

# *Illinois Issues*

October 2000 \$3.95

*A publication of the University of Illinois at Springfield*

## **How high the bar?**

**Is the integrity of the bench  
threatened when judicial races  
become more political?**

**C**ampaign 2000

PUBLIC TV STATIONS

- WEIU  
Charleston
- WILL  
Champaign
- WMEC/WQEC/WSEC  
Macomb, Quincy  
Jacksonville/Springfield
- WQPT  
Moline
- WSIU  
Carbondale
- WTVP  
Peoria
- WUSI  
Olney
- WYCC  
Chicago

PUBLIC RADIO STATIONS

- WBEZ FM  
Chicago
- WCBU FM  
Peoria
- WDCB FM  
Glen Ellyn
- WGLT FM  
Normal
- WILL AM  
Urbana
- WIUM/WIUW FM  
Macomb, Warsaw
- WNIJ FM  
DeKalb, Rockford,  
Sterling, LaSalle, Freeport
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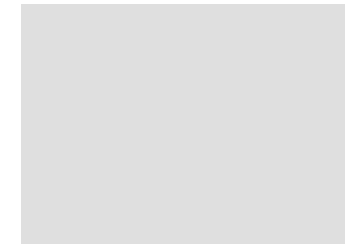
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CONVERSATION WITH THE PUBLISHER

*Ed Wojcicki*



## Watch out for negative ads this month, and check out greedytv.org

by Ed Wojcicki

I continue to have an interest in what people generally call “negative advertising.” Two years ago, I tracked ads run by the gubernatorial candidates and the legislative candidates in targeted races. Later I wrote a three-page essay about the pros and cons of such political communication.

We have no statewide Illinois races this year, but some targeted legislative races are generating plenty of heat. So I encourage you once again to send me copies of fliers or mailers that are negative in nature, particularly those that attack opponents. Send them to me in care of *Illinois Issues*, UIS, P.O. Box 19243, Springfield, IL 62794-9243.

Kathleen Hall Jamieson has a new book out with some conclusions that might surprise you. It’s called *Everything You Think You Know About Politics ... And Why You’re Wrong*. Jamieson, dean of the Annenberg School for Communication at the University of Pennsylvania, has been tracking political advertisements for years.

She writes about media bias, the value of debates and her conclusion, contrary to that of many scholars, that negative advertising does not depress voter turnout. It’s a debatable point, to be sure.

It’s always been my belief that not all “negative” political communication is bad. Candidates have to distinguish themselves from their opponents, and one way to do that is to compare character, experience and positions. What is an anathema, in my view, is candidates resorting to lies, distortions and partial truths that misrepresent themselves or their opponents.

One point Jamieson raises is that the amount of distorted or misleading ads in the 1996 presidential election increased substantially over what was printed and broadcast in 1992. I hope the trend does not get even worse this year.

“Everybody Hates Political Ads. Except Your Local Television Station.” So blares an ad run by the Alliance for Better Campaigns, which is trying to convince television stations to devote more time to serious news coverage of political campaigns in their communities. The irony is that a number of incumbent officials are not eager to spend a lot of time on free television answering questions. They prefer to spend money on carefully scripted ads. So is the problem the TV stations or the candidates? Or both? Check out [www.greedytv.org](http://www.greedytv.org) for more information. □

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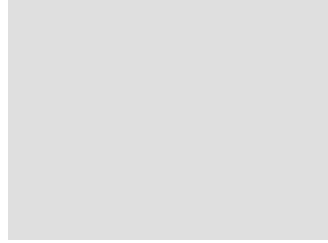
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*Peggy Boyer Long*



## Who is winning the presidential debates? Scholars say the voters are

by Peggy Boyer Long

We went to press with this October issue just as the two major presidential candidates were settling on dates, places and formats for their nationally televised debates. It's likely that the first of these critical election-year events will be behind us by the time you sit down to read *Illinois Issues*. So we can't pretend to know who "won" and who "lost" the initial matchup. And that's just fine with us. As a monthly, we face the challenge, and considerable luxury, of assessing campaigns from a more studied perspective.

Of course, we urge you to watch all of the debates. That's because, contrary to prevailing wisdom, they can provide important information about candidates and policy questions. Scholars conclude that viewers of these quadrennial dramas are quite capable of gleaning what they need. They can, and do, screen out much of the distracting punditry. And they can, and do, make up or even change their minds. This, despite cynicism in some quarters that debates are too scripted and too spun to have meaning.

Kathleen Hall Jamieson is one who believes they do have meaning. She's a political communications scholar who served on a 1986 task force that spurred creation of the Commission on Presidential Debates. And she argues that while debates do not usually determine the outcome of a presidential campaign, viewers' knowledge of the candidates

and the issues does improve. This is not the case for nonviewers.

Jamieson directs the Annenberg Public Policy Center at the University of Pennsylvania, and she has become, possibly to her surprise, one of those much-sought-after campaign pundits she writes so much about. Nevertheless, her conclusions are well-grounded in numbers.

In 1996, the center replicated the findings of a 1992 post-debate study conducted by other scholars that found a 30 percent improvement in viewers' knowledge. "The reason is simple," she writes in her latest book, *Everything You Think You Know About Politics ... And Why You're Wrong*. "Debates contain extended amounts of issue and biographical information delivered in head-to-head fashion that invites comparison and contrast. And all of this occurs in a climate in which the people with whom we come into even casual contact feel comfortable asking what we thought of a debate. This sort of contact — which is in some ways akin to a rise in talk about the Superbowl the Friday before and the Monday after — involves the sort of conversation in which information learned is moved from short- to long-term memory."

But Jamieson posits another reason why even highly educated voters gain knowledge from debate viewing: "More than half of the twelve [issue] positions [covered in the debate] were either

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unreported or underreported from September 1 through October 9, 1996."

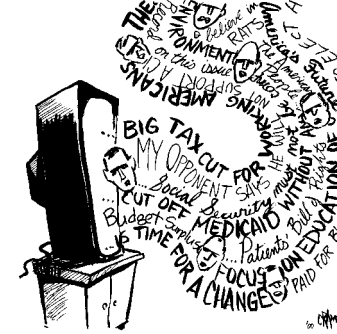
And she takes the networks to task for announcing the "winners" and "losers" in instant post-debate surveys. How, she asks rhetorically, do they locate and interview a national random survey of voters so quickly? Her answer is that they don't really. Individuals are contacted in advance and asked if they would be willing to be interviewed after the debate. More important, those individuals are chosen in a random sample weighted to reflect candidates' predebate standings in the polls. Thus, those samples are not a random selection drawn from the universe of all those who watched the debate. And because, Jamieson notes, "extended forms of communication reinforce existing dispositions, those who favored the front-runner are likely to judge that person the winner," barring a major flub by that candidate. In general, she concludes, "the way to increase the likelihood of 'winning' a presidential general-election debate is to be ahead in the published polls on which the sampling frame for the debate is based."

We couldn't resist checking a number of Jamieson's conclusions while preparing this issue. Her center has conducted studies, as well, on the impact of paid television ads, polling and television news. And on whether elections actually matter. No surprise, she concludes that they do. □

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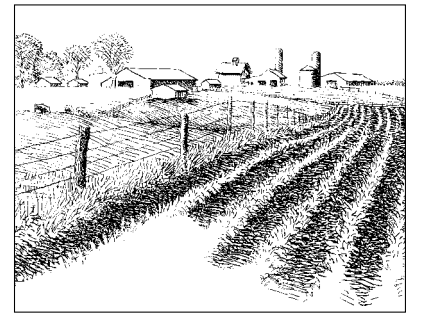
October 2000



Political studies, page 26



How high the bar? page 14



Campaign harvest? page 32

Volume XXVI, No. 10

## FEATURES

- 14 How high the bar?** by Aaron Chambers  
*Judicial races are becoming more like other campaigns.*
- 18 Benchmark contributions** by John Flynn Rooney  
*Cook County court primary candidates solicited big campaign bucks.*
- 21 Judicious spending** by Aaron Chambers  
*Interest groups expect to put more of their money into judicial races.*
- 23 Power play for Illinois** by Lucio Guerrero  
*Races in this state could help tip the partisan balance in Congress.*
- 26 Political studies** by John Carpenter  
*We get more information from paid political ads.*
- 29 La diferencia** by Kristy Kennedy  
*Illinois' Latino voters could help put a president in office.*
- 32 Campaign harvest?** by Chuck Abbott  
*Patience with federal farm policy could expire with the elections.*
- 35 Books**  
**Farm loss in America's heartland** by Maureen F. McKinney
- 36 Point of view**  
**Potemkin farms** by Harold Henderson
- 39 Guest essay**  
**At the city's edges** by Alan P. Mammoser

Credits: Art Director Diana Nelson photographed and designed this month's cover.

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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  
*Do political polls displace issues?*
- 8 Briefly** by Rodd Whelpley
- 42 People** by Rodd Whelpley
- 45 A View from the Suburbs** by Madeleine Doubek  
*Drunken drivers still hit the roads*
- 46 Politics** by Charles N. Wheeler III  
*A challenge for lawmakers*

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## Do polls displace more thorough reports on issues? Critics answer yes

by Burney Simpson

It's flattering to be asked for an opinion.

While it may be rare for a friend, relative or colleague to inquire, "What do you think?" businesses that ask us questions and gather information on our tastes have been sprouting like strip malls in suburbia over the last 20 years. Pollsters monitor what we buy, what we do for entertainment and what we think about social issues.

Polls that solicit our political opinions have been multiplying, too. And the media have been covering those numbers thoroughly throughout what has come to seem like a never-ending campaign season.

But during the past few elections, there has been a growing scholarly backlash to the attention political polls get from the media. An increasing number of critics contend they displace more thorough reports on the issues. And that politicians, fearful of negative numbers, have lost the ability to lead.

"We've gone overboard," says former U.S. Sen. Paul Simon, who now heads the Public Policy Institute at Southern Illinois University. "Candidates do polls to decide their positions. That's anything but leadership."

In recent years, legitimate surveyors have gotten a black eye from "push polling," a campaign strategy of

that candidates, news directors and the public will maintain that perspective. Some observers have suggested steps to ensure policy questions get plenty of coverage.

But for politicians, the polls are essential. "Polling is expensive, but it's an important tool to hone the campaign message and track the impact of the campaign," says John McGovern, campaign manager for Republican Mark Steven Kirk, who is running for Congress in Illinois' 10th District.

For political junkies, and citizens who just intend to vote, polls can be fascinating because they track the competition in a race.

And for all the complaints, polls are nothing new in American politics.

Thomas B. Littlewood, journalism professor emeritus of the University of Illinois at Urbana-Champaign, says so-called straw polls began as far back as Andrew Jackson's run for the presidency in 1824. In his 1998 book *Calling Elections: The History of Horse-Race Journalism*, Littlewood writes that as early as the 1880s some Boston reporters spent election night monitoring key precincts for returns. This early form of what we now know as exit polling helped them spot the winners and scoop the competition.

Still, Littlewood recognizes reporting on the horse-race aspects of politics is on the rise. "The true ratio of poll reporting to issue news has gone up dramatically," he tells *Illinois Issues*. "*The New York Times* does a good job of reporting both, but you have to consider the whole media scene. Smaller organizations don't have the staff or space."

And the drumbeat of who's up and who's down can thump the underdog when they least need it.

Glenn Poshard contends sorry poll numbers helped doom his run for governor of Illinois in 1998. "Polls devastated us during the campaign. The [*Chicago Tribune*] had us 25 to 30

points behind. The volunteers and the money dried up every time a poll ran because people pay so much attention to them," says Poshard, a downstate Democrat.

In two polls conducted in August and October of that year, the *Tribune* reported Poshard was 21 points behind the eventual winner, Republican Gov. George Ryan.

Things appeared to turn around just before election day, when a poll in the *Chicago Sun-Times* found Poshard was down by less than 3 percentage points, a statistical tie. "We got more money in the last week. It was too late to even spend it," recalls Poshard.

Ryan ended up winning by less than 4 percentage points.

The *Tribune* reported Poshard's surge may have been due to voters rallying around Democratic candidates as President Bill Clinton faced Republican-led impeachment hearings.

But pollsters can't predict a last-minute turnaround. And the voters who usually throw a monkey-wrench into the works are the undecideds.

One well-known mistake in predicting election results was the *Tribune's* embarrassing headline in 1948 that Thomas Dewey had defeated Harry Truman for president. Polls taken several weeks before the election had indicated Dewey would win, and the newspaper had to go to press before the final returns were in on election night.

But that race highlights another problem for those who rely too heavily on polls. Thomas Patterson, Bradlee professor at Harvard's Kennedy School of Government, found that Dewey's apparent lead influenced how journalists covered the contest.

Prior to Truman's upset win, most stories portrayed him as abrasive and out of control. But in post-election reports, Truman was painted with the tough "Give 'em Hell, Harry," image, according to Patterson. "The daily reporter has to come up with stories that fit the polls. The main narrative is who is ahead and who is behind," says Patterson.

And that dynamic continues today.

**Thomas Patterson, Bradlee professor at Harvard's Kennedy School of Government, believes polls affect the way reporters cover the candidates.**

"When [Democratic presidential candidate Al] Gore was falling behind, he was portrayed as wooden, that he couldn't get out of Clinton's shadow," says Patterson. "If a candidate is behind, then reporters start to write 'What's wrong with this guy?' stories."

Still, while pollsters have no control over how news outlets choose to approach their stories, the competitive aspect of an election does deserve extensive analysis because it is often dynamic and changing, argues Warren Mitofsky, a pollster for CBS news for 27 years. In contrast, it's rare for politicians to change their stands during a campaign. "The horse race is a significant part of the story."

Mitofsky believes pollsters can't win with the media analysts anyway. He recalls the election of 1976 when CBS teamed up with *The New York Times* for polling. Though the two organizations wanted to learn who was leading, their coverage focused only on the issues. The result? "We were criticized by the press for not doing horse-race stories. And academics criticized us for not putting our numbers in plain view. People who pay attention are schizophrenic about what they want."

Littlewood and others have some thoughts on increasing or improving issue coverage. He suggests papers try a team approach, with one reporter following the campaign trail. Other reporters would specialize in writing stories about such issues as health

care, comparing the positions of the major candidates.

He recognizes many news outlets would balk at highlighting the issues. "Reader studies suggest people are not interested. But coverage has to be made more interesting. [Reporters] have to show how issues touch each reader. A lot of the issue stories are just plain dull, and they don't have to be," Littlewood says.

The media owe it to their readers to explain the issues, says Simon, who began his career as a journalist. "It's easier to write a story about a 3-point drop in the polls than on health care or defense programs. But that's what a campaign should be about."

A 1998 presidential commission asked television stations to devote at least five minutes every night in the 30 days preceding the election to candidate debate and discussion. Yet, a study by the Annenberg Public Policy Center and Alliance for Better Campaigns reported that the three major networks spent an average of 36 seconds a night on the presidential candidates leading up to the Super Tuesday primary last March.

In Illinois, only WGEM-TV of Quincy had agreed to the 5/30 proposal by mid-September.

The station's general manager Leo Henning believes that many broadcasters, especially those in smaller markets, already live up to the standard. "Downstate we can do this [for candidates running] at the federal and state level," says Henning. "We are a public trustee. It's good business, it's good politics, it's the responsible thing to do."

And the station will control the format so that candidate statements aren't glorified advertisements. "They aren't going to get five minutes with a wonderful backdrop and their hair perfectly coifed to tell us their vision of the world," says Henning.

Efforts like these could help to swing coverage away from poll-driven reporting. But it probably won't happen unless the public demands that news directors make the precious space or air time available.

What do you think? □

# BRIEFLY

Edited by Rodd Whelpley

Photographs courtesy of the Illinois Department of Agriculture

## ALIEN MARAUDERS I

### Scientists can't stop gypsy moth invasion

Residents of Lake County north of Chicago were the first to spot the small, odd-looking caterpillar. It had five pairs of blue spots and six pairs of red spots. And lots of hair. That was in 1996. A short time later, oaks started losing their leaves and neighbors watched as entire stands of trees went bare.



Both the hairy caterpillar and the moth it becomes look harmless enough, but officials fear gypsy moths will do \$22 million in damage to trees.

And if other Illinoisans haven't seen this caterpillar yet, they will. The larvae of the gypsy moth is on the move. Officials say they can only hope to slow it down.

In an effort to do just that, the Illinois Department of Agriculture quarantined Lake County last summer, meaning all commercial products that could house gypsy moth egg masses, including lumber and nursery products, will have to be

inspected before leaving the county. Still, gypsy moths are notorious hitchhikers, and officials expect them to start showing up in other parts of the state.

In fact, the gypsy moth has been pushing its way westward from the Boston area for the past 130 years. The natural migration pattern of the moth is 15 miles a year, but it gets a lot of help from unwitting strangers. Stan Smith, the ag department's

nursery manager, says the moths will attach egg masses to objects left outside, including firewood, campers or boats. They can then establish a new colony wherever the objects take them. So Lake County residents also have been asked to inspect any personal items they move in or out of the county.

While that county is trying to suppress the pest, the ag department has been busy assessing the gypsy

Photographs courtesy of the Illinois Department of Agriculture



The gypsy moth has already been spotted in Illinois.

moth's reach in the rest of Illinois. Last month, officials collected and counted some 10,000 moth traps throughout the northern region of the state. The traps use pheromones to attract the male gypsy moth and, once inside, the moths are held by an adhesive that bonds to their legs. When the numbers have been tallied, agency officials will be able to determine where the moth colonies are and how to slow their

The damage can be considerable. Michael Jeffords, an entomologist at the Illinois Natural History Survey, says a gypsy moth infestation can defoliate and kill a white oak tree over a period of three to five years. He adds the larvae can kill most evergreens in one season.

In an effort to save trees and kill individual colonies of moths, the federal program focuses on isolated moth populations. By using the

migration. This study is part of a nine-state "Slow the Spread" program initiated in 1992 by the U.S. Department of Agriculture. All five states that border Illinois have signed on. The feds hope to curb an estimated \$22 million in damage nationwide and contain the moths' movements. The price tag for the program is \$10 million to \$12 million. Meanwhile, Illinois has budgeted \$202,000 for the effort this year.

pheromone traps, officials can determine the vicinity of a colony and kill it before the larvae have a chance to inflict significant damage. A favored treatment has been Bt, or *Bacillus thuringiensis*, a bacterial insecticide, and Dimilin, a larvicide. But there are naturally occurring agents that can be used, as well, including Gypchek, a virus specific to the gypsy moth, and a fungus called *Entomothaga miamiaga*, which has been found in Illinois near Zion and Gurnee, communities in the northern part of the state. Although both Gypchek and the newfound fungus are natural alternatives to pesticides, both have their drawbacks. Gypchek is costly and the fungus appears to slow but not eradicate gypsy moth populations.

Though central and southern Illinois have yet to see gypsy moths, most experts agree that statewide infestation is unavoidable. "All we can do now is prolong the inevitable," says Charlie Hulme, a research scientist at the Illinois Natural History Survey. "These things are here to stay."

Ryan Reeves

## ALIEN MARAUDERS II

### Ladybugs' picnic helps northern Illinois farmers beat Chinese aphid, but downstate is still at risk

A soybean-eating aphid that earlier this summer had been bested by strong rains, fungus and hungry ladybugs in Illinois' northern counties has made a resurgence in several downstate counties.

