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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

_____)
Rod R. Blagojevich)
_____)
_____)
Plaintiff(s),)
vs.)
State of Illinois, Illinois General Assembly)
_____)
_____)
Defendant(s).)

1:21-cv-4103
RANDOM
Judge Thomas M. Durkin
Magistrate Judge Jeffrey Cummings

FILED

AUG 02 2021
DB

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

This form complaint is designed to help you, as a pro se plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.
2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.
3. Plaintiff's full name is Rod R. Blagojevich.

If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.

4. Defendant, State of Illinois, Illinois General Assembly, is
(name, badge number if known)

an officer or official employed by _____;
(department or agency of government)
_____ or

an individual not employed by a governmental entity.

If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.

5. The municipality, township or county under whose authority defendant officer or official acted is _____. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about beginning on 1/29/2009 and continuing to this day
plaintiff was present in the municipality (or unincorporated area) of Chicago
_____, in the County of Cook,
State of Illinois, at 2934 W. Sunnyside Chicago, IL 60625,
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows (***Place X in each box that applies***):

- arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
- searched plaintiff or his property without a warrant and without reasonable cause;
- used excessive force upon plaintiff;
- failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
- failed to provide plaintiff with needed medical care;
- conspired together to violate one or more of plaintiff's civil rights;
- Other:

The Illinois State Senate voted to disqualify the plaintiff from ever holding any state or local public office in Illinois.

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (*Leave blank if no custom or policy is alleged*): Does not apply.

8. Plaintiff was charged with one or more crimes, specifically:
Does not apply.

9. (*Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"*) The criminal proceedings

are still pending.

were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.¹

Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows _____

Other: Does not apply.

¹Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

10. Plaintiff further alleges as follows: *(Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.)*

See attached.

11. Defendant acted knowingly, intentionally, willfully and maliciously.

12. As a result of defendant's conduct, plaintiff was injured as follows:

See Attached.

13. Plaintiff asks that the case be tried by a jury. Yes No

WHEREFORE, plaintiff asks for the following relief:

Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.
See Attached.

Plaintiff's signature: Rod Blagojevich August 2, 2021

Plaintiff's name (*print clearly or type*): Rod R. Blagojevich

Plaintiff's mailing address: 2934 W. Sunnyside

City Chicago State Illinois ZIP 60625

Plaintiff's telephone number: () _____.

Plaintiff's email address (*if you prefer to be contacted by email*): _____

blagojevichr@gmail.com

15. Plaintiff has previously filed a case in this district. Yes No

If yes, please list the cases below.

No. 08 CR 888 Appeal in the 7th Circuit Court of Appeals.

Addendum:

10 Plaintiff further alleges as follows:

Plaintiff is a citizen of the United States.

On November 5, 2002, the Plaintiff was elected Governor of Illinois.

On January 13, 2003, the Plaintiff was sworn in as the 40th Governor of the state of Illinois.

On November 7, 2006, the Plaintiff was reelected Governor of Illinois.

On January 8, 2007, Plaintiff was sworn in as Governor of Illinois for the second consecutive time.

During his time as Governor, Plaintiff, a Democrat, spent nearly the entire 6 years he served as Governor, feuding with Michael Madigan, the longtime powerful Democrat Speaker of the House and Chairman of the Illinois State Democratic party. Nearly a year before his arrest, Madigan circulated a memo encouraging House members to discuss impeaching the Governor after the Governor issued an amendatory veto of a sales tax increase and rewrote the bill to give free public transportation to every senior citizen and every disabled person in the state of Illinois.

On December 9, 2008, Plaintiff was arrested on a criminal complaint at his home at 6 o'clock in the morning by FBI agents and SWAT teams surrounding his house.

While in the custody of the FBI, United States Attorney Patrick Fitzgerald held a press conference announcing that he was "stopping a crime spree before it happened."

At that same press conference United States Attorney Fitzgerald alleged that the Plaintiff was arrested and charged with attempting to "sell the United States Senate seat" being vacated by then President-elect Barack Obama.

At that press conference United States Attorney played selected snippets from tape recordings surreptitiously made by the FBI recording hundreds of hours of taped conversations held by the Governor and several other people.

Shortly thereafter, the United States Attorney obtained a seal order from the court preventing the remainder of those taped conversations from being heard. To this day that seal order is in place and the Plaintiff has been denied the ability to have the tapes heard in court and in public to fill out the context of those selected snippets played by the United States Attorney in public and in court.

From the very beginning and to this very day, the Plaintiff has attempted to play those tapes in the courtroom and in the court of public opinion and to this day the Plaintiff has been denied repeated attempts to have those full taped conversations heard.

