

Carbondale-Herrin-Murphysboro

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# Officials disagree sharply on disclosure law

By Richard H. Icen  
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Bethalto Village Board President Erwin Plegge tells a kind of "love story" to illustrate the problems confronting local officials these days because of the state's Corrupt Practices Act, first passed by the General Assembly back in 1872.

Plegge recalls that a mayor in another small town "once upon a time" awarded a contract to a veterinarian to inoculate stray dogs and cats sent to the local animal shelter.

Some time after the contract had been finalized, the veterinarian met the daughter of the mayor. Romance blossomed and the two were married.

Amid the euphoria of orange blossoms and the exchange of rings and vows came some sobering thoughts related but indirectly to pledges made "till death do us part."

Did the marriage convert the agreement between the city and the veterinarian to a conflict of interest prohibited by the Corrupt Practices Act, even though negotiations were completed before the couple had even met?

Plegge said he didn't know (and declined politely to identify the mayor or the town) but used it as an example of how public officials can incur a conflict of interest even by accident these days.

**Complications**  
Being a politician or an appointed office-holder is more complicated with the renewed emphasis being placed on such matters as conflict of interest, requirements for open meetings and the more recently passed financial and campaign disclosure laws.

"You always have to find a proper balance between what is disclosed and the individual right of privacy," remarked retired Southern Illinois University political scientist Jack Isakoff.

Isakoff was chairman of the board which administered Gov. Daniel Walker's disclosure program, which he set up by executive order to require

more detailed information than is demanded in the law approved two years ago by the legislature.

Isakoff was asked whether he knew of anyone who refused an executive appointment because of the disclosure requirements.

"I had a feeling there were such instances, but during the period I was chairman the program was under a court injunction," Isakoff said.

Just what the proper balance Isakoff mentioned should be remains a matter of sharp dispute. Many local officials believe even the mild disclosure required by the 1973 law has given them problems in finding people to serve on boards and in positions, most of which carry no salary.

**'More Difficult'**  
"It's not been too good," Plegge said about the situation in Bethalto, a small community in Madison County. "I've been able to get good candidates to run, but it's more difficult than it used to be because of the ethics reports and the other red tape."

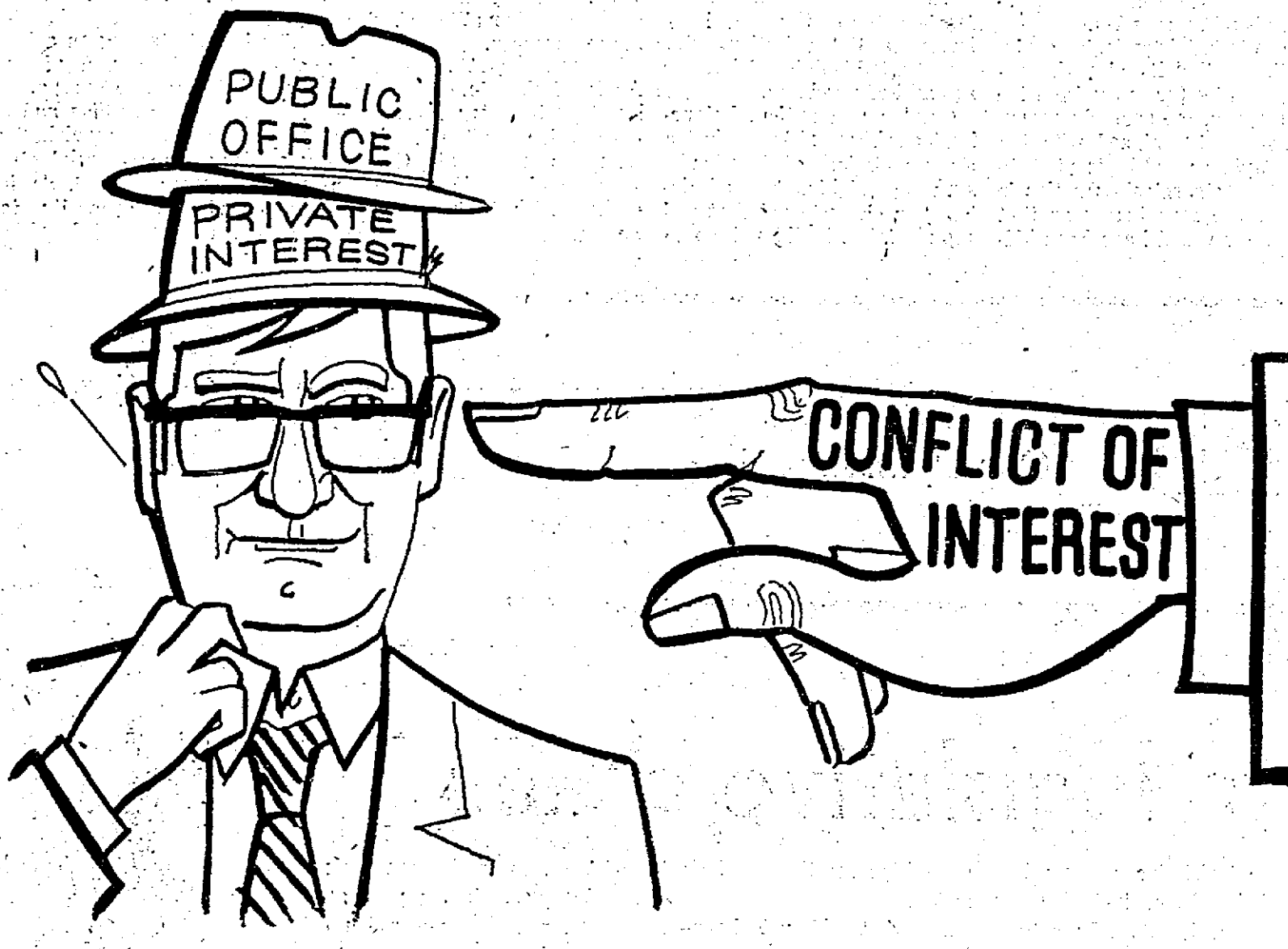
"We have had many resignations from the boards and commissions because of the income disclosure," former Champaign Mayor Virgil Wikoff said. "They say the hell with it if I have to fill that (income disclosure) out."

