

1 BEFORE THE HOUSE OF REPRESENTATIVES
2 IMPEACHMENT COMMITTEE

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12 Hearing held on the 17th day of December, 2008,
13 at the hour of 11:00 a.m., in Room 114, State Capitol
14 Building, Springfield, Illinois.

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TRANSCRIPT OF PROCEEDINGS

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VOLUME II

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1 COMMITTEE MEMBERS:
2 HOUSE MAJORITY LEADER BARBARA FLYNN CURRIE, CHAIRWOMAN
3 REPRESENTATIVE JIM DURKIN, MINORITY SPOKESPERSON
4 REPRESENTATIVE EDWARD J. ACEVEDO
5 REPRESENTATIVE SUZANNE BASSI
6 REPRESENTATIVE PATRICIA R. BELLOCK
7 REPRESENTATIVE WILLIAM B. BLACK
8 REPRESENTATIVE MIKE BOST
9 REPRESENTATIVE MONIQUE D. DAVIS
10 REPRESENTATIVE ROGER L. EDDY
11 REPRESENTATIVE MARY E. FLOWERS
12 REPRESENTATIVE JACK D. FRANKS
13 REPRESENTATIVE JOHN A. FRITCHEY
14 REPRESENTATIVE JULIE HAMOS
15 REPRESENTATIVE CAREEN GORDON
16 REPRESENTATIVE CONSTANCE A. HOWARD
17 REPRESENTATIVE LOU LANG
18 REPRESENTATIVE FRANK J. MAUTINO
19 REPRESENTATIVE CHAPIN ROSE
20 REPRESENTATIVE JIM SACIA
21 REPRESENTATIVE JIL TRACY
22 REPRESENTATIVE ARTHUR J. TURNER
23
24

1 CHAIRWOMAN CURRIE: The Special Investigative
2 Committee will come to order. The Clerk will call the
3 roll. This morning Representative Careen Gordon is
4 substituting for Representative Hannig.

5 THE CLERK: Curry.

6 CHAIRWOMAN CURRIE: Here.

7 THE CLERK: Durkin.

8 REPRESENTATIVE DURKIN: Here.

9 THE CLERK: Acevedo.

10 REPRESENTATIVE ACEVEDO: Here.

11 THE CLERK: Bassi.

12 REPRESENTATIVE BASSI: Here.

13 THE CLERK: Bellock.

14 REPRESENTATIVE BELLOCK: Here.

15 THE CLERK: Black.

16 REPRESENTATIVE BLACK: Here.

17 THE CLERK: Bost.

18 REPRESENTATIVE BOST: Here.

19 THE CLERK: Davis.

20 REPRESENTATIVE DAVIS: Here.

21 THE CLERK: Eddy.

22 REPRESENTATIVE EDDY: Here.

23 THE CLERK: Flowers.

24 REPRESENTATIVE FLOWERS: Here.

1 THE CLERK: Franks.

2 REPRESENTATIVE FRANKS: Here.

3 THE CLERK: Fritchey.

4 REPRESENTATIVE FRITCHEY: Yes.

5 THE CLERK: Hamos.

6 REPRESENTATIVE HAMOS: Yes.

7 THE CLERK: Gordon.

8 REPRESENTATIVE GORDON: Here.

9 THE CLERK: Howard.

10 REPRESENTATIVE HOWARD: Here.

11 THE CLERK: Lang.

12 REPRESENTATIVE LANG: Here.

13 THE CLERK: Mautino.

14 REPRESENTATIVE MAUTINO: Here.

15 THE CLERK: Rose.

16 REPRESENTATIVE ROSE: Here.

17 THE CLERK: Sacia.

18 REPRESENTATIVE SACIA: Here.

19 THE CLERK: Tracy.

20 REPRESENTATIVE TRACY: Here.

21 THE CLERK: Turner.

22 CHAIRWOMAN CURRIE: We have a quorum. The
23 first order of business for the hearing committee this
24 morning will be adoption of the rules of the

1 committee.

2 But before we go to that, I would just like to
3 make note of the fact that the Governor has legal
4 representation with us today, and I would appreciate
5 it if each of the lawyers sitting at that table would
6 just give us your name at this point. We may have the
7 opportunity to hear from you later.

8 MR. GENSON: My name is Ed Genson. There's a
9 way to turn it on and I don't know it, but if it turns
10 off, assign someone to turn it on.

11 CHAIRMAN CURRIE: It's on.

12 MR. GENSON: That's wonderful. My name is
13 Edward Genson, G-e-n-s-o-n. Next to me is Samuel
14 Adam, Jr., and next to Sam is Jaqueline Rankin,
15 R-a-k-i-n.

16 CHAIRWOMAN CURRIE: Thank you very much, Mr.
17 Genson, and the others of you as well. We welcome
18 you.

19 So we're about to look at the proposed rules for
20 committee adoption, and I think it's important to make
21 a couple of points. And that is that we're not a
22 court of law, we're not quite a grand jury. We hope
23 our rules will be fair and open and provide
24 opportunities to people to participate, and will offer

1 guidance to us as members of the committee, to the
2 Governor's counsel, and any people who might come
3 before us as witnesses.

4 But it's important just to make it clear again
5 that we are not a court of law, we're not bound by
6 specific rules of evidence or specific procedures that
7 might apply if we were in fact a grand jury or a panel
8 of judges. These we are not.

9 So just stating that as background for purposes
10 of the discussion about the proposed rules, I'd like
11 now to turn the microphone over to David Ellis who is
12 the counsel for the committee who will make a
13 presentation of the proposed rules.

14 MR. ELLIS: Thank you, Madam Chair. And I
15 would make a very brief presentation. I will
16 represent to everyone that we did meet last night with
17 Representative Durkin, Minority Spokesman, and his
18 staff. We discussed a few changes. We did not agree
19 on all of them, but several of them.

20 And the rules in front of you now would reflect
21 the product of that conversation. I'll just very
22 briefly take you through them.

23 Rule 1 is what it is, it's the definitions.

24 Rule -- and I should say two things. One is that

1 in large part, not the entirety, but in large part
2 these rules are similar, if not identical, to the
3 rules for the impeachment inquiry with Justice Heiple.

4 Also many of these rules mirror the letter and at
5 least the spirit of the House rules that we currently
6 have for committee procedure.

7 Rule 2 simply states that the Chair will call the
8 meetings and preside over the business of the body,
9 that she may delegate that to another member. That
10 committee action requires a majority vote of 11.

11 Rule 3 discusses the committee Clerk, the Clerk
12 of the House or his or her designee, or the Assistant
13 Clerk or his designee shall be the clerk of this
14 committee.

15 Hearings will be set by the Chair, and notice
16 will of course be given to the Governor and his
17 counsel. The attempt will be to give 24 hours notice
18 of any hearing, and we certainly intend to do our best
19 to honor that.

20 We make a point of saying that no hearing will be
21 deemed invalid solely for lack of 24 hour notice, but
22 we will -- I think it's fair to say we're going to do
23 our best to give as much notice as we possibly can to
24 everyone, the public, as well as to counsel for the

1 Governor.

2 Under Rule 5 the Chair may request the issuance
3 of subpoenas to compel people or subpoenas duces
4 tecum, a technical term to refer to the compelling of
5 documents. And it is -- that would be at the
6 discretion of the Chair.

7 Under Rule 6 we are simply stating the service of
8 the subpoena will follow Illinois law. We will
9 endeavor to give two days notice to witnesses when
10 possible. By vote of two-thirds of the committee we
11 can waive that two days.

12 Subpoenas duces tecum shall indicate where the
13 documents need to be produced, standard language for a
14 subpoena rule. Indicate the right of counsel, give
15 them a copy of the Legislative Commission Hearing Act
16 and a copy of the resolution, and notify them that
17 they are entitled to fees. That's all -- this is all
18 state law. There's nothing new in these rules that
19 aren't already governed by state law.

20 Under Rule 7, conduct of all hearings will take
21 place in public, an open hearing, unless by a
22 two-thirds vote the full House votes to meet in
23 executive session. That is in the Illinois
24 Constitution.

1 Rule 8, we note that all witnesses, not only the
2 Governor but any witnesses, have a right to counsel,
3 but not at public expense. And that witnesses may
4 request that -- they may be submitted questions to be
5 asked.

6 Rule 9, the testimony shall be recorded.
7 Testimony shall be under oath administered by the
8 presiding officer.

9 The presiding officer will -- may direct the
10 witness to answer any relevant questions. It will be
11 in the presiding officer's discretion to make that
12 determination. The Governor's counsel may question
13 witnesses. We don't per se have cross-examination,
14 but witnesses may be asked clarifying questions to
15 clarify their testimony, not so much what we think of
16 as cross-examination.

17 The Governor may call witnesses and submit
18 evidence himself subject to reasonableness, and if it
19 involves a subpoena obviously subject to the
20 discretion of the Chair.

21 All evidence will be made part of the record. If
22 I didn't say this already, counsel may ask questions
23 and Minority Spokesman may designate counsel to ask
24 questions as well. We would also -- will also accept

1 written statements.

2 Again in Rule 10, the procedural questions and
3 evidentiary questions, I use the phrase evidentiary
4 even though there aren't rules of evidence, those will
5 be decided by the presiding officer.

6 Under Rule 11 the Clerk shall keep a record, and
7 that record shall be made available to the members and
8 of course to Governor's counsel.

9 Under Rule 12 we talk about interested persons
10 testifying. What we set up here is the same thing we
11 did for the Justice Heiple hearing, which is we are
12 allowing offers of proof to be submitted in the event
13 that somebody who is not invited by the committee
14 wishes to testify.

15 We're trying to avoid a free-for-all here, but at
16 the same time give whoever wants to say something the
17 chance to at least posit their position. So
18 submitting an offer of proof to the committee through
19 the Clerk is a way to attempt to get your voice heard.

20 Under Rule 13 we talk about contempt for failure
21 to obey a subpoena. Basically it follows current
22 state law. It takes a vote of 11 to issue a contempt
23 citation.

24 Rule 14 also deals with contempt following state

1 law.

2 Under Rule 15 it simply states that the committee
3 may obtain information by other means obviously.

4 Rule 16 says that there will be no ex parte
5 communications between the Governor and members of his
6 staff with regard to the substantive issues.
7 Obviously he cannot be discussing -- where's the
8 vending machine is fine, but no discussion of the
9 substance of what is taking place here. And we also
10 in the rules as we did with Justice Heiple's hearing,
11 we recommend that all House members, that all House
12 members follow this suggestion.

13 Rule 17 simply notes that what was in House
14 Resolution 1650, that we will be submitting a written
15 report. That is the committee will be issuing a
16 written report by the full House by the end of the
17 95th General Assembly.

18 Rule 18 is rules will become effective by a
19 majority vote. Amendments will take a majority vote.

20 And I believe that's all, Madam Chair.

21 CHAIRWOMAN CURRIE: Thank you very much, Mr.
22 Ellis.

23 Are there any comments or questions about the
24 proposed rules? Just to underscore the point, that

1 much of the rules that we're looking at either reflect
2 what happens in other committees in the Illinois House
3 or are adaptations of what governs the investigation
4 of the committee of inquiry in Justice Heiple.

5 Representative Durkin.

6 REPRESENTATIVE DURKIN: Thank you,
7 Representative Currie.

8 And I can say that, you know, we did meet last
9 night, myself and Representative Currie and our
10 counsel. We went through the rules item by item, and
11 I think that we're in agreement on most of them.

12 But where we did disagree is Section 5 which is
13 the issue regarding the issuance of subpoenas. And to
14 me as I look at this committee, one of the core of
15 this committee is the ability to gather evidence. And
16 if we have to compel testimony, this is not the type
17 of situation where I think people are going to
18 voluntarily appear before this committee, and if we
19 feel that at some point that certain testimony is
20 important for us to make a decision, I may want to be
21 able to -- I want to reserve the right to have a
22 subpoena at least sent from this committee, and with
23 the Speaker making the decision whether that should be
24 served upon an individual.