This summer the destructive new pest from China gave some farmers and University of Illinois researchers a moment of panic when it was found in 13 counties north of I-80. But the aphids and the damage they can do to soybean plants were slowed by swarms

of ladybugs that ate them readily. The aphids also succumbed to driving rains that washed them off the leaves and a friendly fungus toxic to them but not to Illinois beans.

However, a survey report completed late last month by university scientists shows the Chinese aphids have infested soybean fields in several other Illinois counties, though in much smaller numbers than were found up north. Michigan, Minnesota and Wisconsin also have been invaded,

and the most recent reports confirmed infestations in Indiana and Ohio.

Though natural predators have caused aphid populations to crash dramatically, that's not the end for this newest exotic bug because it can overwinter on buckthorn, a woody shrub that is also an invading species. So scientists are trying to learn as much as they can about this newest transplant from outside U.S. borders.

As they did with the Asian longhorned beetle, scientists have quickly

had to determine just what the nearly microscopic green bug is and how much damage it can do to Illinois crops. Ag scientists identified it as *Aphis glycines*, an aphid that has caused considerable damage to Chinese soybean crops. However, the pest is so exotic that references to it are almost entirely written in Chinese.

University of Illinois entomologist Kevin Steffey, who helped identify and track the invader, says the latest survey shows it to be much more widely

distributed than originally thought. "A lot of entomologists and plant pathologists are planning to learn as much as we can about the soybean aphid before the 2001 growing season," he says. "Although the soybean aphid is a new pest for us, we want to be prepared for whatever it may bring next year."

Illinois grows 14.4 percent of the nation's soybean crop each year. Last year's harvest was worth \$2.2 billion.

Photograph courtesy of Gary Brethausen, Kendall County Cooperative Extension Service



Chinese aphids pose a threat to Illinois' soybean crop.

Beverley Scobell

## Saving the soil

### State ag agency close to 20-year "T by 2000" goal

"Erosion is a long-term threat which requires long-term efforts at solution, and long-term efforts are not things that the state's political system is good at."

— James Krohe Jr. in a December 1981 *Illinois Issues* article referring to a goal set more than two decades ago to reduce soil erosion in Illinois to a target level by 2000

At least this time, a government agency has proven it can sustain a long-term commitment. The state Department of Agriculture released a report last month that shows the goal set in 1979 has been "96 percent achieved," says ag spokesman John Herath.

Over the past 20 years, Illinois farmers have altered the way they till the soil. As a result, they have substantially decreased the amount of black dirt that flows or blows off the fields.

Spurred by the 1972 federal Water Pollution Control Act to develop a water quality management plan to control pollutants entering water from so-called "nonpoint" sources such as farm fields (see *Illinois Issues*, July/August, page 24), the state Environmental Protection Agency in 1977 appointed a task force to monitor the problem. That group, described by Krohe as "largely pro-farming," concluded sediment was the gravest threat to water quality in Illinois and named farm erosion as its principal source. It recommended that soil losses on all Illinois farmland be reduced to the so-called "T" level of no more than five tons per acre per year (the rate of loss at which soil theoretically can be replaced by the natural process of soil building) by the year 2000.

"The ag department has done an excellent job of educating farmers about no-till technology and 'T by 2000,'" says John Hawkins, spokesman for the Illinois Farm Bureau. "Any time the state makes a long-term goal and comes within a hair's breadth of reaching it, it's a pretty historic event."

Beverly Scobell

## UPDATES

### Child support, guns, payday loans, gift ban

- Lockheed Martin IMS, Tier Technologies and IBM, all major corporations with out-of-state headquarters, beat the deadline for bids to run the state's beleaguered child-support payment system (see *Illinois Issues*, April, page 14).
- Cook County Circuit Judge Stephen Schiller dismissed Chicago Mayor Richard M. Daley's \$433 million suit against the firearms industry, arguing the issue is one for the legislature rather than the courts (see *Illinois Issues*, April, page 14 and April 1999, page 6).
- Last spring, lawmakers authorized tighter regulation of the so-called payday loan industry, and this fall Gov. George Ryan said he endorses tougher rules and scheduled hearings on the matter (see *Illinois Issues*, March, page 40).
- Will County Circuit Judge Thomas Ewert ruled that the entire state law that bans gifts and tightens campaign finance regulations is invalid (see *Illinois Issues*, September, page 42 and September 1998, page 38).

## Does she know something we don't?

Illinois was awarded \$20 million by the feds for being among four states and the District of Columbia that managed to show a decrease in births among unmarried women.

In a printed statement, Department of Human Services Director Linda Reneé Baker says that's a testament to service providers and lawmakers. And to Gov. George Ryan.

The award was given for reductions in births to unwed women during the years 1995 to 1998. Ryan took office in January 1999.

## WEBSOURCE

### Selecting judges

With more money going into judicial campaigns, voters are paying more attention and asking more questions. Two Web sites give some background and opinions on the best way to choose judges, one supported by the American Judicature Society, a nonpartisan organization that focuses on judicial independence and selection, and the other by PBS.

For a discussion on merit selection of judges, go to [www.ajs.org/select2.html](http://www.ajs.org/select2.html). For a history and overview of judicial selection in the United States, see the page at [www.ajs.org/select9.html](http://www.ajs.org/select9.html). To read what the judges, lawyers and citizens of the judicature society believe is the code judicial candidates should follow during campaigns, go to [www.ajs.org/hot27.html](http://www.ajs.org/hot27.html). These pages are maintained by the American Judicature Society.

The public broadcasting site has the text and a video excerpt from a program produced for television called "Justice for Sale," described as an investigation into how campaign cash is corrupting America's courts. Go to [www.pbs.org/wgbh/pages/frontline/shows/justice](http://www.pbs.org/wgbh/pages/frontline/shows/justice). From there click on links to "How bad is it?" a discussion with insiders; "How did we come to elect judges?" a historical perspective; and "How should judges be selected?" a look at reform efforts.

Beverly Scobell

## Decatur braces for fallout from the Firestone investigation

As the Justice Department and Congress probe who knew what when in the Bridgestone/Firestone tire recall, all roads in this intensifying national story appear to lead to Illinois.

The Decatur plant where many of the company's 6.5 million recalled tires were manufactured has emerged as a focal point in the investigation into how faulty tires played a role in at least 103 traffic fatalities and more than 400 injuries.

It's not an enviable position for Decatur's residents, but unfortunately a familiar one. Through much of the last decade the central Illinois community suffered labor strife, and last fall the local school board endured protests that drew international attention after it expelled six black high school students for fighting at a football game. This time, the attention is on the city's fourth-largest employer, and the jobs of 2,100 Bridgestone/Firestone employees hang in the balance.

"We're just praying for the best and preparing for the worst. That's what we're doing. It's really out of our hands," Decatur Mayor Terry Howley says. "I think that company is going to be hard-pressed to be in business a year from now from the financial impact this is going to have on them."

The crux of the safety problems revolve around tread that separates from some of Bridgestone/Firestone's tires rotating at high rates of speed and causes drivers to lose control. Most of the unsafe tires were on Ford Explorer sport utility vehicles.

Dozens of lawsuits against the company and Ford Motor Co. already have emerged, and some could be consolidated in the federal court district based in East St. Louis.

In late August, attorneys involved in some of the approximately 80 lawsuits came to Decatur to interview four former Bridgestone/Firestone employees about plant practices prior to the recall. The retirees told the lawyers they were required to use outdated rubber to make tires, some tires were never inspected and the quality of work at the plant suffered under the strain of mandatory 12-hour shifts.

Congress also has weighed in on the matter by holding hearings that zeroed in on whether Bridgestone/Firestone and Ford lied and covered up the problem long before it was publicly disclosed last spring by a Houston television station and subsequently by the *Chicago Sun-Times*.

Two Illinois congressmen — Chicago Democratic Rep. Bobby Rush and Collinsville Republican Rep. John Shimkus — heard testimony from apologetic Ford and Bridgestone/Firestone executives, who early last month appeared before the House Commerce Subcommittee on Telecommunications, Trade and Consumer Protection.

"After hearing from government officials and Ford and Firestone, I believe that they all let this problem fall through the cracks," Shimkus says, adding that he was "disappointed that these companies let pride and profits come before public safety."

The companies were sued over faulty tires as early as 1992 and large numbers of claims stemming from tread belt separation were noticed by Firestone in 1996. Then, in 1999, Ford recalled these tires in Middle East countries.

As Congress mulls its next step, the damage against one of the best-known brand name tires is likely to be enduring and possibly, as Decatur's mayor and marketing experts suggest, catastrophic.

"I think back to the Tylenol situation," Loyola University marketing professor Raymond Benton says, referring to the unsolved string of 1980s murders in the Chicago area stemming from the tainted bottles of the painkiller. "They handled it rapidly, decisively, and Tylenol's brand name survives."

"But for Firestone, as news keeps coming out, it looks like maybe they've been aware for a long time. If that turns out to be the case, this could be disastrous for them."

Dave McKinney

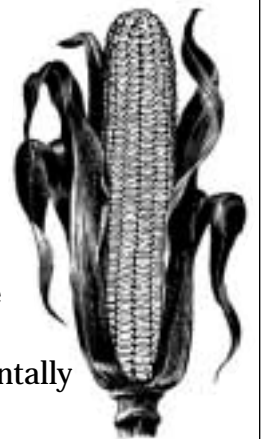
Statehouse bureau chief, Chicago Sun-Times

## Farm Service Agency

### Supporting agriculture

### Illinois #1 Natural Resource

- Renewable
- Sustainable
- Exportable
- Environmentally Friendly



*"We help farmers grow plentiful, affordable food for the people of Illinois and around the world."*



## Census regulations a boon for rural economies

Small communities throughout Illinois will collect millions of dollars in federal benefits over the next decade because more than 42,000 prisoners are being counted in the 2000 census in the towns where they are incarcerated.

Under federal regulations, Illinois inmates are considered residents of these small municipalities, not of their hometowns. As a result, prisons often increase a town's population dramatically.

Census tallies help determine federal and state funding for education, health care, transportation and other public services. Further, prison inmates lower the per capita income of a city, making it eligible for even more federal dollars, including funds from the U.S. Department of Housing and Urban Development.

But little, if any, of those funds go directly to prisoners, U.S. Census Bureau officials say. "I'd be stretching to make an argument that there's a direct benefit to the prisoners themselves," says Ed Gore, assistant division chief for field programs for the bureau. According to Gore, the only benefit to inmates is "better infrastructure" such as roads and sewers in the communities where the nearby prisons are located.

The 27 Illinois cities with nearby state prisons, however, celebrate the cash windfall or other, indirect advantages a prison brings to town. (Eight of those towns have not annexed prisons.)

"It enabled a small community to lift itself up by the bootstraps," says Thomas Denton Jr., economic development coordinator for Pinckneyville, a community near the southern end of the state. "In the last three years, we have had \$435 million of capital investment in our city limits [because of construction of the prison]."

Construction of infrastructure necessary for the Pinckneyville Correctional Center, which opened in 1998, helped that community move forward with the development of two industrial parks, which, in turn, led to the creation of 1,500 jobs.

There are other benefits, as well. Pinckneyville has a population

of about 6,000, including more than 2,000 prison inmates. It receives approximately \$200,000 annually in additional revenue due to that population, according to Denton.

While other small towns see similar benefits to having a prison within city limits, Cook County will lose nearly \$88 million because its residents make up almost 63 percent of inmates statewide. According to data from the state Department of Corrections, while Illinois inmates spend an average of 1.8 years behind bars, most return to their hometowns after their release.

"Those folks should be counted in the home cities," argues Diane Williams, president and chief executive officer of the Safer Foundation, a Chicago nonprofit that provides services to former inmates and prisoners in work-release programs. "That's where they're going to spend the preponderance of those 10 years [covered by the census]."

But Gore counters that it's not technically feasible to count people in their hometowns. The census, meant to provide a snapshot of the nation's population, is designed to count people where they are spending most of their days at the time of the census.

Most town officials agree prisons don't impose additional local operating costs. And the extra dollars generated through the prison population are usually earmarked for infrastructure and general city operating expenses.

However, some note the state realizes a return, too. "We spend a portion of it on the facilities. We take care of the outside area," says Frank Derickson, mayor of Chester, the southern Illinois community where the Menard Correctional Center is located. Chester's population increased from 5,400 to 8,200 when the prison was annexed a few years ago. And the city expects to get more than \$300,000 each year in added revenue due to the prison population, Derickson says.

The city of Pontiac, a community in the north central section of the state with a 1990 population of 11,428, also spends much of its extra federal

funding on infrastructure improvement around the local prison. Robert Karls, city administrator, says the town receives \$120,000 annually because of the 1,500 inmates housed at Pontiac Correctional Center.

The prison is Pontiac's second-largest employer, with 900 workers. "Number one, they [the prisons] are a major, major employer and a steady employer. They're pretty well insulated from economic downturn," Karls says.

Still, some cities don't attempt to use the added census funds to improve areas near the prison. "It's for the city to use, not the Department of Corrections," says Donald L. Randich, mayor of Crest Hill, home to Stateville Correctional Center in Will County near Joliet. Nearly 20 percent of Crest Hill's population of more than 13,300 lives in the prison. As a result, the city realizes approximately \$270,000 annually because of the prison's residents, Randich says.

The additional census funds, coupled with employment opportunities and other advantages — the prisons are generally the largest water and sewer customers in town — have encouraged other cities to woo the Department of Corrections.

Stephen Turner, economic development coordinator for Taylorville in central Illinois, says his city would receive more than \$120,000 annually if it annexed the nearby Taylorville Correctional Center.

There are, however, numerous other pluses to being less than a mile from a state penitentiary. Most of the prison guards live in town, and prison work crews are used for city construction and cleanup, Turner says. Taylorville sells the prison water at twice the city rate.

But the prospect of added revenue has ignited discussion about incorporation in the past. "We would see some revenues coming back that were calculated on population,"

Turner says.

*Molly Dugan  
Graduate student at Northwestern  
University's Medill School of Journalism  
and former intern at The Chicago Reporter*

## Excerpt

### If Illinois loses a congressional seat, it should come from the city of Chicago

*Shortly before the beginning of the new year, the Census Bureau will deliver the country's decennial headcount to the president. That will set in motion a reapportionment of the nation's 435 U.S. representatives. The state legislatures then will draw new congressional district maps within their borders. And Charles N. Wheeler III, who previews this state's remap for the Almanac of Illinois Politics — 2000, published by the University of Illinois at Springfield's Institute for Public Affairs, notes Illinois is in jeopardy of losing one seat.*

*The projection rests on a study by Election Data Services Inc., a Washington, D.C.-based consulting firm. According to Wheeler, the EDS analysis, based on state-by-state population estimates for 1999 released by the Census Bureau in late December, shows that if Congress were reapportioned on the basis of the estimates,*

*Illinois would fall 39,898 residents short of holding its 20th seat.*

Overall, the state's population grew by about 615,000 since 1990, the estimates showed, but the growth was not uniform within the state's regions. While suburbia added some 487,000 residents, Chicago gained only about 18,000, while downstate grew by almost 110,000.

If the census confirms the trend, the city again would be entitled to only five of 20 congressional districts; if Illinois drops to 19 districts, the lost seat should come from the city. Based on the estimates, the suburbs would be entitled to eight districts and downstate to seven districts, whether the state's apportionment is 20 or 19.

If protecting minority incumbents becomes a priority in congressional redistricting, the math suggests that two white ethnic congressmen, U.S. Rep. William Lipinski, a Southwest

Sider from the 23rd District, and U.S. Rep. Rod R. Blagojevich, a North Sider from the 5th District, could be threatened. Even under a Democratic-drawn map, the danger for either is that so many suburbanites might have to be added to reach the required population that the district's political complexion would become too Republican.

Another possibility is that the 9th District along the city's lakefront, now held by U.S. Rep. Jan Schakowsky, an Evanston Democrat, could be moved north and combined with the North Shore's 10th District, from which [U.S. Rep. John] Porter [a Wilmette Republican] is retiring. Indeed, such a move seems certain under a Republican map if a Democrat — most likely [state Rep. Lauren Beth] Gash [a Highland Park Democrat] — wins Porter's seat in November.

Thus, given the prevalent demographic trends, Chicago seems certain to lose at least one congressional seat, just as the city gave up one of the two seats Illinois lost after the 1990 census.

# How high the bar?

Judicial races are becoming more like other campaigns.  
Does that threaten the integrity of the bench?

Analysis by Aaron Chambers

Criminal Appeals Court Judge Pam Baschab went for votes the old-fashioned way. When she ran for chief justice of the Alabama Supreme Court last spring, she walked from one end of the state to the other.

Judges in Alabama, as in most states, stand for election. So Baschab, just like a nonjudicial candidate, hit the road and met voters. The walk, in and of itself, may not seem unusual in a judicial race. But Baschab's walk wasn't just for votes.

"It was a pilgrimage against the money," she says. "It was a cry out to the public to let the public know, the best way I could, without selling out, that justice is for sale in Alabama."

DuPage County Circuit Judge Bonnie M. Wheaton had a similar protest in mind when she ran for the Illinois Supreme Court last spring. She spent \$1.48 million of her own money on her campaign, she says, to highlight the hundreds of thousands of dollars in contributions her opponents were taking.

"Why would people give such large amounts of money if there was nothing that they wanted in return?" says the judge's campaign manager, Grace McKnight. "That's the point she tried to make by using her own funds."

The judges' messages resonated

within their own campaigns and, to some extent, in the media. But elsewhere, they apparently fell flat. These two judges lost their high court campaigns, and neither of their races deterred other judicial candidates from raising and spending millions of dollars.

Still, their efforts highlight what reformers argue is the single greatest threat to the independence of the courts: Judicial candidates have become more like other political candidates. They raise increasing amounts of money — much of it from lawyers, businesses and other special interests — to wage television ad campaigns, some of which engage in public debate on controversial issues.

There is no proving, of course, that campaign contributions to judges, or other political candidates for that matter, color their decisions while in office. And reasonable people within the legal community can and do disagree about whether the bench is tarnished when some justices take to the airwaves in the heat of a campaign to argue policy questions. But on one point there is plenty of evidence: There has been a decline in public respect for the judiciary that stems from this increasingly political election process.

There's no question, either, that judicial campaigns are getting more expensive. This year, candidates for the bench in several states broke previous spending records. In Ohio, as much as \$12 million is expected to be spent in the battle for a single Supreme Court seat. Candidates in that state are limited by a high court rule on how much they can spend, but the rule doesn't restrict spending by political action committees.

The spending hasn't gotten that high in Illinois. Still, records were broken this year when three candidates for the Illinois Supreme Court spent more than \$1 million each, and a fourth spent almost that much. The \$580,000 spent in 1992 by Chief Justice Moses W. Harrison II is believed to be the previous record.

In this state, there are no caps on contributions or expenditures for

judicial or nonjudicial candidates, but those who raise or spend more than \$3,000 in a one-year period are required to file semiannual campaign finance disclosure statements with the State Board of Elections.

According to those records, 20 winning candidates in the Cook County Circuit Court races spent more than \$600,000 this year on 19 primary races. (Both parties fielded candidates in only one of the races.) In a four-way Democratic race for one countywide vacancy, candidates spent a combined total of more than \$460,000, which is believed to be a record amount spent on a circuit court race. Chicago lawyer Joyce M. Murphy won the race. Marvin Leavitt, who came in second, spent nearly \$284,000.

