in the "west" had to come to terms with this unresolved issue. James Simeone in *Democracy and Slavery in Frontier Illinois: The Bottomland Republic*, published this year by Northern Illinois University Press, tells us that Illinois in the 1820s was the stage for one of the greatest battles between slavery and anti-slavery forces. The failed attempt to make Illinois a slave state sparked riots, arson and murder.

Territorial government officials turned a blind eye to



slavery, according to Pirtle, rationalizing it on the grounds that it had long been allowed here. A major reason: Southerners could choose to bypass Illinois for Missouri, where slavery was legal. And Illinois needed to attract settlers to reach the magic 60,000 population mark required for statehood.

Territorial Gov. Arthur St. Clair institutionalized this loose interpretation of the 1787 ordinance, declaring that the provision applied only to the introduction of new slaves, while slaveholders already living in the state had the right to retain their property.

Thus, in the first decades of the 19th century, Illinois had three

classes of African Americans: indentured servants, French slaves and free "colored" people. But none of them had the right to claim citizenship or attend school or hold property or public office.

Racism ran to the core of Illinois. In 1819, the year after Illinois won statehood, the legislature adopted the Black Code. Under the code, men could be kept as slaves until the age of 35, women until the age of 32. The code allowed for the whipping of lazy slaves. It denied blacks the right to serve in the state militia, to post bail when arrested or to gather in assemblies. The ultimate threat of the code was its stipulation that slaves who refused to work could be sold south in slave states.

Illinois' post-slavery record is not much better.

Should we regard it as a source of pride that the National Association for the Advancement of Colored People was born in Springfield? Perhaps, but the paradox is that the

creation of the NAACP was instigated by the brutal 1908 race riot in the city the Great Emancipator loved.

The riots broke out in the wake of a pair of complaints: the accusation that a black drifter had killed a white man and a white woman's charge that she had been raped by a black man. On the night of the rape charge, an angry crowd gathered outside the jail where the two men were held. Fearing for the safety of the prisoners, the sheriff moved the men to Bloomington. Incensed, the crowd began to riot, loot and burn the city.

By the time the white mob had ended its two-day rampage throughout the black section of Springfield, six people were dead — two of them



had been lynched — and more than 50 others had been hurt.

The riot was emblematic of worsening race relations in the state, where at least 15 lynchings took place in the first 15 years of the 20th century.

Nevertheless, seeking relief from Southern prejudice and economic oppression, blacks headed north in great numbers. Between 1890 and 1920 the number of blacks living in the state grew from 57,000 to 182,200. Many migrated to Springfield, believing that, as the city Lincoln loved, it was surely a bastion of equality. But they faced much the same discrimination. And for the

same reasons.

The Springfield riot was an outlet for whites who were fearful the migrating blacks meant competition for jobs. There was another assumption: that an increase in the black population meant an increase in crime.

Illinois proved a hostile environment for blacks, “as it had hitherto been in Georgia,” noted anti-lynching crusader Ida B. Wells-Barnett.

In the wake of the Springfield race riot, the *Illinois State Journal* of Springfield wrote that the “Negro’s misconduct, general inferiority or unfitness for free institutions” was to blame for the outbreak.

Liberal reformers met on Lincoln’s birthday in 1909 to talk about the formation of a national biracial organization to come to the aid of blacks.

Despite unfriendly conditions in the North, the migration of African Americans intensified in 1915. This was the result of a confluence of several factors. Chief among them were the outbreak of World War I, which spurred a demand for labor in the industrial North, and the devastation of Southern cotton fields by the boll weevil.

There were other obstacles in the North. Blacks found there were jobs to be had, but they were the last to be hired. And often they were used as strikebreakers, which stirred already simmering white hostilities.

Even at that, there were not enough jobs to go around. And many blacks, consigned to poverty, were crowded into crime-ridden slums, especially in the large cities. The black population of Chicago, for example, reached 109,000 in 1920; about 20 percent of them were unemployed.

Shirley Motley Portwood’s memoir, *Tell Us a Story: An African American Family in the Heartland*, paints a grim picture of life for blacks in Illinois in the middle part of the century. Here is her description of life for African Americans in Pulaski County, the far-southern Illinois area where she was raised: “A rigid system of *de facto* segregation permeated Pulaski County and southern Illinois until the mid-1960s, when the Civil Rights movement finally ushered in a few changes. Meanwhile the Jim Crow system caused tremendous disadvantages for blacks and conferred privileges upon whites. Blacks and whites had very limited social contact with each other. Blacks attended separate and unequal schools, sat in the balcony of the local movie theater, and ate only in black-owned restaurants.”

Portwood remembers going to the Roxy Movie Theater in Mounds, where blacks were required to sit in the balcony — except on rare occasions when there was an

overflow crowd of blacks. “Then we were permitted to sit in a roped off section on the main floor. Here, the white folks made a big mistake because they allowed us to see that they had nice, plush seats that weren’t ripped like many of the older ones in the balcony.”

Nor was the northern end of the state free of prejudice.

Dempsey Travis, the former president of the Chicago branch of the NAACP, wrote in *An Autobiography of Black Chicago* that he remembers the now-defunct Riverview Amusement Park had a dunk-tank game called “Dunk the Ducky” at least until 1942. And when a black man tried to move to the suburb of Cicero in 1951, Cicero police were on hand to try to stop him. A white crowd gathered and rioting erupted. *Flash forward*. In 1999, the Southern Poverty Law Center reported that a cross was burned at the home of a biracial couple in Wonder Lake, a town not far from the Wisconsin border.

Such occasions remind us not to be lulled into complacency by the improvements that resulted from the Civil Rights movement of the 1950s and ‘60s. We are at a critical point in race relations in Illinois when the Klan can draw 200 people to a public park. To ignore the warning signs would be dangerous, even deadly, as history tells us.

At the same time, we can take note of our better angels. Hate is waged often in the name of religion, so it was encouraging that the Catholic bishops of Illinois issued a well-timed letter this spring denouncing racism. And Democratic state Sen. Donne Trotter of Chicago wants a commission to look into Illinois’ history of prejudice and violence against African Americans with an eye to the possibility of reparations.

The proposal stalled early in the spring legislative session. But that’s not surprising. To reconcile history on the question of racial relations, Illinoisans will have to come to terms with history’s paradox. Illinois was a free state, a free state whose soil has been worked by slaves. □

## Excerpts



### Escape Betwixt Two Suns: A True Tale of the Underground Railroad in Illinois

By Carol Pirtle

On that night, when summer began turning toward fall, Sukey, a thirty-year-old slave woman belonging to Borders, prepared to bundle her three young sons, Jarrot, Anderson, and Harrison, for a late-night escape into the darkness that beckoned from the woods lining a nearby creek. The escape may have been planned but it was more likely an impulsive act on her part, though one she had probably considered for some time.

Andrew Borders was notorious in the area for his inhuman treatment of his slaves — six of them at the time — so much so that their condition “aroused the sympathy of the whole neighborhood.” The year before, in 1841, Borders had severely beaten Sarah, a slave whom he purchased in 1825, for some minor infraction and injured her arm.