"I had three people turn me down on the Planning Commission," said Knox County Board Chairman Richard Burgland. "They just didn't want to disclose and I don't blame them a damn bit. I think anyone who is willing to serve their community without getting paid shouldn't have to go through all that."

Others, however, say they have had no real problems. "We have had no difficulty in Urbana," said Mayor Hiram Paley. "People I have asked to serve on boards and commissions have never balked."

"So far within the city of Salem, we have not had that problem," Mayor Charles L. McMackin II said.

McMackin said Salem tries to avoid conflicts of interest by



appointing business people to positions unrelated to their professional occupations.

McMackin believes the situation is particularly troublesome for bankers because the Corrupt Practices Act has been interpreted to prohibit the deposit of public funds in a bank by a public official or employee serves.

As a case in point, the St. Clair County Grand Jury announced May 7 a grand jury investigation of some bank officers and directors serving on public agencies that have funds deposited at their financial institutions. The investigation was to include such agencies as the St. Clair County Public Building Commission, city of Fairview Heights, city of Lebanon, Belleville Area College, Belleville Township

High School District 201 and the village of Sauget.

"Many of these persons are undoubtedly good people and in this type of case we possibly would find the motivation was not one of personal gain," said State's Atty. Robert H. Rice.

"But, I think my duty requires me to do no less than to bring this matter to the grand jury in the near future."

**Main Concern**  
Though many local officials complain about the "red tape" of financial and campaign disclosure, their main concern is the Corrupt Practices Act, a statute no one paid much attention to for close to a century.

"There's a lot of hearts and flowers being played by some of those (legislative) committee members, and I know they don't want to do anything

that would allow anyone to do anything wrong. But I don't know if they're getting the other side of the story," said J. Calvin Bostian, head of researching and drafting legal opinions issued by Atty. Gen. William Scott.

Bostian was referring to two bills filed this year by Sen. Stanley Weaver, R-Urbana, to amend the Corrupt Practices Act.

One would allow employees or officials of cities of 15,000 people or less to do business with the city if sealed bids are requested and they happen to submit the lowest or best bid.

The other is designed to cover all other units of government. It allows an official to do business with a firm as long as he holds no more than 7 1/2 per cent of stock in it

and the contract is approved by three-fifths of other board members. The member with a financial interest could not vote.

Comptroller George Lindberg is negotiating to amend Weaver's bills: His office wants to reduce the population in the first bill to 2,500. Aides believe that would cure the most serious problems small communities face in getting basic goods and services.

And Lindberg's office wants to change the second bill to require a unanimous vote of remaining members to approve a contract. Aides say that would make self-serving among local officials more difficult.

The core section of the Corrupt Practices Act says: "No person holding any office, either by election or appointment under the laws or

Constitution of the state, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which officer may be called upon to act or vote."

**'Interest Meaning Vague'**  
"Though this seems clear, the meaning of interest is vague," wrote Justin Fishbein, a former reporter for the Chicago Sun-Times, in a recent issue of Illinois Issues. "An appellate court opinion states that the law prohibits a pecuniary interest in most instances."

Fishbein became interested in this problem some years ago after being told he might be subject to criminal penalties while a member of a Chicago area school board.