The increasing role of money in judicial races has garnered the most attention from the media and numerous task forces studying judicial election reform, but that's not the only trend in judicial campaigning. Candidates for the bench in some jurisdictions also are raising issues, even taking sides on such questions as abortion, a move many in the legal community believe could compromise objectivity on the bench. Indeed, in states where races have traditionally been nonpartisan, political parties have begun assuming a greater role in getting judges elected, helping to fuel the debate on judicial independence.

**And that brings** us back to the Baschab and Wheaton races. Those campaigns brought national attention not only to concerns about campaign cash but to concerns about how judicial races are run. Issues were raised in those races that, some argue, were designed specifically to appeal to conservative voters. Baschab lost the June primary to Etowah County Circuit Judge Roy Moore, a small-town Alabama jurist who gained national notoriety by refusing to remove the Ten Commandments from the wall of his courtroom. Wheaton lost to 2nd District Appellate Justice Bob Thomas, a former Chicago Bears placekicker who handed out fliers touting his anti-abortion stance.



"Clearly, when somebody comes out and says, 'I'm against abortion' and 'I'm gonna put the Ten Commandments in my courtroom,' you know those are things that a judge shouldn't do and [those positions] shouldn't affect what a judge is going to do in any particular case," says Abner Mikva, a former federal judge who co-chairs an American Bar Association task force studying ways to improve judicial selection. Further, Mikva worries about appeals to conservative voters. "I have no doubt in my mind that many of the state court races, while they've been decided in part by big money, they've also been decided by the fact that the more conservative candidates tend to get this core of ideological supporters that are much more involved in the judicial races than the average citizen normally would be."

For his part, Thomas downplays the significance of his anti-abortion message, saying while the issue might have appealed to some voters in his district, it was hardly the winning factor in his race. "I would suspect that if there were people that felt the same way I do, that they probably voted for me," says Thomas. "But I really feel that, in looking at the polls, there are people on the other side of the issue who voted for me as well, who thought I was fair-minded and a man of character and not afraid to say where he stood on an issue of core values."

Supreme Court Justice S. Louis Rathje, who also lost to Thomas in his race to keep the seat he was appointed to, disagrees. He says Thomas knew exactly what he was doing and that he broke ethics rules to win votes. "It was my belief that he, in essence, stepped over the bounds of Rule 67 in an attempt to garner a certain segment of the Republican voters," Rathje says.

Illinois Supreme Court Rule 67 governs political activity of judges and judicial candidates. Thomas says



Illinois Supreme Court Building



he followed the “letter and spirit” of the rule and points to a written statement by Justice James D. Heiple that accompanied the high court’s adoption of the rule in 1993.

Heiple’s interpretation was that the rule was adopted with the understanding that Illinois has an elective judiciary and that judges must involve themselves in political matters.

“Realistically speaking, it is not enough for the judge or candidate to merely give name, rank and serial number as though he were a prisoner of war,” Heiple wrote. “Rather, the public has a right to know the candidate’s core beliefs on matters of deep conviction and principle. While the candidate is not required to disclose these beliefs, he should neither be deterred nor penalized for doing so.”

No one disagrees that getting a candidate’s message out costs money. And television advertising, the most expensive medium, is the medium of choice in highly contested races. This year, candidates for Illinois’ high court spent most of their money on television, other media and political consultants. “To have any significant impact in the metropolitan Chicagoland area, you need to expend a minimum of \$300,000 to \$350,000 over a period of two and half weeks,” says Thom M. Serafin, a Chicago-based media consultant who for a time worked on Rathje’s campaign. “That’s a minimum.”

That is not encouraging news to reformers. The judiciary, they argue, is supposed to provide a balance to the popularly elected branches of government. Forcing them to raise money on the stump, they say, necessarily erodes public confidence in judicial rulings.

“Money always leads to a problem, an appearance problem,” says Thomas R. Phillips, chief justice of the Supreme Court in Texas, where million-dollar high court races have been the norm for nearly two decades. At the very least, he argues, it leaves the door open for people who lose lawsuits to complain.

To the extent possible, reformers would insulate judges from politics altogether.

Proponents of the elective system counter that any alternative, including “merit” selection, or appointment of judges, would be no less political. At least with elections, that line of reasoning goes, candidates can market their credentials to the public.

“It’s a free society, and people can run and present their credentials,” says Illinois’ Chief Justice Harrison. “However, that doesn’t mean that it’s going to be a lot less political if we have some other group or person deciding who the judges are going to be. I would rather have it with the people.”

Still, pressure for some judicial campaign reform is building. This coming December, the chief justices of the 15 largest states with judicial elections are expected to meet in Chicago to discuss the issue. The meeting, which is being coordinated by the National Center for State Courts, will include representatives of California, Florida, Georgia, Illinois, Indiana, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Washington and Wisconsin.

In the meantime, the Cook County Judicial Advisory Council, a body that studies problems in the judicial system and makes recommendations for change, announced in August that it had formed a special task force to provide voluntary guidelines for judicial candidates. The task force, formed to help candidates run professional and ethical campaigns, also plans to establish a hot line for candidates with questions.

An Illinois State Bar Association committee also is looking at the behavior of judicial candidates.

Three other committees, funded by the Chicago-based Joyce Foundation, were launched last May to examine whether campaign contributions to judges affect the judicial system and whether the judicial campaign funding system can be reformed.

Those committees were formed by the American Bar Association, the Chicago Council of Lawyers and the Helena, Mont.-based National Institute on Money in State Politics to examine judicial races in Illinois and

surrounding states.

Thus far, moves toward an appointed judiciary have gone nowhere in the Illinois legislature. At least three proposed constitutional amendments to provide for some form of merit selection have been introduced in the House in the last two years, but they haven’t budged.

Throughout the country, some legislatures have blocked moves toward merit selection or alternative plans for an appointive bench, reform advocates contend, because party leaders believe they have more control over an elective system.

“In states that have strong party traditions, and Illinois is one, [passing merit selection] is probably harder to do,” says William T. Pound, executive director of the National Conference of State Legislatures. “The pieces are linked, if I can say, through the party. It’s not only legislators, but [also] local officials, county officials, judicial officials ... they are all part of a system.”

Whether campaign contributions to judges can affect judicial decisions seems to be the \$64,000 Question for most groups studying possible reforms. Judges who have taken large contributions, and the contributors who gave them, deny any link between money and court rulings. Reformers, on the other hand, say the point isn’t so much whether contributions buy influence, but whether politicized judicial races and the appearance of impropriety have eroded public confidence in the bench.

Several recent polls found they do.

- A 1999 survey by the National Center for State Courts found that 78 percent of the respondents agreed that “elected judges are influenced by having to raise campaign funds.”
- A 1999 survey conducted on behalf of the Texas Supreme Court found that 48 percent of that state’s judges and 79 percent of its lawyers believed that campaign contributions significantly influenced courtroom decisions.
- A 1998 report by a special committee of the Pennsylvania Supreme Court found that

88 percent of that state’s registered voters thought judges’ courtroom decisions were influenced at least some of the time by campaign contributions and 37 percent thought it was most or all of the time.

- A 1995 report by a special committee of the Ohio Supreme Court found nine out of 10 Ohioans believed that judicial decisions were affected by political contributions.

Ironically, when states began to adopt elective systems for the judiciary in the early 1800s, it was because reformers believed electing judges would inspire public trust. If bad judges were elected, they argued, the public would have recourse at the ballot box. But soon, judicial candidates were taking campaign contributions from lawyers and litigants, raising questions about their impartiality. The American Judicature Society suggested merit selection in 1913, shortly after that nonpartisan group was formed.

Today, according to the judicature society, judges in 38 states stand for election at some level of the court system. Thirteen of those states have a partisan system, the system that has attracted the most attention. Another 18 hold officially nonpartisan elections, though political parties endorse in those races. Other states use a form of merit selection or other appointive systems. Several states fall into more than one category because the way judges for different levels of the court system are selected varies.

Illinois uses a modified electoral system. Circuit, appellate and Supreme Court candidates in this state run in contested, partisan elections for their first terms. Judges who want a second or subsequent term run for retention, essentially in a race against themselves. Meanwhile, associate judges, who serve at the circuit court level, are chosen by the elected circuit court judges. The Supreme Court makes interim appointments at all three levels of the court system to fill vacancies.

The retention election, a device

designed to satisfy voters’ desire to play a role in selection without risking improper political influence on a sitting judge, differs most from nonjudicial elections. Candidates for retention run unopposed on the ballot and voters simply choose whether to retain them. Several states use that system.

Meanwhile, 17 states require some judges who are initially appointed to the bench by a nominating commission to run for retention.

Though retention races are officially uncontested, in recent years some of those races have attracted big money. Three California Supreme Court justices were ousted in 1986 after grass-roots organizations spent about \$7 million opposing retention. And in Illinois this year, Supreme Court Justice Charles E. Freeman may face an anti-retention campaign following controversial judicial appointments he made in Cook County. He has hired a public relations firm to advise him.

Efforts to reform the judicial election system rest on the assumption that, though judges run for office like other politicians, they should be held to a higher standard. They are not democratic representatives like legislators and governors. Judges are supposed to represent the rule of law, reformers say, and not the will of the majority.

A 1998 American Bar Association task force made several recommendations for change, including expanding judicial candidate disclosure requirements. Though effective campaign disclosure has been federal law since 1971, the task force wrote that judicial candidates and their campaign committees should be required to take additional steps to ensure public access to the information.

Some observers, meanwhile, argue judicial disciplinary agencies throughout the country have become more active in charging and prosecuting judges who stumble ethically on the campaign trail. Cynthia Gray, director of the Center for Judicial Conduct Organizations at the



judicature society, notes that some states have taken steps to prevent unfair campaign tactics and to respond to complaints about judicial campaigns.

Illinois’ Code of Judicial Conduct prohibits judges from articulating their views on issues that might come before them. Thomas, the Illinois candidate endorsed by anti-abortion groups, was not accused by the state’s Judicial Inquiry Board of violating that code in connection with his primary campaign.

The question remaining then is whether, under an elective system, judicial candidates should be expected to stretch and, in some cases, skirt their unique campaign rules to garner certain votes. Or should judicial candidates be expected to rise to a higher standard?

“We hope that aspiring judicial candidates would operate well above the bottom line of acceptable conduct,” says Robert P. Cummins, former chair of the inquiry board, now a partner with the Chicago firm of Cummins & Cronin LLC. “So when you’re arguing about how many angels are on the head of a pin, over whether one can or can’t articulate a view of a particular subject, then I think we’re in trouble.”

But we get what we pay for. And so long as judges are elected, realists say, candidates for the bench will do what they have to do to win. □

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

*This story and the two that follow were partially funded by a grant from the Joyce Foundation through The Sunshine Project of the University of Illinois at Springfield. Joyce and the project has funded other articles about campaign finance in Illinois Issues, including “The four tops,” in November 1996 and “Cash vs. citizens,” in October 1998.*

# Benchmark contributions

## Primary winners in contests for Cook County court seats solicited hundreds of thousands of dollars through their campaign committees. Should we worry about their independence?

by John Flynn Rooney

Marvin Leavitt shelled out more than \$280,000 of his own money in an unsuccessful bid last spring to win a Cook County circuit court seat. Though Leavitt's tab was notably steep, it reflects a trend. While the high-profile Illinois Supreme Court primary races earlier this year garnered attention as big-bucks affairs, candidates in some less-visible Cook County trial court races spent more than \$100,000 too.

In the race to fill the countywide vacancy created by the 1999 death of Judge Joan M. Corboy, Leavitt and three competitors spent about \$460,000, which is believed to be a record amount for a circuit court contest. Ironically, the winner of that race, Chicago lawyer Joyce M. Murphy, spent nearly \$39,000, while the second-place finisher, Leavitt, a circuit court judge sitting by temporary appointment, forked out almost \$284,000, with much of that cash coming through loans from himself. (Leavitt says he wound up financing much of his own campaign and won't hold any more fundraisers.)

The level of total spending in that race differs only in degree from other campaigns for seats on the Cook County bench. The 20 candidates who won March 21 primary races raised — and spent — more than \$600,000, campaign disclosure reports filed with the Illinois State Board of Elections

show. The Illinois Election Code does not limit how much a candidate can receive or spend, and the campaigns for the circuit seats encompassing Chicago and suburban Cook County

doled out a total of \$619,291 for staff salaries, consultants' fees, media advertising, campaign literature and fundraising receptions.

While some judicial candidates say they don't like their campaigns raising money, they say it is nonetheless necessary with an elected judiciary. But critics charge such fundraising can lead to the appearance of a conflict of interest because most of the contributions come from lawyers.

"The problem is [that] to spend the money, you have to raise it," says Marlene Arnold Nicholson, a DePaul University law professor who has written about the funding of Cook County circuit court races. "That means [candidates' committees] go to attorneys, which at least has the appearance of a possible conflict of interest, or they have to use their own money."

The victors in races for circuit and subcircuit seats, which represent smaller geographic areas than those elected countywide, spent about \$30,000 on average, with one candidate spending only \$3,200. Of the 19 circuit court seats that appeared on the primary ballot, 12 involved countywide races, while the other seven contests occurred in subcircuits, districts created by the legislature to boost minority and Republican representation on the bench in Cook County.

"The average spent by winners [in judicial races] at least in comparison to other big states — \$30,000 per victor — is not a startling average," says Patrick M. McFadden, a Loyola University law professor who has followed judicial campaign financing. "You start to get startled when the total campaign expenditures become multiples of the annual [judicial] salary."

Cook County circuit judges are paid \$132,184 annually and are elected to six-year terms. Judges elected countywide and from the subcircuits serve all county residents and typically hear matters ranging from traffic tickets to high-stakes personal-injury cases and constitutional issues.

Illinois' judicial ethics rules prevent candidates from personally soliciting or accepting campaign contributions. But the candidates can establish campaign committees to conduct fundraising. And the dollars for last spring's races arrived from several sources, with most coming by way of contributions from lawyers and other individuals. Labor unions, business executives and relatives of candidates also supplied cash.

Sources of campaign funds can raise questions of propriety. For example, should candidates accept contributions from attorneys who may later argue a case in their courtroom?

"I do not think judges or judicial candidates should have to solicit money, primarily from lawyers, to finance their campaigns," argues J. Timothy Eaton, a Chicago lawyer and president-elect of the Illinois State Bar Association. "Whether or not those lawyers ever actually appear before the judges, it certainly gives the public the appearance of impropriety."

Campaign filings reflect more than the rising level of spending in circuit races. They highlight the often-personal relationships between contributors and candidates. Reports show, for instance, that the largest individual contribution to a winning candidate in the Cook County circuit races was \$7,000 from the late Judge Joan Corboy's father, powerhouse Chicago personal-injury lawyer Philip H. Corboy, to her widower, James R.

Epstein, for his race in the 9th Subcircuit. Richard J. Holland, director of investments for CIBC Oppenheimer Corp., gave \$5,000 to Paul A. Karkula's judicial campaign, representing the biggest contribution to a winning candidate by a non-lawyer. Karkula is a judge sitting by interim appointment who worked as an associate for Chicago lawyer Edward R. Vrdolyak's firm before joining the bench.

Meanwhile, the Chicago Fire Fighters Union Political Committee kicked \$3,000 into the coffers of Matthew E. Coghlan's circuit court campaign. Coghlan, a Chicago firefighter and part-time assistant Cook County state's attorney, won a primary race for a countywide seat after spending \$25,829.

The cash can flow both ways, though. The Cook County Democratic Party endorsed candidates in each of the dozen countywide vacancies, and most of those candidates transferred \$13,607 from their war chests or contributed to the party organization, while the remainder transferred smaller amounts, records show. The party requires all slated candidates, including those in nonjudicial races, to contribute funds toward the printing and mailing of campaign literature, says Thomas G. Lyons, the party's county chairman.

Historically, Democratic candidates prevail in those races, and no Republicans ran in the March primary races for the countywide spots. A lone contested circuit court race — for a seat in the 15th Subcircuit — is expected to appear on the November ballot.

So intense was the drive to spend on judicial primary campaigns that personal loans from the candidates played a big part. At least 10 primary winners loaned their campaigns approximately \$115,000, ranging in amounts from \$1,000 to \$30,000, records show.

In fact, these loans put a new twist on long-standing concerns about the sources of contributions to judicial campaigns, says Seth Andersen, director of the Elmo B. Hunter Citizens Center for Judicial Selection,



a branch of the American Judicature Society. "Obviously, someone who is spending most of their money on their own campaign is not going to be seen as being beholden to their own contributors," Andersen says. "But I think the concern instead is that the system is evolving so that only those who can afford that kind of personal outlay can run for the bench."

Yet even personal wealth offers no guarantee of victory. Leavitt was defeated by Murphy, who loaned her campaign \$5,500, money she considers "well spent." Murphy's personal outlay of cash approximates the \$5,000 last-place finisher Thomas J. Lawler, an assistant Chicago corporation counsel, estimates his campaign spent altogether.

While Leavitt received the backing of the Democratic Party, he says he later determined that some committeemen weren't going to support him, prompting him to pump \$216,100 in loans into his campaign in the two months before March 17. He also kicked in \$38,500 for "in-kind" contributions to pay consultants and printing costs for campaign literature. In-kind contributions, services or materials that are provided, are not included in the total expenditures of campaign contribution reports.

"When I learned that certain of the committeemen had indicated they weren't going to endorse me even though I was the slated candidate, I felt compelled to publish literature that I could distribute into the community to demonstrate that I was found highly qualified by almost every bar association and [was] superior to the other candidates in the race," Leavitt says.

Further, Leavitt, who received nearly \$25,000 in individual contributions, says he chipped in so much of his own money for the race because when he ran unsuccessfully for the Illinois appellate court two years ago, he raised some funds from supporters.

### March 2000 primary winners

CANDIDATE	RAISED	SPENT
<b>Countywide</b>		
1) Mary Margaret Brosnahan	\$.13,062	\$.14,787
2) Matthew E. Coghlan	\$.32,983	\$.25,829
3) Frank J. Dolan	\$.65,567	\$.67,586
4) Donna Phelps-Felton	0	\$.8,536
5) Michael T. Healy	\$.21,725	\$.21,891
6) Paul A. Karkula	\$.46,930	\$.59,840
7) Marcia Maras	\$.47,600	\$.38,753
8) Joyce M. Murphy	\$.40,274	\$.38,878
9) P. Scott Neville Jr.	\$.28,241	\$.32,100
10) Joan M. O'Brien	\$.11,212	\$.13,341
11) Thomas D. Roti	\$.26,879	\$.18,196
12) Colleen F. Sheehan	\$.36,430	\$.36,430
<b>Subcircuits</b>		
1st) John O. Steele	\$.16,295	\$.42,083
3rd) Peter A. Flynn	\$.21,400	\$.21,024
5th) Loretta Eadie-Daniels	\$.3,235	\$.3,219
9th) James D. Epstein	\$.104,390	\$.100,869
13th) Anthony A. Iosco	\$.13,279	\$.13,238
14th) Maura Slattery Boyle	\$.34,360	\$.19,217
15th) Marcella C. Lipinski (D)	\$.15,740	\$.15,534
Robert P. Parchem (R)	\$.26,896	\$.27,940
<b>TOTALS</b>	<b>\$.606,498</b>	<b>\$.619,291</b>

\* SOURCE: Campaign disclosure reports filed with the Illinois State Board of Elections



"I didn't feel I wanted to impose upon a number of people like I did the first time around," he adds.