1 We saw that complaint last week, there were a lot
2 of individuals in there referenced by number and by
3 name, including a number of people who were involved
4 with this quid pro quo for the United States Senate
5 seat.

6 I want to reserve the right to perhaps call those
7 individuals. And the way that I read these rules
8 right now, there are two people who can make a
9 decision as to whether or not a subpoena will be
10 issued. It's not the members of -- not the members of
11 this committee, it's Representative Currie and Speaker
12 Madigan.

13 A grand jury, if we can talk about this as
14 similar to a grand jury, a grand juror can make a
15 request for a subpoena and they will vote as a whole
16 and have that served up. To me I think that's
17 unfortunate we don't have that right. It to me
18 doesn't appear to be a bipartisan process, if two
19 people are controlling the production or the gathering
20 of evidence.

21 And to me, I find that something that I have a
22 problem with. And I know some of my colleagues also
23 have similar problems with that.

24 But I will say that most of the rules are good.

1 But the core of this committee is to be able to gather
2 evidence and bring individuals before this. And I
3 think that the way that they're written right now it's
4 lopsided. It doesn't give us a fair shake at this.

5 And let me just add that at the Heiple
6 proceedings there was an even amount of Democrats and
7 Republicans, but also two co-chairs of the Heiple
8 proceedings had subpoena powers. It's not what we
9 have today.

10 CHAIRWOMAN CURRIE: Representative Bassi.

11 REPRESENTATIVE BASSI: Thank you, Madam
12 Chairman.

13 I would echo what Representative Durkin is
14 saying. Rule 5 is the core of the committee, it's the
15 ability to issue subpoenas. I think the rule of law
16 and fundamental fairness would require an even
17 distribution of both parties.

18 I would also point out that in Arizona and
19 Connecticut, as well as previous impeachment
20 proceedings in Illinois, i.e. the Heiple hearing and
21 another hearing of inquiry, committee of inquiry, were
22 equal and bipartisan in nature, and there was an equal
23 number from both sides of the aisle on the committees.

24 Unfortunately, that's not happening here. Only

1 two people can make the decision to issue subpoenas,
2 and both are of the same party as the Governor.

3 Thank you, Madam Chairman.

4 CHAIRWOMAN CURRIE: Representative Eddy.

5 REPRESENTATIVE EDDY: Thank you, Madam Chair.

6 I find it interesting that during the description of
7 the rules Heiple was mentioned several times, and I
8 think it's important to note the similarities.

9 But this is a glaring difference from the Heiple
10 case and committee in that there's a clear attempt to
11 control what individuals and what papers and evidence
12 may be before this committee. And I find that
13 disappointing.

14 There is already as was mentioned a clear
15 difference from Heiple in that this is not an evenly
16 distributed committee among Democrats and Republicans.
17 There is a 12/9 number advantage already.

18 And as has already been stated, the Speaker has
19 the power of signatory over the subpoena. Why it's
20 necessary for a person rather than co-chairs or in
21 this case the Minority Spokesperson not to have that
22 privilege I think is something that will become very
23 evident to everyone, and it's very disappointing. It
24 concerns us. And I certainly had hoped for these

1 rules to reflect a more transparent approach.

2 It's important also to note that while that power
3 can be controlled clearly just by numbers, it is not
4 possible to control the perception of the people of
5 this state regarding this issue and the transparency
6 that this committee will work with.

7 CHAIRWOMAN CURRIE: Thank you. And just a
8 couple of comments in response. This committee, as
9 virtually every other House committee, does have a
10 partisan division. That is to say the majority party
11 has more appointments than the minority party.

12 And as with every other committee, the committee
13 Chair has the right to offer a subpoena followed by a
14 decision by the Speaker whether to sign onto that
15 subpoena or not.

16 I want to make it clear to the members of this
17 committee that I suspect that the majority members are
18 just as interested in hearing from all the world of
19 Individual A and C as are the members of the minority
20 party.

21 But I would remind us first of all that we've all
22 made it clear that we do not wish to trample upon the
23 investigation, the criminal investigation that is
24 under the control of the United States Attorney for

1 the Northern District of Illinois. And I don't feel
2 comfortable if we were going to say that other people
3 are going to be out there offering subpoenas, even if
4 those subpoenas may be going to people who are on the
5 prohibited list from the United States Attorney.

6 I will tell you that I am more than happy to work
7 with the Minority Spokesman, Representative Durkin,
8 and all the members of the committee, and if it is the
9 decision of this committee that if we decide as a
10 group that we do want to hear from people who are not
11 on a prohibited list, we have options, including
12 inviting people to testify, and including at the end
13 of the day a subpoena.

14 That's why we have that authority in the rules,
15 and I think that if we use that authority I think we
16 will do so in a bipartisan manner.

17 This committee is in no way here to say that
18 we're going to cover up or whitewash anything. We're
19 here because we have concerns, the same concerns that
20 the minority party has about the conduct of the
21 current Governor in office.

22 I am sure that the conduct of his predecessor was
23 not conduct deemed becoming by all members of the
24 Republican party.

1 So we are here to try to get to the bottom of
2 concerns and allegations that are out there in the
3 public, and we're happy to work with you, all of you,
4 to see to it that we do just that.

5 Representative Lang.

6 MR. LANG: Thank you, Madam Chairman. I
7 would move the adoption of the rules.

8 MR. GENSON: May I make a comment regarding
9 the rules?

10 CHAIRWOMAN CURRIE: I'm sorry, who is
11 speaking?

12 MR. GENSON: Ed Genson. I would like to make
13 a comment, make a statement regarding the rules.

14 CHAIRWOMAN CURRIE: We will hear your
15 comment. But let me just say that I don't know that
16 your interest has to do with our rules. Our rules are
17 very different from what happens in the places, the
18 venues where you ordinarily ply your trade.

19 But I will give you the honor of at least letting
20 you say your two cents.

21 GENSON: I ply my trade in a lot of places.
22 But the point of the matter is, Representative Currie,
23 in going over the rules and in going over the statute
24 and in going over the Constitution applicable to this

1 proceeding, I find nothing, nothing in either -- in
2 any of those places that talks about what is the basis
3 and what the basis for impeachment can be. I find
4 nothing in any of those places regarding the standard
5 of proof.

6 And I would suggest on behalf of Rod Blagojevich
7 that if we are going to have a hearing relative to
8 these rules, that those two matters be dealt with.

9 CHAIRWOMAN CURRIE: I would just point out
10 that the Constitution is pretty clear. Impeachment is
11 appropriate if there is a cause for impeachment, and
12 nothing in these rules does anything to undermine that
13 constitutional responsibility.

14 Representative Lang has moved adoption of the --
15 oh, House Representative Black, looking particularly
16 crisp this morning if I might say so.

17 REPRESENTATIVE BLACK: Thank you so much,
18 Madam Chairperson.

19 If I might, I would like to make a comment before
20 we vote on the rules if the Chair would allow. Thank
21 you.

22 CHAIRWOMAN CURRIE: Yes.

23 REPRESENTATIVE BLACK: Thank, Madam
24 Chairperson, and ladies and gentlemen of the

1 committee. Let me try to express my feelings as best
2 I can. And that is the office of Governor does not
3 belong to Rod Blagojevich and it does not belong to
4 the Illinois Democratic party. It belongs to the
5 people of Illinois. By all accounts the people have
6 lost confidence in Governor Rod Blagojevich.

7 This elected legislature answers to the people,
8 and I would hope we again remember that we are not
9 here to find Rod Blagojevich guilty of crimes beyond a
10 reasonable doubt. That is not what the impeachment
11 article of the Illinois Constitution is about. The
12 personal liberty of Rod Blagojevich is not at stake
13 here.

14 We are here to determine under the broad language
15 of our Constitution and the sentiment of the people of
16 the state of Illinois who actually own this government
17 whether the office of Governor ought to be the subject
18 of a proceeding in the Senate, whether an evaluation
19 should be made if Rod Blagojevich has forfeited the
20 people's office due to his conduct.

21 Now this will not be an easy or pleasant task for
22 any of us, and I hope that everyone here can
23 contribute something to this process and not attempt
24 to block or slow the process and work of this

1 committee.

2 Having said that, Madam Chairperson, let me just
3 express my concern and dismay if I might over Rule 5,
4 the issuance of subpoenas. I think that is as our
5 Minority Spokesperson has clearly stated the central
6 issue of this committee.

7 Connecticut in 2004 set up an impeachment
8 process, bipartisan, both co-chairs had the right of
9 subpoena.

10 We did that in 1997 here in Illinois with the
11 Heiple Commission. The General Assembly in 1985 did
12 that on a Special Investigative Committee looking into
13 some cost overruns at McCormick Place. It was
14 bipartisan. Both co-chairs had the right of subpoena.

15 But in these rules that we're being asked to
16 accept today, our Minority Spokesman does not have any
17 inherent right under these rules to initiate a
18 subpoena. As I understand it, if the Speaker does not
19 sign off on our request, then that will be denied,
20 summarily denied.

21 We do not have any appeal process other than a
22 vote of the committee, and 11 members could then vote
23 that down. I would point out there are 12 Democrats
24 on the committee. So it's one thing, in all due

1 respect to my colleagues, to say that the spirit of
2 bipartisanship is what this committee is all about,
3 but it is not what you did.

4 It's easy to talk the talk. But you're not
5 walking the walk. It is not a bipartisan committee,
6 it's 12 to 9. And it makes no difference on this
7 special committee what the other committees or the
8 General Assembly, how they are constituted.

9 This is a Special Investigative Committee
10 established by the General Assembly, and I think it's
11 unfortunate that the Minority Spokesman and the
12 members that he represents on this committee would
13 have to be subject to the signoff of the Speaker of
14 the House or the Chairperson of this committee in
15 order to issue a subpoena.

16 I think that inhibits the minority party's
17 ability to get at information that we will need or
18 certainly like to have.

19 And when all is said and done, it's very easy to
20 talk about bipartisanship, but the proof is whether or
21 not it's done.

22 And in the very establishment of this committee
23 it was not done, and in the adoption of these rules I
24 have serious doubts as to whether that spirit of

1 bipartisanship that could be so important in our
2 deliberation is in fact being given any more than lip
3 service.

4 Thank you, Madam Chairperson.

5 CHAIRWOMAN CURRIE: Representative Fritchey.

6 REPRESENTATIVE FRITCHEY: Thank you, Madam
7 Chairman.

8 If I may briefly, I don't want to say I'm
9 surprised, I'm somewhat dismayed by the claims of
10 partisan maneuvers by those in the minority party
11 spoken by a majority of them over the last few days.

12 Maybe I would understand it if this was a
13 Democratic majority committee investigating a
14 Republican Governor. I don't know if you are
15 insinuating that we are going to try to unfairly
16 attack the Governor or if we're going to try to
17 unfairly protect him. Neither seems to have been the
18 case up until this time.

19 With all due respect to my Republican colleagues,
20 and do I respect them all, I think right now you're
21 presently tilting at windmills that don't exist.
22 Rules are in place. There have been steadfast
23 representations that we intend and are working toward
24 a common goal.

1 Representative Black is entirely correct, this is
2 not an office that belongs to the Governor. This is
3 not a Democratic party agenda. We are investigating
4 the alleged actions of one individual and whether he
5 should stay in office.

6 To that end we have a common objective, and that
7 objective is to do what is right for the people of
8 this state, Democrat, Republican, Chicago and suburban
9 and downstate alike.