### Tell Us a Story: An African American Family in the Heartland

By Shirley Motley Portwood

When *Brown v. Board of Education* was handed down by the U.S. Supreme Court in 1954, I was eight years old and in third grade. ... The school board in Pulaski County delayed for many years, finally reluctantly integrating in 1966, twelve years after separate but equal schools were ruled unconstitutional. Pulaski County, like most newly integrated school districts in the country, fired all the black teachers and administrators.

Lovejoy and other Pulaski County schools were not only separate, but they were distinctly unequal. In many respects these schools were very much like those in the South. This is not surprising in view of the district’s location in extreme southern Illinois across the Ohio River from Kentucky and across the Mississippi River from Missouri. A relatively poor district, Pulaski County could ill afford to support a dual education system. Thus, the limited school funds were nearly exhausted on the education of whites. Black schools received what was left after the white schools had their choice of the meager resources.

The school buildings of the two schools exemplified the inequality of the dual system in Pulaski County. When I entered first grade in 1952, the Lovejoy Grade School was a four-room brick building. The only plumbing in the entire building consisted of a sink and a water faucet in the unfinished basement. There were no indoor toilets. We used outhouses, which were cold in the winter and hot and fly infested in the summer. ... Nor was there a hot lunch program for black students. ... The white school was much larger, with separate rooms for each of eight grades. They also had teachers for each grade and additional ones for music and art. They had indoor plumbing, including toilets, as well as a cafeteria that served hot lunches daily.

### Religious leaders call for an end to racism

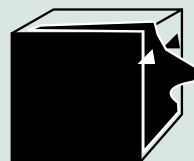
In April, just before the anniversary of Martin Luther King Jr.’s assassination, Illinois’ 14 Catholic bishops issued a joint letter titled “Moving Beyond Racism: Learning to See with the Eyes of Christ.” The impetus for the letter, which was several years in the making, was concern that blacks had been made unwelcome in some of the state’s parishes.

The bishops wrote: “Racism exists here; it is part of the American landscape. Second, racism is completely contrary to the gospel of Jesus Christ. Third, all baptized Catholics have a moral obligation to work toward the elimination of racism.” They defined racism as “a personal sin and social disorder rooted in the belief one race is superior to another.” They noted that while any form of racism is intolerable, they were dealing specifically with racism against African Americans because “the centuries-old Black-White dynamic in this country seems to bear deeper dimensions of prejudice than any other form of racism.”

Here are some of the bishops’ suggestions for taking steps to end racism.

- Take a personal inventory of your heart and discover what has to change;
- Seek opportunities to learn and know a person of an opposite race;
- Identify racist behavior and make plans with others to change it;
- Refuse to use biased language or tell jokes tinged with racist attitudes;
- Teach children to move beyond mere toleration and to accept openheartedly people of all races;
- Avoid investing in companies with racist policies and tell them why;
  - Elect officials who work for justice;
  - Join community groups that nurture relationships of trust among people of different races and ethnic groups;
  - Be critical of how violent crime is reported.

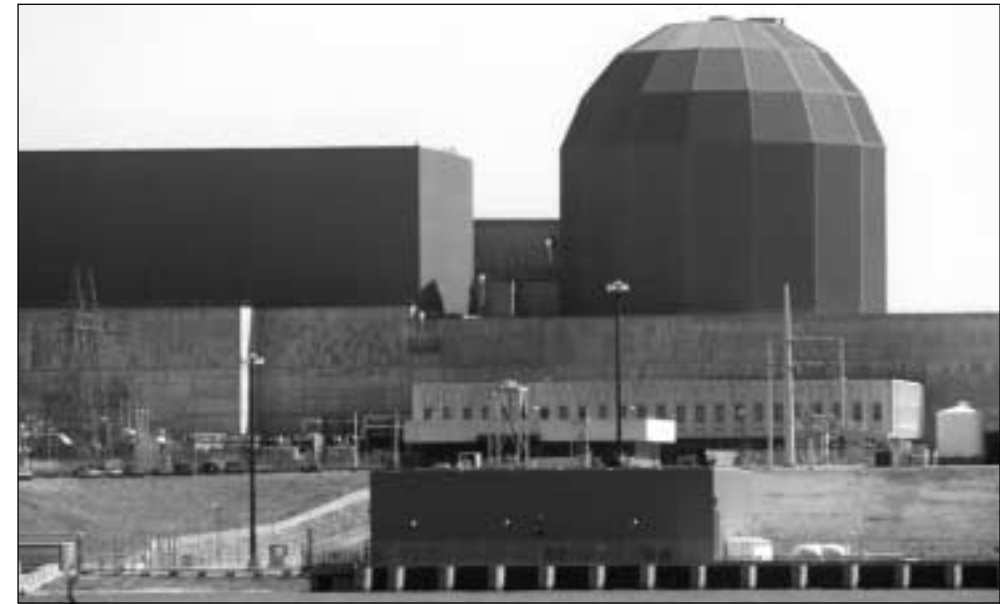
Maureen Foertsch McKinney



# Nuclear fallout

The taxable value of reactors is plummeting, meaning they generate fewer property tax dollars. Local school officials want state financial help in making the transition

by Anthony Man



Illinois Power Co. in Decatur sold its Clinton nuclear power plant last year. The assessed value of the plant could decrease from \$480 million to \$60 million. The Clinton school district expects it will have to make program cuts and raise taxes to make up for the lost revenue.

Few people relish the idea of living near a nuclear reactor. Yet for years, Illinois property owners with nuclear neighbors have enjoyed a bit of compensation in the form of lower taxes.

Nuclear plants cost so much to build — in the billions — that they paid huge property tax bills, some in the tens of millions each year. The result was lower taxes for nearby property owners, who then benefited from the best schools the utility companies' tax dollars could buy.

This trade-off is now history. And property owners who live near the plants, along with officials from affected school districts, want state financial help in making the transition.

They have their work cut out for them.

The change is one result of the 1997 state law that opens Illinois' electric utility industry to the competitive marketplace and enables power companies to recalculate the taxable value of the reactors. Under the old law, electric utilities gradually depreciated their plants, typically by 2.5 percent to 3 percent a year over 40 years. Now the law allows those plants to be assessed at fair market value. And these days, the fair

market value of a nuclear plant is plummeting, meaning they generate fewer tax dollars. In fact, in the marketplace, nukes are worth less than they cost to build. That could prove costly for local governments.

A consultant hired by a special state committee that studied the issue estimated the market value of a hypothetical Illinois nuclear plant might be 75 percent less than the value assigned to the plant under the previous regulatory system. Because the plants pay about \$120 million a year in taxes, a 75 percent assessment reduction could cut that revenue to \$30 million.

The committee, headed by Timothy Bramlet, president of the Taxpayers' Federation of Illinois, was established by the legislature to measure the fiscal costs — and pose some political options.

Hardest hit would be schools, which typically get more than half of every property tax dollar from the plants. All told, the state's seven nuclear plant sites generate more than \$70 million a year in property taxes for school districts. (That estimate includes the closed Zion plant. It also should be noted that some of the sites have more than one reactor.) Stuart Whitt, an Aurora

attorney who represents many school districts with nuclear power plants in their territories, served as a member of that committee. By his estimate, 61 school districts, community colleges and other local governments have nuclear power plants within their borders.