Records show his campaign paid nearly \$173,000 to various consultants. "I brought in the consultant who advised that the only way to overcome my opponents ... was to make known my qualifications," Leavitt says. The largest piece of the consultant's pie — \$136,000 — went to A & L Consulting on Chicago's Northwest Side. George Atkins, A & L's president, says the money went toward more than 300,000 pieces of direct mail, production and air time for commercials on cable television and automated phone messages to potential voters.

The third-place finisher in that race, Dennis M. McGuire, an assistant Cook County state's attorney, spent \$133,260 on his campaign; much of that cash went for some two dozen billboards, direct mail, radio commercials and newspaper advertisements, records show. McGuire's campaign received a boost from a \$40,000 loan provided by the candidate's brother, Michael McGuire, an options trader.

"We'll do more fundraising and if we don't raise [the \$40,000], I'll pay him out of my own pocket," Dennis McGuire says, referring to his brother. McGuire says he plans to run for the bench again, possibly in two years.

Were it not for family ties, the hefty Corboy-

related donation to the Epstein campaign might have generated debate. Epstein's campaign took in \$104,390, and a little less than half of that money — \$49,500 — came from lawyers or spouses of lawyers in Philip Corboy's firm, Corboy & Demetrio P.C., records show. Epstein, who is Corboy's son-in-law, spent the most — \$100,869 — of the victorious circuit court candidates, after bringing in \$104,390, records show.

A judge sitting by interim appointment, Epstein faced four others in the Democratic primary for a seat in the subcircuit comprising Evanston and Niles townships and parts of Chicago's North Side.

"He's family," Corboy says, adding that the firm's employees have long known Epstein. "That's why people around here were so fiscally responsive. To know Jim is to love him."

Corboy and Epstein say they were unaware how much those associated

with the firm contributed. They also stress that none of the firm's lawyers would ever appear before Epstein, who hears felony criminal cases in the court's Skokie branch.

"If you have a system where lawyers are contributing to judicial campaigns, what could be more assuring to the public than to know that most of the lawyers who contribute to the campaign could never have their cases heard by the judge to whom they are contributing, which is the case for all the lawyers who contributed from Corboy & Demetrio," Epstein says.

Still, even he concedes that the money-raising aspect of a judicial campaign makes him uncomfortable. "But," he adds, "you have no choice under the current system." □

*John Flynn Rooney writes for the Chicago Daily Law Bulletin and covers the Cook County courts.*

## Judicious spending

Lawyers put the most money into judicial campaigns. But that could change as labor unions, business organizations and other special interest groups put more dollars into those races

by Aaron Chambers

Illinois has joined the club. When three candidates for the Illinois Supreme Court spent \$1 million in their primaries this year, and a fourth

spent nearly that much, this state took its place next to such states as California and Texas, where millions of dollars have rolled into high court races for nearly two decades.

DuPage County Circuit Judge Bonnie M. Wheaton spent \$1.5 million. Cook County Circuit Judge Thomas Fitzgerald spent \$1.04 million. Appointed Supreme Court Justice S. Louis Rathje spent \$1.01 million. And 1st District Appellate Justice Morton Zwick spent \$974,411.

The \$580,000 Chief Justice Moses W. Harrison II spent in 1992 on his primary and general election races was the previous record, says Kent Redfield, a political science professor at the University of Illinois at Springfield. The \$447,631 spent by Justice James D. Heiple that same year was the record spent on a general election race alone. Five candidates

for the high court seat won by Justice Mary Ann G. McMorrow in 1992 spent a combined \$804,000.

By way of comparison, the campaign waged by Supreme Court Justice Benjamin K. Miller in the 1980s was thought to be expensive. He spent \$255,258 on both the primary and general elections in 1984. Miller, a Springfield Republican, won the seat.

Three open seats on the state's high court, and a growing interest in judicial races, are credited for this year's cash rush. Most of that money has been spent on television advertising, other forms of media and political consultants.

**Whatever the reason** for the rise in spending, some experts predict the tabs for Illinois judicial races are likely to go even higher. After all, Texas, California, Ohio, Pennsylvania and Alabama have had million-dollar high court races for years. Illinois' high court races can be expected to join the trend.

"[The costs of] all campaigns have skyrocketed," says Jim Collins, executive director of the Illinois Trial Lawyers Association.

"If one thing works for a given team, they all will try to do it," says A.L. Zimmer, general counsel to the State Board of Elections. "So the contest becomes more intense. People



want to win elections, so, if they find that advertising is effective, they say, 'We'll have more advertising,' and that's going to cost more money. I think it's just the natural course of anything that's greatly fought over."

**But there's** an additional reason judicial campaigns are getting more expensive: Third-party political action committees have begun to wage their own campaigns for and against judicial candidates.

In Ohio this year, as much as \$12 million is expected to be spent in a battle over a single high court seat. About half of that is expected to be spent by business political action committees trying to oust an incumbent justice who wrote the majority opinion that struck down that state's law limiting damages that plaintiffs can win in civil actions, a so-called tort reform.

Business PACs and other special interest groups haven't been as active in waging their own campaigns in Illinois' high court races, but that could change. Small businesses, big businesses and business PACs did donate to Illinois Supreme Court candidates this year, but their contributions paled in comparison to those made by lawyers and law firms, who have historically kicked in the bulk of contributions to judicial candidates' kitties.

"Very, very large sums of money have been going to judicial candidates for decades," says Todd Maisch, vice president of government affairs at the Illinois Chamber of Commerce. "The problem is that it's only been lawyers that have been doing it. The truth is the business community is going to stand up and take note, and we are not going to leave the judicial system at the mercy of the law profession."

Illinois business this year did favor

one high court candidate, state Sen. Carl E. Hawkinson, a Galesburg Republican, running in the 3rd District. A review of state Board of Elections contribution reports filed through June 30 by the candidates who will appear on the November 7 general election ballot indicates that business PACs gave a higher percentage of single contributions to Hawkinson than to any other candidate for the high court.

Hawkinson took in at least \$3,000 from business PACs, including \$1,000 from the Illinois Hospital and Health-Systems Association, \$1,000 from the Illinois Chamber, \$500 from the Illinois Construction Industry and \$500 from the Illinois Association of HMOs. Still, he also received contributions from trial lawyers, the business industry's traditional courtroom adversaries on such issues as tort reform. Hawkinson's trial lawyer contributors included \$1,000 from Bourbonnais attorney Thomas E. McClure and \$500 from Peoria attorney Robert C. Strodel.

Even with the help of business and legal interests, Hawkinson, who raised \$303,754 and spent \$291,156, didn't come close to some of the state's highest spending judicial candidates. Neither did his November opponent, Rock Island attorney Thomas L. Kilbride, a Democrat who raised \$38,755 as of June 30.

**The two** Supreme Court contests at the northern end of the state were far more expensive. Two candidates in the 1st District, which includes Cook County, and two in the 2nd District, which runs west of Cook County to the Mississippi River and north to Wisconsin, raised about \$1 million or more each. And, in step with tradition, lawyers and law firms contributed generously to several of those candidates. They gave hundreds of thousands of dollars to Fitzgerald, and to his opponents in the 1st District, as well as to candidates in the 2nd District and 3rd District races.

Fitzgerald, like Kilbride in the 3rd, also had solid support from labor, a traditional Democratic donor base. In the first six months of this year, for

example, Fitzgerald took in \$41,085 from labor PACs, including \$3,500 from UAW Illinois, \$150 from Motion Picture Projectionists, Local 110 and \$1,500 from International Heat & Frost Insulators, Local 17.

Fitzgerald, who raised \$1,037,665 and spent \$1,025,356 in the primary, has no opponent in the November election.

The race in the Republican-held 2nd District was even more expensive. Appellate Justice Bob Thomas, who won the GOP nomination, spent \$522,000, though that was only half of what each of his opponents spent. He faces Democratic Chicago attorney Larry D. Drury in November. Drury was unchallenged in the primary.

Thomas received money from lawyers and law firms, of course, including \$250 from Barrington Hills trial attorney Bruce Pfaff and \$250 from the Lake Zurich firm of Salvi, Salvi and Wifler PC. He raised \$531,095, including an \$18,000 loan from Chicago trial attorney Joseph A. Power Jr.

Maisch of the Illinois Chamber of Commerce says that as far as the Illinois business community is concerned, the big spending has just begun. This state's businesses, he acknowledges, have lagged behind their counterparts in other states in contributing to high court candidates. But if the Illinois Chamber can help it, he says, that will change.

Illinois, like Ohio, used to have a tort reform law, but it was struck down as unconstitutional by this state's Supreme Court. Maisch called that 1997 decision the "toughest lesson."

"Frankly, the Illinois business community is well behind business communities in several other states — Pennsylvania, Texas, Mississippi, Ohio — that have been actively participating in judicial races for a number of years," Maisch says. "And it's essentially a very tough lesson that you can work very hard to pass important, good pieces of legislation, only to have the courts throw them out. Then you're back to square one." □

## Power play for Illinois

A trio of races in this state could help tip the partisan balance in Congress. The national political parties are sending plenty of campaign cash

by Lucio Guerrero

From the posh homes on the North Shore to the middle-class towns in central Illinois to the rich farm ground of the Mississippi River valley, Illinois will find itself in the national spotlight come November 7.

In fact, Illinois is poised to be among a handful of make-it or break-it states in this fall's battle for control of the U.S. House of Representatives, where Republicans now hold a narrow five-seat lead. With two congressional incumbents retiring and the seat of another under siege, the state is already getting plenty of attention from the two major political parties.

Read plenty of cash. So far, Republicans have raised a monumental \$260 million nationally to hand out to candidates throughout the country. The Democrats have raised a not-too-shabby \$165 million. Though party officials won't specify how many of those dollars will come to Illinois, it's likely a significant share will.

"I would say that Illinois is one of the top four or five states that is being looked at nationally because some of the races are a toss-up," says Ron Faucheux, editor-in-chief of Congressional Quarterly's *Campaigns & Elections* magazine, a nonpartisan publication for the political industry.

"The national committees are being careful in targeting races, so they can

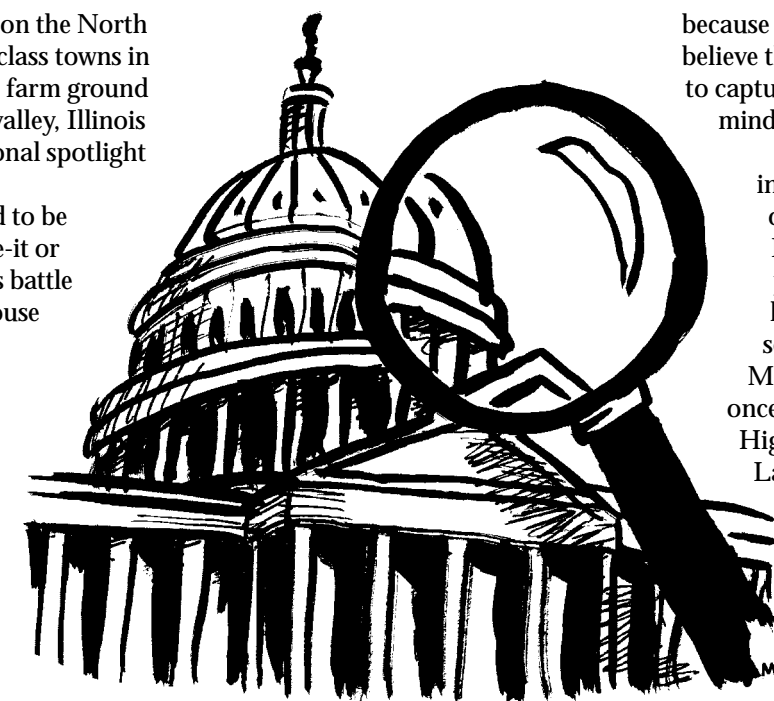


Illustration by Mike Cramer

because both major parties believe they have a good chance to capture that independent-minded voter base.

The district's 20-year incumbent, John Porter of Wilmette, a moderate Republican, surprised supporters when he announced his retirement. Running for his seat are Kenilworth Republican Mark Steven Kirk, who was once Porter's chief of staff, and Highland Park Democrat Lauren Beth Gash, a state representative and longtime local activist.

Central Illinois also is losing a congressional incumbent in the 15th District. The race to replace retiring Tom Ewing, a Pontiac

Republican who was elected in 1991, promises to be close, too. The candidates are Normal Democrat F. Michael "Mike" Kelleher Jr., an American government professor, and longtime state Rep. Tim Johnson, a Republican from Sidney.

In northwest Illinois' 17th District, incumbent U.S. Rep. Lane A. Evans, a Democrat from Rock Island, is trying to fend off three-time Republican challenger Mark Baker of Quincy, a development rep for the Illinois Department of Commerce and Community Affairs. *The Almanac of American Politics 2000*, published by the *National Journal*, calls this race

put a lot of money into them to make a difference."

The reasoning is simple: Congressional incumbents are almost impossible to dislodge, given their overwhelming advantages in money, name recognition and proven records. But open seats are another matter. A *Washington Post* analysis found three in five of the competitive open seats switched parties in the last election. And in Illinois, it's the open seats that are hotly contested.

The most compelling of these races is set along Lake Michigan's affluent North Shore. Illinois' 10th District has garnered considerable attention

“highly competitive” because Evans’ previous two wins were tight and because the demographics of the district continue to shift away from the Democrats. The almanac calls Evans “one of the most vulnerable incumbents in the country.”

But the parties consider the race in the 10th key.

That district is wealthier and better educated than the average Illinois voting bloc, and more independent-minded. It has a median household income of \$50,000 and 66 percent of its residents have a college degree, according to data compiled by the almanac. That’s high compared to the state as a whole: The state’s median income is slightly higher than \$32,000, and 46 percent of all Illinois residents have a college education.

The 10th straddles Lake and Cook counties, starting in the picturesque lakefront city of Wilmette and continuing north along Lake Michigan’s shores to the Wisconsin border. It extends westward toward Wheeling, Arlington Heights and Vernon Hills. The district’s communities are predominately white, and most residents commute to Chicago to work in white-collar jobs. However, there are a few blue-collar pockets, home to employees of Outboard Marine Corp., Cherry Electrical Products and the Great Lakes Naval Training Center.

But it’s the 10th’s tendency to swing to either party that makes the outcome in this year’s congressional election difficult to call. In 1996, the majority of the district’s voters went with Democratic President Bill Clinton, but in 1992 they backed Republican President George Bush.

Porter, a fiscal conservative and social progressive, has been popular throughout the district. No surprise, then, that both of the candidates hoping to replace him tout moderate credentials. As a lawmaker, for instance, Gash has been supportive of GOP proposals to reform education. Both support abortion rights and gun control measures. They would require trigger locks, ban assault weapons and impose strict background checks at gun shows.

These candidates do differ, though, on their assessments of their own and their opponent’s experience.

A native of the district, Kirk began his government career in 1984 as an aide to Porter, eventually serving as his chief of staff from 1987 to 1990. Kirk served in other Washington posts and in 1995 joined the staff of the U.S. House International Relations Committee as counsel under Chairman Benjamin Gilman of New York.

While critics argue Kirk has spent too long living and working out of the district, he calls the time spent in Washington valuable on-the-job training. “Washington is a very complicated place, and if you miss the difference between an authorization and appropriations bill, you could miss funding for a key issue in our district like the air control tower that I got for the Waukegan Airport,” he says.

Gash, meanwhile, is running on a platform that features local ties. “I have worked hard in this area and have raised a family here,” she says. “My kids were in baby-sitting co-op here, so I have driven the car pool and shopped at the local grocery stores. I know what’s important to the families here.”

Gash has worked for former U.S. Sen. Alan J. Dixon and in Paul Simon’s 1990 U.S. Senate campaign. Gash won her seat in the Illinois House in 1992 and is serving her fourth term. She chairs that chamber’s Judiciary Committee on Criminal Law and is vice chair of the Committee on Elections and Campaign Reform.

The concerns in the 10th, the candidates say, are similar to those that most other Illinoisans worry about, including health care. Both candidates support reducing the role of HMOs in treatment decisions. “Too often, the quality of care we receive is obscured by the insurance companies’ bottom line,” Gash says. “Too many health-care organizations have forgotten that their primary responsibility is to protect the health of their members.”

Kirk would offer seniors more flexibility in federal prescription drug programs. “No senior should have to choose between groceries and the prescription drugs they need,” he says.

“We need an effective program, offering flexibility and a choice of affordable plans to cover the cost of prescription drugs.”

And each candidate backs a plan to protect the environment. Gash supports Vice President Al Gore’s proposal to provide zero-interest bonds to local initiatives designed to protect open space and redevelop brownfields. Kirk is hoping to use his seat in Congress to further efforts to lower PCB contamination in the Great Lakes.

While local voters will decide which of these candidates heads to Washington, the national parties are keeping close tabs on this district. “We’re going to go all out. Short of some meltdown on either candidate’s part and the race disappearing from the ‘most competitive’ column, we’re going to treat [the race in the 10th] as if it is what it is. And that is one of the most competitive races in the country,” Rhode Island U.S. Rep. Patrick Kennedy told the [Arlington Heights-based] *Daily Herald* during last summer’s Democratic National Convention. As head of that party’s Congressional Campaign Committee, Kennedy holds the national party purse strings.

Indeed, the contest in the 10th already has drawn some big bucks. The candidates have raised more than a combined \$1.2 million for the upcoming general election. And in last spring’s primary, two Republicans raised \$1 million each in their losing effort against Kirk, who spent \$400,000.

The national parties also are watching the race in Illinois’ 15th District, where U.S. Rep. Tom Ewing is stepping down after almost a decade of service. Democrat Kelleher, a government professor at Illinois State University, is facing Johnson, a 24-year Republican state representative who manages a small farm.

Though it reaches through some of the richest farmland in the state, the 15th is not strictly rural. It encompasses many small towns and four sizable urban areas: Champaign-Urbana, Bloomington-Normal, Danville and Kankakee.

Again, national party money — and

oddly enough, a paper clip — is playing a major role in the election. This month, the Democratic Congressional Campaign Committee paid for Kelleher’s first television ad of the general election season. The ad highlights a 1980 incident involving Johnson’s voting record at the Statehouse. A photo captured a paper clip that was lodged in Johnson’s voting button so that he could vote along party lines while he was out of the chamber. The ad implies Johnson was legislating on autopilot.

For their part, national Republican leaders have sent some big names into the district, including U.S. House Majority Leader Dick Armey, to help raise cash for Johnson’s campaign.

On substantive matters, the candidates in the 15th are raising issues that face most of the nation: the debate over the need to reform Social Security and Medicare and improve access to prescription drugs.

The positions of these two candidates tend to follow party lines. On guns, for instance, Republican Johnson believes Congress shouldn’t approve any additional restrictions until the executive branch “makes a good faith effort to enforce the current gun control legislation.” He would support increased funding for enforcement of federal gun laws. Democrat Kelleher, meanwhile, slams Congress for not doing more to prevent gun violence. He would, for instance, require background checks for sales at gun shows and establish harsher penalties for those who buy guns for felons.