10 Injecting a partisan argument where one doesn't
11 exist I think detracts us from that mission, and I
12 would hope that we can focus on the work before us,
13 and there is a lot to be done, and continue rather
14 than trying to foster a discretion when something does
15 not and should not exist.

16 Thank you, Madam Chair.

17 CHAIRWOMAN CURRIE: Thank you,
18 Representative.

19 Representative Lang has moved adoption of these
20 rules for the Special Investigative Committee.
21 Please, Clerk, call the roll. But add first
22 Representative Turner to the roll call.

23 THE CLERK: Currie.

24 CHAIRWOMAN CURRIE: Aye.

1 THE CLERK: Durkin.

2 REPRESENTATIVE DURKIN: I vote no based on
3 the comments that I made, particularly about Section
4 5, because that is a fundamental -- as I said, the
5 core of this committee is to be able to gather
6 evidence and if we have to compel evidence, so we're
7 not allowed that, the minority party has not been
8 allowed that process.

9 I'm going to be presenting an amendment at some
10 point that I think will probably reflect more of a
11 bipartisan manner in which this committee should
12 present this issue of subpoenas, but I have to vote
13 no.

14 THE CLERK: Acevedo.

15 REPRESENTATIVE ACEVEDO: Aye.

16 THE CLERK: Bassi.

17 REPRESENTATIVE BASSI: No.

18 THE CLERK: Bellock.

19 REPRESENTATIVE BELLOCK: No.

20 THE CLERK: Black.

21 REPRESENTATIVE BLACK: It's my intent to vote
22 no. And I would remind members of the committee it
23 was a Republican resolution that established the
24 Heiple Special Investigative Committee that was truly

1 bipartisan, gave co-chairs the right of subpoena, and
2 as you'll recall Justice Heiple ran to his position on
3 the Supreme Court as a Republican.

4 THE CLERK: Bost.

5 REPRESENTATIVE BOST: No.

6 THE CLERK: Davis.

7 REPRESENTATIVE DAVIS: Yes.

8 THE CLERK: Eddy.

9 REPRESENTATIVE EDDY: No.

10 THE CLERK: Flowers.

11 REPRESENTATIVE FLOWERS: Aye.

12 THE CLERK: Franks.

13 REPRESENTATIVE FRANKS: Aye.

14 THE CLERK: Fritchey.

15 REPRESENTATIVE FRITCHEY: Yes.

16 THE CLERK: Hamos.

17 REPRESENTATIVE HAMOS: Aye.

18 THE CLERK: Hannig -- or sorry, Gordon.

19 REPRESENTATIVE GORDON: Aye.

20 THE CLERK: Howard.

21 REPRESENTATIVE HOWARD: Yes.

22 THE CLERK: Lang.

23 REPRESENTATIVE LANG: Aye.

24 THE CLERK: Mautino.

1 REPRESENTATIVE MAUTINO: Aye.

2 THE CLERK: Rose.

3 REPRESENTATIVE ROSE: No.

4 THE CLERK: Sacia.

5 REPRESENTATIVE SACIA: No.

6 THE CLERK: Tracy.

7 REPRESENTATIVE TRACY: No.

8 THE CLERK: Turner.

9 REPRESENTATIVE TURNER: Yes.

10 CHAIRWOMAN CURRIE: By a surprising vote of
11 12 yes and 9 no, the rules are now adopted.

12 And a couple of housekeeping items. There are
13 some items here. First of all, one of our members
14 reminded me that it would be a good idea to remind
15 people in the room, including committee members, to
16 either turn your cell phone off or put it on vibrate,
17 since some of them can be rather loud.

18 And we have a couple of items that I want to
19 enter into the committee record, and I make a point
20 that all the materials that are created by or are
21 submitted to the committee will become part of the
22 record.

23 But for purposes of preserving order during the
24 proceeding, items that may be frequently referred to

1 we will designate as exhibits by number or ultimately
2 possibly by letter.

3 For purposes of complete transparency we're also
4 planning to make exhibits available on the General
5 Assembly's Web site. And as always, the Clerk will
6 also obtain a hard copy or record of all the
7 proceedings.

8 So Committee Exhibit 1 has in it copies of three
9 letters; a letter from me to the Governor telling him
10 about our committee, the letter from our legal counsel
11 to Sheldon Sorosky, then counsel to the Governor, and
12 a letter in return from him to Mr. Ellis.

13 Committee Exhibit 2 is a copy of the Governor's
14 motion for appointment of counsel.

15 Committee Exhibit 3 is a copy of the complaint
16 filed in the United States Court Northern District of
17 Illinois, the complaint against Rod Blagojevich and
18 John Harris, and the supporting affidavit.

19 Committee Exhibit 4 is a copy of the plea
20 agreement between the United States Attorney and Ali
21 Ata.

22 Committee Number 5 is a copy of the plea
23 agreement between the United States Attorney and
24 Joseph Cari.

1 And with the exception of Exhibit 2, members
2 received copies of each of these exhibits yesterday.

3 But I also want to go back to Committee Exhibit
4 2. This is a motion filed or attempted to be filed
5 with this committee by Mr. Genson, the lawyer for the
6 Governor. And we will not entertain that motion, Mr.
7 Genson.

8 This committee is not in a position to appoint a
9 Special Attorney General. We're not the appropriate
10 venue to discuss questions of payment for defense
11 counsel's services.

12 So we would instead suggest that you take that
13 issue to the State Attorney General's office, because
14 it's my understanding that that's the appropriate
15 place for --

16 MR. GENSON: It's already there.

17 CHAIRWOMAN CURRIE: -- for consideration of
18 your request. So we will not entertain the motion. I
19 just wanted to explain to you why.

20 MR. GENSON: I understand, and it is already
21 before the Attorney General. I thought in an
22 abundance of caution I would file it here also.

23 CHAIRWOMAN CURRIE: Okay, we appreciate that.
24 In no way though does our refusal to talk about A mean

1 that we don't recognize you as the Governor's counsel.
2 You are and we understand that, we recognize that, and
3 again we do welcome you.

4 MR. GENSON: Thank you.

5 CHAIRWOMAN CURRIE: Our topic today has
6 mostly to do with the material that was filed by the
7 United States Attorney in the criminal complaint that
8 involved the Governor's arrest a week ago yesterday
9 and copies of plea agreements between two defendants
10 in other proceedings before the court.

11 And many of those are serious complaints or
12 charges about the Governor do appear in the criminal
13 complaint and the supporting affidavit.

14 So I've asked Dave Ellis, who is our legal
15 counsel, to present Committee Exhibit 3. And the
16 intent is that Mr. Ellis will basically walk the
17 committee through the criminal complaint and affidavit
18 and the plea agreements, and the point, since we can
19 all read this material, and in fact all of you have
20 the material, is to make sure that we're all on the
21 same page.

22 And while Mr. Ellis would be prepared to answer
23 questions, he's not a witness and he's not someone who
24 is going to be able to attest to the validity of the

1 complaint or anything else. But it seems to be
2 helpful if we are all on the same page.

3 And if people have informational questions, they
4 can certainly ask those of Mr. Ellis.

5 So Mr. Ellis, would you like to --

6 MR. GENSON: I have preliminary motions that
7 I'd like to be heard.

8 CHAIRWOMAN CURRIE: A preliminary motion?

9 MR. GENSON: Preliminary matters that I'd
10 like to be heard on if I could.

11 CHAIRWOMAN CURRIE: Please.

12 MR. GENSON: The first is a motion to recuse
13 members of the committee in their determination. It
14 was my understanding that in listening to the --

15 CHAIRWOMAN CURRIE: We're having trouble
16 hearing you.

17 MR. GENSON: In listening to the
18 conversations regarding the passing of the -- passing
19 of the memo or passing of the committee rules, the
20 word that I kept on hearing was due process.

21 Now yesterday a number of people on this
22 committee made comments about what they felt they were
23 here for. A number of the people who are on this
24 committee expressed views that were -- made it

1 perfectly clear that they already made up their mind
2 in this case.

3 Representative Black just spoke in a fashion that
4 allowed that they made up their mind in this case. I
5 would point out that Representative Tracy
6 specifically, Representative Franks made comments in
7 the hearing relative to -- at the beginning of this
8 matter stating an opinion. They state an opinion that
9 basically suggested that they could not be fair.

10 And I'd ask specifically that Tracy and
11 Representative Franks, Representative Black, be
12 recused and be -- and recuse themselves and be recused
13 from this committee based on their predisposition in
14 this case.

15 And rather than waste anyone's time, I have the
16 transcript from what was said yesterday. I'd be glad
17 to read it into the record.

18 The fact of the matter is, they made comments
19 which shows they can't be fair. They made comments
20 which shows that Rod Blagojevich cannot have a fair
21 and impartial hearing of this committee. And I would
22 ask that Representative Tracy, Representative Franks
23 and Representative Black be precluded from
24 participating in this hearing.

1 CHAIRWOMAN CURRIE: Thank you, Counsel.
2 First I would say that this committee is not in a
3 position to expel or recuse members of the committee,
4 so I think we would not accept your proposal at this
5 time.

6 And I just would have to say for the record that
7 I was pleased with the opening statements of the
8 members yesterday in that so many of them were clearly
9 aimed at trying to explain how no matter what their
10 feelings might be about the Governor on this level,
11 that, or some other, that they were going to undertake
12 this effort in a spirit of due process and fair play.

13 MR. GENSON: I have an additional motion with
14 regard to a continuance in this case. If you please,
15 this case was -- this matter we were notified the
16 15th, we received -- we received -- yesterday we
17 received the notification of this hearing formally.
18 We were very -- you were very kind to recess till
19 today until I could get here.

20 But the fact of the matter is there is one day
21 notice. The fact of the matter is that we received no
22 list of witnesses. The fact of the matter is we have
23 no power to subpoena. We would want power to
24 subpoena, because we as the representatives who spoke

1 want to subpoena in people and want to subpoena
2 documents for this hearing. We can't do this on a one
3 day's notice.

4 We would ask, if you please, that we -- this
5 matter be adjourned to give us appropriate time to
6 prepare.

7 CHAIRWOMAN CURRIE: The Chair again would
8 point out that we are not subject to the kinds of
9 rules that might apply in a courtroom. You don't have
10 the power of subpoena and I don't believe this
11 committee is going to plan to give it to you.

12 The topic for today's meeting is the topic of the
13 criminal complaint filed in conjunction with the
14 arrest of the Governor a week ago yesterday. And I
15 should imagine as his lawyer you would doubtless have
16 had an opportunity to read that complaint, and I would
17 be very surprised if you were not familiar with the
18 contents of the plea bargain between Mr. Ali Ata and
19 the federal prosecutor, as well as that between Mr.
20 Joe Cari and the federal prosecutor.

21 I think it's important for the people of the
22 state that we take this action that we have embarked
23 upon, as recently as two days ago the House decided to
24 move forward, because we believed unanimously that

1 there are enough questions about the Governor's
2 capacity to hold to the confidence and the trust of
3 the people of the state of Illinois that this inquiry
4 was called for.

5 I don't think that we can wait around and put
6 this off for another six months or another year. And
7 so respectfully we will continue with today's events.

8 And so the next item would be to hear from David
9 Ellis on the contents of the criminal complaint and
10 the plea bargains.

11 MR. GENSON: With regard to the criminal
12 complaint, the admission of this criminal complaint
13 and the admission of portions of this criminal
14 complaint would be in violation of Title 18, 2518 with
15 regard -- of the United States Criminal Code.

16 I will say briefly and quote briefly. "The
17 contents of any wire, oral or electronic communication
18 intercepted pursuant to this chapter of evidence shall
19 not be received in evidence or otherwise disclosed in
20 any trial, any hearing, or other proceeding in a
21 federal or state court, unless each party is given
22 notice and unless each party is given proper paperwork
23 and unless each party is given an opportunity to
24 object to it."