Fishbein had voted in favor of purchasing some typewriters from a major business equipment manufacturing firm in which he owned a few shares of stock. At the time, though, no one paid much attention.

The situation changed in 1972 when the comptroller's office began to audit the financial records of local governments and, more significantly, to inform local state's attorneys of potential conflicts of interest.

The state's attorneys, in turn, began asking Scott's office for an interpretation of the law. Scott essentially told them the law means what it says.

Thus, in one case Scott said an employee of an insurance company had a direct conflict of interest while serving on a school board because the insurance company employing him had a contract with the school district to provide group insurance. The employee owned no stock in the company and was elected to the board after the contract had been negotiated.

A recent court decision also voided a labor contract negotiated by a school district with a teachers union in northern Illinois because one board member was the wife of a school teacher.

Some persons speculate it

might be a conflict of interest for an employee or shareholder of a public utility to approve payment of routine costs for telephone, electricity or water service.

Weaver believes his bills will clarify these ambiguities. But some critics, among them Bostian, feel they could lead to log-rolling through which members of boards vote for each other's financial interests.

The problem seems more severe in smaller communities, which often have only one bank and a limited number of other business establishments.

**Impact Hard to Judge**  
Little hard information is available on how many people quit or refuse to accept public office, or how many positions currently are unfilled because of fear of the Corrupt Practices Act (which carries a prison sentence of one to five years, a fine of up to \$1,000 or both), reluctance to disclose personal finances or refusal to file campaign disclosure reports.

"Unfortunately, there's no centralized reporting system," said Steve Sargent, executive director of the Illinois Municipal League.

Indeed, most officials surveyed seemed at a loss to say whether any marked change in the types of candidates or appointees to public office can be traced directly to ethics requirements.

"We find a different kind of guy in the legislature," said Samuel K. Gove, director of the Institute of Government and Public Affairs. "But I think it's for other reasons. They are better educated. They have better working conditions and better pay and they have to work a lot harder than they used to. A lot of the old style legislators couldn't take the pace today."

There is a feeling as well that open meetings and disclosure have created more awareness among people who might not have thought about running for office in the past.

"I think it's created more awareness," Peoria Mayor Richard Carver said. "We just elected the second woman to our council in history."

# Achievement test criticism continues

By Diane Ravitch

Choose the one word or set of words which, when inserted in the sentence, best fits in with the meaning of the sentence as a whole.

1. From the first the islanders, despite an outward — did what they could to — the ruthless occupying power.

(A) harmony . . . assist (B) enmity . . . embarrass (C) rebellion . . . foil (D) resistance . . . destroy (E) acquiescence . . . thwart

Choose the lettered word or phrase which is most nearly opposite in meaning to the word in capital letters.

2. SCHISM: (A) majority (B) union (C) uniformity (D) conference (E) construction

The questions, typical of those that appear on the verbal section of the Scholastic Aptitude Test for college applicants, seem straightforward and unassuming, yet they are intended to be precision instruments of a sort — finely crafted tools for measuring academic ability.

Before it can appear on a test, each such example is reviewed by a battery of test specialists and editors who examine it for the importance of its idea, clarity of presentation and lack of ambiguity, as well as far more precise specifications of content and difficulty.

(The first of the two questions above is of average difficulty — 58 per cent of those who took the test chose the correct answer, E. The second is harder — the correct answer is B, and only 32 per cent got it right.)

The preparation of a test question involves 150 steps and may take as long as two years.

All that work is deemed necessary because the Scholastic Aptitude Test, or SAT, along with achievement tests in specific fields of knowledge make up the "college boards" — crucial and often traumatic events in the lives of many high-school seniors, juniors and

**EDITOR'S NOTE:** Diane Ravitch is a historian of education and author of "The Great School Wars: New York City, 1865-1973." She took the college boards in 1956.

other young people who contemplate enrolling in college.

Although standardized tests for college admissions have been given since the turn of the century, the practice has become nationwide only in the past two decades. This year, some 1.5 million students will take the Scholastic Aptitude Test in order to meet the requirements of some 1,500 colleges and universities.

While many college administrators assert that the tests are no longer the deciding factor in a student's application, criticism of the tests has recently grown intense. Ralph Nader is about to launch an investigation of Educational Testing Service, which devises the college boards.

But despite continuing controversy, massive numbers of students take the tests yearly, and there is little doubt that they have become an integral part of American higher education.

The SAT is offered on six Saturday mornings each year in thousands of test centers throughout the nation and abroad. It costs \$6.50 to take the SAT and \$11 to take achievement tests, although the fees may be waived for low income students.