A third Illinois congressional race is attracting national attention. The 17th District lies in the northwestern region of the state. In this race, the GOP is hoping the third time will be a charm for its candidate, former broadcast journalist Baker. He’s trying to unseat Evans, who is seeking his 10th term in office.

Mostly agriculture, the 17th stretches across 14 counties. Its largest city, Moline is headquarters to Deere & Co., manufacturer of John Deere tractors. So it’s no surprise that

farming is a major campaign issue in that race.

“It’s urgent we develop and open new markets for our ag products,” Baker argues. “We must pass trade agreements that open export markets for farm commodities and machinery.”

But these candidates differ on the specifics of trade policy, most recently over granting China permanent normal trade status with the United States. Evans voted against the measure, siding with a number of Democrats who are worried about that country’s record on human rights. Baker believes reducing restrictions on trade with China will be a boon for farmers in the district.

Still, Evans has been popular with farm organizations, receiving the 1999 “Friend to the Farmer Award” from the American Corn Growers Association. He backed federal legislation that calls for replacing petroleum-based methyl tertiary butyl ether, or MTBE — a gasoline additive known to cause water contamination — with ethanol, which can be made from corn.

“With agriculture facing the lowest prices in decades, increased ethanol production is one of the most effective ways to stimulate increased domestic demand for grain, boost farm income and create jobs,” Evans told a House subcommittee.

The outcome in any one of these three Illinois races, each of which is expected to be tight come November, could shift the partisan balance in this state’s evenly divided 22-member congressional delegation — and help shift party control in Congress itself.

That puts this state in the spotlight. Still, the candidates say while national attention is nice, it won’t decide the races. “Sure the *Washington Post* and the national finance people are looking at the race, but the critical thing is to remember who is in charge here — and that’s the voters,” says 10th District candidate Kirk. “When you’re out campaigning, the national attention just does not cut it.” □

*Lucio Guerrero is a reporter for the Chicago Sun-Times. He covers the north suburbs.*

# POLITICAL STUDIES

*We get more information about the presidential candidates from paid ads and less from arm's-length political campaign coverage. That may not be as bad as it seems*

by John Carpenter

Here it is. Decision time again in America.

We've all feverishly studied the presidential candidates and are poised to make another informed selection. Leadership of the free world is at stake,

so we've done our homework. We've heard their positions on the major issues. We've sized up their answers to tough questions, looking for clues as to how they'll handle a crisis.

We've shushed everyone in the

family room and carefully listened to their ads, weighing their credibility and lining up their positions against our own. And we've considered their backgrounds, voting records and affiliations, looked them in the eye as

best we can to take their measure.

Or maybe we haven't. Strike that. We haven't.

The truth is, if history holds, most of us made up our minds long before the campaign began, based our decision on long-held party affiliations and general political leanings — sort of a lifetime of political research.

Political scholar Kathleen Hall Jamieson notes that the category of "early decider" in presidential elections ranges from a low of 54 percent in 1992 to a high of 79 percent in 1956. Veteran presidential political strategists use this rough rule of thumb: Each party's candidate claims about 40 percent of the vote, with the remaining 20 percent of the voters "in play" in any one year.

Still, even those of us who are long-time Republicans or Democrats like to think we go through some kind of decision-making process before we vote. And, certainly, the true "swing" voters in any race do. But the very pertinent question raised in two studies out this year is this: Where are we getting our information?

The answer isn't pretty, at least on first reading. We increasingly get our information about presidential candidates from paid political advertising and less often from arm's-length political campaign coverage. But while the results of these studies make for nifty sound bites trumpeting the usurpation of political discourse by those with the deep pockets needed for political ads, the full story is far less simple and certainly less dire.

Let's begin with a simple fact.

Political advertising is up. This means the power of money is up, because advertising is expensive. And the prospect of free television air time for political candidates — the Holy Grail for those who would level the economic playing field of politics — is being thumped on the head by a \$600 million club. That's the amount of money television stations are expected to take in this election cycle in return for running paid political ads. It's also a number the television industry's powerful lobbying arm, the National Association of Broadcasters, is feverishly trying to protect. (They protect it, of course, by giving money to politicians who are eager to accept the money so they can run more ads.) Illinois' own Tribune Company earned \$25 million — 2 percent of its revenue — from political ads in 1998. It's no wonder Dennis Fitzsimmons, president of the broadcasting unit at the Trib, was quoted earlier this year as calling free-time proposals "not realistic."

Meanwhile, most network news operations, where studies consistently show most Americans get their news, are covering politics less and less, meaning they are covering it worse and worse. (That's alarming in light of a finding by the Pew Research Center for People and the Press that 65 percent of Americans consider television their most trusted source of information.)

Reformers had suggested that TV stations cover politics for at least five minutes a night for the 30 days leading up to an election. But a study by

the Annenberg School for Communication at the University of Pennsylvania found that the vast majority of stations surveyed in 11 cities in the 30 days leading up to presidential primaries this year aired an average of only 39 seconds of political coverage per night. Three of 19 monitored — the study covered stations in New York and Los Angeles, as well as primary battlegrounds Iowa and New Hampshire — devoted an average of about four minutes per night to politics. The rest could spare less than a minute.

Nowhere was this more obvious than in coverage of this year's national party conventions. To be sure, they lacked the drama of olden times, when beefy cigar-chompers in smoke-filled halls tallied ballot after ballot into the wee hours before naming a standard bearer. But that drama is in the distant past.

Loyola University political science professor Alan Gitelson argues the networks' claim that the lack of air time was because the conventions have become slick partisan packages is "absurd" and a smoke screen for their abdication of civic duty.

"This is their time to talk to us," Gitelson says of the major parties. "It is their time to talk to us about where they stand and who they are."

If the conventions are too slick and disingenuous, Gitelson says, the public is perfectly capable of detecting that and allowing for it when they make their decision. Likewise, the public is able to do this with political ads, which he says are a "reasonably

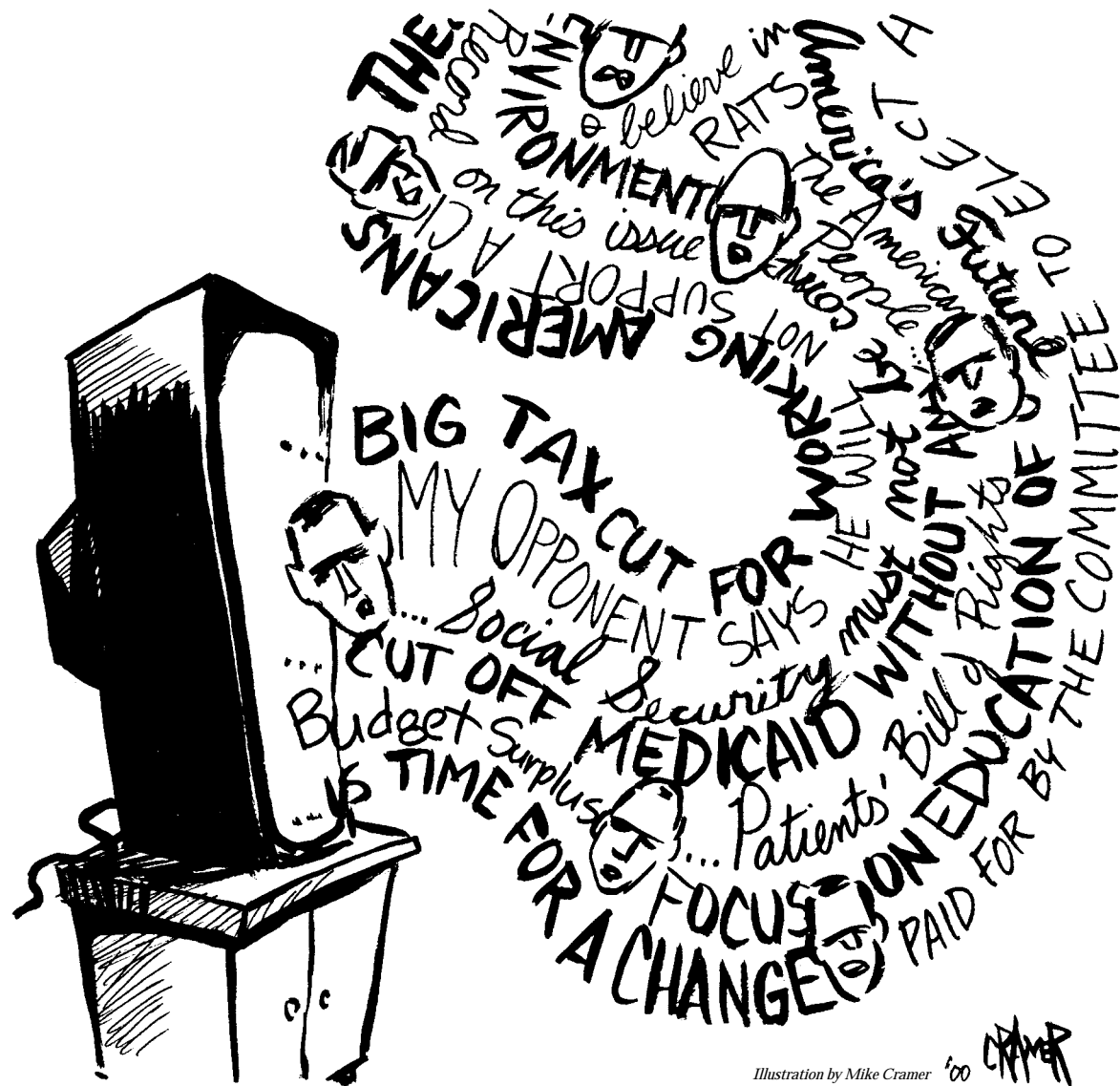


Illustration by Mike Cramer '00

good forum in which individuals can learn about candidates.”

Indeed, Kathleen Hall Jamieson, director of the Annenberg Center, argues in her new book *Everything You Think You Know About Politics ... And Why You're Wrong* that studies reveal a public well-equipped to evaluate political ads.

While the cable television screaming heads and political scholars — often one in the same — decry negative advertising as if it were the plague, Jamieson argues that policy-oriented attack and contrast ads are often most informative, with contrast ads being the best. Attack ads, as the moniker suggests, are simply directed at an opponent. Contrast ads, meanwhile, cast the opponent in a negative light and build up the advertisee.

“Our analysis showed that attack advertisements contained a greater percentage of policy words than did advocacy or contrast ads,” Jamieson writes, adding that contrast ads are nevertheless “superior to those that simply attack” because “the ads identify sponsoring candidates, which makes it possible for those who disapprove of the attack to hold the perpetrator accountable.”

And viewers do hold perpetrators accountable when they know who they are. Jamieson and her researchers played two versions of a hypothetical ad to a subject group. Most found the contrast version responsible, while most found the pure attack version irresponsible. Presumably, this would lead them to have a negative opinion of the person the ad wished them to have a positive opinion about. One problem, of course, is that many so-called “issue” ads these days, whether pure attack or contrast, are from special interest groups and there are a lot of them.

By Labor Day this year, more than \$114 million already had been spent on issue ads, according to Jamieson's group. And more than 40 percent of these ads were pure attack, coming from such well-known groups as the National Rifle Association and the Sierra Club, as well as those with more nebulous names, including the

Traditional Values Coalition and the Committee for Good Common Sense.

“Because issue advocacy ads are not subject to disclosure requirements, the press and public do not necessarily know who is funding the campaign or how much is being spent,” Jamieson said in a statement earlier this year announcing the group's findings. “At the same time, funders can camouflage their actual agenda behind an innocuous group label, making it difficult for the public to assess the group's motives and credibility.”

Steve Brown, press secretary for Illinois House Speaker (and state Democratic Party chairman) Michael Madigan, agrees ads are on the rise and that “there has been a continuing shrinkage in news media interest in campaigns.”

This is unfortunate, Brown says, because positive media coverage is still far more effective than good advertising, indicating that media reports still hold sway with voters.

The problem is that the television media have cut back coverage so much that they may have crossed the line from not doing as much good to having a negative impact by linking coverage too much to polling data.

Consider the example of 1996.

While no one is suggesting Bob Dole had much chance against Bill Clinton in 1996, that campaign is worth noting. Jamieson, wondering whether strategic, poll-oriented political coverage becomes a self-fulfilling prophecy, notes that “with a single exception, the major polls dramatically underestimated Dole's likely percent of the vote.”

“In the campaign's final days, major media polls had Clinton defeating Dole by margins much higher than his eventual eight-point victory. One, a CBS/*The New York Times* poll, gave Clinton an 18-point advantage. Had reporters known that the likely vote was much closer than the polls indicated, would [issue] coverage have increased and strategic [horse-race] coverage of Dole decreased, and with these changes, would Dole's prospects have changed?”

As an aside, Jamieson notes that Clinton, in 1996, ran far more attack

ads than Dole, though the taciturn Dole was perceived as the attacker in the campaign.

Even the presidential debates — by any measure one of the best chances to evaluate candidates — are covered in the context of who won and who lost rather than what was said and what it could mean for the country, though Jamieson says debates remain one of the most widely used tools for voters to gather information about candidates.

Newspapers are not immune to this criticism, of course. They can be just as attracted to the drama of the horse race as the networks. But just as CNN does a better job of political coverage thanks mainly to the amount of time it can give to stories, so too do the national dailies have the advantage of space and context.

It should be said, too, that the Pew center has come up with another discouraging statistic: Only 15 percent of Americans actually go through the effort of looking for campaign news; 83 percent typically come across such information by happenstance.

**The flip side** of this gloomy picture, of course, is that the increasingly fragmented media world is a candy shop for political junkies. Voters with computers are mouse clicks and literally seconds away from Web sites crammed with useful information about candidates and their views. And voters with cable can get both C-Spans on television, allowing them to fall asleep on the couch to a George W. Bush stump speech in an Elks lodge in Oklahoma, or to an Al Gore town meeting in upstate Pennsylvania.

The bottom line is this: Ads may be crowding out news, but the situation is far from hopeless. Though good, substantive news may no longer be abundant on the mainstream television news stations, it's there in spades on cable networks and on the Internet, not to mention in the major national newspapers.

So relax. And vote.

*John Carpenter is a free-lance writer and former Chicago Sun-Times and Daily Herald reporter.*

# La diferencia

## The presidential campaigns are looking to Illinois Latino voters who could help push them over the top in this close national race

by Kristy Kennedy

Maria Teresa Galvan made her way to the front of the line at the Joliet train depot to get a quick word with Texas Gov. George W. Bush. “Los votantes Latinos le gustan a Bush,” she told the Republican. (Latino voters like Bush.)

The presidential candidate cupped his hand to Galvan's ear and whispered his response. Bush's words thrilled Galvan, mostly because they were in Spanish. “Y vamos a ganar.” (And we're going to win.)

For her husband, Joseph Galvan, the chairman of the Illinois Hispanic Republican Assembly, the moment hammered home how important Latinos are in this presidential election.

In fact, never before have Latino voters, in Illinois and across the country, received so much attention.

That's because their numbers are rising everywhere, in the population count and at the polls. Hispanics now make up 11.7 percent of the U.S. population (10.5 percent in Illinois), and census projections indicate that Latinos will become the nation's largest minority group within the next five years. Further, Hispanics accounted for 5.2 percent of the national



voter turnout in November 1998, and that number is projected to grow to 7 percent in 2000, according to a study by the research arm of Univision Communications Inc, the nation's largest Spanish language broadcasting company.

Last summer, the Republican and Democratic conventions prominently featured Latinos and booked Spanish language music acts. Bush and Vice President Al Gore made speeches in Spanish and have Spanish-language Web sites.

And Galvan, the first Hispanic from Illinois tapped as an at-large delegate to the Republican National Convention, is giddy with all the attention he's receiving.

When Bush kicked off his “Change the Tone” campaign in Illinois after the convention, Galvan was one of three people to meet the presidential candidate at the airport. For that matter, such important Illinois Republicans as Senate President James “Pate” Philip of Wood Dale and House Minority Leader Lee Daniels of Elmhurst planned meetings with Galvan to talk strategy.

“It means they are taking us seriously and that the guy [Bush] is genuine. I don't think you would have had this 20 or even 10 years ago, but you have it

now," Galvan says. "With Bush as a springboard, we can say this is the right party. It is a tremendous opportunity and allows us to have a foothold in the Republican Party."

Indeed, there is evidence of a growing Latino presence among Republican voters. Univision's report indicates that while 63 percent of the Latino voters identified themselves as Democrats in 1998, that share was down from 1996, when 73 percent reported themselves as Democrats.

Republicans' efforts have not gone unnoticed by Illinois Democrats, who think they have a Latino stronghold that will be tough for the GOP to overcome. Still, they aren't taking any chances — particularly not in Illinois.

If early polls and other indicators are right and the election turns out to be a tight race, then Illinois — seen as a swing state — will be important. And that means Latinos, if they have a good turnout at the polls, could have a real impact on the election.

The U.S. Hispanic population topped 31 million in a March 1999 estimate done by the U.S. Census Bureau. In Illinois, projections indicate that by 2025 there will be 2.3 million Latinos, who would represent 17 percent of the population and make Hispanics the largest minority group in the state.

Indeed, Illinois ranks fifth in the nation in the number of Latinos over the age of 18, accounting for 9 percent of the state's voting age population. Of that number, 412,000 are U.S. citizens and 229,000 of them are registered to vote.

The presidential campaigns are taking note. "In a tight race, states like Illinois are extremely coveted by candidates," says Rudy Lopez, the national field director for the Chicago-based U.S. Hispanic Leadership Institute, a nonprofit, nonpartisan group that promotes Latino civic participation.

State Rep. William Delgado of Chicago says he and other elected Latino Democrats will be working phone banks and stumping for Gore, traveling to meet with Hispanic groups throughout the state. Democrats have a connection to

Hispanics that Republicans just can't match, Delgado says. "Democrats live in Latino communities. We know the mission. Just coming into our neighborhood and speaking Spanish is an advantage, but not a catchall. I see Republicans as wolves in sheep's clothing."

With two suitors aggressively courting their votes, Democratic and Republican Latinos see this election as their chance to gain some clout and respect. The political cliché long has referred to the Latino population as a "sleeping giant." Latinos are anxious to see it awoken and show its strength.

"Over the years, I feel the Latino vote has been taken for granted by both parties," Delgado says. "The biggest test is this year. They have to fight for our vote and court that vote. This is our opportunity. Latino empowerment in Illinois is this sleeping giant lying down and opening one eye at a time."

Galvan agrees. "Latinos have to come out to vote. That is the only way our state representatives and senators will get the message that Latinos are more than just demographics. This is our springboard into greater inclusion in the party and down the road in two years in the state election."

There's no guarantee. Census Bureau voting figures from 1996 showed that Latinos were the only major racial-ethnic group to have significantly increased their voting numbers nationwide. In 1996, the number of Latino voters totaled 4.9 million, a 16 percent increase over 1992 figures. But while more registered to vote, only 75 percent turned out to the polls on election day — compared with 80 percent of black voters and 83 percent of white voters. As a result, Latino voters made up 5 percent of the total number of voters nationwide in 1996. Latinos made up 3 percent of the vote in Illinois. (Census officials say there may be a 10 percent inflation over actual voting and registration rates.)