The Clinton School District is a prime example. About 75 percent of the assessed value of all the property in that district comes from the nuclear plant, which Illinois Power sold last year to AmerGen Energy Co., a joint venture of PECO Energy Co. and British Energy. Roger Little, the school district's assistant superintendent, says the nuclear plant's \$480 million assessed value could decrease to \$60 million. "We're going to have to make cuts in our programs, and we're going to have a higher tax rate," he says.

Lawmakers and policy-makers most involved in the 1997 law knew this was coming. When the legislation passed, sponsors promised they would do something in the future to cushion the blow for the affected school districts and local governments. The future has come and gone repeatedly, but little has happened. The legislature imposed a now-expired temporary freeze on tax

assessments and established the committee.

Led by Bramlet, negotiators developed a plan that would have established a transition period to the market level valuation. During the proposed transition, which would last until 2007, there would be a gradual decline, or "ramp-down" in property assessments, which would mean a gradual decline in tax income for schools and other local governments. Utilities, on the other hand, would benefit from a "ramp-up" period for their coal-fired power plants, which are increasing in value. Cook County would have been exempt from the ramp-up period, so the county could increase assessments right away.

The key element of the deal, and most controversial, was state financial assistance for schools and local governments during the transition period. This would be contingent on their increasing taxes, so local property owners would share in the burden. (An early draft would have allowed affected governments to increase their maximum tax rates without referendum, but legislators treated that idea as if it were radioactive.) Any governments with large reserve funds would be

required to tap that cash.

The state assistance would have totaled \$80 million during the five-year transition, or \$16 million a year. This proved politically impossible.

The issue is a big one for a small number of legislators whose districts include schools and other local governments that stand to lose lots of nuclear money. But few other senators and representatives want to vote to send money to communities they see as having lived high for years. State Rep. Vincent Persico, a Glen Ellyn Republican who co-chairs the House Electric Utility Deregulation Committee, says he encountered widespread hostility on the part of some legislators toward the school districts with nuclear plants, all of which have had above-average school spending. He says the "envy factor" and "jealousy" were difficult to overcome. Indeed, during House debate, state Rep. Julie Hamos, a Chicago Democrat, voiced concern the bailout package would merely "help the wealthiest school districts in Illinois that have among the lowest tax rates."

Yet Mike Ryan, superintendent of the Erie School District in Whiteside County, responds that his district has done well because of the Quad Cities

nuclear station, but has not lived extravagantly. He says, for example, his "blue-collar, conservative community" did not install frills such as heated sidewalks. "We're not the Byrons," he says, referring to the nuclear-supported school district that spends more per pupil than any other K-12 school district in the state. Ryan's district ranks 11th out of 406 K-12 districts.

After negotiators concluded work this spring on the fiscal year 2001 state budget, both Stephen Schnorf, director of the governor's Bureau of the Budget, and House Speaker Michael Madigan, a Chicago Democrat, said there was no political support for the assistance. And without the transition dollars, the plan fell apart.

Whitt says the school districts will try again in November to win the funding. Still, he acknowledges the effort will be difficult. "We're always hopeful, but I don't know that we have any reason to hope that something will carry in the fall when it didn't happen in the spring," he says. "The money's the hang-up." □

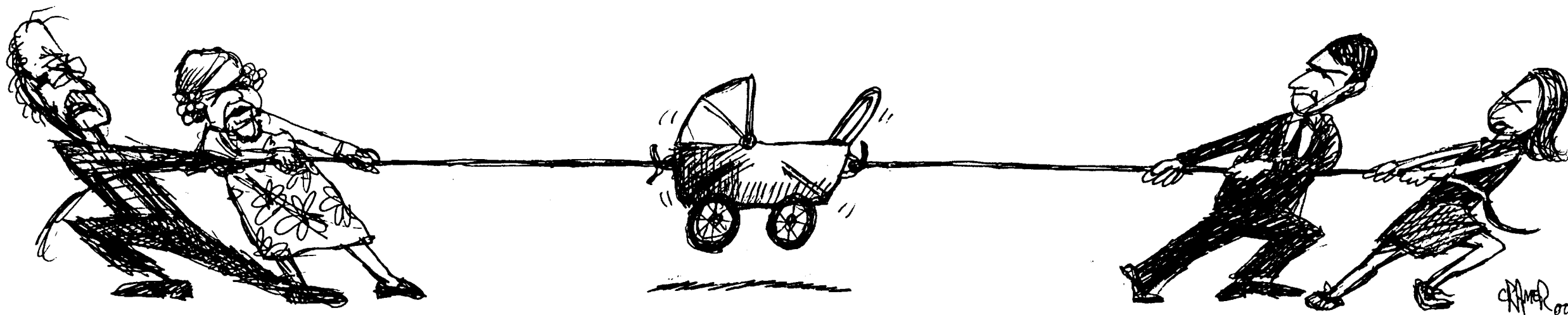
Anthony Man is Statehouse bureau chief for the three Lee Enterprises Inc. newspapers with Illinois readers. He writes frequently about utility and tax issues.



## FAMILY FEUD

*As families break apart, grandparents left behind are turning to the courts to get the right to visit their grandchildren*

by Aaron Chambers  
Illustration by Mike Cramer



If grandma and grandpa want time with the grandkids, they may need to see a judge first. And more of them are deciding to do just that.

As the American family continues to break down, grandparents who are getting squeezed out of the picture are increasingly seeking court-ordered visitation with their grandchildren. One such case is pending in the Illinois Supreme Court; the U.S. Supreme Court could rule on another case as early as this month. Whatever the rulings in these cases, the issue is likely to generate increased public attention over the coming months.

"In the absence of a will and in the case of divorce or separation or death,

the grandparents should not be made to suffer," argues state Rep. Mary Flowers, a Chicago Democrat who sought unsuccessfully this year to expand grandparents' rights to sue for visitation. "The grandparents and the grandchild cannot divorce their relationship as the parents can divorce their relationship."

Illinois already has a law on the books granting grandparents visitation rights in certain cases, but Flowers wants to give them more legal leeway to sue, including those instances when the children are in the custody of the state Department of Children and Family Services. Flowers' initiative died in the House

during the spring legislative session, but she pledged to raise it again during the fall session.

Grandparents' visitation statutes are not new. State legislatures throughout the country began debating their merits as early as the 1960s. But now, the courts are struggling with the application and constitutionality of those statutes. And that effort has once again focused the nation's attention on the rights, even the role, of grandparents.

Rights advocates argue the grandparents' relationship is an important one. Besides serving as family historians, grandparents can serve as role models and mentors to children. According to some psychologists,

when children spend time with their grandparents, they usually benefit from a more controlled and stable environment.

"The grandparents can get involved with kids in ways that parents can't," says Sheldon H. White, a developmental psychology professor at Harvard University. "Generally speaking, grandparents are sort of one step removed from discipline and one step removed from all kinds of problems of living that parents are experiencing. And grandparents have generally been around the track a few times in a way

show that visitation would be in the "best interests" of the grandchild or grandchildren.

In Illinois, for example, grandparents can sue under certain circumstances, such as when the parents are divorced or when one parent has died. To secure visitation, grandparents must show that it would be in the child's "best interests and welfare." (Flowers' legislation would have shifted the burden of proof somewhat. Under her proposal, grandparents could win visitation unless it was "detrimental to the best interests and

that often parents haven't. So you get a level of, shall we say, more mature leadership that I think kids benefit from."