1 The fact of the matter is we in this particular
2 case -- and I will talk as to the contents at the
3 appropriate time. But the fact of the matter is we've
4 been furnished with no tapes, we've been furnished
5 with no documents. There is no way we can test it,
6 and the introduction of this at this point in this
7 case is illegal.

8 CHAIRWOMAN CURRIE: We are neither a state
9 nor a federal court. We are not a court at all. We
10 are a committee properly constituted of the Illinois
11 House of Representatives.

12 And now if I may turn the microphone over to Mr.
13 Ellis. I think he's actually going to travel down to
14 the hearing table.

15 Mr. Ellis is about to make the presentation, and
16 I just want to mention again that members of the
17 committee will have the opportunity to ask questions,
18 even though of course he's not a witness.

19 And Mr. Genson, you'll be given an opportunity to
20 make a statement as he finishes his testimony as well.

21 MR. GENSON: Thank you.

22 CHAIRWOMAN CURRIE: Mr. Ellis.

23 MR. ELLIS: Thank you, Madam Chair. Just for
24 the record my name is David Ellis, I'm Chief Legal

1 Counsel for the Speaker of the Illinois House, Michael
2 Madigan. I'm honored to be the counsel to this
3 committee.

4 My charge here today is to talk about the
5 criminal complaint that was filed in support of the
6 arrest warrant for Governor Blagojevich and his chief
7 of staff, John Harris.

8 What I'm going to do is not so much the evidence
9 as is the complaint itself. That complaint is in the
10 record. I urge and expect that all of you will read
11 it from front to back.

12 My job here today is to highlight. For the most
13 part -- well, it will be a mix. At times I will do my
14 best to summarize and get us through a number of
15 things briefly, and in other cases I will have really
16 no choice but to quote verbatim from the complaint in
17 detail.

18 Again, the ultimate evidence is the document
19 itself, the 76-page document, and more specifically,
20 the affidavit of Special Agent David Cain which was
21 attached to the complaint in support of the arrest
22 warrant.

23 And by the way, I hope that I can be heard. I
24 was told when I was up by Representative Currie that

1 my voice was not coming through on the audio, so
2 somebody please tell me if that's the case.

3 This complaint is against both Governor
4 Blagojevich and his chief of staff. I will try to
5 focus as much as I can on Governor Blagojevich for
6 obvious reasons. But as you will see, according to
7 the complaint the allegations are often their actions
8 merged, so there will be a mix of things we'll be
9 talking about here.

10 You will hear throughout this code words used.
11 It's the practice of the United States Attorney
12 Fitzgerald to not name individuals that he in his
13 discretion chooses not to name.

14 So you'll be hearing a lot of phrases like
15 Contributor 1, Lobbyist A, Hospital Executive 1. I'll
16 try to stop every time I do that and make sure that
17 you at least understand that I'm using a code word as
18 opposed to a person's name. It can sound kind of
19 funny if you just say it conversationally.

20 And if there is something that I say that is
21 confusing, I certainly would be willing to be stopped
22 and, you know, explain something to you.

23 What I think Chairwoman Currie asked of me is
24 that as I go through each section, okay, I will stop

1 and you'll have the opportunity to ask me any
2 questions about that section.

3 But if I say something that just completely, you
4 know, confuses you and you need some clarification,
5 you're the committee, you can ask me questions
6 whenever you like.

7 The last thing I would say preliminarily is like
8 the press conference that U.S. Attorney Fitzgerald
9 held, I will not be using some of the curse words that
10 actually appear in this complaint. This complaint is
11 not edited for the curse words, so I will use maybe
12 bleep or something like that. I think you'll know.

13 According to the criminal complaint filed against
14 Governor Blagojevich, the United States government has
15 been investigating allegations of illegal activity in
16 the Blagojevich administration since 2003.

17 A summary of the evidence revealed to date;
18 number one, an abuse of office by trading campaign
19 funds and financial benefits in exchange for official
20 acts.

21 Specifically, defendant Rod Blagojevich and at
22 times defendant John Harris, together with others,
23 obtained and attempted to obtain financial benefits
24 for Rod Blagojevich, members of his family, and

1 Friends of Blagojevich, his political campaign
2 committee, in exchange for such things as appointments
3 to state boards and commissions, state employment,
4 state contracts, and access to state funds.

5 2. Governor Rod Blagojevich and John Harris,
6 together with others, threatened to withhold state
7 financial assistance to the Tribune Company with
8 regard to the sale of Wrigley Field, a transaction
9 believed to be valued at over 100 million dollars in
10 benefits to the Tribune Company, threatened to
11 withhold this state assistance unless the Tribune
12 Company fired certain members of the Chicago Tribune
13 editorial board who had been critical of Governor
14 Blagojevich.

15 Third. That the Governor attempted to trade his
16 appointment to President-elect Barack Obama's vacant
17 Senate seat to obtain personal benefits for himself,
18 including possibly the appointment to a cabinet
19 position in President-elect Obama's administration, a
20 lucrative job in a union if he appointed a candidate
21 backed by the union or campaign contributions.

22 According to the complaint, in early October of
23 2008 the United States government came into the
24 possession of information that Governor Blagojevich

1 was accelerating his fundraising activities, what they
2 describe as his corrupt fundraising activities, to
3 accumulate as much money as possible in his campaign
4 fund before January 1, 2009.

5 Why January 1, 2009? The government alleges
6 because on January 1, 2009, a new law would go into
7 effect, an ethics law that the General Assembly knows
8 very well, which it passed almost unanimously, if not
9 unanimously. It was House Bill 824. It was
10 previously known as House Bill 1.

11 It was a bill that banned contributions by large
12 state contractors to the office holder who gave that
13 contract out. Although there are -- there is more
14 than one executive officer, it is fair to say that the
15 vast, vast majority of state contracts given out in
16 the executive branch are given out by the Governor's
17 office or his agencies.

18 And therefore, Governor Blagojevich was most
19 affected by the passage of this law, which was passed
20 by the way over his amendatory veto.

21 This law would bar contractors with either
22 contracts or bids to the Governor's office of over
23 50,000 dollars from giving him campaign contributions.
24 The government alleges that he was in these last

1 months of 2008 accelerating his efforts to get as much
2 money as he could.

3 On the basis of that information, the government
4 obtained court approval to intercept oral
5 communications in certain locations of the offices of
6 Friends of Blagojevich. They also got a court order
7 to intercept the home phone of Rod Blagojevich.

8 So in essence what I'm saying is they received a
9 court order to place eavesdropping devices in his
10 political office and to wiretap his home phone.

11 And again, according to the complaint from these
12 intercepting devices the government uncovered these
13 three different areas of criminal conduct: Efforts to
14 obtain campaign contributions in exchange for official
15 acts, efforts to use the promise of state money to the
16 Tribune Company for the sale of Wrigley Field to
17 induce the Tribune Company to fire members of the
18 editorial board, and third, efforts to obtain personal
19 financial benefits for Governor Blagojevich in return
20 for his appointment of a U.S. Senate seat.

21 I'm going to focus first on the allegations with
22 regard to the Chicago Tribune and the Tribune Company.
23 There will be references in here to an individual
24 identified as Tribune Owner, and there will be

1 references to an individual named -- identified as
2 Tribune Financial Advisor. You'll hear me say those
3 phrases.

4 Media accounts reflect that the Tribune Company
5 was in financial trouble, and that the new Tribune
6 Owner was considering selling the Chicago Cubs
7 baseball team and using the proceeds to pay debt
8 associated with his purchase of the Tribune Company.

9 Intercepted phone calls demonstrate that the
10 Tribune Company has explored the possibility of
11 obtaining financing from the Illinois Finance
12 Authority related to the sale of Wrigley Field.

13 And one of the things discussed in many of the
14 phone calls that I will summarize for you soon is that
15 the Governor made note of the fact that using the IFA,
16 the Illinois Finance Authority, would be going around
17 the General Assembly, something he had done before,
18 and knowingly which the Chicago Tribune had repeatedly
19 criticized him for doing. This is a theme that you
20 will hear more than once in the intercepted phone
21 calls.

22 The intercepted phone calls reveal that Rod
23 Blagojevich directed John Harris, his chief of staff,
24 to inform the Tribune Owner and an associate of

1 Tribune Owner, who I've already explained is Tribune
2 Financial Advisor, to explain to these two individuals
3 that the state of Illinois financial assistance for
4 the Tribune Company's sale of Wrigley Field would not
5 be forthcoming unless members of the Chicago Tribune's
6 editorial board were fired.

7 Intercepted -- an intercepted phone call on
8 November 3rd, 2008, reveals that the Governor asked
9 Deputy Governor A, another code, the Governor asked
10 Deputy Governor A to find out if the Tribune had
11 advocated for his impeachment.

12 Deputy Governor A and the Governor discussed the
13 Tribune's endorsement of House Speaker Michael
14 Madigan, which endorsement suggested that Madigan
15 should create the committee to study impeachment.

16 The Governor told Deputy Governor A to pull
17 together the articles in the Tribune related to
18 impeachment and then have someone go to the Tribune
19 Owner and say "Get rid of these people."

20 Specifically, in that phone call on November 3rd,
21 Rod Blagojevich told Deputy Governor A to put together
22 the articles in the Tribune on the topic of removing
23 Governor Blagojevich from office, and then have
24 someone like John Harris go to the Tribune Owner and

1 say "We've got some decisions to make now."

2 Blagojevich said that "Someone should say 'get rid of
3 those people.'" "

4 Blagojevich said that he thinks that they should
5 put this all together and then have Harris or somebody
6 go talk to the Tribune Owner and say "Look, we've got
7 decisions to make now, moving this stuff forward,"
8 believed to be a reference to the IFA helping with the
9 sale of the Cubs. Continuing the quote, "someone's
10 gotta go to Tribune Owner, we want to see him. It's a
11 political bleeping operation in there."

12 Deputy Governor A agreed and said that Harris
13 needed to be sensitive about how he does it.
14 Blagojevich said there is nothing sensitive about how
15 you do it and that it is "Straightforward and you say
16 "We're doing this stuff for you. We believe this is
17 right for Illinois and this is a big deal to Tribune
18 Owner financially."

19 But what Blagojevich is doing to help Tribune
20 Owner is the same type of action that the Tribune is
21 saying should be the basis for Rod Blagojevich's
22 impeachment. That is going around the General
23 Assembly.

24 Rod Blagojevich said Tribune Owner should be told

1 "Maybe we can't do this now. Fire those beepers."

2 Deputy Governor A suggested that Rod Blagojevich
3 say "I'm not sure that we can do this anymore because
4 we've been getting a ton of these editorials that say
5 look, we're going around the legislature, we gotta
6 stop and this is something the legislature hasn't
7 approved. We don't want to go around the legislature
8 anymore."

9 Rod Blagojevich agreed and said that he wants
10 Harris to go in and make that case. "Not me," me
11 being the Governor.

12 During another intercepted phone call later that
13 night on November 3rd, 2008, Rod Blagojevich stated,
14 this is in a conversation with Deputy Governor A, as
15 well as -- let me correct the record there. This is a
16 conversation between the Governor and Advisor A.

17 During that conversation Rod Blagojevich stated
18 that he is going to go to Tribune Owner and tell
19 Tribune Owner that Rod Blagojevich will not help
20 Tribune Owner because Tribune Owner's own paper will
21 argue to impeach Rod Blagojevich for his actions in
22 helping Tribune Owner. Rod Blagojevich stated they
23 are going to go to Tribune Owner "before we pull the
24 trigger on this deal."