Latinos need to increase their numbers at the polls to have any dramatic impact, says Louis DeSipio, an associate professor of political science at the University of Illinois at Urbana-

Champaign who follows Latinos' voting habits and wrote the 1996 book *Counting the Latino Vote: Latinos as a New Electorate*.

So far, there hasn't been much to motivate Hispanics in Illinois to vote, he says. In the last several statewide elections, races have been clear-cut and Latinos haven't been needed. But, he adds, Latinos in Illinois become important in a close election when every vote counts.

And because there are elements in the Republican and Democratic parties that appeal to Hispanics, many Latino votes are "up for grabs," says Jesus Garcia, who runs a sophisticated, nonpartisan Web site called Latinovote.com.

Latinos long have been viewed as strong partisans for Democrats who advocate a strong role for government and support immigration issues. But second- and third-generation Hispanics and some new immigrants aren't as solid a voting bloc, Garcia says. "People don't get from either party a feeling that we really belong here."

Hispanics like the family values message touted by Republicans. Many also support the death penalty, and many have become small business owners who are concerned about taxes, DeSipio says.

By analyzing voting records and studying the voting habits of people with Latino surnames in Kern County outside Los Angeles, Garcia found that Hispanics who had been voting regularly over the last decade were more likely to take a Democratic primary ballot — about 70 percent of the time. Newer voters were about 40 percent Democrat, 20 percent Republican and the rest Independent. He also notes Kern County is one of the most Republican in the state, and says his research probably is indicative of other Latinos in the United States. "We're up for grabs, in essence," Garcia says.

**Over the last decade**, Delgado says, Hispanic leaders in Chicago have been working to register Latinos to vote and have offered workshops to help immigrants with their citizenship

paperwork. But while Democrats won party loyalty from early immigrants by helping them in that fashion, today's attempts are not as great as in years past, DeSipio says.

It will take a great deal of mobilization for Latinos to gain more power, says DeSipio. "There have been isolated Latinos that have done quite well, but there isn't a network. There hasn't been the passage of power from one generation to the next. When that happens, it will be a sign of power."

Delgado, who has served in the Illinois House for two years, says Latinos have made small inroads, but have a long way to go compared to Hispanics in New Jersey and Florida, where he also has lived. "I have found Illinois is a little bit behind the curve having political power in the state."

It is a scenario that has played out in other states, including California, DeSipio says. "Part of the problem that any group faces is challenging those old networks. Here in Illinois, Latinos are at a disadvantage because of the [established party] networks in the city and suburbs."

There are several barriers to mobilizing the Latino vote, DeSipio says. Many Hispanics who live in the United States aren't citizens and those who are tend to be poorer, younger and less educated, and as a result are less likely to vote, he says. But DeSipio says Illinois could see a quick turnaround. He points to California, where Hispanics have managed to get two speakers of the House elected, as well as a Latino lieutenant governor. The Hispanic vote also was key in electing Gov. Gray Davis in 1998.

Garcia's Web site has links to many other political sites, both Republican and Democratic. It also offers political stories affecting Latinos and some that have been critical of both Bush and Gore. For instance, some articles portrayed Gore as pandering to Cubans on his Elian Gonzalez stance. "I think he thought it would benefit him," Garcia says. "The vast majority of Americans and Latino Americans thought this little guy should be with his father." He also says Hispanics see through Gore's often-made remark that his first grandchild was born on

the Fourth of July and he hopes his next is born on Cinco de Mayo. "What's up with that? What does that have to do with how you will influence education? It's cute, but people want them to go beyond this."

And Garcia says Latinos are skeptical of Bush's sincerity in speaking Spanish and using his Hispanic nephew, George P. Bush, to campaign on his behalf. "People like for people to speak to them in their own language. It's nice to be recognized, but it doesn't stop there," Garcia says.

**The issues are** what bring Latinos together, DeSipio says. "They hold positions about the issues that we care about, only more strongly. They support big government, issues like education, public transportation, public safety."

Illinois' Latino voters are sure to hear plenty about those issues as Republicans and Democrats gear up their campaigns for Bush and Gore.

Hispanics for Bush plan to work phone banks, knock on doors and speak to Latino groups in an effort to get out the vote. Committees have been created to target specific Latino groups: immigrants from Cuba, Puerto Rico, Mexico, the Caribbean, South America and parts of Central America. A media expert also has been hired to help make these efforts more visible.

Illinois Democrats hope to register 150,000 new Latino voters in the Chicago area by the mid-October registration deadline, says Peter Giangreco, a Chicago political consultant who is a senior adviser to the Gore campaign. Smaller voter registration drives are underway in some suburban communities and in downstate areas with heavy Latino populations. "This is unprecedented," Giangreco says. Also, localized radio and television ads are planned, along with national ads featuring Gore on Univision and Telemundo, the two major Spanish television networks in the United States.

Gore is stumping in Hispanic neighborhoods in the Chicago area and talking about health care and other issues deemed hot in Hispanic



communities.

"It's a full court press," Giangreco says. "You have to earn Latino votes just like anyone else's vote."

Giangreco adds that Democrats plan to have "an army of people" going door to door in Chicago and suburbs with concentrations of Latinos, such as North Chicago, Elgin and Aurora.

Democrats plan to put up a good fight for the Latino vote in Illinois, says Gilberto Ocañas, campaign manager of the Democratic National Committee's Latino Coordinated Campaign. "The task in Illinois will be to increase the turnout of Hispanics. We have a whole target of swing states, and Illinois is the largest of those states and has the largest population in the Midwest. It is key," Ocañas says.

That party's activists will begin by targeting community leaders and the media to get out the vote. Bilingual direct mail and phone callers will work to contact Hispanics. Spanish radio and television ads will go out with messages aimed at concerns specific to Midwestern Latinos. Coordinators also will try to mobilize college Latino voters in each state.

Above all, those already involved in politics hope Latinos will go to the polls this year in record numbers.

"I think some of America has to get over a demographic denial that somehow Latinos will go away. That's not the reality. I believe both parties have come to realize that," Garcia says. "The Latino vote doesn't at this time have the numbers to make wholesale changes in politics. The real test will be where we are five or 10 years from now. But we can get some attention in this election." □

*Kristy Kennedy is a Naperville writer who previously worked for the Daily Herald.*



# CAMPAIGN HARVEST?

**Record U.S. corn and soybean crops and sour domestic grain prices could boost demand for an overhaul of federal farm policy. But nothing will happen until the new president and a new Congress are ready**

by Chuck Abbott

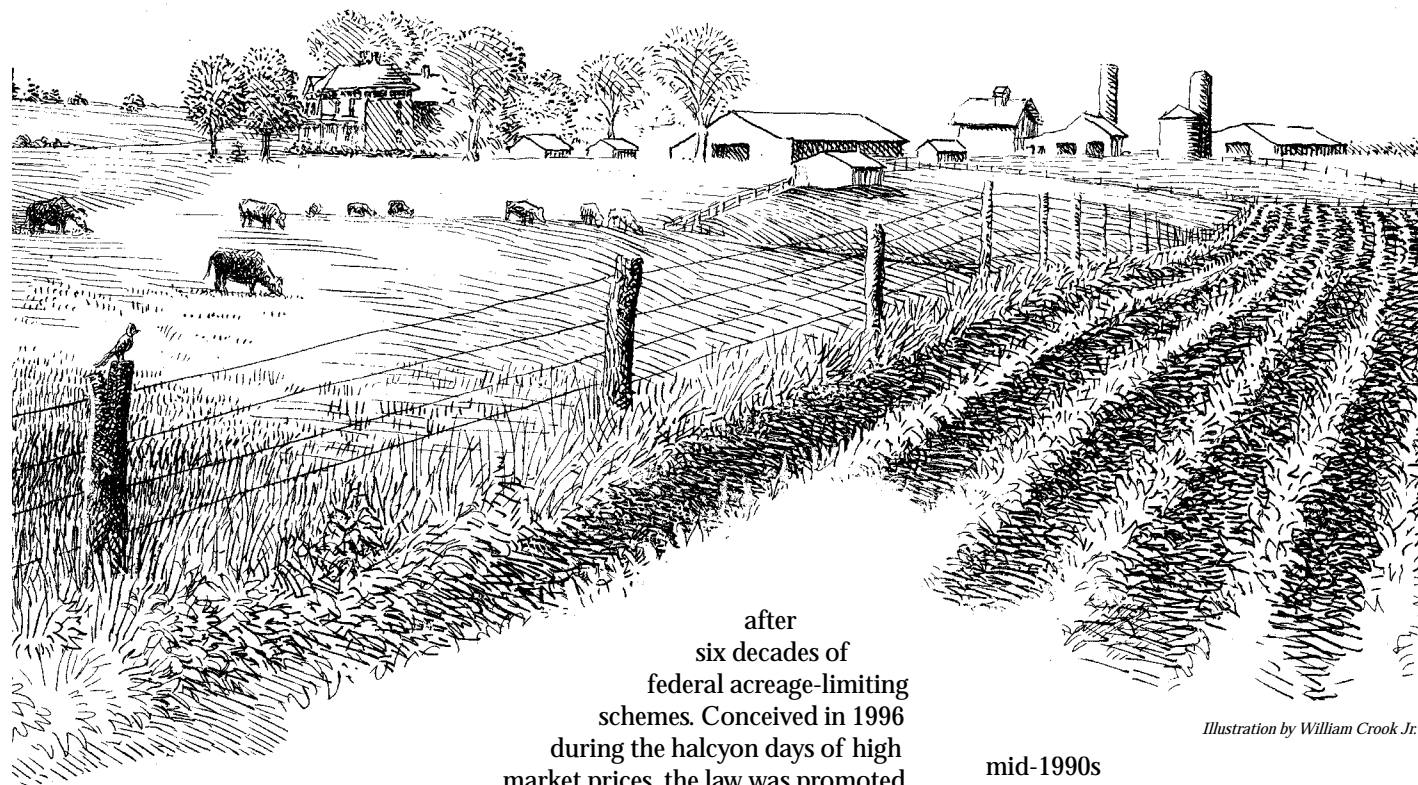


Illustration by William Crook Jr.

after six decades of federal acreage-limiting schemes. Conceived in 1996 during the halcyon days of high market prices, the law was promoted as the best route to farm prosperity by enabling farmers to supply the hungers of an increasingly affluent world. Federal farm subsidies were set at a few billion dollars a year, about two-thirds of past levels, and farmers gained broad power to switch from crop to crop to pursue profits.

Reality, sadly, has not lived up to expectations, confounding the dominant theory that for 15 years has steadily reduced the federal role in agriculture and given greater sway to the free market to determine financial success.

Economic turmoil in East Asia, Latin America and Russia in the

mid-1990s took the edge off the appetite for U.S. farm exports, while a rare sustained run of good weather built up a global grain glut. The record-large U.S. corn and soybean crops forecast for this fall seem sure to bring a fourth year of sour domestic grain prices and renewed demands to rewrite the farm law long before it expires in 2002.

“Obviously, you’re talking about very depressed farm income levels,” says Illinois Farm Bureau President Ron Warfield of Gibson City. True, were it not for the billions of dollars in farm bailouts approved by Congress since late 1998. That’s an important

distinction in this state. Illinois, perennially competing with Iowa as the top corn and soybean state, grows about 17 percent of the U.S. crop.

Lawmakers have found it easier to ladle out extra doses of farm aid than to resolve a farm policy battle that is as much political scorekeeping as it is philosophical debate over the appropriate federal role in assuring an adequate food supply. Populists say government must help small farmers survive, as well, although farm supports since creation of the ag program have been paid on each bushel or pound of grain and cotton that was grown, meaning large producers get the biggest share.

In any event, vast sums of federal dollars are being poured into U.S. agriculture. This year, farmers will collect several billion in so-called loan deficiency payments that become available when market prices fall below the minimum prices determined by the federal government. On top of that comes \$5.47 billion in annual subsidies guaranteed under the 1996 farm law and \$7.1 billion in a farm bailout approved by Congress to further shield growers from low prices. When a smattering of money from conservation programs and crop insurance is added, farmers will see a record \$22.7 billion in direct government payments this year, “stunning amounts” of spending, according to Keith Collins, the U.S. Department of Agriculture’s chief economist.

Without this year’s cash deluge, equal to nearly \$11,000 for each of America’s 2.1 million farms, Collins calculates net cash farm income, a widely used estimate to gauge the financial health of agriculture, would be slightly lower than during the agricultural hard times of the mid-1980s, remembered as the last big shakeout. Instead, farm income has run at near-record levels of \$55 billion to \$57 billion a year, a level obscured by the noisy complaints of activist farm groups and “Freedom to Farm” critics who argue widespread suffering and low prices.

“‘Freedom to Farm’ has reduced the viability of family farmers,” National Farmers Union President Leland

Swenson said recently in one of the milder critiques of the 1996 farm law.

Federal policy-makers, among them President Bill Clinton, say “Freedom to Farm” may not be to blame for the grain glut, but it has failed to provide enough protection against the inevitable downturn in prices. Still, Congress has been markedly generous in its response — \$21.7 billion in three farm rescue packages since late 1998, roughly doubling the cost of the 1996 law and putting farm subsidies back in the old range of at least \$10 billion a year. Republicans and Democrats, an eye to electoral advantage with a potentially pivotal bloc, have vied to be the farmer’s friend. Clinton abetted the bidding war by vetoing the first of the bailouts as too paltry only a few weeks before the 1998 elections.

Fixing the farm program has proven far more difficult than diagnosing its shortcomings. As House Agriculture Committee Chairman Larry Combest said after a dozen hearings across the country earlier this year, “We didn’t find a clear consensus on how we should change federal farm policy.”

For one thing, farmers have embraced a fundamental feature of the 1996 law, the “planting flexibility” that allows them to move from crop to crop without jeopardizing their farm subsidies, so any change in law will have to retain that provision. There is little interest in returning to the old system that often required farmers to set aside a portion of their land to qualify for crop subsidies.

Higher crop support rates, the favorite nostrum of farm populists, quickly have become hugely expensive to the government and taxpayers — intolerable even with today’s federal surplus, unless they are accompanied by limits on how much farmers are allowed to grow or sell. Crop supports create a minimum price that is obtained through government loans that take a farmer’s crop as collateral. In the old days, farmers could forfeit the crop and keep the money if prices were low. Nowadays, they can pocket the difference between the loan rate and their selling price. It prevents the government from owning huge, price-depressing inventories of grain but

does little to brake a price fall. An additional peril of higher crop supports is that they encourage overproduction and can price U.S. goods out of the world market. Exports account for roughly 25 cents of each dollar in farm receipts.

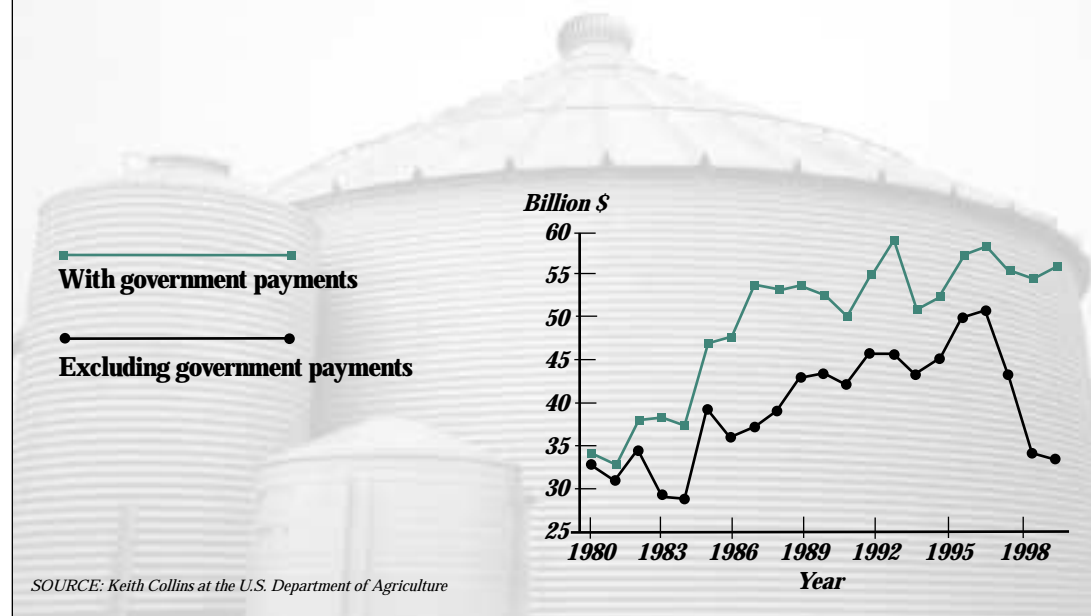
No comprehensive suggestion for a replacement of “Freedom to Farm” has surfaced, let alone gained more than scattered support. Democrats initially fought for higher crop supports but this year largely let the debate in Congress revolve around the size of the bailout. In the final weeks before the election, they are using the taunt “Freedom to Fail” to win over disgruntled farmers. And Democratic presidential nominee Al Gore routinely criticizes the 1996 law as seriously flawed without being overly specific about fixing it.

For their part, Republicans, who sponsored “Freedom to Farm,” regard the bailouts as preferable to changing a law they see as the best way to position relentlessly productive U.S. farmers to benefit from food demand that will grow more rapidly overseas than in the stable U.S. market. Like Democrats, they are willing to look at alterations that would mean more money for farmers when prices are low.

“It’s hard for me to see a better alternative out there that’s workable politically and other ways,” says Bob Peterson, leader of a farm and business coalition that was an early “Freedom to Farm” supporter. “The hard answer is we have to be patient and have faith in markets, that they will work.”

In such a highly charged political environment, even a commonly suggested farm-law “fix,” creation of a “counter-cyclical” mechanism to increase farm support spending automatically when prices slump and reduce them during good times, remains an abstraction. To some extent, Bob Stallman, the president of the American Farm Bureau Federation, said in late summer, there has been a canny decision to wait until lawmakers are ready to act. A worthy idea can be chewed to death if supporters are too specific too early.

## Net cash farm income



A sketchily outlined Clinton proposal, for example, to funnel up to \$3.1 billion to family-size farms to bring crop revenue to 92 percent of the five-year average died quietly last spring.

"I don't believe there's anyone who knows where ag policy is headed," says Scott Irwin, a professor in the Agriculture & Consumer Economics Department at the University of Illinois in Urbana-Champaign. "Freedom to Farm" might survive, he says, because it is "everybody's second-best alternative."

Practicalities could channel Congress toward limited revisions in farm policy. Writing a full-spectrum farm law can require a year or two of work, to the virtual exclusion of other initiatives. With only two years left in "Freedom to Farm," there is little time left for fundamental change. So, despite dissatisfaction with repeated financial bailouts, "Freedom to Farm" could become the longest-lasting farm law in two decades.

Without a consensus on broad-scale changes, lawmakers are more likely to concentrate on complaints that federal price supports favor soybeans over corn and wheat, think about devoting more funding to environmental provisions of the farm program,

test the waters for targeting federal aid on small- and medium-size farms — an approach forcibly raised 20 years ago by then-Agriculture Secretary Bob Bergland — or limit the amount of money big operators collect. The current limit of \$115,000 in federal subsidies can be doubled through receipts from two affiliated farm operations or circumvented entirely through so-called commodity certificates from the agriculture department. Farmers who are nearing the limit on subsidies can use the certificates to redeem crop loans from the government.

