

CAMPAIGN 2012 ENDORSEMENTS

Pension head-fake

Vote 'No' on this amendment. Then demand real reforms.

The Illinois Constitution needs a fix that would enable reforms to public pensions statewide. Unfortunately, the proposed pension amendment on the Nov. 6 ballot is a misleading gesture — essentially worthless. This head-fake sponsored by House Speaker Michael Madigan and Senate President John Cullerton achieves the difficult trick of being both diabolical and feckless. Please give them your enthusiastic vote: “No.”

Last April, Madigan and Cullerton anticipated that two failures could dog their candidates in their fall campaigns: With citizens — and credit rating agencies — lambasting Illinois' doomed pension system, lawmakers would have to explain why they hadn't intervened. Voters could blame majority Democrats. The same majority Democrats whose 67 percent increase in the personal income tax rate hasn't paid off the state's old bills or reduced its enormous debt.

So the House and Senate leaders proposed the constitutional amendment that both houses overwhelmingly passed, and that voters will find on their ballots. Sort of. The full amendment, which is lengthy and miserably written, won't be there — only a brief synopsis cleansed of “emolument increase,” “beneficial determination” and other impenetrable phrases.

You, little voter, are supposed to see on your ballot wording that includes the hot-button word “pension” and think fond thoughts of all those legislators who, golly, must have passed pension reforms.

Don't be a chump. Yes, the amendment would raise, to three-fifths, the required approval by the Legislature or any local government body that wants to raise a pension or retirement benefit. Trouble is, lawmakers have approved almost all pension sweeteners by overwhelming votes because every legislator wants to be in on the giveaway to workers (who tend to vote accordingly). In the real world, then, raising the approval threshold to three-fifths would have virtually no impact. Think of the doctor who diagnoses a terminal illness and for lack of treatment options asks her patient, “How about a cough drop? Cherry!”

Here the plot thickens: The full amendment, given its density and obtuse legalese, has stoked conspiracy theories. In an essay circulating among public employees from Zion to Cairo, John Kindt, a retired University of Illinois professor, notes that the amendment runs more than 700 words — longer than the entire Bill of Rights, the first 10 amendments of the U.S. Constitution. Kindt suggests that the amendment's “avalanche of unnecessary and deceptive words” camouflages a paragraph that would allow lawmakers to circumvent the pension protection clause in the Illinois Constitution. That clause says benefits earned by public workers “shall not be diminished or impaired.”

Smart legal minds disagree on whether the proposed amendment really would allow public bodies to slash pensions. Our own conspiracy theory: That isn't the real reason public employee unions that didn't fight the amendment last spring now are frantically urging their members to oppose it. Our hunch is that the unions, having long and correctly argued that lawmakers underfunded the pension system, now are fighting this amendment because some legislative candidates are trying to peddle it to voters as ... pension reform.

So we agree with labor, although for different reasons:

- The unions have their own definition of pension reform — gazillions of dollars in new taxpayer money flowing into the pension funds. Funds, we might add, that are at least \$83 billion in arrears. This amendment risks blurring labor's focus on finding new dollars for pensions.
- All of us, union members included, should remind Madigan & Co. that it doesn't take a constitutional amendment for legislators to tell themselves, “We need to stop giving away retirement money we don't have.” Already, one-fifth of the state's general funds spending goes to pension costs. That burden crowds out spending on schools and other programs.
- And anyone who thinks the amendment is an effort to kill the pension protection clause, fine. Knock yourself out. Every “No” vote counts.

And know this: While the Madigan-Cullerton head-fake got on the ballot, the leaders stuffed constitutional amendments proposed by Republicans that might have imposed some spending discipline. Comptroller Judy Baar Topinka and Treasurer Dan Rutherford supported an amendment to combine their offices. It went nowhere. House Republicans pushed an amendment to require a three-fifths vote on tax increases. Buried.

Whatever the outcome Nov. 6, voters need to tell their lawmakers that — eyewash amendment or no — Illinois needs real reforms. A constitutional amendment that clarifies the pension protection clause would help. As is, the unions contend a worker is entitled, until death, to the pension scheme that was in force on the first day he or she reported for work. We know, that's ridiculous. The Illinois Constitution needs to say so.



E. JASON WAMBSGANS/TRIBUNE PHOTO Speaker Michael Madigan and Senate chief John Cullerton's proposal aims to appease voters. Don't fall for it.