Katherine B. Klehr, a Northfield clinical psychologist and president of the Illinois Psychological Association, agrees. "Potentially, [grandparents] are able to have a relationship that's based on unconditional love and regard without the day-to-day task and burden and responsibility of raising the children to be responsible adults," she says.

In fact, all 50 states have enacted laws that support that role to some extent by allowing grandparents to seek court-ordered visitation rights. No two statutes are identical, but generally, grandparents are required to

welfare" of the child.) Nevada's statute also applies to children who are born out of wedlock. And other state statutes allow individuals other than grandparents to sue for visitation.

Reasons for these statutes vary, but most observers say two trends are behind them. First, more families are breaking down, which can leave grandparents out in the cold. With grandparents' visitation laws, they can sue. Second, grandparents are increasingly taking on co-parenting roles within the nuclear family. If visitation is later limited or grandparents feel they're not getting a fair say in a child's upbringing, they can sue.

New York was the first state to establish grandparents' visitation

rights. That 1966 statute allows grandparents to sue when one or both parents have died. Because grandparents are often a child's nearest responsible relatives other than parents, legislators in that state reasoned, the law would give courts discretion to grant or deny the visitation.

Other states followed suit. As divorce, out-of-wedlock births, teen pregnancy, drugs, AIDS, and child abuse and neglect increased, grandparents often moved into co-parenting roles. The statistics are telling. From 1960 to 1980, for example, divorce rates more than doubled, from 9.2 to 22.6 divorces per year per 1,000 married women, according to the recent National Opinion Research Center report, "The Emerging 21st Century American Family." That report also found that from 1960 to 1996, births to unmarried mothers increased from 5.3 percent to 32 percent. Federal statistics show the divorce rate leveled off in the 1980s and dropped slightly in the '90s. Still, in 1997, more than a million families were broken apart.

When families break up, grandparents can be cut off from their grandchildren. In those cases where grandparents were cut out of the family picture for one reason or another, the statutes gave grandparents legal grounds for contact with their grandchildren. And in cases where grandparents had become co-parents, the statutes gave grandparents an avenue to stay put.

"When the family is intact, how the parents raise the child, whether to send the child to summer camp, all these different things are basically decided outside the law and inside the family," says the report's author, Tom W. Smith. "But when the marriage breaks down, it becomes a legal issue, and grandparents get dragged into that. They want their rights [relative] to the child spelled out."

Visitation laws gave grandparents new ground to stand on, argues Linda J. Waite, a family sociologist at the University of Chicago. "My guess is they're just not taking it lying down as

much as they used to.”

But now it will be up to the judicial branch to interpret these laws. From the state of Washington to Delaware, courts have struggled with balancing grandparents’ wishes with the rights of parents to raise their children without interference from the state.

While grandparents argue that visitation laws are in children’s best interests and well within the bounds of the states’ constitutional powers, parents counter that such laws intrude on their rights to raise their children. Parents also argue that any potential benefit children get from seeing their grandparents is overrun by the trauma of watching their parents’ rights suffer in court.

“Whatever benefits may accrue in happier circumstances are unlikely to result when visitation is imposed over parental objection,” the Coalition for the Restoration of Parental Rights argues in a friend-of-the-court brief filed in the U.S. Supreme Court case. “There is thus no substantial state interest in disrupting families and overruling parental decisions in order to promote grandparent/grandchildren relationships.”

The U.S. Supreme Court has consistently held that family autonomy is a fundamental right under the 14th Amendment and that adult parents can raise their children as they see fit. In 1925, for example, the justices held that parents can choose to send their children to private, instead of public schools. In 1972, it held that Amish families aren’t required to send their children to secondary schools of any kind.

But fundamental rights are not absolute. And constitutional protections notwithstanding, the question is whether the freedom to raise their children on their own allows parents to prevent their children from seeing their grandparents.

The parents in cases before both Illinois’ high court and the U.S. Supreme Court argue that the laws at issue unconstitutionally infringe upon their right to raise their children without state interference and should be struck down. Absent a “compelling state interest,” such as harm to their

children, the parents argue, the state has no business meddling in their family affairs.

The Illinois case is unusual because a grandmother is suing for visits with her three grandchildren over the objection of her own son and his ex-wife, who agree that the grandmother should not see the grandchildren. (Why the parents object to the grandmother’s visitation has not been made part of the court record.) Most grandparents don’t sue over the objection of their own child; they generally sue the custodial parent when their child has lost custody of the children because of divorce or other circumstances.

After Gail Lulay sued for visitation, her son, Michael Lulay, and his ex-wife, Kiley Lulay, argued that to construe the statute to allow Gail Lulay to sue over the objection of her own son would be contrary to legislative intent and Illinois public policy. The DuPage County Circuit Court denied the parents’ motion to dismiss Gail Lulay’s petition for visitation, but certified two questions for the Illinois high court’s review: whether the Illinois statute, which permits grandparents to sue when the parents are divorced, allows Gail Lulay to sue over the objection of her own son, and, if so, whether the statute is constitutional. It isn’t a given, though, that the state’s high court will decide the fundamental question of whether the statute is, on its face, unconstitutional.

The case every state is watching, as it may have nationwide implications, is before the U.S. Supreme Court. It has drawn the attention of major special interests, including such pro-grandparent groups as the American Association of Retired Persons and such pro-parent groups as the Coalition for the Restoration of Parental Rights.

Not unlike the Illinois case, this case involves grandparents who want court-ordered visitation rights to their grandchildren. But the facts of that Washington state case are different — and more common to grandparents’ visitation cases, observers say.

After Brad Troxel committed suicide in 1993, Jenifer and Gary

Troxel sued for visitation to Brad Troxel’s two daughters, Natalie and Isabelle. The girls’ mother, Tommie Granville, was limiting the time the Troxels could spend with their grandchildren.

Under the Washington state statute at issue, which has since been replaced with a more restrictive law, anyone could file a petition for visitation, and it was left to the courts to decide whether the request was in the “best interest” of the child. A Washington state trial court ruled that Jenifer and Gary Troxel should be allowed to spend one weekend a month with their grandchildren, in addition to one week during the summer and four hours on each child’s birthday. Granville appealed, and the Washington Supreme Court struck down the law, ruling it was an unconstitutionally broad infringement on parental rights.

“Short of preventing harm to the child, the standard of ‘best interest of the child’ is insufficient to serve as a compelling state interest overruling a parent’s fundamental rights,” the Washington high court wrote. “State intervention to better a child’s quality of life through third party visitation is not justified where the child’s circumstances are otherwise satisfactory.”

The U.S. Supreme Court is expected to issue a ruling in *Troxel v. Granville* this month.

Meanwhile, Illinois’ high court heard oral arguments in *Lulay v. Lulay* last March and could issue its decision at any time.

Whatever the courts rule in these and other cases, one issue remains: as the traditional nuclear family continues to erode, statutes allowing grandparents, and other nonparents, to sue their way into the family picture will continue to evolve.