"There certainly has been discussion ... and will continue to be" among farmers about payment limits and targeting benefits, Warfield says. He says he's optimistic about farm prosperity in the long term because attention is being paid to boosting demand for crops by opening overseas markets and making more use of ethanol.

Nonetheless, gargantuan harvests and a further softening in prices this fall could force dramatic action, despite the many reasons to expect smaller-scale action. Since midsummer, longtime agricultural analyst John Schnittker has warned of "the train

wreck of extreme surpluses now building" in U.S. grain bins and argues the next president may need "to go to Congress on an emergency basis ... for temporary acreage-idling authority" to reduce crop output. That would be similar to the Payment In Kind programs under former-President Ronald Reagan that paid farmers not to grow.

And Tom Buis of the National Farmers Union says he believes patience with the 1996 law will expire with the elections. "I think it's next year, definitely," he says, for rewriting "Freedom to Farm," although Congress has resisted that chore in the past three years.

As writer Damon Runyon, king of 1920s wise-guy argot, memorably opined, the race is not always to the swift or the battle to the strong, but that's the way to bet it. □

*Chuck Abbott, who counts himself as part of the agricultural diaspora, is a commodities correspondent for Reuters in Washington, D.C. He has covered U.S. food and farm policy full time since 1988 and writes an occasional column on agriculture policy. He won the top award of the North American Agricultural Journalists in 1998 for contributions to agricultural reporting.*

## Books

# PRIDE AND PREJUDICE, PRAIRIE STYLE

*The farm crisis brings out the ugly side of an agricultural community*

by Maureen Foertsch McKinney

## DEBT AND DISPOSSESSION: FARM LOSS IN AMERICA'S HEARTLAND

by Kathryn Marie Dudley

University of Chicago Press, 2000

*"It's like [people thought], How much can we beat on those people?"*  
*"They were taking every damn thing we got."*

— a Minnesota farm couple describing the forced auction of their property

Looking through an anthropological lens at the aftermath of the '80s farm crisis, Yale professor Kathryn Marie Dudley paints a disturbing portrait in her *Debt and Dispossession: Farm Loss in America's Heartland*. Contrary to such popular portrayals of farm life as the movie *Country*, it turns out that farmers tended to turn on each other rather than organize a protest or help a neighbor in need.

"A pioneering spirit runs deep in the hearts of those who till the land, and these settlers of the prairie have never looked kindly upon those who succumb to adversity, blame their troubles on others, or start crying for help when the going gets tough," Dudley writes.

Dudley returned to her roots for her scholarship, heading to western Minnesota to interview farmers about how they weathered the disastrous agriculture economy of the 1980s. Low interest rates and rising prices in the '70s lulled many farmers into a false sense of security. They borrowed big, and, when prices collapsed and interest rates soared in the '80s, the losses were huge. More than 200,000 commercial farmers are estimated to have defaulted on loans by the end

of the '80s, according to Dudley.

She gives the town, which happens to be one where her extended family farmed when she was young, a pseudonym: Star Prairie. But she details real events after interviewing about 50 farm families and such assorted other community members as bankers and loan agents. Anecdotes about the farmer who fled from his family in the face of financial ruin, and the one who got the cold shoulder at church after losing his farm, are true.

"For every news clip of activists protesting the forced sale of a family farm, tens of thousands of farm families avoided the spotlight, settled out of court or suffered for years in silence behind closed doors," Dudley writes.

The local newspaper's lists of names, those who were delinquent on taxes, bankrupt or facing an auction or foreclosure, drew little sympathy for the troubled. The general consensus among farmers was that if someone lost the family farm they must have done something to deserve it, like getting a big new tractor or a barn worth more than the whole herd. She writes of the farmer who says the first of his neighbors to lose their farms were "hot dogs. ... They had a brand-new four-wheel-drive pickup, and they went to Texas in the wintertime. They lived on credit cards, and I didn't have too much compassion for them when they went broke."

That farmer's assessment was

common. When forced to pin down why some farms failed and others did not, "members of this community focused on the moral character of the individuals involved to explain what happened."

There is plenty of talk of farmers who play keep-up-with-the-Joneses. But strangely, Dudley notes, no one admits to competing with the Joneses. Nor does anyone admit to being the Joneses.

Farm loss is a trauma, a socially rather than naturally produced one, Dudley asserts. "The erosion of human dignity that accompanies it happens at the hands of those who are your friends."

Dudley's replay of the interviews with the farmers who have lost their land are chilling: "All our neighbors were like flies to honey. They all wanted the land. You know they could hardly wait until it was over so they could pile in and buy the land," says the woman Dudley calls Jane.

The woman's husband adds, "It's the same thing when a farmer dies — there's somebody there to rent the land before the body's cold, and I'm not kiddin' ya. I mean, it is that — it's that tough a game."

Tough and devastating for those who must face the loss.

"Every day you work the land," Jane told Dudley through tears. "And when it's taken away from you, it's like you lose some part of your life." □

# POTEMKIN FARMS

*The family farm is dead. It has been for a long time. Advocates left, right and center ought to give it a decent burial and plead their cases honestly*

by Harold Henderson

Want to save the family farm? Start by climbing into a time machine and setting the dial for 104 years ago.

Illinois native William Jennings Bryan was barnstorming the country on the Democratic/Populist ticket. Responding to the suggestion that urban dwellers might oppose some of his policies, Bryan replied, "The great cities rest upon our broad and fertile prairies. Burn down your cities and leave our farms, and your cities will spring up again as if by magic; but destroy our farms and the grass will grow in the streets of every city in the country."

Bryan was the greatest anti-corporate champion the family farmer ever had, and he lost decisively that fall to conservative Republican William McKinley. The 1896 election set the pattern for the future. Historian Ray Ginger summed it up. "To the question: Can farmers and wage earners and reformers unite to win control of the Federal government?, the answer was no."

Perhaps Bryan could have changed the course of history if he had been elected, perhaps not. But social and economic forces since then have diminished his core constituency to the vanishing point.

• When Bryan campaigned, there were more than a quarter of a million farms in Illinois. Now there are fewer than 80,000. There are as many teachers in the Chicago public schools as there are cattle farmers in the entire state.



Illustration by William Crook Jr.

• When Bryan campaigned, most Illinois farmers ran the small, diversified, nearly self-sufficient operations recalled in such books as Laura Ingalls Wilder's children's classic *Farmer Boy*. Now, the average farm is almost three times as large as it was then, and virtually every one is specialized, producing a few products for market and buying the rest at stores just like the rest of us.

• When Bryan campaigned, agriculture made up very roughly a quarter of the American economy. In 1960, it was about 4 percent and in 1997, 1 percent.

None of this is necessarily bad news. Many fewer farmers working slightly less land are producing more food and fiber than ever, with the rest of the economy growing even faster. On the face of it, we seem to be employing both human labor and natural resources more efficiently than in 1896. That's good news because we have other uses for both.

Ask anyone who is still trying to run a labor-intensive small farm these days, and they'll tell you it's almost impossible to find help. Vanishingly few Americans today are willing to pay what producing food that way is worth, and even fewer want to do the hard physical labor themselves. Hence machines and chemicals for most operators, and incredibly long days and nights for the faithful few.

As for natural resources, in February, The Nature Conservancy bought 7,500 acres of rich farmland just across the Illinois River from Havana. Instead of raising corn or

cows, the conservancy will return the land to the natural bottomland lakes and wetlands that were there in the early 20th century. If that land had been required for food production — as it would be if we were still farming as in Bryan’s day — such a deal would have been both unthinkable and unaffordable.

Bryan’s rhetoric is now only half true. If we had a 100 percent world-wide crop failure, we’d be in desperate trouble. But if we had a 100 percent urban failure, today’s farms would also be in trouble. Besides, these days hypothetical apocalypses come by the dozen: a 100 percent shutoff of oil or a 100 percent loss of tread on all tires in use would be almost equally catastrophic. Our interdependent society is more like a woven blanket than a ball balanced on a single point.

**Still, farming is revered** in a way that no other industry is. “To curse a farm,” writes Garry Wills, “is like desecrating the flag.” To curse a new subdivision or factory, on the other hand, is all in a day’s work.

In Green Bay, Wis., paper mills have been subject to stringent pollution controls, but the water still isn’t clean enough. Now, the Chicago-based Joyce Foundation is backing a pilot “watershed-trading” project there in which a paper mill might get credit for pollution reduction “by paying the costs farmers would have to incur to divert animal waste, reduce pesticide use and take other steps to protect the water.”

Controlling farm runoff might benefit water quality more than additional controls on the factory, and might cost less, too. But the foundation offers no reason why one polluter should pay to clean up another’s mess, except to say, “what’s too much for a farmer may be very affordable for a paper mill.” What other polluting industry gets this kind of service from environmentalists?

Partly it’s just sentimentality, the true religion of 21st-century America. One cure would be to re-read *Farmer Boy*, a fictionalized but fairly realistic account of life on a late-19th-century farm in northern New York state. Near the book’s end, 10-year-old

Almanzo Wilder goes to town with his father. There, a local wagon maker approaches them and offers to take on Almanzo as an apprentice. That evening, when Almanzo’s mother hears of the proposal, she becomes irate. “A pretty pass the world’s coming to, if any man thinks it’s a step up in the world to leave a good farm and go to town! How does Mr. Paddock make his money, if it isn’t catering to us? I guess if he didn’t make wagons to suit farmers, he wouldn’t last long! ... Maybe he’ll make money, but he’ll never be the man you are. Truckling to other people for his living, all his days — He’ll never be able to call his soul his own.” Wilder, who was writing in the early 1930s, is describing a world far distant from our own.

Sentimentality aside, though, I suspect the myth of the family farm lives on because it offers cover for so much political wildlife.

The farm industry itself hides behind the myth in order to fend off pollution control measures. Fortunately, the larger and fewer farms become, the easier the logistics of regulating them will be. The need for regulation is obvious. In the September issue of the Heartland Institute’s *Environment & Climate News*, the American Farm Bureau uses data from the Illinois Environmental Protection Agency in its defense. But even after the bureau’s careful massaging, its presentation of the numbers shows agriculture to be the sole cause of more stream miles of impaired water quality in Illinois — 15.1 percent — than any other single polluting activity.

Sprawl-fighters hide behind the myth, in some cases because they suffer from the urbanite’s delusion that farming is “natural” because it is sometimes scenic. In fact, expanding suburbs don’t fragment the natural landscape much, they just redivide already fragmented farmland. The victims of landscape fragmentation are birds that nest in deep woods, not those that flourish in farm fencerows. In order to help them, we need to buy up and reforest large tracts of land — a strategy that is only conceivable because farming has become so efficient we can spare the acreage.

Anti-corporate activists hide behind the myth, probably because it’s easier to bash big business for ruining the family farm than for taking over small autobody shops or funeral homes. The main reason big business takes over is because it can deliver good enough products more cheaply. Whether they acknowledge it or not, advocates of the family farm are in fact advocating for either higher food prices or higher taxes for farm subsidies. If more people were willing to pay the price for organically grown, essentially hand-made food, more of it would get produced. But few of us are.

Conservatives trying to get rid of the estate tax hide behind the myth because people are more likely to sympathize with a “family farm” having to be sold to pay the tax than with most of the beneficiaries of abolishing that tax. In truth, repeal of the estate tax will make little difference to anyone other than the extremely wealthy who neglect to manage their estates.

Jeffersonians lament that the demise of the family farm will mean the end of democracy. They believe that only someone with an independent livelihood can stand up to government and corporate power. But they, too, are a century or more late. None of us is independent in that sense — we can’t go home and live on what we grow in the back yard. Today, independence can only mean (as individuals) being resilient and having economic alternatives, and (as a society) having a strong constituency for civil liberties. There may be pleasure and satisfaction in growing enough rutabagas to last out the winter, but that doesn’t mean freedom if the government is, meanwhile, intercepting e-mail or allowing big farm corporations to fix prices.

The family farm is as dead as William Jennings Bryan. It has been for a long time. Advocates left, right, and center ought to give it a decent burial and plead their cases honestly. □

*Harold Henderson, a staff writer for the Chicago Reader, regularly examines environmental concerns. He has written for Illinois Issues on endangered species protection and the genetic diversity of feed grains. His most recent essay, “Good sprawl,” appeared in June 1999.*

## Guest essay

# AT THE CITY’S EDGES

*Should the current form and pace of development continue, all farmland may be gone from the Chicago metropolitan area by 2050. But by opening a regionwide dialogue on the future of farmland, we might achieve a valuable blend of land uses for the future*

by Alan P. Mammoser

For many residents of the Chicago metropolitan region, farm ground seems an undifferentiated run of corn and beans stretching from the edges of suburbia to Des Moines and beyond, little more than a useful way to hold land before development. Yet many local planners, and some farmers, are beginning to assert an equal value in maintaining that land for agriculture. Such differing perspectives may make it difficult to talk about preserving farm acreage at the city’s edges. Whatever our point of view, though, we must agree it’s a huge amount of land, and how it’s used will have a tremendous impact on the region’s future. With so much at stake, we should consider making farmland a prominent part of a broader discussion on land use in the region.

A broader discussion will necessarily encompass near-term policies to make farming and suburban residential life more compatible, policies that touch upon zoning methods and property tax structures. But the longer-term issue of land value will necessarily emerge at the center of the dialogue on farmland.

About one-third of the land that comprises the six counties of the Chicago metropolitan area is still farmed, according to a land use inventory performed by the Northeastern Illinois Planning Commission. Population increase and consequent expansion will leave about one-fourth of the land in agriculture in 2020, some 1,000 square miles, mostly in the outlying counties of Will, Kane and

McHenry. But should the current form and pace of development continue, all farmland may be gone from the region by 2050.

There is as yet no consensus on what should occur with this land. Thus, we might ask ourselves what that 1,000 square miles should look like in 2020, or what it should look like for our children in 2050. Should a low-density spread of auto-dependent, separated land uses, so-called “sprawl,” widen in a ring around the metropolis and push farmland outward yet another 10 or 20 miles? Or should the people of the expanding urban region implement management to preserve some land in farms? By opening a regionwide dialogue on the future of farmland, we might achieve a valuable blend of land uses in the metropolitan area.

First, of course, a key economic reality must be addressed. Illinoisans who are concerned about keeping farmland as farmland may find the quantity of land consumption alarming. Nevertheless, the land market on the suburban fringe reflects the inherent development value of farmland: In the current market, a commercial or residential developer will pay more than 10 times what a farmer will pay for land.

New and creative approaches by planners and farmers already are achieving some success at raising the economic value of land in agriculture, thereby holding large areas of prime farmland intact. These efforts seek to exploit the multifaceted social value of farmland, as land for growing food

and flowers, as land with recreational potential, as scenic open space, as a way to maintain the region’s hydrological balance. If awareness of these many real and potential values should rise, then a broad-based consensus might be built to further efforts to protect farmland. It might be possible to conceive of residential development in coexistence with agriculture.

There are mixed emotions and some tensions on the urban fringe. Farmers continue to sell their land, normally at a very good price, and the region’s residents tend to concur that this remains fully within their rights as landowners. Some farmers, however, want to stay on their land, and for the long term. Their deep feeling for the land is expressed in the words of Bruce Werner, a farmer who works the prime soil of Will County. “You can grow grain on about one-third of the U.S., that’s all, and once the land is gone, it’s gone forever.” He’s incensed at the paving of prime cropland, with little regard to the fertility of the soil. “They’re taking the best of the best,” he says. He doesn’t mean the best in Will County, or in the state, but some of the best in the world.

Joel and Linnea Kooistra, who operate a dairy farm in McHenry County, are determined to stay. They, like many other farmers in McHenry, have deep roots. Some families go back four or five generations. They are leaders in their communities. To sell their land is to give up, not just farming in McHenry County, but a whole way of life. This helps explain why

**Farmers should play a highly visible role in a regional dialogue on future land uses.**

residents in the still-rural areas of McHenry are forming township planning commissions, gaining limited ability to thwart the county's power to change zoning to nonagricultural uses.

Linnea is hopeful about the possibilities of achieving coexistence with the expanding urban area. "We will be here in 20 years. Farming will change in McHenry County, but it will remain in some form," she says. She sees some farm families in McHenry turning to alternative high-value crops for the urban market, enabling them to gain higher profits per acre. Families that farm 1,000 acres of corn and beans, for example, might dedicate 40 of those acres to fruits and vegetables and open a farmstand.

Tom Halat is one farmer who made a successful transition to more intensive land use for retail farm marketing. His 240 acres on the edge of Huntley in rapidly growing southeast McHenry County are now enclosed by subdivisions. Compelled to change his operation, he moved the family's grain farming westward and expanded his planting of orchards, vegetables and flowers. He sells from his store on Algonquin Road, directly to local residents, responding to a growing demand in the marketplace for fresh locally grown food.

Some county planners want peaceful coexistence, too, because they want to protect farmland as an economic asset. And they want growth to occur in an expected progression from urban areas outward, preventing the premature "leap" of development into agricultural areas.

Kane County planners may have advanced this effort furthest with a comprehensive plan that lays out the county in three parallel bands: an urbanized zone in the older settled areas nearest the Fox River, then a transition zone of newer growing communities, with agriculture protected in the large western portion. They are proceeding with consideration of purchase of development rights from farmers to ensure that land is kept in agriculture. For now, however, the plan largely relies upon intergovernmental agreements for implementation. Sam Santell, a county planner, acknowledges that some municipal annexations will lead to development out in the agricultural areas. Nevertheless, he says, "cooperation with the municipalities has gone well, and this is critical because agriculture is such an important part of the county's economy."

Agriculture does indeed form an important part of the economy in the region's rural areas. The value of farm products sold topped \$340 million from more than 1,200 farms in the three counties, according to the 1997 agricultural census, the most recent available. Farms have an average property value of well over \$1 million each, making up an irreplaceable part of the tax base of the rural counties while requiring far less in the way of services than residential areas. Still, there remains a strong tendency to see agriculture as a temporary land use, especially in a market where commercial or residential uses command much higher prices.

Farmers should play a highly visible role in a regional dialogue on future land uses. However, when other regional residents are called upon to discuss the value of farmland, they might ask, "What can farmland do for us?" Then the multifaceted value of farmland must be discussed.

They might consider the nutritional value of this land close to the urban core. Farmers in the region are now growing all sorts of things, not just grain for the world market, but crops for the urban market on their doorstep: fruits, pumpkins, Christmas trees, vegetables of every kind, herbs,

flowers and sod. The Illinois Farm Bureau lists 85 community farm markets in the metropolitan region, all operated by local producers. Consumers' desire to buy fresh produce directly from the land, to see where their food is coming from, is increasing and will most likely create a growing demand in future years.

Further, there is a growing recognition of the educational and recreational value of farms near the city. The many apple orchards open for picking in the fall have long brought these aspects of farm life to regional residents.

And these are just a few of many potential values that must be taken into account in an informed discussion on farmland. In fact, new ideas already are being developed to integrate farmland into suburbia. Perhaps the most advanced effort is Prairie Crossing in suburban Lake County. In that development, 150 acres of agricultural land forms a farmstead and supplies a produce market. A family that lives in the development runs the farm. That farm is considered valued open space for homeowners who like to see vistas. But it is something more: The land is worked, providing produce and recreation. If nothing else, Prairie Crossing will provoke discussion and suggest possibilities for the future integration of agriculture with other land uses.