1 On November 4th the Governor spoke about the
2 "Tribune stuff" with Deputy Governor A and
3 subsequently with John Harris. The Governor and
4 Harris discussed the need to explain that the tribune
5 is writing editorials criticizing the Governor, and
6 that because of the articles in the Tribune, quote,
7 and this is the Governor, "we don't know if we can
8 take a chance and do this IFA deal now."

9 I'm sorry, continuing the quote, "I don't want to
10 give them the grounds to impeach me." Rob Blagojevich
11 stated that "Our recommendation is fire all those
12 bleeping people, get 'em the bleep out of there and
13 get us some editorial support."

14 During the meeting with state employees on the
15 following day, November 5th, the Governor told Harris
16 to tell Tribune Financial Advisor that "Everything is
17 lined up, but before we go to the next level we need
18 to have a discussion about what you guys are going to
19 do about that newspaper."

20 Harris stated that, quote -- I'm sorry, let me
21 start that over. Harris stated that he "won't be so
22 direct." Rod Blagojevich told Harris "Yeah, you know
23 what you gotta say."

24 During an intercepted call on November 6th, 2008,

1 Rod Blagojevich and John Harris discussed a
2 conversation Harris had with Tribune Financial Advisor
3 A -- I'm sorry, Tribune Financial Advisor the prior
4 day. Harris said he told Tribune Financial Advisor
5 that things, quote, this is a Harris quote, "look like
6 they could move ahead fine but, you know, there is a
7 risk that all of this is going to get derailed by your
8 own editorial page."

9 Later in the conversation Rod Blagojevich and
10 Harris talk about an upcoming meeting Harris will have
11 with an individual at the Tribune believed to be
12 Tribune Financial Advisor. Harris stated that he will
13 tell the individual that in Harris's experience you
14 cannot "tread lightly" and you need "to make wholesale
15 changes."

16 Harris stated that he will "throw it out there
17 and let them figure out how to do it." Blagojevich
18 stated that Harris's suggestion will be to "get rid of
19 these people" and that "the other point you want to
20 make is in fact we sure would like to get some
21 editorial support from your paper, okay?"

22 Harris stated "I want to do that in person."
23 Harris stated that they will not give editorial
24 support "out of the current crew." Rod Blagojevich

1 said "this is a priority. Stay on it right. I mean
2 he -- he gets the message, doesn't he?" Harris
3 replied, "oh, yeah, he got it loud and clear."

4 In apparent reference to the prospect of IFA
5 assistance for the Wrigley Field deal, Blagojevich
6 then asked "what does this mean to them? Like 500
7 million? What does it mean to Tribune Owner in real
8 terms?" Harris replied, "to them? About a hundred
9 million, maybe 150." Blagojevich said he thought "it
10 was worth like 500 million to them."

11 Rod Blagojevich said "100 million is nothing to
12 sneeze at. That's still worth something, isn't it?"
13 Harris said that he planned on seeing Tribune
14 Financial Advisor the following Monday, November 10th.

15 On November 11th, the day after that meeting was
16 supposed to have occurred, Rod Blagojevich talked
17 again with John Harris. Rod Blagojevich asked Harris
18 whether Tribune Financial Advisor understood the
19 timeline in which Rod Blagojevich wanted changes made
20 in relation to "our ability to do this without the
21 legislature", believed to be a reference to using the
22 IFA to help with the Cubs's financing.

23 Harris stated "Correct, November, December."
24 Blagojevich responded "right." Harris said that he

1 expects "before the end of this month, that being
2 November, there's going to be some reorganization or
3 cuts" at the Tribune Company.

4 Blagojevich replied "Wow. Okay, keep our fingers
5 crossed. You're the man. Good job, John."

6 During an intercepted phone call on November
7 20th, 2008, Blagojevich spoke with John Harris again.
8 Blagojevich began the conversation by asking Harris
9 whether Harris is "making any progress on that Tribune
10 editorial board with Tribune Financial Advisor?" Rod
11 Blagojevich then suggested that Harris could say the
12 following to Tribune Financial Advisor: "What are we
13 going to do? We've got this IFA thing. We want to do
14 all this. How's that going?"

15 Rod Blagojevich asked Harris if he understood
16 what Rod Blagojevich wants, and told Harris to "use
17 your judgment."

18 During an intercepted phone call the next day,
19 November 21st, Rod Blagojevich spoke with John Harris.
20 Rod Blagojevich asked Harris whether he had told
21 Deputy Governor A that "McCormick is going to get
22 bounced at the Tribune." McCormick is believed to be
23 John P. McCormick, the Chicago Tribune's deputy
24 editorial page editor. And just for the record, he is

1 specifically named in this complaint. I'm reading
2 this from the allegations.

3 Mr. Harris stated "I had singled out McCormick as
4 somebody who is the most biased and unfair."

5 Blagojevich responded "to the Tribune Financial
6 Advisor you did?" Harris confirmed that it was to
7 Tribune Financial Advisor. Rod Blagojevich stated
8 "that would be great." And that McCormick is "a bad
9 guy.

10 Rod Blagojevich confirmed that Harris made the
11 point with Tribune Financial Advisor that the Tribune
12 is advocating that Blagojevich be impeached for going
13 around the legislature and that "is precisely what
14 we're doing on Wrigley Field."

15 Harris said he explained that information to
16 Tribune Financial Advisor. Rod Blagojevich asked
17 whether the Tribune Financial Advisor understood that
18 "we are not in a position where we can afford to do
19 that if the Tribune is pushing impeachment."

20 Blagojevich asked "they got that, right?" Harris
21 replied "right." Harris suggested that Blagojevich
22 and Harris explain -- I'm sorry, let me start that
23 over.

24 Harris suggested to Rod Blagojevich that Harris

1 explained to Tribune Financial Advisor that the
2 Tribune's editorial discussing impeachment "could
3 jeopardize our efforts to do good things for people as
4 well as the other thing," believed to be helping the
5 Cubs sale at the IFA.

6 Rod Blagojevich responded "there ya go. He got
7 the message?" Harris replied "yeah." Rod Blagojevich
8 stated "good."

9 Also on November 21st, 2008, approximately five
10 minutes after that phone call with John Harris, the
11 two spoke again. At the end of this call Blagojevich
12 stated that "the Tribune thing is important if we can
13 get that." Harris replied "delicate, very delicate."
14 Blagojevich said "I know, I know. Use your judgment,
15 don't push too hard. But you know what you got to do,
16 right?" Harris responded "all right, sir."

17 On December 4th, 2008, the Chicago Tribune
18 announced it was reducing the size of its work force
19 by 11 members.

20 On the morning of December 5th, 2008, Rod
21 Blagojevich spoke with John Harris on this subject.
22 Rod Blagojevich stated "what's the deal? So do
23 McCormick -- so McCormick stays at the Tribune, huh?"
24 Harris stated that "we haven't heard that he's gone."

1 Rod Blagojevich stated "I mean those layoffs were
2 minor."

3 Harris stated "well, I know they got a lot to
4 do." Blagojevich asked "there's still more coming?"
5 Harris responded "yeah, they got a lot of cuts to
6 make."

7 Blagojevich stated "okay, at some point we should
8 talk to Tribune Financial Advisor again, right?"

9 Harris confirmed they should talk to Tribune Financial
10 Advisor again.

11 That concludes what I have to summarize for you
12 with regard to the Tribune Company. If there are any
13 questions I'd be happy to do my best to clarify.

14 CHAIRWOMAN CURRIE: Representative Lang.

15 REPRESENTATIVE LANG: Thank you, Madam
16 Chairman.

17 Mr. Ellis, I think it would be instructive to
18 talk about the Illinois Finance Authority and the
19 relationship between that agency and the government,
20 how are these folks chosen, does the Governor have any
21 direct responsibility, are they independent of the
22 Governor. Could you expound on that?

23 MR. ELLIS: I'll do my best, Representative.
24 I won't put myself up as an expert. There's probably

1 some members who know it better than I know.

2 Certainly my understanding is that the IFA is
3 appointed, the members of the board are appointed by
4 the Governor, and certainly we know one executive
5 director, Ali Ata, who we'll be talking about later
6 who was also appointed by the Governor. So they are
7 under the Governor's control.

8 REPRESENTATIVE LANG: Well, while they're
9 appointed by the Governor, they under our laws govern
10 themselves however?

11 MR. ELLIS: Yes.

12 REPRESENTATIVE LANG: They are a separate
13 governing body, they are not a state agency like the
14 Department of Agriculture or Department of Human
15 Services, they are their own --

16 MR. ELLIS: Yes.

17 REPRESENTATIVE LANG: -- governing board, is
18 that correct?

19 MR. ELLIS: Yes, that's my understanding,
20 sir.

21 REPRESENTATIVE LANG: So if it were true that
22 the Governor were suggesting that he could influence a
23 decision they made, that in and of itself would be
24 something worth investigating further, is that

1 correct?

2 MR. ELLIS: I think that would be up to the
3 committee to investigate or decide whether to
4 investigate, but I could certainly understand that
5 position, yes.

6 REPRESENTATIVE LANG: So I just want to make
7 this clear. He has no direct control over that agency
8 once he appoints those people, is that correct?

9 MR. ELLIS: That's correct, sir.

10 REPRESENTATIVE LANG: Thank you very much.

11 CHAIRWOMAN CURRIE: Representative Fritchey.

12 REPRESENTATIVE FRITCHEY: Thank you.

13 Mr. Ellis, if I could ask you a question, not
14 just as in your role as a reciter of the allegations
15 in the complaint, but also with respect to your role
16 as counsel here as well.

17 I think it would be helpful for both this
18 committee as well as the public to understand that
19 it's not our task to determine whether these
20 allegations rise to criminal conduct, but we need to
21 look at these purported statements by the Governor and
22 the other individuals in the framework of whether or
23 not we believe that this is conduct that is
24 appropriate for the Governor of the state of Illinois

1 to be engaging in.

2 Would you agree with that assessment?

3 MR. ELLIS: I would absolutely agree that you
4 have the really unfettered discretion to consider what
5 is cause for impeachment. There is a federal standard
6 of high crimes and misdemeanors, and I think it's been
7 noted by many people that there was a deliberate
8 decision by the framers of the 1970 Constitution to
9 leave that out and to leave it with cause.

10 I think -- I would not ever deem to tell anybody
11 where they should draw lines, but I think it's fair to
12 say that the line has never been drawn at criminal
13 activity alone.

14 REPRESENTATIVE FRITCHEY: But I guess to that
15 end specifically, while we do have wide latitude, that
16 latitude should not be seen as having to come to an
17 inference as to whether or not criminal conduct did
18 occur, or that really is -- that may be the one thing
19 that's not within our pursue.

20 MR. ELLIS: I would agree with that.

21 REPRESENTATIVE FRITCHEY: Thank you.

22 CHAIRWOMAN CURRIE: Other questions?

23 Do you want to carry on, Mr. Ellis.

24 MR. ELLIS: Absolutely. I'm next going to

1 cover the allegations related to the vacant U.S.
2 Senate seat. By way of background, and I imagine the
3 committee already knows this, but the United States
4 Constitution gives each state legislature the
5 authority to establish procedures to fill vacancies in
6 the office of the United States Senate.

7 And under state law, the Governor has been given
8 the authority to make a temporary appointment to fill
9 a vacant U.S. Senate seat. And we all obviously
10 realize that we just recently lost a U.S. Senator and
11 gained a President Obama.

12 The complaint alleges that the Governor conspired
13 to trade or sell the appointment of the U.S. Senate
14 seat for personal gain. Intercepted phone
15 conversations alleged the Governor's intention to make
16 the appointment in exchange for one of the following:

17 A position that the President-elect could
18 appoint, such as Secretary of Health and Human
19 Services, Secretary of Energy, for an ambassadorship,
20 his wife's placement on corporate boards, the
21 Governor's placement at a private foundation with a
22 significant salary, assistance with fundraising
23 millions of dollars for a nonprofit organization which
24 he would later head, or the promise of thousands of

1 dollars in campaign contributions.