“The family feud started with the Book of Genesis, it’s always been there, and I don’t think it’s going to get any better now,” says Rep. Flowers. “In a perfect world, we wouldn’t have to have this type of legislation. But, unfortunately, we do.” □

*Aaron Chambers is the Statehouse reporter for the Chicago Daily Law Bulletin.*

## SQUEEZE PLAY

*Professional athletes have become easy targets for tax auditors. And some pro players are challenging the way Illinois calculates the income taxes they owe*

by Mark Brown  
Illustration by Mike Cramer

Greg Maddux won 20 games as a pitcher for the Chicago Cubs in 1992 and promptly skipped town as a free agent to make more money. In the years since, Maddux has nearly tripled his salary while haunting the Cubs and their fans by piling up World Series appearances and Cy Young Awards for his new team, the Atlanta Braves. Every October, Cubs fans are forced to watch Maddux compete in the postseason while their own boys in blue have long since gone home to practice their golf swings. But for those who believe in the saying that revenge is a dish best served cold, take heart: Maddux is still being hounded by the Illinois Department of Revenue over how much he owes in income taxes from his days as a Cub.

Maddux is among 45 professional athletes involved in disputes with the revenue department over their income taxes. Nearly all of them are former members of Chicago sports teams. Maddux’s former Cubs teammate Andre Dawson has brought a case, as have at least two former members of the Bulls’ championship squads, Dennis Rodman and Ron Harper. The ballplayers are challenging the unique method this state uses to calculate income taxes for athletes who play for Illinois teams but maintain primary residences in other states. For some athletes, the system results in double taxation — being taxed by two states on the same income.

Few have sympathy for professional athletes on matters involving money, and Greg Maddux isn’t likely to be adopted by the Illinois General Assembly as a poster child for tax reform. But hard feelings over highly paid free agents aside, Illinois’ system of taxing pro athletes deserves a second look by the legislature, considering the way it meshes, or doesn’t mesh, with athlete taxation in other states.

The underlying problem is that in the past decade athletes have become easy targets for tax auditors across the country. As sports salaries soared, nearly every state with a professional team — and some cities — decided to collect a “jock tax” — an income tax on visiting athletes. The practice has become so ingrained that the city of Pittsburgh is financing a new sports stadium partly with the cash flow from its jock tax.

Jock taxes rely on a well-established legal principle that states may tax nonresidents on income received for services performed within their borders. This rarely is called into question for the typical taxpaying businessperson who makes a few out-of-state work trips a year. Going after that money isn’t always practical for the states. Taxing visiting athletes, on the other hand, has proved a fairly simple way to garner substantial sums of money because there isn’t a lot of investigation needed to figure out how

much is owed.

Players’ salaries are published regularly in the newspaper along with the team schedules. The schedules allow state tax auditors to calculate fairly simply the number of “duty days” an athlete spends working in their state. The athletes are then taxed on the portion of their total salary earned in that state. Auditors can just run the raw information through a computer and send out a bill. As a result, athletes found themselves paying income taxes in a dozen or more states or cities, depending on their sport. Teams were soon required to withhold the money from the players’ paychecks.

The controversy cropped up in Illinois when the legislature set out to exact retribution, not on Maddux or any of his cohorts, but on the state of California and its pesky tax bureaucrats. After the Chicago Bulls won their first world championship in 1991, it was publicly reported that California had dunned the Bulls’ players for a portion of their earnings. In response, Illinois officials approved a law in 1992 that became known informally as “Michael Jordan’s Revenge.” The law was purely retaliatory in that it applied only to players from states that taxed visiting athletes. In effect, the legislature said: “If you tax our guys, we’ll tax yours.”

In and of itself, Jordan’s Revenge wasn’t much of a problem for Illinois



athletes. While reviewing procedures in preparation for collecting the tax, however, Illinois officials decided that existing law already permitted them to pursue taxes from a category of professional athletes they believed had slipped through the cracks: members of Chicago teams who made their homes in other states. Those athletes had been paying income taxes to Illinois based only on the portion of their salary earned in Illinois. The state now wanted to tax their entire salary, no matter where the games were played, even if other states were already taxing them for games played on the road. Unlike other states that also claim the right to tax the entire salary of their athletes, Illinois will not allow the nonresident athletes to take a credit for taxes paid to other states. Resident athletes are allowed a credit.

No other state follows this procedure, a distinction that doesn't deter Illinois officials. They argue they're the only ones taking a sensible approach. Their argument is that other states should simply adopt Illinois' method and tax their own athletes and leave the visitors alone, dispensing with the costly and confusing system in which every state takes its own piece of everybody's paycheck.

There is certainly some theoretical merit to Illinois' argument.

"Actually, it really is a solution to the problem, but unfortunately, Illinois is the only state doing it that way," says Fred Marcus, a Chicago tax attorney who is working with the issue on behalf of the Major League Baseball Players Association. A few years ago, the players' union and a major accounting firm got nowhere when they tried to convince other states to adopt a uniform system for taxing athletes that approximated the Illinois approach. The politics of getting everyone else to give up their jock tax proved totally impractical. "You'll never see that happen," Marcus says.

That leaves Illinois as the stubborn lone wolf, aware of the athletes' situation but not particularly sympathetic.

"I understand what they're saying, but I think we are enforcing the law the way it is written right now," says Keith Staats, the revenue department's chief counsel. "That's what the law says. I think we're enforcing it in a correct fashion. I think we have a fundamental difference of opinion here."

So what do people do when they have a fundamental difference of opinion? Go to court, of course.

With the backing of the baseball

players' union, former White Sox relief pitcher Scott Radinsky filed suit against the department in Cook County Circuit Court in 1996 to provide a test case for Illinois' interpretation of the law. Radinsky's lawyers contend Illinois' approach is unconstitutional under the commerce clause and the due process clause, among others. Although it has proceeded slowly, lawyers for both sides say the case may be decided by the end of the year. Any ruling is likely to be appealed.

The other 44 athletes have administrative review cases pending with the department, all but one of which is on hold while waiting for a court ruling on Radinsky. Information from those cases is not a matter of public record unless they reach the courts. The only case that is advancing at the department level involves Dave Smith, a former Cubs reliever who received a signing bonus and termination payment, creating legal issues not addressed by the facts in the Radinsky case.

Radinsky, currently seeking to make a comeback with the St. Louis Cardinals, was a resident of California when he played for the Sox in 1992. That made his salary subject to California's 9.3 percent tax rate. Then, to his chagrin, Illinois came

along and wanted its 3 percent, too.

Radinsky was a relatively low-paid newcomer to the big leagues in 1992, and the taxes in dispute in his case are accordingly nominal. But the amounts at stake can be sizable for other athletes. The state is asking one former Chicago player to cough up an additional \$195,000 in tax payments, while another player is seeking a refund of \$120,000 that he contends he was overcharged. A Chicago athlete earning \$3 million a year while making California his residence can expect to pay about \$49,000 more a year in income taxes because of Illinois' overbite. A young ballplayer in the prime of his earning potential may not miss the \$49,000, but a tax bill of that size arriving in the mail can stun a retired athlete whose big money days are in the past.

One of the wrinkles in all this is that not every Illinois nonresident taxpayer/Chicago athlete makes his home in a relatively high tax state like California. Many reside in warm weather states with no income tax, like Texas and Florida. Illinois' approach to taxing athletes seems to include an unspoken decision that double-taxing some individuals is worth it if the system captures others who are using their choice of official

residence to try to beat the tax man.