The centerpiece of the allegations against the Plaintiff was the charge that he was attempting to sell the United States Senate seat being vacated by then President-elect Obama.

From the very beginning and to this day, the Plaintiff has denied those charges.

And on July 21,2015 the Plaintiff was vindicated when the United States Court of Appeals for the Seventh Circuit reversed the convictions on the counts regarding the attempt to “sell United States Senate seat” by characterizing those allegations as nothing more than, “routine political log rolling.”

On December 31,2008 the Plaintiff, notwithstanding threats from lawmakers that they would vote to remove him from office and vote to pass a resolution to bar him from ever holding public office again if he appointed a United States Sen., nevertheless, fulfilled his constitutional duty and appointed Roland Burris to the United States Senate.

The Plaintiff is the first Governor in American history to appoint a black person to the United States Senate. There have only been 11 black people to serve in the United States Senate in our Republic’s two hundred- and thirty-five-year history.

On January 14,2009 the Illinois House of Representatives voted Articles of Impeachment against Plaintiff. At the House impeachment hearings and the Senate trial, the Plaintiff was denied the opportunity to call relevant witnesses in his defense, to confront certain relevant witnesses, to present exculpatory evidence in his defense, including hundreds of hours of FBI tapes, or to even challenge the allegations brought by the United States Attorney.

On January 29,2009 the Illinois State Senate voted to remove the Plaintiff from office. The Plaintiff was denied the opportunity to call relevant witnesses in his defense, to confront relevant witnesses, and to present exculpatory evidence in his defense, including hundreds of hours of FBI tapes, and he was denied the opportunity to even challenge the allegations brought by the United States Attorney

On January 29, 2009, the Illinois State Senate voted to ban the Plaintiff from holding any state or local public office in Illinois for the remainder of his life.

On April 2, 2009, the Plaintiff was formally indicted.

On April 14, 2009, Plaintiff pleads not guilty to all charges.

On June,3 2010, the Plaintiff was put on trial in federal criminal court for the first time.

On August 17, 2010, a mistrial was declared due to the jury’s inability to convict the Plaintiff on every one of the 23 alleged corruption counts.

On May 2, 2011, Plaintiff was put on trial for the second time.

On June 27, 2011, the Plaintiff was convicted.

On July 25, 2011, lawyers for the Plaintiff file a 158-page motion requesting acquittal or a new trial citing fundamentally unfair proceedings.

On December 7, 2011, the Plaintiff was sentenced to serve 14 years in federal prison.

On March 15, 2012, the Plaintiff reported to prison to begin serving his 14-year prison sentence. The Plaintiff served the first 32 months in the higher security prison before being transferred to the adjoining camp in November 2014.

On July 15, 2013, Plaintiff's lawyers appeal the convictions to the 7th Circuit Court of Appeals contending, among other things, that the trial judge failed to explain to jurors that "political deal-making" can be legal and that the court "misled the jury by failing to explain the legal distinction between campaign contributions and bribes."

On July 21, 2015, the United States Court of Appeals for the Seventh Circuit reversed the convictions concerning the counts involving the alleged United States Senate seat characterizing those allegations as being nothing more than "routine political log rolling."

Pursuant to those reversals, the Appellate Court vacated the plaintiff's 14-year prison sentence and remanded the matter back to the trial court for resentencing.

While the Appellate Court reversed the convictions regarding the alleged sale of the Senate seat, they upheld the remaining allegations alleging improper requests for campaign contributions even though the government never produced evidence of an expressed quid pro quo.

On March 28, 2016, the United States Supreme Court denies certiorari for the first time.

On August 9, 2016, at the Plaintiff's resentencing hearing, and after the Plaintiff had already served more than 50 months in prison, the trial judge resented the plaintiff to the original 14-year sentence.

On November 2, 2017, Plaintiff filed a writ of Certiorari to the United Supreme Court challenging the standard used to convict Plaintiff for improper requests of campaign contributions and for being in direct conflict with the standard established in United States Supreme Court case of McCormick vs. The United States.

On April 14, 2018, the United States Supreme Court denied Plaintiff's request for certiorari.

On July 12, 2019, the Reverend Jesse Jackson signs a letter asking President Trump to grant a full presidential pardon for Plaintiff.

On February 18, 2020, President Donald Trump commuted the Plaintiff's prison sentence.

The Plaintiff served 95 months in prison.