2 The Governor is heard commenting throughout these
3 conversations that if he could not get one of the
4 previous items in exchange for his Senate appointment,
5 he would possibly appoint himself.

6 The affidavit notes that not all calls dealing
7 with what they call the corrupt efforts of the
8 governor in this regard were detailed in the
9 complaint. These are not all of them, but these are
10 the ones we have.

11 On November 3rd, 2008, I believe this would be
12 the day before the election, Rod Blagojevich talked
13 with Deputy Governor A. Blagojevich told Deputy
14 Governor A that he is not -- if he is not going to get
15 anything of value for the open Senate seat, then Rod
16 Blagojevich will take the Senate seat himself. "If
17 they're not going to offer anything of any value, then
18 I just might take it."

19 Just for the record it was actually "I might just
20 take it."

21 Later that same day on November 3rd Blagojevich
22 spoke with Advisor A. By this time, media reports
23 indicated that Senate Candidate 1, an advisor to the
24 President-elect, was interested in the Senate seat if

1 it became vacant and was likely to be supported by the
2 President-elect.

3 During this call between Blagojevich and Advisor
4 A, Blagojevich stated "unless I get something real
5 good for Senate Candidate 1, bleep, I'll just send
6 myself, you know what I'm saying."

7 Blagojevich later stated "I'm going to keep the
8 Senate option for me a real possibility, you know, and
9 therefore I can drive a hard bargain. You hear what
10 I'm saying. And if I don't get what I want and I'm
11 not satisfied with it, then I'll just take the Senate
12 seat myself."

13 Later Blagojevich stated that the Senate seat "is
14 a bleeping valuable thing. You just don't give it
15 away for nothing."

16 On the day of the presidential election, November
17 4th, 2008, Rod Blagojevich spoke with Deputy Governor
18 A. With respect to the Senate seat, Deputy Governor A
19 suggested putting together a list of things that Rod
20 Blagojevich would accept in exchange for the Senate
21 seat.

22 Rod Blagojevich responded that the list "can't be
23 in writing." Thereafter Blagojevich discussed whether
24 he could obtain an ambassadorship in exchange for the

1 Senate seat.

2 That same date Blagojevich spoke with John
3 Harris. Blagojevich stated that "the trick is how do
4 you conduct indirectly a negotiation" for the Senate
5 seat. Thereafter, Blagojevich analogized his
6 situation to that of a sports agent shopping a
7 potential free agent to various teams, stating "how
8 much are you offering, Mr. President-elect? What are
9 you offering, Senate Candidate 2? Can always go to
10 Senate Candidate 3."

11 Later Blagojevich stated that he will make a
12 decision on the Senate seat "in good faith but it is
13 not coming for free. It's got to be good stuff for
14 the people of Illinois and good for me."

15 Blagojevich states President-elect you want it,
16 fine. But it's got to be good or I could always take
17 it myself." I apologize, the word myself is not in
18 the quote. "I could always take it" is how it ends.

19 On November 5th, 2008, Blagojevich spoke with
20 Deputy Governor A regarding the positions that
21 Blagojevich might be able to obtain in exchange for
22 the soon to be vacated Senate seat.

23 Among the potential positions discussed were
24 Secretary of Health and Human Services and various

1 ambassadorships.

2 Deputy Governor A noted that the cabinet position
3 of Secretary of Energy is "the one that makes the most
4 money." Deputy Governor A stated that it's hard not
5 to give the Secretary of Energy position to a Texan,
6 but with Rod Blagojevich's coal background it might be
7 a possibility.

8 On November 5th Blagojevich spoke by phone with
9 John Harris. Let me retract that. It doesn't specify
10 whether this was intercepted at his campaign office or
11 at home.

12 But on November 5th Blagojevich spoke with John
13 Harris regarding what Blagojevich could obtain for the
14 Senate seat. After discussing various federal
15 governmental positions that Blagojevich would trade
16 for the Senate seat, Blagojevich asked about "the
17 private sector" and whether the President-elect could
18 "put something together there, something big."

19 Thereafter, Harris suggested that the
20 President-elect could make Rod Blagojevich the head of
21 a private foundation. Blagojevich told Harris that he
22 should do "homework" on private foundations "right
23 away."

24 Rod Blagojevich asked whether he could get a high

1 ranking position at the Red Cross. Harris stated that
2 "it's got to be a group that is dependent on the
3 President-elect and that a President probably could
4 not influence the Red Cross. Blagojevich told Harris
5 to "look into all of those."

6 On November 5th, 2008, again Blagojevich talked
7 with John Harris and Deputy Governor A. They
8 discussed potential private foundations with which Rod
9 Blagojevich might be able to get a position in
10 exchange for filling the vacant Senate seat, and in
11 particular those foundations that are "heavily
12 dependent on federal aid" and which, therefore, the
13 White House would have the most influence on.
14 Blagojevich wanted to know how much the positions
15 being discussed paid.

16 On November 5th, Blagojevich talked with Advisor
17 A about the Senate seat. Blagojevich stated "I've got
18 this thing and it's bleeping golden, and uh, uh, I'm
19 just not giving it up for bleeping nothing. I'm not
20 gonna do it. And I can always use it. I can
21 parachute me there."

22 On November 6th Rod Blagojevich talked with
23 Spokesman, this is a code, Spokesman. Blagojevich
24 told Spokesman to leak to a particular columnist for

1 the Chicago Sun Times that Senate Candidate 2 is in
2 the running for the vacant Senate seat. According to
3 Blagojevich by doing this he wanted "to send a message
4 to the President-elect's people" but did not want it
5 known that the messenger was Rod Blagojevich.

6 Thereafter Blagojevich and Spokesman discussed
7 specific language that should be used in the Sun Times
8 column and arguments as to why Senate Candidate 2 made
9 sense for the vacant Senate seat.

10 A review of this particular Sun Times column on
11 November 7th, 2008, the next day, indicates references
12 to the specific language and arguments regarding
13 Senate Candidate 2 as a potential candidate for the
14 Senate seat as discussed the previous day between the
15 Governor and Spokesman.

16 On November 7th Blagojevich talked with Advisor A
17 about the Senate seat. Blagojevich stated that he was
18 willing to "trade" the Senate seat to Senate Candidate
19 1 in exchange for the position of Secretary of Health
20 and Human Services in the new administration.

21 Later on November 7th Blagojevich discussed the
22 open Senate seat in a three-way call with John Harris
23 and Advisor B who is based in Washington, D.C.

24 Blagojevich indicated in the call that if he was

1 appointed as Secretary of Health and Human Services by
2 the President-elect, then Rod Blagojevich would
3 appoint Senate Candidate 1 to the open Senate seat.
4 Harris stated "we wanted our ask to be reasonable and
5 rather than make it look, like some sort of selfish
6 grab for a quid pro quo."

7 Rod Blagojevich stated "I want to make money."
8 During the call Blagojevich, Harris and Advisor B
9 discussed the prospect of working a three-way deal for
10 the open Senate seat.

11 Harris noted that Blagojevich is interested in
12 taking a high paying position with an organization
13 called Change to Win, which is connected to the
14 Service International -- I'm sorry, the Service
15 Employees International Union or SEIU.

16 On that same phone call Harris suggested that
17 SEIU Official, okay, another code, SEIU Official make
18 Rod Blagojevich the head of Change to Win, and in
19 exchange the President-elect could help Change to Win
20 with its legislative agenda on a national level.

21 Harris said that Change to Win will want to trade
22 the job with Rod Blagojevich for something from the
23 President-elect. Harris suggested "a three-way deal"
24 and explained that a three-way deal like the one

1 discussed would give the President-elect a "buffer so
2 there is no obvious quid pro quo for Senate Candidate
3 1."

4 Rod Blagojevich stated that for him to give up
5 the governorship for the Change to Win position, the
6 Change to Win position must pay a lot more than he is
7 getting paid right now.

8 Rod Blagojevich stated that he is interested in
9 making 250,000 to 300,000 dollars from being on some
10 organization boards. Advisor B said they should
11 leverage the President-elect's desire to have Senate
12 Candidate 1 appointed to the Senate in order to get a
13 head position with Change to Win and a salary.

14 On November 8th, Blagojevich talked with John
15 Harris about the Senate seat. During the conversation
16 Blagojevich and Harris discussed whether it would be
17 possible to obtain a financial benefit for
18 Blagojevich's wife in relation to the Senate seat.

19 Specifically, Blagojevich referred to his wife's
20 Series 7 license, and that is a securities license,
21 that's about all I can tell you about what a Series 7
22 license is.

23 The Governor referred to his wife's Series 7
24 license and asked "is there a play here with these

1 guys with her" to work for a firm in Washington or New
2 York at a significantly better salary than she's
3 making now.

4 Also Blagojevich wanted to know whether SEIU
5 could do something to get his wife a position at
6 Change to Win until Rod Blagojevich could take a
7 position there himself.

8 On November 10th Blagojevich and his wife -- I'm
9 sorry, Blagojevich, his wife, John Harris, Governor
10 General Counsel and various Washington, D.C. based
11 advisors discussed the open Senate seat during a
12 conference call. It is believed to have lasted
13 approximately two hours. And what follows are
14 summaries of various portions of the two hour call.

15 Blagojevich expressed his interest in figuring
16 out a way to make money and build some financial
17 security, while at the same time potentially
18 participating in the political arena again.

19 Blagojevich suggested during the call that he
20 could name himself to the open Senate seat to avoid
21 impeachment by the state of Illinois legislature.
22 Blagojevich agreed that it was unlikely that the
23 President-elect would name him Secretary of Health and
24 Human Services or give him an ambassadorship position

1 because of all of the negative publicity surrounding
2 Rod Blagojevich.

3 Rod Blagojevich stated that Governor General
4 Counsel believes the President-elect can get Rod
5 Blagojevich's wife on paid corporate boards in
6 exchange for naming the President-elect's pick to the
7 Senate.

8 Governor General Counsel asked "can the
9 President-elect help in the private sector or where it
10 wouldn't be tied to him? I mean so it wouldn't
11 necessarily look like one for the other."

12 Blagojevich asked whether there is something that
13 could be done with his wife's Series 7 license in
14 terms of working out a deal for the Senate seat.
15 Blagojevich stated that he is "struggling" financially
16 and does "not want to be Governor for the next two
17 years."

18 Rod Blagojevich said that consultants are telling
19 him that he has to "suck it up" for the next two years
20 and do nothing and give this "motherbleeper, referring
21 to the President-elect, his Senator. Bleep him. For
22 nothing? Bleep him."

23 Blagojevich states that he will put Senate
24 Candidate 4. Senate Candidate 4 being identified as a

1 Deputy Governor of the state. Blagojevich states that
2 he will put Senate Candidate 4 in the Senate "before I
3 just give bleeping Senate Candidate 1 a bleeping
4 Senate seat and I don't get anything."

5 According to Rod Blagojevich, "the immediate
6 challenge is how do we take some of the financial
7 pressure off of our family?"

8 Later in the phone call Blagojevich stated that
9 absent getting something back, Rod Blagojevich will
10 not pick Senate Candidate 1.

11 Harris said they could work out a three-way deal
12 with SEIU and the President-elect where SEIU could
13 help the President-elect with Rod Blagojevich's
14 appointment of Candidate 1, Rod Blagojevich would
15 obtain a position as the national director of Change
16 to Win, and SEIU would get something favorable from
17 the President-elect in the future.

18 Thereafter, Rod Blagojevich and others on the
19 phone call discussed various ways Rod Blagojevich can
20 "monetize" the relationships he is making as Governor
21 to make money after he is no longer Governor.