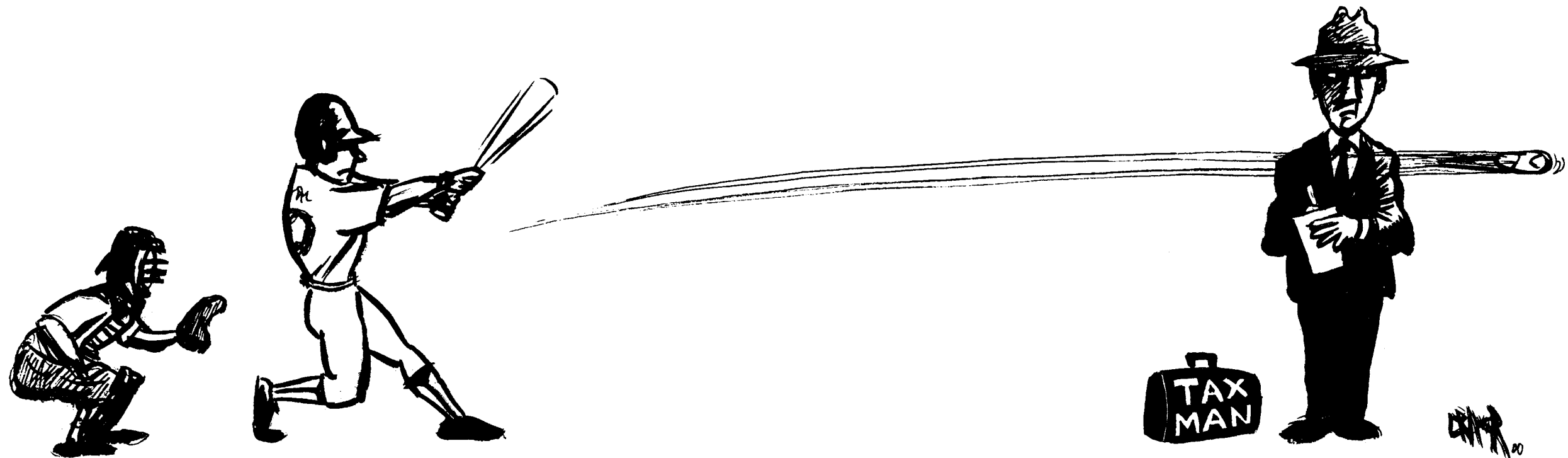
Some athletes view the issue philosophically. "It's the price of being an entertainer, I guess," says Sox catcher Brook Fordyce, who was born and raised in Florida and still maintains his home there. Like most athletes, though, Fordyce doesn't really understand the particulars of the legal issues, only that it's costing him money. The athletes have lawyers and accountants to sort it all out, which is probably another reason not to feel too sorry for them.

Still, this doesn't seem to be quite where the legislature was trying to go when it set out to retaliate against Pat Riley's Lakers in 1992. Did they really want to punish players on the Cubs, Sox, Bears, Bulls and Blackhawks just because they could afford a home someplace else, like the other members of their profession? Revenue officials insist athletes aren't being singled out. "This doesn't work any different for professional athletes than for anybody else," says Staats. But officials are always stumped when asked to name another profession that involves high-paid salaried employees who work for an employer in one state, often make their home in another and travel around the country with each place visited claiming a share of their

income. If there are sales reps that fit that category, it seems doubtful that any state taxing body can as easily trace their whereabouts on a given summer's afternoon as they can a member of the Chicago Cubs. Some assume that entertainers face a similar problem, but the law allows them to be taxed only by the state in which they performed and were paid.

Paul Barger, a Chicago attorney who authored an article in the law journal, *State Tax Notes*, outlining the tax problems faced by professional athletes, called on Congress to intervene and establish a uniform allocation method for athlete taxation. But nobody thinks there's much chance of that happening either. That would seem to leave it up to the state legislature, which could probably find better ways to use its time but often doesn't. If nothing else, the subject could make for an interesting committee hearing during the summer recess for sports fans seeking re-election. The only problem will be holding the hearing early enough to make it out to Wrigley Field for a 2:20 start. □

*Mark Brown is a reporter who covers sports business issues for the Chicago Sun-Times.*



## PEOPLE

Edited by Rodd Whelpley

Lynn to remain as UIS chancellor — for now

Amid upheaval in the process to name her successor, **Naomi Lynn** has put her retirement on hold. Lynn, the chancellor of the University of Illinois at Springfield, was set to leave her post May 31. But last month, she agreed to university President **James Stukel**'s request that she remain.

At press time, the university's board of trustees was set to meet early this month to discuss criteria for candidates for the Springfield chancellorship. The selection process seemed all but complete early last month. But the search was halted after Stukel received a letter from Gov. **George Ryan**, an ex officio member of the board. Days before interviews of four finalists for the position, Ryan suggested Stukel and the UIS search committee expand the criteria for the position to include candidates who don't have traditional academic backgrounds. Stukel then postponed the interviews.

Campus faculty organizations cried foul. Some professors and students protested the governor's last-minute intervention by picketing at commencement ceremonies. And the UIS campus Senate approved a resolution saying that "even the appearance of the chancellor's position becoming subject to political pressures will damage the university and the campus."

The resolution — drafted before Lynn's decision to stay — noted the campus is at critical stages on several initiatives and would not fare well with an interim or acting chancellor. The U of I Chicago campus Senate endorsed the UIS resolution. That campus is also looking for a new chancellor.

### SHIFT AT THE TOP

**Sharon Brown** of Chatham has joined Treasurer **Judy Baar Topinka**'s staff as deputy press secretary, based in Springfield. Brown previously served on the Republican staff for both the Illinois House and Senate.

## APPOINTMENTS

The first 17 of 25 members have been appointed to the Environmental Regulatory Review Commission. Created last December by executive order, the commission will determine whether the Environmental Protection Act should be revised. Former state Rep. **Ted Meyer** of Chicago, who serves as legal counsel to the Illinois Environmental Protection Agency and as a member of the Pollution Control Board, was named chairman. The commission will not meet formally until all members are appointed. In any event, Meyer says he suspects "there is a strong move to do nothing."

Those named to the commission are:

- **William F. Abolt** of Chicago, commissioner of the Chicago Department of Environment.
- **Kenneth A. Alderson** of Springfield, executive director of the Illinois Municipal League.
- **Gregory W. Baise** of Lemont, president of the Illinois Manufacturers' Association.
- **Mark A. Biel** of Springfield, executive director of the Chemical Industry Council of Illinois.
- **Jack Darin** of Chicago, director of the Illinois Chapter of the Sierra Club.
- **Matthew J. Dunn** of Chicago, chief of the environmental enforcement division with the Illinois Attorney General's office.
- **William J. Fleischli Sr.** of Springfield, executive vice president of the Illinois Petroleum Marketers Association.
- **Keith Harley** of Lockport, director of the environmental department of the Chicago Legal Clinic Inc.
- **Cecil Lue-Hing** of Chicago, president of Cecil Lue-Hing & Associates.
- **Claire A. Manning** of Williamsville, chairman of the Illinois Pollution Control Board.
- **Sidney M. Marder** of Springfield, owner of Marder & Associates.
- **Lynne P. Padovan** of Charleston, executive director of the Illinois Environmental Council.
- **Jane DiRenzo Pigott** of Winnetka, chair of the environmental department of Winston & Strawn.
- **Michael W. Rapps** of Springfield, president of Rapps Engineering and Applied Science.
- **Thomas V. Skinner** of Lake Bluff, director of the Illinois Environmental Protection Agency.
- **David A. Sykuta** of Springfield, executive director of the Illinois Petroleum Council.
- **Sheldon A. Zabel** of Chicago, a partner with Schiff, Hardin & Waite.