On June 1, 2021 pursuant to an agreed order between the office of Probation, the United States Attorney's office and defense counsel, a federal judge entered an order discharging the Plaintiff 8 months early from probation

Addendum:

Question 12:

Count One:

Injunctive Relief:

The Plaintiff is seeking an injunction that will enjoin the State of Illinois and all of its component parts from enforcing the State Senate's disqualifying provision which denies Plaintiff his right to run for office in Illinois in violation of the Sixth Amendment and the Fourteenth Amendment to the United States Constitution that guarantees the right to call relevant witnesses, to confront relevant witnesses including FBI agents , and to present exculpatory evidence, including hundreds of hours of FBI tape recordings.

As a result of Defendant's conduct, plaintiff was injured as follows:

Plaintiff has suffered and continues to suffer irreparable injury in the absence of such an order.

Preventing the Plaintiff from running for state or local public office outweighs any harm that could be caused by denying to the voters their right to vote for or against him in a free election.

Allowing voters decide who to vote for or not to vote for is not adverse to the public interest. It is in the public interest.

The evidence, if allowed to be presented, would support the Plaintiff's claim that the House impeachment hearings and the subsequent Senate trial violated due process and the Constitution, and that should those facts be allowed to come to light, the Plaintiff's claim has merit and a good likelihood of success.

The procedures and processes used by the Illinois General Assembly to impeach, remove, and disqualify Plaintiff ran contrary to fundamental fairness requirements and the Constitutional requirements of due process of law in the following respects:

Count Two:

Declaratory Judgement:

The Plaintiff is seeking a declaratory judgement rendering the State Senate's disqualifying provision as null and void because it violates the First Amendment rights of the voters of Illinois. The people's right to vote is a fundamental right that should be protected and that right extends to not having their choices limited through impeachment hearings resulting in disqualifications that violate due process.

The Senate's disqualifying provision also violates Plaintiff's due process rights under the Sixth Amendment and the Fourteenth Amendment to the United States Constitution that guarantees the right to call relevant witnesses, to confront relevant witnesses including FBI Agents, and to present exculpatory evidence, including hundreds of hours of FBI tape recordings.

As a result of Defendant's conduct, plaintiff was injured as follows:

Plaintiff has suffered and continues to suffer irreparable injury in the absence of such an order.

Preventing the Plaintiff from running for state or local public office outweighs any harm that could be caused by denying to the voters their right to vote for or against him in a free election.

Allowing voters decide who to vote for or not to vote for is not adverse to the public interest. It is in the public interest.

The evidence, if allowed to be presented, would support the Plaintiff's claim that the House impeachment hearings and the subsequent Senate trial violated due process and the Constitution, and that should those facts be allowed to come to light, the Plaintiff's claim has merit and a good likelihood of success.

Conclusion:

The procedures and processes used by the Illinois General Assembly to impeach, remove, and disqualify Plaintiff ran contrary to fundamental fairness requirements and the Constitutional requirements of due process of law. Plaintiff was also denied the opportunity to play FBI taped recorded conversations that would provide the full context of the misleading and highly prejudicial snippets of conversations played by the United States Attorney when he held a super-sensational press conference announcing the unprecedented arrest of a sitting Governor. That arrest and the accompanying press conference was highly prejudicial and set in motion a foreseeable chain of political events that inevitably led to the impeachment, removal, and disqualification of a duly elected governor. Were the Plaintiff allowed to play those tapes at the impeachment hearings, he would have been able to contradict with direct evidence the allegations made against him, and the introduction of that material evidence might have prevented what had politically become a runaway train toward impeachment.

Addendum:

Relief:

I seek no monetary damages. Monetary damages cannot adequately remedy the petitioner's circumstances.

I seek no punitive damages. Punitive damages cannot achieve what the petitioner is seeking.

I respectfully ask the Court to enter a judgment declaring the provision in the Illinois State Senate's Judgment of Conviction and Disqualification that expressly bars petitioner from holding any state or local public office in Illinois as being null and void.

I respectfully ask the Court to enter an order enjoining any state or local government agency from enforcing the Illinois State Senate's unconstitutional disqualification resolution and to restore to the Petitioner his right to run for state or local office, and to restore to the voters of Illinois their right to vote for or against him.