Clearly, there are changes afoot in the region, changes that suggest new ways for suburban dwellers to coexist with farmers, and to gain value from that proximity. In this sense, the current efforts of planners and farmers to protect some farmland now are invaluable, as they will allow time for dialogue to emerge on new and creative uses of the land. And new uses may bring about the rise in farmland value that will be required for its long-term protection.

Farmland, for now the cheapest land, must be an important part of the emerging dialogue on the uses of land resources in the metropolitan region. □

*Alan P. Mammoser is an assistant planner with the Northeastern Illinois Planning Commission.*

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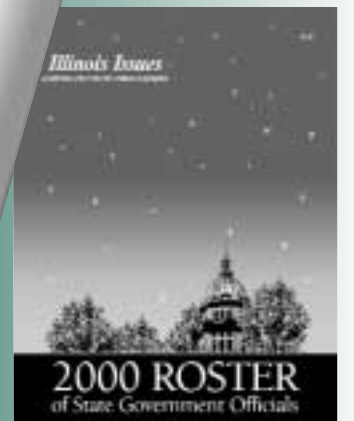
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## PEOPLE

Edited by Rodd Whelpley

### Bishop takes the helm at state liquor commission

**Mark Bishop** is now the acting executive director of the Illinois Liquor Control Commission. Bishop had been the chief financial and operations officer.

Bishop replaces **Sam Panayotovich**, a former state legislator and restaurateur, who was named executive director last year by Gov. **George Ryan**. Panayotovich resigned in August after reports that the liquor industry had donated money to a political action committee that he promoted. Liquor distributors, brewers and nightclubs had given money to the South Cook PAC for its annual golf outing, according to records filed at the State Board of Elections. Until this year, Panayotovich chaired the PAC's golf outing committee.

The PAC was formed in 1996 to support political candidates. But the bulk of the \$99,000 raised went to expenses to run the golf event. Panayotovich also had been reimbursed by the PAC for \$492 he charged for wine on a 1998 trip to California. State law forbids members of the commission from accepting gifts from the industry.

In his resignation, Panayotovich said that no decisions by the commission had been affected by his involvement with the PAC or other community organizations.

Panayotovich represented Chicago's Southeast Side in the Illinois House from 1983 to 1989. Originally a Democrat, he switched to the Republican Party for his last term. He ran Play It Again Sam's tavern in Springfield but sold his interest in the business when he was appointed deputy director of the liquor commission in 1993 by Gov. **Jim Edgar**.

The commission oversees the alcohol industry in the state and has the authority to issue and suspend liquor licenses, inspect establishments that sell alcohol and hear appeals on suspensions.

### SHIFTS AT THE TOP

Bolingbrook Mayor **Roger Claar** resigned from the Illinois State Toll Highway Authority board. Claar, who was appointed in 1991, stepped down after being questioned by the *Chicago Sun-Times* about the more than \$100,000 in campaign donations he solicited from tollway vendors.

Two members of Lt. Gov. **Corinne Wood**'s staff have taken private sector jobs. **Tom Faulkner** of Chatham resigned as Wood's deputy chief of staff to work for Fuse Advertising on a project that will promote a plan to expand the St. Louis airport. **Pat Hogan**, Wood's director of public affairs, has moved to a similar position with the Metropolitan Airports Commission in Minneapolis-St Paul. **Lori Williams** of Spaulding has been promoted to director of policy for Wood.

**Jo Warfield** has joined the Illinois Department of Public Aid as chief of the office of media relations. **Joyce Jackson** remains as chief of the office of communications. Warfield was director of the television office at the University of Illinois at Springfield. She is a veteran of state government. Before joining the university, she worked for several state agencies, including the departments of Children and Family Services and Human Services. The public aid agency, which has been in the news often over the past year because child support checks it administers have been late, also issued a one-year, \$96,000 contract to **Eric Robinson** Communications to continue to develop a media program for the state's Kid Care program. That program provides insurance to children in low-income families. Robinson was press secretary to former Gov. **Jim Edgar** and Lt. Gov. Wood.

**Peter Leonis** of Springfield is the new director of state relations at the State Board of Education. Leonis started his career in 1989 as assistant legislative liaison for the Department of Rehabilitation Services. Most recently, he was top legislative liaison for the Illinois Department of Human Services.

**Pat McGuckin** is the new director of communications at the Illinois State Library. He will publicize the roles of local libraries. McGuckin spent 17 years on the Democratic staff of the state Senate. He also previously worked in radio at the Statehouse for what is now the Illinois News Network, and later for WJEQ-FM in Macomb. He received a master's degree in public affairs reporting at Sangamon State University (now the University of Illinois at Springfield).

### Aiken is third chancellor to leave U of I since 1999

**Michael Aiken**, chancellor of the Urbana-Champaign campus of the University of Illinois, will leave his post next August. The university credits him with helping to raise more than \$1 billion dollars since he was appointed chancellor in 1993.

His resignation means that each U of I campus will have replaced its chancellor since 1999. In that year, **David Broski** left the Chicago campus. **Sylvia Manning** was named chancellor there this summer (see *Illinois Issues*, July/August, page 36). Meanwhile, the Springfield campus is in the midst of its second search to replace outgoing Chancellor **Naomi Lynn** (see *Illinois Issues*, June, page 34). The administration has begun the process of a national search for Aiken's replacement.

### Black Civil War soldier earns Congressional Medal of Honor

Thanks, in part, to the efforts of Illinois historians and legislators, **Andrew Jackson Smith**, an ex-slave, will receive the Congressional Medal of Honor 137 years after his Civil War heroics.

On November 30, 1863, at the battle of Honey Hill, South Carolina, Smith saved his regimental and the American flag from falling. On June 20 of this year, President **Bill Clinton** signed a bill granting Smith the medal, after his gallantry was brought to the president's attention by Smith's family and U.S. Sen. **Richard Durbin** and U.S. Rep. **Tom Ewing**. In a ceremony slated for this fall, the White House will formally honor the soldier.

Before his military exploits, Smith was a slave in Kentucky. He escaped across the Cumberland River into the protection of the 41st Illinois Volunteers, becoming the servant of Major John Warner, whose family home was in Clinton. Smith distinguished himself at the Battle of Shiloh by supplying Warner with three horses, two of which were shot from under him. The third was a Confederate mount Smith caught in the midst of the fight. Shortly afterward, a minié ball struck Smith in the temple, but it did not go through his skull and was removed after the battle.

Smith returned with Warner to Clinton in November 1862, but left to join the 54th Massachusetts Volunteer Infantry when he learned President Abraham Lincoln would permit black troops to fight. Bumped to the 55th Infantry due to a large number of volunteers, Smith was officially placed in the color guard of Company B on May 16, 1863.

That year at Honey Hill, Smith's sergeant was killed by an artillery shell. Smith's grandson, **Andrew Bowman**, writes, "Andy caught the falling Color Sergeant Robert King with one hand and snatched the flag with the other." By the battle's close, and the Union's defeat, Smith was carrying the federal and regimental flags.

Sen. Durbin and Rep. Ewing learned about Smith from Bowman and his aunt, **Caruth Smith-Washington**, Andrew Jackson Smith's 92-year-old daughter.

After researching his grandfather's exploits, Bowman contacted **Sharon MacDonald** of Illinois State University's history department and **Rob Beckman**, one of her students, in 1997 to help gather legal proof and evidence supporting a Medal of Honor for Smith.

The scholars met at Bowman's home in Indianapolis. "On the way home, Rob was looking through the papers Andrew had gathered," MacDonald says, "and Rob said, 'Everything's here to get Smith the medal right now.'"

MacDonald then studied the 1916 and 1917 laws on granting the Medal of Honor and applied them to Smith's actions at Honey Hill. "He met every requirement," she says, "which rarely ever happens."

Ryan Reeves

### QUOTABLE

“Never has so much money done so little good for so many.”

Chicago Democratic State Rep. **John Fritchey** to the *Chicago Tribune* in response to that newspaper's report that Illinoisans who receive the pre-election property tax rebates agreed to by state politicians will have to turn around and pay income taxes on the windfall. Those rebate checks to individual property taxpayers will total anywhere from \$25 to \$300. But as a result, according to state Department of Revenue calculations published by the *Tribune*, an estimated \$36 million of Illinois' share in the settlement with major tobacco companies now will have to be forked over to the federal government. Meanwhile, only \$29 million was designated this fiscal year for anti-smoking programs.

Photograph courtesy of Illinois State University / The State Journal-Register



### Clements re-opens Statehouse bureau for Champaign paper

**Kate Clements** is the new Statehouse bureau chief for *The News-Gazette* of Champaign. A graduate of the Public Affairs Reporting program at the University of Illinois at Springfield, she covered local government and politics for the Elgin bureau of the *Daily Herald*, based in Arlington Heights. The last full-time reporter at the Capitol for *The News-Gazette* was **Michael Hawthorne**, who left in 1996.

### State comptroller honors a predecessor with a fellowship program

A committee appointed by Comptroller **Dan Hynes** will begin reviewing applications this month for the newly established **Roland W. Burris** Fellowship Program.

Hynes created the program to offer governmental public service experience to college students and recent graduates and prepare them for careers in government. The fellowship is also a way to honor Roland Burris, a three-term comptroller and one-term attorney general who was the first black in Illinois history to be elected to statewide office.

**Gail Lobin**, communications director for the comptroller's office, says the program is an effort to "foster a mentoring relationship between students and state government." Lobin also says the number of positions offered could vary from two to four, depending on budget constraints. The positions can be in either Springfield or Chicago, depending on what experiences the fellows wish to gain. "We're trying to be as flexible as we can," she says.

The fellowship's one requirement is that applicants either have a bachelor's degree or be enrolled in a bachelor's program. The committee, which includes Burris, will consider applications from candidates in all fields of study. The deadline for applications is October 15, and interviews will run through November 30.

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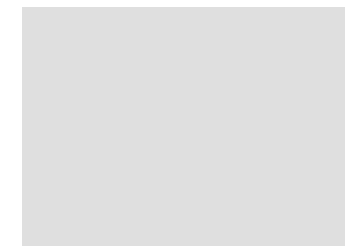
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**A VIEW FROM THE SUBURBS**

*Madeleine Dobeck*



**It remains difficult to keep  
drunken drivers off our roads**

by **Madeleine Dobeck**

**I** have enough knowledge not to “drink and drive,” William H. Roberts insisted to a reporter. His claim came during a county jail interview as he began serving time for a drunken driving conviction. “A couple of times I’ve driven drunk, but I don’t drink to the point where I’m loaded and don’t know what I’m doing.”

Roberts’ record belies his claim. A former Streamwood resident, he was convicted for driving under the influence in Illinois 17 times in seven years, giving him the worst drunken driving record in the state. And he has another five convictions in Wisconsin.

Roberts’ record may be extreme, but it is not isolated. An unprecedented study of repeat drunken drivers by the *Daily Herald* found that more than 160 had at least five Illinois DUI convictions. Nearly 5,400 had been convicted of driving drunk at least twice. The paper’s examination of the complete driving histories of Illinoisans with more than one drunken driving court action on their records between 1996 and 1999 turned up 11,779 with one DUI conviction and a supervision or license suspension for driving under the influence. (Illinois law allows court supervision for most first drunken driving arrests.)

The numbers of repeat offenders were eye-opening in a state where the conventional wisdom is that attitudes about driving while impaired have hardened and that lawmakers are on top of the problem. After all, Illinois, unlike most

states, lowered the legal intoxication limit to .08. This state has enacted 24 drunken driving-related laws in the past four years alone.

But the story beyond the numbers demonstrates just how difficult it remains to keep drunken drivers off our roads. Alcoholics and others frequently drive without a valid license. An exhaustive study of 10 offenders, with five to 12 DUI convictions each, found they had 62 charges among them for driving on a suspended or revoked license and 86 drunken driving convictions.

Yet Illinois’ judges struggle with the concept of long-term lockup for driving drunk. Even these most chronic offenders regularly received jail time of only two years or less. Charges often were combined, previous convictions ignored and concurrent sentences granted for the group of chronic offenders. Maximum sentences rarely were imposed.

Consider the history of former Naperville resident Kenneth Davis. He was arrested for drunken driving in 1995. Although he had seven previous DUI convictions, he served a total of only 66 days in county jail. Davis has

**The Daily Herald found  
that nearly 5,400 Illinoisans  
had been convicted of driving  
drunk at least twice.**

been arrested, convicted of DUI, jailed and returned to the streets a total of 12 times in Illinois.

Judges, including Patrick McGann, the supervising judge for Cook County’s traffic court, point to studies suggesting jail time is not an effective method for stopping DUI recidivism, though victims and anti-drunken driving activists argue it sometimes is the only way to keep these offenders from driving.

The newspaper’s investigation and a series of deadly drunken driving accidents last summer prompted Democratic Secretary of State Jesse White to propose a legislative reform package. He wants mandatory jail time and vehicle immobilization options for motorists caught driving illegally. Breathalyzer ignition devices installed more often on repeat offenders’ vehicles and increased penalties for those whose blood alcohol level is twice the legal limit or more.

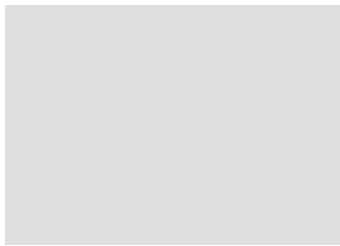
GOP Gov. George Ryan echoed the concerns of legislators when he suggested immobilizing repeat offenders’ vehicles may end up penalizing or stigmatizing family members, but Susan McKay, the ex-wife of a multiple DUI offender, encourages that move. “Anybody living with somebody like this is going to be working full-time and using their own car,” she says. She wants dealers to stop selling cars to repeat drunken drivers.

Some anti-drunken driving activists called for a uniform system to evaluate and treat drunken drivers. Ryan, meanwhile, called for mandatory treatment or counseling. He and others also have suggested it may be time to end supervision for a majority of first-time DUI offenders. Judges argue that move would clog the court system.

Defense lawyers will lobby against many of the attempts at solutions to the repeat drunken driving problem, and some in the powerful liquor lobby may join them. Changing drunken driving laws never has been easy in a Capitol where drinking remains the recreation of choice for many. Will legislators, judges, lawyers, counselors and others embark on the tough search for workable solutions or choose the path of denial, like 22-time offender Roberts? □

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Charles N. Wheeler III



## School districts face budget uncertainty unless lawmakers act

by Charles N. Wheeler III

The last “G’day, mate” has echoed away from the Sydney Olympics. Fans of the White Sox and the Cardinals are looking forward to playoff baseball, perhaps even a World Series matchup. (Cub fans, as usual, are looking forward to next year.)

Illinois voters are paying closer attention to the November election, now just a few weeks away, and legislative candidates are talking about what they’d do to address concerns from abortion rights to zoning laws.

Meanwhile, away from the bright lights, a small group of committed citizens is laboring to lay the groundwork for lawmakers to tackle one of the most important challenges they will face when the 92nd General Assembly takes office in January: determining what constitutes an appropriate funding level for the state’s public schools.

The impetus lies in a 1997 law that created a new general state aid formula, the complex calculation under which most state assistance is funneled to local school districts. The act set foundation levels for the next three years, ending at \$4,425 per student in state and local resources for the current school year.

The new law also guaranteed for the first time that the money would be there to meet the new foundation levels by creating a continuing appropriation for formula funding. That budgeting device essentially requires the comptroller to write checks to local school

***The 1997 law that established a new general state school aid formula expires on June 30. So a small group of citizens is laboring to lay the groundwork for lawmakers to tackle one of the most important challenges legislators will face when the 92nd General Assembly takes office in January.***

districts for the amount of aid they’re entitled to under the formula, even if lawmakers haven’t appropriated enough money in a particular year to cover all the claims. Thus, for the last three years, school officials have had a much better idea of available funding, rather than having to wait for lawmakers to decide how much money to allocate for education.

But both the annual increases in foundation levels and the statutory guarantee the funds will be provided are due to end June 30. Thus, school districts again will face pre-1997 budget uncertainty unless the legislature acts.

Enter the Education Funding Advisory Board. Created by the 1997 law, the board’s job is to recommend

changes to the formula, including new levels for both the basic foundation grant and for an extra per-pupil poverty grant for districts with significant concentrations of low-income students. The panel’s first report is to be filed with lawmakers on January 1, with updates every two years after that.

The task is not as simple as telling the legislature to boost the foundation level by another \$100 a year in each of the next two school years. Instead, board members must grapple with some of the underlying school funding concerns that prompted the 1997 formula revisions.

Consider a couple that state schools Superintendent Glenn W. McGee outlined for the panel as it began work:

- Adequacy. The 1997 law says the foundation level represents “the minimum level of per-pupil financial support that should be available to provide for the basic education of each pupil in average daily attendance.” In reality, there is no one-size-fits-all number. The bare-bones cost of providing a basic education is not the same for a third-grader as it is for a high school junior. Nor will a dollar buy as much “education” in the Chicago suburbs as in southern Illinois.

McGee suggested the panel consider three different foundation levels: one for pre-kindergarten to third grade, another for fourth to eighth grade and a third for high school. Including early childhood education in the formula, the superintendent noted, would help local school officials make long-range plans for pre-kindergarten programs, rather than having to wait each year to see how much lawmakers appropriated for the programs.

Moreover, if the goal of the exercise is to assure that every public school student is afforded a basic education, the panel also should recommend adjusting each grade-based foundation level to reflect the cost of living in a particular area.

- Poverty. Recognizing that children from low-income homes need extra help to do well in school, the 1997 law

provided supplemental state aid, in the form of poverty grants, to school districts with significant numbers of poor children. This year, the grants range from \$800 to \$2,050 for each low-income student, based on the concentration of poor children in the district. But a district with fewer than 20 percent of its students from low-income families receives no additional help, meaning a small district could lose tens of thousands of dollars in poverty grants if a middle-income family moved to town and put the kids in school.

A lower eligibility bar, as McGee proposed, would assist districts now on the 20 percent bubble. To completely preclude all-or-nothing scenarios, though, the panel might consider a sliding scale in which additional funding is available for every low-income student, with the per-pupil amount increasing as the concentration of poor children increases.

***At the root of most school funding problems is a heavy reliance on property taxes to pay for education. Until more of the bill is picked up by other funding sources, we’ll struggle to assure adequate schooling for every child.***

A more vexing question is how to measure the number of poor children in a district. Under the 1997 law, the number of low-income families is drawn from the most recent federal census, meaning that eligibility for poverty grants — and the amount going to local schools — is based on 10-year-old census data. Alternative

ways to get a more current count have been suggested over the years — kids receiving free school lunches, for example, or whose families are on food stamps — without policy-makers agreeing on a new yardstick. Now the panel has to tackle the issue as part of its look at poverty grants.

Whatever figures the panel chooses, one critical element will be locking in the new levels through a continuing appropriation.

At the root of most school funding problems, of course, is Illinois’ heavy reliance on local property taxes to pay for education. Until more of the bill is picked up by other funding sources, we’ll have to continue to struggle to assure an adequate education for every child. □

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