

Presentation Summary 1 October

Attempting Democracy

Bernard H. Sieracki

Bernard Sieracki will present a summary of the Illinois Legislature from the first meeting in October of 1818 to fifty-five years later with the Twenty-eighth legislative session in 1873. His presentation will also include a discussion the Constitutional Conventions of 1848, 1862 and 1872. Sieracki will present not only events, but also the transition of frontier political and economic cultural attitudes (paradigms) that contributed to legislative activity, and the colorful political actors.

In 1818 and through the succeeding decades, self-rule democracy was still an experiment: common men ruling themselves. A republican form of government was embraced, but extended democracy remained questionable. Illinois, as were other new states, was a test. Frontier Illinois represented unlimited opportunity and members of the legislature and delegates to the constitution conventions of 1848 and 1862 recognized their advantage, and seized the presented occasion.

The immediate issue facing the new state was the establishment of a stable system of currency and credit. The talk will relate the various banking schemes proposed through decades offered by the legislators that served to enrich themselves. Sieracki's presentation will relate the decades of failure supported by opportunity and bounded rationality.

Also, of great importance to the early legislature and many influential individuals, was the establishment of slavery. The Constitution of 1818 sidestepped the issue and inserted language from the Northwest Territory that obfuscated the issue. Sieracki's presentation will cover the legislature's attempt to change the constitution and the campaign to bring about unlimited slavery. Slavery remained a key and contentious issue and the Illinois Legislature continued to pass sever "Black Laws" culminating with the Constitution of 1848 and the proposed constitution of 1862 that banned free blacks from coming to Illinois and restricted blacks living in Illinois.

By the decade of the 1830s new technologies arrived and presented challenges and opportunities to the legislature. The most impactful technology and the most opportunity for self-enrichment, was the coming of railroads. Illinois history of railroad development is a saga of mismanagement and a clear example of legislature's bonded rationality; the legislature had no idea of how to 'manage' this new technology. Government regulation was an anathema to the

paradigms of the early Nineteenth-century. But railroads affected everyone, and the conduct of the railroads was also an anathema to current paradigms. During the first fifty years, because of the growth of a basic element of the tested democratic creed, freedom of speech and a free press, the public voice had become a basic element of legislative activity. Illinois citizens, as citizens throughout the nation, demanded legislative action. By 1870 the public voice could no longer be ignored and the 1872 Constitution instructed the Illinois Legislature to act. The result was the Railroad and Warehouse bill of 1873 and the resulting *Munn vs Illinois*, the U.S. Supreme Court decision that held the constitutional validity of the Railroad and Warehouse Regulatory Act.

The Supreme Court decision was based upon a law that was developed by a legislature that had transformed from the early Illinois Legislatures. Not only had the Illinois Legislature changed, but the basic concept of the role of government, by the American people, had changed. The decision was welcomed and government regulation, 'central control,' was accepted and in the case of railroads indorsed.

Sieracki's discussion will then lead to a presentation by Doctor Kent Redfield and Doctor Jim Nowland that deals with the Illinois Legislature in modern times.