22 Later on November 10th Blagojevich and Advisor A
23 discuss the open Senate seat. Among other things,
24 Blagojevich raised the issue of whether the

1 President-elect could help get Rod Blagojevich's wife
2 "on paid corporate boards right now."

3 Rod Blagojevich states that he will appoint
4 "Senate Candidate 1, but if they feel they can do this
5 and not bleeping give me anything, then I'll bleeping
6 go to Senate Candidate 5."

7 Rod Blagojevich stated that if his wife could get
8 on some corporate boards and "picks up another 150
9 grand a year or whatever," it would help Rod
10 Blagojevich get through the next several years as
11 Governor.

12 Later on November 10th Blagojevich and Advisor A
13 again discussed the open Senate seat. Blagojevich and
14 Advisor A discussed leaking to the same particular
15 Chicago Sun Times columnist that Rod Blagojevich is
16 seriously considering Senate Candidate 5 for the open
17 Senate seat in order to send a message to the
18 President-elect that there are options for the Senate
19 seat beyond Senate Candidate 1.

20 On November 11th, 2008, Blagojevich talked with
21 John Harris about the Senate seat. Blagojevich
22 suggested starting a 501(c)(4) organization, that
23 being a nonprofit organization that can engage in
24 political activity and lobbying, and getting -- so let

1 me now that I've explained that I want to start the
2 sentence over.

3 Rod Blagojevich suggested starting a 501(c)(4)
4 organization and getting "his, referring to the
5 President-elect's, friend Warren Buffett or some of
6 those guys to help us on something like that." Harris
7 asked "what, for you?" Rod Blagojevich replied
8 "yeah."

9 Later in the conversation Blagojevich stated that
10 if he appoints Senate Candidate 4 to the Senate seat
11 and thereafter it appears that Rod Blagojevich might
12 get impeached, he could "count on Senate Candidate 4
13 if things got hot to give the Senate seat up and let
14 me parachute over there." Harris said "you can count
15 on Senate Candidate 4 to do that."

16 Later in the conversation Rod Blagojevich said he
17 knows that the President-elect wants Senate Candidate
18 1 for the seat but "they're not willing to give me
19 anything except appreciation. Bleep them."

20 Later on November 11, 2008, Rod Blagojevich
21 talked with Advisor A. Blagojevich again raised the
22 idea of the 501(c)(4) organization and asked whether
23 they, which is believed to be the President-elect and
24 his associates, can get Warren Buffett and others to

1 put 10, 12 or 15 million dollars into the
2 organization.

3 Blagojevich returned to the issue of the
4 501(c)(4) later in the conversation and noted that
5 again, he is looking for "10, 15, 20 million in an
6 organization like that."

7 Blagojevich said that when he is "no longer
8 Governor" he could go over to that organization.
9 Blagojevich said that "Senate Candidate 6," and I'll
10 just stop and tell you according to the complaint
11 Senate Candidate 6 is believed to be a wealthy person
12 from Illinois. I don't know how much that narrows it
13 down.

14 Rod Blagojevich said that "Senate Candidate 6
15 could raise me money like that for a Senate seat."
16 Rod Blagojevich asked "if I get Senate Candidate 6 to
17 do something like that, is it worth giving him the
18 Senate seat?"

19 Advisor A responded that it would be hard to put
20 Senate Candidate 6 in the Senate seat. Blagojevich
21 said that it would be better than putting Senate
22 Candidate 1 in the Senate and not getting anything
23 back.

24 Blagojevich and Advisor A discussed who might be

1 close to Senate Candidate 6 to talk with him about the
2 issue because Blagojevich did not "want to be the one
3 to ask something like that." Advisor A agreed to find
4 out who was close to Senate Candidate 6.

5 On November 12th Blagojevich talked with John
6 Harris. Blagojevich raised the issue of the 501(c)(4)
7 organization again, noting that contributors and
8 others can put "10 to 15 million in it so I can
9 advocate health care and other issues I care about and
10 help them while I stay as Governor. She's, referring
11 to Senate Candidate 1, a senator."

12 Blagojevich noted that the President-elect can
13 ask Warren Buffett, Bill Gates and others for money
14 for the organization. Blagojevich states he will "ask
15 Senate Candidate 6" to help fund it as well.

16 Harris said that funding the 501(c)(4) would be a
17 lot easier for the President-elect than appointing Rod
18 Blagojevich to a position. Blagojevich said "they
19 could say hey, we get Senate Candidate 1. Let's help
20 this guy have a 501(c)(4) issue advocacy organization.
21 Let's fund it to the level that he's asked for and
22 then we'll get Senate Candidate 1."

23 Blagojevich said that he will control a 501(c)(4)
24 organization through a board of directors while he is

1 Governor and then a position on the 501(c)(4) would be
2 waiting for him when he was no longer Governor.

3 On November 12th, again, Blagojevich spoke with
4 Advisor B. Blagojevich discussed with Advisor B the
5 same idea for the 501(c)(4) organization. Rod
6 Blagojevich said that he likes the 501(c)(4) because
7 he knows it will be there in two years when he is no
8 longer Governor, whereas Change to Win might not be.

9 Also on November 12th Blagojevich spoke with SEIU
10 Official who is in Washington, D.C. Prior intercepted
11 phone conversations indicate that approximately a week
12 before this call Blagojevich met with SEIU Official to
13 discuss the vacant Senate seat, and Blagojevich
14 understood that SEIU Official was an emissary to
15 discuss Senate Candidate 1's interest in the Senate
16 seat.

17 Blagojevich said that "one thing I'd be
18 interested in" is a 501(c)(4) organization. Again, in
19 the conversation with Advisor B on that date Rod
20 Blagojevich said that he told the SEIU official "I
21 said go back to Senate Candidate 1 and say hey, look,
22 if you still want to be a senator don't rule this out
23 and then broach the idea of this 501(c)(4) with her."

24 And I should say at this point in time as of

1 November 12th, according to the complaint, this is in
2 the complaint, that Senate Candidate 1 had publicly
3 stated that Senate Candidate 1 was no longer
4 interested in the position, and that explains why he
5 was saying if you still want to be a Senator.

6 Later on November 12th Blagojevich talked with
7 John Harris. Blagojevich stated that his decision
8 about the open Senate seat will be based on three
9 criteria in the following order of importance: "Our
10 legal situation, our personal situation, my political
11 situation. This decision, like every other one, needs
12 to be based upon that. Legal. Personal. Political."

13 Harris said "legal is the hardest one to
14 satisfy." Blagojevich said that his legal problems
15 could be solved by naming himself to the Senate seat.

16 On November 3rd -- I'm sorry, 13th, on November
17 13th, 2008, Rod Blagojevich talked with John Harris.
18 Blagojevich said he wanted to be able to call
19 President-elect Advisor and tell President-elect
20 Advisor that "this has nothing to do with anything
21 else we're working on, but the Governor wants to put
22 together a 501(c)(4)" and "can you guys help him raise
23 10 to 15 million dollars."

24 Blagojevich said he wanted "President-elect

1 Advisor to get the word today" and that "when he asks
2 me for the Fifth CD thing I want it to be in his
3 head." The reference to the "Fifth CD thing" is
4 believed to relate to a seat in the United States
5 House of Representatives for the Fifth Congressional
6 District of Illinois.

7 Prior intercepted phone conversations indicate
8 that Rod Blagojevich and others were trying to
9 determine whether Blagojevich had the authority to
10 appoint an interim replacement before a special
11 election was held.

12 Also on November 13th, Blagojevich talked with
13 Advisor A. Blagojevich said he wants the idea of the
14 501(c)(4) to be in the head of the President-elect
15 Advisor, but not in connection with the Senate seat or
16 the Congressional seat.

17 Advisor A asked whether the conversation about
18 the 501(c)(4) with the President-elect Advisor is
19 connected with anything else. Rod Blagojevich replied
20 "it's unsaid. It's unsaid."

21 Later on November 13th Blagojevich spoke with
22 Advisor A again. Blagojevich asked Advisor A to call
23 Individual A and have Individual A pitch the idea of
24 the 501(c)(4) to the President-elect Advisor.

1 Advisor A said that "while it's not said this is
2 a play to put in play other things." Rod Blagojevich
3 responded "correct." Advisor A asked if this is
4 "because we think there's still some life in Senate
5 Candidate 1 potentially?" Blagojevich said "not so
6 much her, but possibly her. But others."

7 Throughout the past month Rod Blagojevich has
8 continued to engage in numerous conversations related
9 to filling the open Senate seat. These calls have
10 included the following:

11 On December 4th Rod Blagojevich spoke to Advisor
12 B and informed Advisor B that he is giving Senate
13 Candidate 5 greater consideration for the Senate seat
14 because, among other reasons, if Rod Blagojevich ran
15 for re-election Senate Candidate 5 would "raise money"
16 for Blagojevich, although Blagojevich said he might
17 "get some money up front maybe" from Senate Candidate
18 5 to ensure Senate Candidate 5 kept his promise about
19 raising money for Blagojevich.

20 Later on December 4th, 2008, Blagojevich spoke to
21 Fundraiser A. Blagojevich stated he was "elevating"
22 Senate Candidate 5 on the list of candidates for the
23 open Senate seat. Blagojevich stated that he might be
24 able to cut a deal with Senate Candidate 5 that

1 provided Rod Blagojevich with something "tangible up
2 front." Blagojevich noted he was going to meet with
3 Senate Candidate 5 in the next few days.

4 CHAIRWOMAN CURRIE: Mr. Ellis, there's been a
5 request for a 15 minute break. So if you wouldn't
6 mind stopping there and then picking up in 15 minutes
7 time.

8 MR. ELLIS: And Representative Currie, I have
9 about three paragraphs and I'm done, if -- I've got
10 two more.

11 CHAIRWOMAN CURRIE: Yeah, how about
12 shortening the paragraphs?

13 MR. ELLIS: Absolutely. On December 5th,
14 2008, Blagojevich spoke to Fundraiser A. And on the
15 morning of December 5th the Chicago Tribune had run a
16 front page news story stating that Rod Blagojevich had
17 recently been surreptitiously recorded in relation to
18 an ongoing criminal investigation.

19 Blagojevich instructed Fundraiser A to undue your
20 conversation with Individual B, and Fundraiser A
21 confirmed that it would be undone.

22 Finally, in addition, in the course of the
23 conversations over the last month, Rod Blagojevich has
24 spent significant time weighing the option of

1 appointing himself to the open Senate seat, and has
2 expressed a variety of reasons for doing so, including
3 frustration at being "stuck as Governor, a belief that
4 he will be able to get greater resources if he is
5 indicted as a sitting Senator as opposed to a sitting
6 Governor, and a desire to remake his image in
7 consideration of a possible run for President in 2016,
8 avoid impeachment by the Illinois legislature, make
9 corporate contacts that would be of value to him after
10 leaving public office, facilitate his wife's
11 employment as a lobbyist, and assist in generating
12 speaking fees should he decide to leave public office.

13 CHAIRWOMAN CURRIE: Thank you very much, Mr.
14 Ellis. Representative Rose is ready with a question,
15 but if you don't mind we will respond to that question
16 after we take a 15 minute break. We're recessed until
17 5 minutes to 1.

18 (A recess was taken.)

19 CHAIRWOMAN CURRIE: The recess will come to
20 order and counsel will take his place in the front of
21 the room. Representative Rose, you're up. I want to
22 make sure he's finished with that section before I
23 call upon you.

24 Before we turn to Representative Rose I want to

1 make sure, Mr. Ellis, that you've finished that
2 section of your testimony.