Talking Points on Beginning Impeachment Proceedings Against Governor Blagojevich

- Today, I call on the Illinois House to begin impeachment proceedings against Governor Rod Blagojevich. Let me be clear that I am not calling for the governor's immediate impeachment. I am instead asking that the House fulfill its constitutional responsibility to investigate possible wrongdoing by the governor to determine if there are grounds for impeachment.
- There are three bases for which the House should consider impeaching Blagojevich:
 1. The ongoing federal criminal investigations of his administration, including his role as Public Official A, have significantly impaired his ability to do his job as governor. With Ali Atta's guilty plea, the governor has been directly implicated in a bribes-for-jobs scheme – the latest revelation of malfeasance in the governor's office. The conviction of Tony Rezko on 16 or 24 federal corruption counts related to Blagojevich administration activities also suggests something is seriously amiss. Using common sense, and the totality of what has been learned so far about these investigations, prudence demands that lawmakers act. Already, six individuals associated with his administration have pled or been found guilty of federal criminal charges in connection with their roles in corrupt activities. Criminal activity in the Blagojevich administration is no longer theoretical – it is proven.

Blagojevich is clearly not an innocent victim of circumstances. Legislators have a responsibility to do what is in the best interests of the state and not depend on the federal government to save us. One thing we learned from the George Ryan case is that we should excise a tumor when it is first discovered; not leave it in the body to continue to spread and do further harm.
 2. Blagojevich's violation of his oath of office by repeatedly attempting to operate outside of the Illinois constitution and state law – expanding FamilyCare beyond the limit authorized by the General Assembly, spending money absent express statutory authority, failing to comply with AG ruling that federal subpoenas are subject to FOIA, and a gross abuse of the constitution's special session power – using special session as a blunt force instrument for dealing with the General Assembly and attempting to force it to submit to his will – rather than for deal with emergency situations.
 3. Finally, Blagojevich's legal problems have clearly become a distraction for the governor. He is largely withdrawn from the legislative process – spending most of his time hunkered down at home or in a political

campaign office in Ravenswood hiding from the public and refusing to answer the media's questions. Aside from an occasional meeting or event appearance, he is not faithfully executing the duties of his office.

Blagojevich acts like an absentee governor – content to let his underlings do as they wish. That's not acceptable. We need an engaged governor who wants to be the governor.

Governor Blagojevich's inability to govern is the principal reason that the state is in its current predicament and that stalemate is the order of the day in Springfield. The first step to cleaning up the mess and getting the state back on track may be to remove the governor from office. If the evidence warrants it, we cannot afford to wait until 2010. That will be too late and he will have had two-and-a-half years to do even more damage to the state.

- The Illinois Senate has taken recall off the table. Impeachment is now the only option from removing the governor prior to the 2011, when his current term will be over.
- Where there's smoke, there is often fire, and I think the Illinois House has an obligation to investigate what is causing all of that smoke to billow out of the Blagojevich administration.
- For non-incumbents: We cannot tolerate a situation where elected officials turn their eyes away when something is amiss. That attitude has got to change and that's why I'm running for state representative.
- Rod Blagojevich ran as a reformer. In his early days as governor and as a candidate, he would appear behind banners with the slogan "Reform & Renewal" plastered across them. We have had an individual, Ali Atta, plead guilty and testify at trial, under oath, that the governor was in the room when he presented a check for \$25,000 to Tony Rezko and a discussion about what jobs donors should get took place.
- As a Democrat, I believe this to be a very sad time for our state. After the corruption and conviction of Republican George Ryan, I was optimistic that the state would begin a new era. The ways of the past would truly remain in the past. Instead, a member of my own party, the first Democratic governor in 26 years, may have sought to do George Ryan one better. U.S. Attorney Patrick Fitzgerald described his investigations into Governor Blagojevich's administration as "pay-to-play on steroids."
- It is critically important that we learn from the past – in particular Republican mistakes around George Ryan. Democrats need to stand together and tell Blagojevich that in the best interests of Illinois and in the best interests of Democrats and the type of policies that we are trying to achieve for the state, he should come clean about what's going on in his administration or he should step aside.