The SAT consists of a verbal section and a mathematical section. The questions are not tied to any particular curriculum. The SAT-V (verbal) is a general test of vocabulary and reading comprehension, while the SAT-M (mathematics) relies only on quantitative subject matter taught in the ninth grade or earlier. Scores are reported separately on the two sections, and in addition,

verbal subscores are reported for reading comprehension and vocabulary.

The SAT is intentionally a difficult examination, in order to differentiate among various levels of ability. The questions are calibrated to progress from easy to very difficult. Since the test has a time limit, not all students complete it. However, about 98 per cent complete at least three-fourths of the test.

The SAT is graded by a formula that is intended to discourage guessing: The raw score is the number of questions correct minus one-fourth the number wrong. Students are advised to avoid haphazard guessing but to make informed guesses if they have enough knowledge to eliminate or more answer choices.

**99 Per Cent Accurate**

The completed tests are returned to Educational Testing Service in Princeton. There, the answer sheets are fed into a massive computer center, where machines scan them, transfer the answers to magnetic tape, and grade them. More than 99 per cent of the tests are scored without error. Answer sheets are kept on file for a year in order to resolve any question about the accuracy of the reported scores. The raw scores are transformed into numbers on a scale between 200 and 800.

The Educational Testing Service, with an annual budget of \$52 million, dominates the testing industry and administers a broad range of vocational and college-placement tests. But the SAT has the largest candidate volume, and because of both its significance to the organization and its in-

fluence on American education, it is considered the most important test the company devises.

It is developed almost entirely in-house by a staff of 58 test-developers who include young people, not-so-young people, blacks and women, all with professional experience as teachers or psychologists.

A typical multiple-choice item is composed of a question, or "stem"; the correct answer, or "key"; and the wrong choices, called "distracters." The item as a whole is supposed to contain an important concept, and the difficulty of an item is supposed to be based on sophisticated reasoning rather than esoteric subject matter.

**Care in Writing**

Distracters are written with as much care as the correct answer. A good distracter might be a common misconception, a statement that is true but does not satisfy the requirements of the problem, a statement that is too broad or too narrow for the problem, or a statement that may sound plausible to the uninformed.

A question is considered easy if it can be answered correctly by at least 70 per cent of the examinees, difficult if it can be answered correctly by no more than 30 per cent. Questions that can be answered correctly by more than 90 per cent or by fewer than 10 per cent are not considered useful enough to include in the test.

The degree of difficulty, as well as the fairness of the questions, is determined by pretesting — one of every six questions on the SAT is a

pretest item that is not officially scored.

The development process for the achievement tests is even more complicated, for most questions are written by outside experts in each field. Development committees, made up of six to eight professionals from secondary schools and colleges, prepare and review the tests in their subject. This tie to practitioners, more than 500 of them, is intended to keep the achievement tests abreast of the important trends.

**Criticisms**

The tests are not very vulnerable to attack on technical grounds. The "reliability," or consistency of the SAT as a measuring instrument is not in doubt. Studies of the tests show that different forms of the SAT measure the same abilities in the same way to a continuing high degree. And college admissions officials are convinced by their experience that when the SAT is used to supplement the high-school grade-point average, it adds significantly to the ability of an admissions official to forecast a student's college grades.

The tests are subject to broader criticism. Some contend that the SAT, like other objective tests, corrupts the educative process. Critics also charge that standardized tests, like the SAT, are racially and culturally biased because whites, on the average, score higher on them than do blacks. But studies have shown that the SAT predicts college performance as accurately for blacks as for whites, both in traditionally black colleges and in integrated colleges. The score

differentials are not the result of bias in the test, but of the test's clear reflection of unequal educational opportunities.

The evidence indicates that the tests are culturally biased to the extent that reading ability is culturally linked. Colleges rely on them because the ability to do college-level academic work depends on reading skill. Because reading is a skill that is developed in school and nurtured at home, it is related to educational and economic opportunity.

**No Longer All-Powerful**

Admissions officials today appear to understand the limitations of the test scores. While they continue to be important, the tests are no longer as powerful as they used to be.

A survey of admissions officials in colleges and universities across the nation, both public and private, produced a surprising consensus on the relative down-grading of the scores. Many institutions have devised their own predictive validity index, in which they combine SAT scores, high-school grades, class rank and the quality of the high-school program. Each school weighs these factors as it chooses.

While college officials take the tests less seriously than they did several years ago, however, most still believe that they serve an important purpose by providing a nationwide standard measurement for students from high schools of widely varying quality. One result is that they offer students from remote or inferior high schools a chance to qualify for highly selective colleges.

**THE COLLEGE BOARDS**

(A) Still cause fear and trembling among high-school students.  
 (B) Cannot accurately test innate ability.  
 (C) Reliably predict college performance for the most part.  
 (D) All of the above.

ANSWER: (D)