Members of the commission are paid expenses, and appointments do not require Senate confirmation.

Five new members were appointed to the Juvenile Justice Commission, which advises the Department of Children and Family Services on juvenile justice and delinquency prevention programs and services. They are:

- **Robert Brown**, 23, of Chicago.
- **Christelle A. Fullwood**, 24, of Country Club Hills.
- **Lucas Hale**, 18, of Rantoul.
- **Courtney McNiff**, 18, of Normal.
- **Robert Mendoza**, 18, of Chicago.

Two of the criteria regarding the makeup of the 25-member commission are that five members be under 24 years of age and three members have a history as a juvenile offender. Members are paid expenses only, and appointments do not require Senate confirmation.

## Q&A Question & Answer

### Jean Driscoll

*She dominates her sport, having won two Olympic medals and the Boston Marathon seven years in a row (from 1990 to 1996). Naturally, she gets the perks and product endorsements all super-stars do. (She's a celebrity spokeswoman for Ocean Spray, Lighthouse Salad Dressings, accesslife.com and California Dates.) And, oh yeah, she races in a wheelchair.*

*This spring Jean Driscoll, who lives and trains in Champaign, won her eighth Boston Marathon. Illinois Issues' Heather Nickel talked to Driscoll about racing and the pressures of representing people with disabilities. What follows is an edited version of that conversation.*

### Q. Do you feel bound to represent people with disabilities and, if so, are you comfortable with that?

I think bound is kind of a silly word because I don't feel bound by anything. One of the neatest things that came out of winning Boston this year is I read the *Boston Globe* and *Herald* and the *Chicago Tribune* and all the other articles. There was not one mention of disability, of spina bifida, of paralysis. It was a sports story. And I was so excited about that because people are understanding that this is elite-level sport and on that end then I do feel that I am a spokesperson, not just as a person with a disability, but also as a female sports figure.

### Q. There is a perception that sometimes people are afraid to talk to those with disabilities.

### Obviously you don't mind talking about your experiences. Do you think you help people without disabilities in that regard?

I would hope so. I hope that people can come to understand that it's not always a lifelong tragedy. When people go through their day with their contact lenses or glasses, they're not thinking, "Ugh, another day with farsightedness!" I feel that because of the success I have I am recognizable, and because I am conscious of that, I try to remain approachable.

### Q. Can you tell me about your most humbling experience?

I don't know about humbling, but difficult. I went through a series of five hip operations when I was a freshman in high school. And when I got the body cast off I had to start walking on crutches and then using a chair. At that time I was 15, and at that age you're trying to figure out who you are in the first place. I was pretty devastated by all of it. I had all the same ideas about using a chair that a lot of people do, but I have come to realize that disability is just a characteristic like hair color or eye color. It's not a defining principle. And I've also come to realize that walking is overrated.

Racing-wise, the most difficult moment I've experienced was at the 1998 Boston Marathon. I was coming in to the finish line and the announcer announced, "Jean Driscoll, eight-time winner of the Boston Marathon." I started to take my last strokes and raise

Photograph courtesy of Fitness Management Group



Eight-time Boston Marathon champion Jean Driscoll of Champaign.

my arms to cut the tape and the Australian [Louise Savage] cut the tape 2/10 of a second before I did. Here I thought I had the race won.

### Q. You could go anywhere in the world. What keeps you in Champaign?

That is a really good question. I was just going to be down here through my undergrad degree and then I was heading straight back to Wisconsin. But the coaching was so good, and the way that I started to feel about myself and the education that I got relative to disability was just so good. It has just all worked out so well that I decided that I wanted to stay here in Champaign. It's been the perfect place to train. It's a very well-educated community because of what's been in the news, and people training in racing chairs are a familiar sight.

### Reagan honored at Eureka College

A chunk of the Berlin wall now rests in a garden in central Illinois.

Last month, Eureka College dedicated the **Ronald W. Reagan** Peace Garden. The ceremony commemorated two events in the life of the former president. Reagan graduated from Eureka in May 1932. Fifty years later, as president of the United States, the alum returned to deliver a commencement speech challenging the Soviet Union to engage in strategic arms reduction talks.

Some historians point to that address as the beginning of the

end of the Cold War.

The garden includes a bronze bust of Reagan and a 4-foot-by-5-foot section of the Berlin Wall, a gift from the Federal Republic of Germany.

Reagan, who suffers from Alzheimer's disease, did not attend. His eldest daughter **Maureen Reagan** spoke at the ceremony, which drew an estimated 1,500 spectators.

Engraved on the pedestal are selections from the president's 1982 speech: "Peace is not the absence of conflict, but the ability to cope with conflict by peaceful means."



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## A VIEW FROM METRO EAST

Patrick E. Gauen

### A Belleville case proves problems permeate the state's judicial system

by Patrick E. Gauen

Audrey Cardenas was just a kid fresh out of college in 1988, an intern reporter at the *Belleville News-Democrat* eager to make the front page. Tragically she did, by getting murdered within days of moving from Texas. What the justice system of St. Clair County did about it is making the front page still.

The case seemed simple. The decomposing body of Cardenas, 24, was found in a dry creek bed. Police didn't even leave the scene to close their case. A mentally impaired drifter from San Francisco happened along and attracted their notice. His name was Rodney Woidtke.

There was no physical evidence to link Woidtke to the crime. No connection to the victim. No history of violence. Just a confession extracted by detectives from an odd man whose story didn't even match the apparent facts.

No jury ever weighed the thin evidence. Represented by court-appointed lawyer Brian Trentman, Woidtke waived a jury trial and took his chances with Circuit Judge Richard Aguirre. The verdict was guilty and the sentence 45 years in prison.

The trouble was that Trentman had another mentally challenged client. This one, Dale Anderson, 36, was in trouble for impersonating police and claiming he was investigating the Cardenas case. Mainly, Anderson was obsessed with getting revenge against supervisors who

***The story makes a point in a state obsessed with how its judicial system has come close to executing innocent men: The problems are not only in the capital cases.***

tried to fire him as a caseworker for the Illinois Department of Public Aid.

Anderson had baited *News-Democrat* reporters with promises of tips on juicy stories — and spooked them with bizarre behavior. He would later brag of an acquaintance with Cardenas. Detectives sniffed at him as a suspect, but passed. Trentman might have used Anderson's behavior to raise doubts in court about Woidtke's guilt, but he didn't.

A year later, Anderson forced a random stranger, Jolaine Lanman of Belleville, to write a note incriminating his bosses in Cardenas' murder.

Then he beat and stabbed the pregnant woman to death, and her 3-year-old son, too. Although he had bragged of being some kind of secret agent, Anderson proved to be a clumsy killer who left ample clues that got him swiftly convicted and sentenced to life.