- The best analogy for this situation for how the impeachment process would work is to think of like a grand jury proceeding. Forming a special House committee to consider impeachment is like convening a grand jury. The committee, like a grand jury, will review evidence and determine if there are sufficient grounds for an impeachment resolution to be filed. Then, a majority of House members would have to vote in favor of impeachment for the process to move to a trial in the Senate.
- While I respect the work of United States Attorney Patrick Fitzgerald, and while I would not support any actions that would interfere with the investigations that he or the FBI may be conducting into Governor Blagojevich's administration and its associates, nor would I want the House's inquiry to compromise any current or future prosecutions, our duty to our citizens, constitution and conscience demands that we act now.
- I believe that now is an appropriate time to begin impeachment hearings and that we put in place and set in motion the legislative mechanisms necessary to conduct such an inquiry. This is necessary because current circumstances warrant it and so that we are not caught flat-footed and forced to play catch-up to any further developments regarding the governor.
- It is also possible that additional information about Blagojevich administration misdeeds may come to light once an impeachment process begins. Whistleblowers may be willing to come forward once it becomes clear that the House has a sincere desire to review how Blagojevich does business. Witnesses who come to testify, including those compelled to be there via subpoena, may also shed additional light on further wrongdoing.
- The call for the House to begin impeachment proceedings rests more on just the possibility of Rod Blagojevich's involvement in criminal activities. Apart from the obvious distraction the federal criminal investigations have presented him, a review and examination of his ability and interest to be the governor of the state is in order. The level of dysfunction and disagreement has reached a fever pitch under his watch. He shows remarkably little ability to govern. He cannot compromise and unless people do exactly as he wishes, he is at a loss. A governor must be a conciliator – and he has proven, again and again, to be a divider, not a uniter.
- As Democrats, we have too much that needs to be achieved for the state to let Blagojevich continue to impede what we are working for if the facts warrant his removal from office. Democrats like Dan Hynes, Alexi Giannoulis, Jesse White and Lisa Madigan have all been voices for reform and have worked to fix many of the problems found in their offices when they assumed office. Rod Blagojevich is the lone executive branch exception. He's actually gone the opposite direction and done very little to advance the cause of better government.

Q & A

Why are you calling for Blagojevich's impeachment? Why are you doing this now? He hasn't been indicted or charged with a crime. Are you just doing this to boost your campaign for state representative?

First, I am not calling for his impeachment. I am calling for an impeachment investigation. I support the direct recall of elected officials, like the governor. A recall measure passed the House and failed in the Senate. So, recall is not an option and won't be an option for the foreseeable future. If sufficient grounds exist, impeachment is the only option for removing him.

A federal judge, Amy St. Eve, who is presiding over the Rezko trial, identified Blagojevich as Public Official A, in open court.

By his own lofty standards – Blagojevich has fallen woefully short. The very premise for his administration – the platform that he ran on in 2002 and again in 2006, has not come to pass. After promising that he would “rock the system” with an ethics reform passage – none has emerged and he remained silent while scandal and criminal guilty please engulf his administration.

I am doing it now because I think it is important for people of good conscience to speak out about the problems that have beset the governor – that too many people, including my opponent, have been silent on this matter. I think that the House, especially in light of the Rezko verdict, has a great responsibility to look more closely into the operations of the Blagojevich administration. I hear support for this as I walk door-to-door in the district and at community meetings, so many people wondering what is going wrong with state government and deeply concerned about what they are learning about how the governor's administration has been working.

Shouldn't you at least wait until the Governor is indicted before proceeding? He hasn't even been charged with a crime.

Leadership demands action. Leaders need to lead. They are elected by their fellow citizens to look down the field a bit and try to determine what will be in the best long terms interests of the people they represent.

As a Democrat, I am tremendously disappointed by the way the governor has conducted himself as the state's chief executive. Even setting aside the multiple federal investigations, guilty please and indictments of people who were a part of his administration or close advisors, the other reality is that he has just not been a very good governor. He is divisive, constantly looking for ways to one-up others, and I believe is the most responsible for the bitter and acrimonious tone in Springfield these days.

The state faces enormous challenges. At a time of worsening economic prospects, serious budget deficits, we cannot afford to have a governor who is hobbled and less than fully engaged in the job.

We know from television reports that he spends a lot of time holed up at home or at his nearby campaign office. The fact is, he just does not seem all that interested in the hard work required to lead the nation's fifth largest state.

Are you doing this at Mike Madigan's behest?

This has nothing to do with Mike Madigan. I'm doing this because, after carefully considering the facts and thinking about what is in the best interests of the state, I am convinced that it is the best course and now is an appropriate time. As far as I now, the Speaker has been resistant to the idea of impeachment.

So, neither Madigan nor his staff has had any involvement with you or preparing you to make this announcement?

I am calling for the House to begin impeachment proceedings because I believe that it's the right thing to do. I've researched the issue on my own and after careful consideration believed that now is the right time to do it.

Are you taking support from Madigan for your campaign?

Like any other Democrat running for the House of Representatives, I hope that the Speaker, who is also the Democratic Party of Illinois chairman, will help my campaign – just as Tom Cross, the Republican leader, will be helping the campaign of my opponent.

Why do you think the House hasn't moved to begin impeachment hearings on its own, yet?

I don't know. Maybe they are satisfied with the status quo. I'm not and that's why I'm running for state representative. We need to shake things up and change business as usual.

It's a pretty momentous decision. My sense is that they may need a push from the outside. I am willing to provide it based on the conversations I have had as I campaign door-to-door in my district. People are frustrated with the governor and dismayed to see a possible replay of the Ryan administration.

How long would an impeachment take?

I don't know. It should be lawmakers' top priority. Legislators should be prepared to work 7 days a week, if necessary.

Do you think Rod Blagojevich is guilty of a crime?

I don't know if he's guilty of a crime, but a heck of a lot of people around him are guilty of crimes. A federal judge has identified him as Public Official A in court proceedings.

What do you think that President Emil Jones will do if the House impeaches Governor Blagojevich? Isn't this a waste of time? President Jones isn't going to allow a trial of Governor Blagojevich.

The Constitution requires that if the House impeaches the governor, that a trial be held in the Senate, with the chief judge of the Supreme Court presiding. That's what the constitution says. I'm not going to speculate about what the Senate will do, should the House impeach. That's premature - putting the cart before the horse. The first step is to begin an inquiry and see if there exist sufficient grounds for an impeachment.

[Note: DO NOT get involved in a debate about what President Jones will or will not do. Don't even mention his name.]

Do you think the Illinois House needs to be conducting its own investigation into criminal wrongdoing by Governor Blagojevich? They can't even do their job as it is, so now they are going to be getting in the way of Patrick Fitzgerald, the FBI and the U.S. Attorney's office? Aren't they like the keystone cops?

There is already enough evidence for the House to consider, from the trial records, to the guilty plea of those associated with the governor that there would be no need for the House to conduct its own criminal investigation.

Furthermore, besides the criminal problems besetting his administration, the House may want to consider whether or not he has violated his oath of office in promising to uphold the constitution and whether or not he is derelict in his duties and not doing the work required of a governor.

The impeachment process is completely separate from the processes used by the criminal justice system. The impeachment and conviction of a constitutional officer does not preclude the possibility that that individual could be liable for prosecution by state or federal authorities.

Are you just doing this because Rod Blagojevich is unpopular? Are you kicking him when he's down for your own political advantage?

I'm doing it because I'm a Democrat who is utterly dismayed by the criminal wrongdoing in a Democratic governor's administration. It's important to speak out when there is wrongdoing, even if it means challenging leaders of your own party. Our foremost loyalty should be to the law.

I'm running for state representative, because I believe we desperately need change in Springfield. As a candidate for state representative, it is important for me to talk about issues that voters care about and to show how I would be a different kind of representative than my opponent.

Doesn't this open a dangerous door where a legislature can impeach a governor just because it doesn't like him?

First, no Illinois governor has ever been impeached before. So, it's not something that seems to happen with any frequency. Second, real-world politics make such a circumstance extremely unlikely. Illinois citizens and voters would not tolerate a governor's removal for frivolous reasons and it's very hard to imagine getting a majority of House members and two-thirds of senators to go along with impeachment unless there were very good reasons for it. Impeachment is an extraordinary and seldom used power. Since recall is off the table, there are really no other options left.

Are you just doing this to benefit Lisa Madigan's goal to become governor?

[Note: Don't repeat her name or get into a discussion about her future political plans. This matter has nothing whatsoever to with that, and the line-of-succession is to the Lt. Gov.]

I'm doing this because there's a problem. This has nothing to do with furthering anyone else's ambitions. In any case, were the governor to be removed from office, it is Pat Quinn who would become governor.

Won't having an impeachment committee make it even more difficult to get anything done in Springfield?

Could it be any more difficult? I believe that one of the major impediments to things getting done in Springfield has been the governor's combative governing style. He does not have an interest in bringing people together and trying to find common ground and compromise. His approach is unilateral. If you go along with him, then there's no problem, but he has a hard time abiding difference. Our system of checks-and-balances, with three different branches of government, was not designed to operate according to one man's dictates and preferences. He seems not to realize that or he prefers to ignore it. His attitude, regrettably, is like President Bush's in this respect. That approach hasn't worked out very well for our country and it is not working out very well for Illinois.

What's wrong with Democrats? Why can't they govern?

It's not a problem with the Democrats, it's a problem with the governor. He has a style that favors division and demonization of his opponents, as opposed to one that works to bring people together.

Governor Blagojevich was elected twice. Now you want to undue what the voters did less than two years ago. They knew what they were getting into with him.

Number one, recall is off the table at the moment, so voters don't have the option to take matters into their own hands. Second, new facts about the governor's administration have come to light – facts that if they had them in November 2006, voters might well have made another decision.

This is just more Democrats fighting Democrats. You can't agree on a budget, school funding reform, a capital plan and many other priorities. Now, you are going to throw an even bigger monkey-wrench into the works by injecting the specter of impeachment?