Some reporters and cops sensed a dilemma: With a twisted and murderous Anderson lurking around the

newspaper, what were the odds that Cardenas had run afoul of an unrelated killer with no apparent motive in a town where homicides are rare?

Woidtke protested his innocence almost from the start, but Trentman never pressed for the verdict to be reconsidered. When Woidtke claimed he was not properly represented by Trentman, the court incredibly appointed Trentman to investigate himself.

Were it not for persistent news coverage led by *St. Louis Post-Dispatch* reporter Carolyn Tuft, who had worked with Cardenas at the *News-Democrat* and had her own unsettling encounter with Anderson, Woidtke might have languished for years. The former state's attorney, John Baricevic, whose office convicted him, was unmoved. Robert Haida, elected prosecutor after Baricevic became chairman of the St. Clair County Board, likewise.

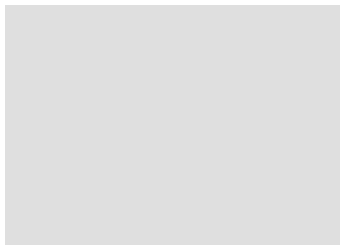
In 1998, early in Tuft's probe, Trentman resigned from the case. He was replaced by Ronald Jenkins and some associates, lawyers who convinced the 5th District Appellate Court in Mt. Vernon to rule in April that Trentman's representation of both Woidtke and Anderson was a conflict worthy of a new trial. In a separate, concurring opinion, Appellate Judge Gordon E. Maag wrote that letting Woidtke rot in jail without appeal was "unconscionable."

Trentman, now the Washington County prosecutor, made no public response to the development, but previously defended his work as the best possible, given the resources. Haida decided not to appeal to the Illinois Supreme Court but left open whether he would bring Woidtke to trial again or just set him free. At the least, Woidtke faced the prospect of release on bail.

Whatever the ultimate outcome, the Woidtke story makes a point in a state obsessed with how its judicial system has come close to executing innocent men: The problems are not only in the capital cases. □

*Patrick E. Gauen writes an Illinois column for the St. Louis Post-Dispatch.*

Charles N. Wheeler III



## A new study attempts to raise awareness on prison overcrowding

by Charles N. Wheeler III

**S**oft on crime? Even the most inept political consultant knows that's a tag no candidate wants.

Smart on crime? Even the savviest consultants aren't sure that's a winner.

The Taxpayers' Federation of Illinois, however, is trying to promote that label in hopes of slowing down the rapid growth in state prison spending. To encourage public awareness of what's at stake, the federation last month issued "The Price Tag for Prisons," a study authored by this writer that looked at the budget impact of a quarter century of get-tough-on-crime policies.

"We wanted to try to quantify the costs of the popular law-and-order initiatives and remind the state's citizens and taxpayers that get-tough policies don't come cheap," says Timothy Bramlet, president of the nonprofit, nonpartisan budget watchdog group.

Indeed, the study reported that locking up an adult offender for a year costs taxpayers an average of \$18,500; the tab jumps to \$36,000 for youthful offenders. And in the last quarter century, the study found, the number of inmates has soared more than four-fold, to almost 45,000 adults and 2,100 juveniles.

Largely as a result of the prison population explosion, the operating budget for the Illinois Department of Corrections has grown more than 15-fold in the last quarter century, to a

**Illinois citizens and elected officials have a clear choice, the study notes: Keep building more prisons or find a way to slow down the influx of new inmates into an already crowded system.**

current \$1.3 billion. That's three times the growth rate of the rest of state government.

Moreover, the state has spent some \$1 billion since 1977 to open 19 adult prisons, with four more on the way. Even so, penitentiaries today are more crowded than when the building boom started, with almost 45,000 adult inmates now crammed into facilities designed for 28,000. The state's eight juvenile facilities — two more are being built — also are crowded, with some 600 more youthful offenders than their design capacity.

The mushrooming prison population stems from several factors, the study found. Changes in sentencing laws, from Class X in 1977 to truth-in-sentencing in 1995, have resulted in

more offenders confined for longer periods. Thanks to the war on drugs launched in the 1980s, with its harsher penalties and more aggressive enforcement, the number of drug offenders in prison has skyrocketed to more than 11,000 — roughly one out of every four inmates — from just 673 in 1985. Meanwhile, high recidivism rates find roughly two out of every five of the 25,000 inmates released each year back in prison within three years.

Even without any further get-tough measures, the trends now in place mean the coming years will see steady increases in the number of inmates, leading to ever-growing costs to build and operate new prisons and fewer dollars for education, human services and other top priorities.

Illinois citizens and elected officials have a clear choice, the study notes: "Keep building more prisons and paying more to operate them each year, or find some way to slow down the influx of new inmates into an already crowded system."

Prison administrators and outside experts have been trying to send a similar message for years, but with limited success. Perhaps the most notable effort came from a task force headed by former U.S. Attorney Anton R. Valukas that in 1993 recommended more than two dozen reforms designed to reduce recidivism, provide more community-based sanctions and revise sentencing laws.

Legislators lost interest in reform after the 1994 election, however, when the "soft-on-crime" label helped beat both Democratic gubernatorial candidate Dawn Clark Netsch and state Rep. Thomas J. Homer, a Canton Democrat who championed the proposals. Many lawmakers saw the election results as a mandate to crack down even harder, leading to truth-in-sentencing and other get-tough measures.

But the average citizen may have a keener understanding of criminal justice issues than politicians realize, some researchers believe.

Writing in the *Southern Illinois University Law Journal* last year, Jody L. Sundt argued it would be "erroneous" to suggest the public demands the wholesale incarceration of offenders.

"Instead, there is a growing body of research that indicates the public is open to the use of community-based sanctions and even prefers this type of sentence for nonviolent and less serious offenders," says Sundt, who teaches at the university's Carbondale campus.

In particular, she notes, the public likes requiring offenders to engage in hard work, to pay restitution and to perform community service. Moreover, support for such programs increases when the public is told about the cost of imprisonment, she reports.

The findings could be tested by the commission Gov. George Ryan named to rewrite the state's criminal code. Some criminal justice experts would like the panel to include in its finished

**Researchers believe providing sentencing alternatives as part of a total rewrite of the criminal code, rather than as individual reform measures, would pose less political risk for lawmakers.**

product provisions to allow more extensive use of community-based sanctions. In some cases, they say, community service, restitution or probation would be appropriate; in others, electronic home detention or day reporting should be preferred. And most drug users belong in treatment centers, not prison cells.

Voting for such sentencing alternatives as part of a total rewrite of the criminal code, rather than as individual reform measures, would

pose much less political risk for lawmakers, they note.

Meanwhile, corrections Director Donald N. Snyder Jr. and his aides are working to cut recidivism. Prison discipline has been tightened and education, vocational and drug treatment programs have been targeted toward inmates nearing the end of their sentences. Work release and parole have been revamped to offer intensive, community-based services to help released inmates become productive citizens.

"The state cannot build its way out of prison crowding," contends Snyder. "Other alternatives must be explored. In addition to being tough on crime in Illinois, we must be smart about crime."

Criminal justice experts and budget watchers alike hope that's a message the public will embrace. □

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