I believe that a major part of the problem in Springfield, the reason it is difficult to get anything done, is the governor; gridlock is a direct result of his failure to lead. Aside from a very few number of allies, most lawmakers do not trust him. That is a toxic situation that may only be improved by taking a drastic step like removing him from office.

If impeachment hearings require that legislators have to work more and spend more time in the capitol while they work on other issues – so be it. That is just part of the job.

Who are the “multiple individuals that have pled guilty to corruption charges” that you reference in your press release?

Ali Atta – former head of the Illinois Finance Authority

Stu Levine – lobbyist appointed by Blagojevich to two state boards who engaged in kickback schemes and strong-arming state contractors for contributions

Jacob Kieferbaum – Construction company owner who conspired with Levine to rig votes on Blagojevich's Health Facilities Planning Board

Joseph Cari – said Blagojevich told him that he would be able to raise a lot of money by rewarding contributors with stat work

Steven Loren – former attorney for the Teachers Retirement System who conspired with Stu Levine to see that TRS funds were diverted as finders' fees to individuals directed by Chris Kelly and Tony Rezko

It is my understanding that there may be others who will be charged and that other lines of investigation have been opened into the Blagojevich administration.

Chris Kelly – a close Blagojevich advisor, especially on casinos, and prolific fundraiser who is under federal indictment for tax fraud, goes to trial this fall

Mechanically speaking, how would the impeachment process work?

That would be up to the House leadership to determine. There is not much precedent for this sort of thing in our state's history. Really, it's a fairly rare occurrence for any state. My hope is that either an existing committee, like the State Government Administration Committee, or an appointed special committee, would examine whether sufficient grounds exist for impeachment. Exactly how that committee would work and conduct its investigation would be up to the House to decide.

According to the Illinois Constitution:

The House of Representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the vote of a majority of the

members elected, to impeach Executive and Judicial officers. Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall be upon oath, or affirmation, to do justice according to law. If the Governor is tried, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. Judgment shall not extend beyond removal from office and disqualification to hold any public office of this State. An impeached officer, whether convicted or acquitted, shall be liable to prosecution, trial, judgment and punishment according to law.

A report prepared by the Legislative Research Unit, a General Assembly agency, said this about impeachment:

There are no rules or laws of either house establishing impeachment procedures. The Illinois Constitution specifies only a few points:

- The House may investigate whether grounds exist to impeach an officer
- A majority of House members elected are required to impeach
- The Senate tries any impeachment, with Senators on Oath or Affirmation
- If the Governor is being tried, the Chief justice of the Illinois Supreme Court presides
- Two-thirds of Senators Elected are required to convict
- The Senate votes on punishment: removal from office, with or without disqualification from future office

What do you think are grounds for impeachment?

While the constitution is purposefully vague about it, I believe that there are four:

1. **Serious crimes, including those that are abuses of office, including obstruction of justice.**
2. **Incapacity** – due to mental or health problems the individual is not able to do his job
3. **Violations of the state Constitution's separation of powers** – especially if it is a recurrent problem and evidence of contempt and disregard for the legislature's – a co-equal branch of government -- constitutional role, including executive oversight.
4. **Dangerous levels of incompetence, abuse of power, dereliction of duties or financial malfeasance.** Even if someone has not done anything legally, wrong, the General Assembly should be able to remove someone who is so incompetent that he doesn't have the ability to run his office.

Politicians are accountable to a higher degree than mere legal standards. It shouldn't take a criminal investigation to use impeachment. Impeachment shouldn't be seen as a mini-criminal trial. Although criminal activities may be a

reason for impeachment, impeachment is a political trial based on a governor's repeated recklessness and inability to perform the job.

Won't impeachment violate his criminal due process rights?

No. By its very nature, impeachment involves due process. There is an investigation, witnesses are called, evidence is evaluated and, if the governor is ultimately impeached, he will have an opportunity to answer the charges in a Senate trial presided over by the chief justice. It would require 2/3 of senators' votes (40 of 59) to convict him.

Setting up an impeachment committee is going to seriously damage the governor. Whatever your intent, it makes it look like he is being pre-judged?

Lawmakers have an obligation to the constitution and the people they represent. Regardless of the consequences for the governor's popularity or reputation, we are duty bound to act. Both via his approach to governing and the now-convicted criminals he has allowed to be involved with administration. He has brought this upon himself.

Addendum 1: Blagojevich's Misdeeds and Malfeasance from High to Low (A Far from Complete List)

The list of Blagojevich's malfeasance and inability to govern grows with every passing day. It is not simply his legal problems that brought him to where he is today. These are not stray, isolated incidents, but rather taken together they represent a clear pattern of behavior and demonstrate Blagojevich's consistently poor judgment and third-class temperament. Time and again Blagojevich has been tested and found wanting.

In no particular order:

1. Last year Blagojevich vetoed money appropriated by the legislature and announced that he would instead use it to fund a health care expansion. According to the constitution, the governor does not have the authority to appropriate money.
2. Having no involvement with the mass transit issue, until springing seniors ride-free at the last second
3. Wasting his time and efforts on a scheme to have the state buy Wrigley Field and pay for its renovation
4. Gross Receipts Tax
5. \$1 million grant meant for Pilgrim Baptist Church ending up instead with the unaffiliated Loop Lab School, run by a former felon whom he hastily pardoned; administration stonewalling in response to legislative inquiries

6. Sharon Latiker pardon shortly before she ran against Majority Leader Barbara Flynn Currie and the failure to release documents related to Prisoner Review Board's pardon deliberations.
7. Failure to release federal government subpoenas despite Attorney General's legal opinion that such subpoenas are subject to the state's FOIA laws
8. Attempting to buy \$3 million worth of flu vaccines that could not lawfully be imported into the United States, leading to an expensive lawsuit against the state by the company that did not get paid
9. Governor's unlawful attempt to sell the James R. Thompson Center with legislative approval.
10. Cutting the budgets of the Attorney General and Auditor General following sharp criticisms of the governor's administration
11. Promising to spend \$40 million to tear down Cole Hall in the wake of a shooting at NIU
12. Elimination of the successful CeaseFire program and the subsequent rise in Chicago gun violence
13. Promising to introduce ethics reforms that would "rock they system" and never doing it
14. Wasteful lawsuits filed against the General Assembly (against clerk for not entering veto when he wanted; against Speaker but not Senate President for not convening a special session when he wished)
15. Delay in signing electric rate relief legislation under pretense that he thought he "could probably improve it" and utter lack of involvement in finding a solution to the problem
16. Refusal to reside or even work with any regularity in the state capitol
17. Politically motivated firings or demotion of civil-service "civilians," including, but not limited to, DeFraities and Casey
18. As an example of his divisive style: calling the Speaker and Chairman of the Democratic Party of Illinois a "conservative Republican" when he would not go along with the governor's wishes
19. Possible extra-legal raiding of funds, including the clean coal fund, to pay for RTA mass transit bailout
20. Allegations of circumventing veteran hiring practices
21. Abruptly stopping implementation of anti-predatory lending pilot program and offering no alternative means to address the problem

22. As a reflection of character: at a Springfield press conference, hiding behind school children to keep from answering reporters questions about his involvement in criminal activities
23. Gross abuse of the power to call special sessions
24. Telecom reform bill negotiated, crafted and passed without governor's involvement
25. Property tax reform bill passed without governor's involvement
26. Cost of state airplane to fly back and forth to Springfield, rather than even spend a night in the capital A Post-Dispatch analysis of Blagojevich's travel on his state plane last year found that even at the height of his 2007 budgetary showdown with legislative leaders — during which state government came close to shutting down — he was often in Springfield just two or three days a week, sometimes for just a few hours at a time, flying home to Chicago each evening at a cost to taxpayers of almost \$6,000 per round trip.
27. He has lead a court assault on the Joint Committee on Administrative Rules, a legislative body that has existed for 30 years, operating under 4 governors and more than two dozen General Assemblies, to review rules proposed by administrative agencies. The result has further bogged down the legislative process and will lead to long delays in implementing new laws that require rulemaking.
28. Holding state government hostage to achieve policy ends: in fall of 2007 the administration hinted that it was thinking about laying off 1,800 Illinois State Police troopers (out of roughly 2,000) in January if lawmakers didn't soon approve a companion budget bill needed to pay them; withholding funds for 4H and the Illinois extension program until the Senate voted down a recall amendment for the constitution
29. Spends very, very little time at the state capitol, trying to work with legislators on issues that are important to the state. He spends very little time in Springfield and in downstate communities – he has written off large segments of the state. For further example, he has never, as far as is known or been reported, made any trips to a state park during his time as governor.
30. His staff and directors are less than helpful when testifying before committees of lawmakers – showing contempt and disdain for the oversight role of the legislature. Two recent examples are his Deputy Governor, Louanner Peters, unwillingness to provide any answers or explanation for the \$1 million grant that went to the Loop Lab School and a legislative liaison's inability to provide any information about the administration's position on a bill that would raise the minimum age to buy a lottery ticket from 18 to 21.