3 MR. ELLIS: Yes, I have. Thank you, Madam
4 Chair.

5 CHAIRWOMAN CURRIE: Representative Rose.

6 REPRESENTATIVE ROSE: Thank you, Madam Chair.

7 Merely procedural. At one point in time, and I
8 know it's a very tough spot for Mr. Ellis to sit
9 there --

10 MR. GENSON: Excuse me, I have a very
11 difficult time hearing. I don't know if the doors
12 were open. The band is very nice, but it's sort of
13 distracting.

14 CHAIRWOMAN CURRIE: Maybe you need to -- it's
15 a little loud out there, but maybe what you need to
16 do, Representative Rose, is to speak directly into
17 your microphone, maybe that will help. And I hope
18 that the doors would close.

19 SPEAKER MADIGAN: They should be finished
20 shortly.

21 CHAIRWOMAN CURRIE: Do you want to keep the
22 recess going a little longer?

23 SPEAKER MADIGAN: I don't want you to think
24 we planned this for you. It was unexpected.

1 MR. GENSON: I informed Speaker Madigan that
2 I didn't bring the band.

3 CHAIRWOMAN CURRIE: Let's assume they're
4 done. Representative Rose.

5 REPRESENTATIVE ROSE: This is merely
6 procedural. I know Dave has been sitting there
7 reading verbatim and it's very easy to skip things and
8 it's kind of a tough job.

9 CHAIRWOMAN CURRIE: Could you speak more
10 directly into the microphone?

11 REPRESENTATIVE ROSE: Sure. This is
12 procedural merely, but at one point in time SEIU was
13 identified without stating what SEIU was. And I think
14 most people in this room know what it is, but I think
15 for purposes of the record we need to state on the
16 record who Mr. Ellis was referring to when he
17 referenced SEIU in the last session.

18 MR. ELLIS: Sure. And that's paragraph 99 of
19 the complaint, and it says that SEIU is Service
20 Employees International Union.

21 REPRESENTATIVE ROSE: I think, Madam Chair,
22 if I could only add one thing, perhaps as this is
23 going if members of the committee notice that, we'd
24 like to be able to at least maybe stop the proceeding

1 to stop and ask him to clarify what's going on, as
2 opposed to waiting, if that's okay. If they're
3 substantive questions I don't have a problem waiting,
4 but if it's just a procedural hey, we didn't hear that
5 or could you rephrase that, I think it would be nice
6 if we could stop as we're going. Is that okay with
7 you?

8 CHAIRWOMAN CURRIE: Is that all right with
9 you, Mr. Ellis?

10 MR. ELLIS: Absolutely fine. If I had seen
11 Chapin's hand I would have stopped. I just was
12 probably looking down at my text is all. Absolutely.

13 CHAIRWOMAN CURRIE: Thank you.
14 Representative Davis.

15 REPRESENTATIVE DAVIS: Thank you, Madam
16 Chairman.

17 Mr. Ellis, on page 70, I think it's either 112 or
18 113, I think you omitted part of the transcript that
19 we have.

20 MR. ELLIS: Representative Davis, I think
21 it's fair to say I omitted a lot because I was trying
22 to streamline. I think I know what you're referring
23 to, and I think it was right at the end when the band
24 started playing and we started trying to expedite

1 things.

2 So let me -- I think did you -- tell me if I'm
3 wrong, but I think you were referring to paragraph
4 115, I don't know the page number, but it's paragraph
5 115 subsection A, is that it?

6 REPRESENTATIVE DAVIS: I believe it starts at
7 paragraph 113.

8 MR. ELLIS: Okay, well, I did read that.
9 Would you like me to --

10 REPRESENTATIVE DAVIS: No, and then 114. So
11 do you think you can --

12 MR. ELLIS: Tell me what you'd like me to do,
13 Representative. I'll do whatever you'd like.

14 REPRESENTATIVE DAVIS: I'd like you to read
15 114, 115, and just complete that section, because I
16 think it's very important as we deal with it. Thank
17 you.

18 MR. ELLIS: You're welcome. So paragraph
19 114, we start in the middle again of November 13,
20 2008. I think it's fair to say there were a number of
21 phone calls on this subject of the U.S. Senate vacancy
22 that day.

23 On November 13th Rod Blagojevich spoke with
24 Advisor A. Blagojevich asked Advisor A to call

1 Individual A and have Individual A pitch the idea of
2 the 501(c)(4) to President-elect Advisor.

3 Advisor A said -- well, let me start that again.
4 Advisor A said that "while it's not set, this is a
5 play to put in play other things." Rod Blagojevich
6 responded "correct."

7 Advisor A asked if this is "because we think
8 there's still some life in Senate Candidate 1
9 potentially?" Rod Blagojevich said "not so much her,
10 but possibly her. But others."

11 Paragraph 115. Throughout the past month Rod
12 Blagojevich has continued to engage in numerous
13 conversations related to filling the open Senate seat.
14 In these conversations he has repeatedly discussed the
15 attributes of potential candidates, including, among
16 other things, the candidates' ability to benefit the
17 state of Illinois and the personal and political
18 benefits for himself and his family of appointing
19 particular candidates. These calls have included the
20 following:

21 A. On December 4th, 2008, Rod Blagojevich spoke
22 with Advisor B and informed Advisor B that he was
23 giving Senate Candidate 5 greater consideration for
24 the Senate seat because, among other reasons, if Rod

1 Blagojevich ran for re-election Senate Candidate 5
2 would "raise money" for Rod Blagojevich, although Rod
3 Blagojevich said he might "get some money up front
4 maybe" from Senate Candidate 5 to ensure Senate
5 Candidate 5 kept his promise about raising money for
6 Rod Blagojevich.

7 This is a parenthetical now in the complaint. In
8 a recorded conversation on October 31, 2008, Rod
9 Blagojevich described an earlier approach by an
10 associate of Senate Candidate 5 as follows:

11 "We were approached pay to play. That, you know,
12 he'd raise me 500 grand. An emissary came. Then the
13 other guy would raise a million, if I made him,
14 referring to Senate Candidate 5, a senator." And
15 close parenthetical.

16 Would you like me to keep going or did I cover
17 the right part?

18 REPRESENTATIVE DAVIS: I really think you
19 should for the record, sir.

20 MR. ELLIS: Absolutely.

21 Later on December 4th, 2008, Blagojevich spoke to
22 Fundraiser A. Blagojevich stated he was elevating
23 Senate Candidate 5 on the list of candidates for the
24 open Senate seat.

1 Blagojevich stated he might be able to cut a deal with
2 Senate Candidate 5 that provided Blagojevich with
3 something "tangible up front."

4 Blagojevich noted he was going to meet with
5 Senate Candidate 5 in the next few days and he told
6 Fundraiser A to reach out to Individual D, an
7 individual who Blagojevich is attempting to obtain
8 campaign contributions from and who, according to
9 intercepted phone calls, Blagojevich believes to be
10 close to Senate Candidate 5.

11 Blagojevich told Fundraiser A to tell this
12 Individual D that Senate Candidate 5 was very much a
13 realistic candidate for the open Senate seat, but that
14 Blagojevich was getting "a lot of pressure" not to
15 appoint Senate Candidate 5.

16 Blagojevich told Fundraiser A that he should tell
17 this Individual D that Blagojevich had a problem with
18 Senate Candidate 5 just promising to help Blagojevich
19 because Blagojevich had a prior bad experience with
20 Senate Candidate 5 not keeping his word.

21 Blagojevich told Fundraiser A to tell Individual
22 D that if Senate Candidate 5 is going to be chosen to
23 fill the Senate seat "some of this stuff's gotta start
24 happening now, right now, and we gotta see it. You

1 understand?" That's a quote from the Governor.

2 Blagojevich told Fundraiser A that "you gotta be
3 careful how you express that and assume everybody's
4 listening, the whole world is listening. You here
5 me?"

6 Blagojevich told Fundraiser A to tell Individual
7 D if there is "tangible political support, meaning
8 campaign contributions, like you've said, start
9 showing us now."

10 Fundraiser A stated that he will call this
11 Individual D on the phone to communicate Rod
12 Blagojevich's message. Blagojevich responded that "I
13 would do it in person. I would not do it on the
14 phone."

15 Blagojevich told Fundraiser A to communicate the
16 "urgency" of the situation to Individual D.

17 Then on December 5th the Tribune -- let me start
18 that again. On December 5th Blagojevich spoke with
19 Fundraiser A and they discussed a front page story on
20 the Chicago Tribune. That front page story stated
21 that Rod Blagojevich had recently been surreptitiously
22 recorded in relation to an ongoing criminal
23 investigation. This was the first time it broke
24 publicly.

1 During that conversation on December 5th about
2 this news story, Blagojevich and Fundraiser A
3 discussed certain information contained in that
4 newspaper story. Blagojevich instructed Fundraiser A
5 to "undo your Individual D thing." Fundraiser A
6 confirmed that it would be undone.

7 Also on December 5th after publication of that
8 Tribune article that the Governor had been
9 surreptitiously recorded, Blagojevich and three others
10 discussed whether to move money out of the Friends of
11 Blagojevich campaign fund to avoid having the money
12 frozen, and also considered the possibility of
13 prepaying the money to Rod Blagojevich's criminal
14 defense attorney with an understanding that the
15 attorney would donate the money back at a later time
16 if it was not needed.

17 They also discussed opening a new fundraising
18 account named Citizens for Blagojevich with new
19 contributions received.

20 Finally, in addition, in the course of the
21 conversations over the last month, Blagojevich has
22 spent significant time weighing the option of
23 appointing himself to the open Senate seat, and has
24 expressed a variety of reasons for doing so, including

1 frustration at being "stuck" as Governor, a belief
2 he'll be able to obtain greater resources if he's
3 indicted as a sitting Senator versus as a sitting
4 Governor, a desire to recast his image in
5 consideration of a possible run for president in 2016,
6 avoiding impeachment by the Illinois legislature,
7 making corporate contacts that would be of value to
8 him after leaving public office, facilitating his
9 wife's employment as a lobbyist, and assisting in
10 generating speaking fees should he decide to leave
11 public office.

12 REPRESENTATIVE DAVIS: Thank you.

13 CHAIRWOMAN CURRIE: Representative Davis, do
14 you have any other questions?

15 REPRESENTATIVE DAVIS: No, thank you, Madam
16 Chairman. I just believe that the record should be as
17 factual and without leaving out anything as we
18 deliberate on this issue. Thank you.

19 MR. ELLIS: Absolutely. And unfortunately
20 that was when the band started playing and I think I
21 did skip over it. I certainly didn't mean to. Thank
22 you.

23 CHAIRWOMAN CURRIE: Representative Lang.

24 REPRESENTATIVE LANG: Thank you.

1 Just a quick question. My understanding -- I
2 don't practice criminal law. My understanding though
3 is that when the U.S. Attorney files a criminal
4 complaint, they have only a certain number of days to
5 turn it into an indictment, is that correct?

6 MR. ELLIS: My understanding is that within a
7 certain amount of time they have to have probable
8 cause to charge, and I've got some criminal defense
9 attorneys over here so they can certainly jump in. My
10 understanding you get probable cause from an
11 indictment from a grand jury or through a preliminary
12 hearing from a judge.

13 And I am not completely sure of this, but my
14 understanding is that Governor Blagojevich is going to
15 be appearing for a preliminary hearing in court on
16 January 14th. That doesn't mean there couldn't also
17 be an indictment.

18 REPRESENTATIVE LANG: Thank you.

19 CHAIRWOMAN CURRIE: Representative Fritchey.

20 REPRESENTATIVE FRITCHEY: Mr. Ellis, on a
21 related note though, in the conclusion of the
22 complaint is a sworn statement from Daniel Cain who is
23 with the Federal Bureau of Investigations, and just
24 for the awareness of the committee, while this is

1 simply a criminal complaint and not an indictment, we
2 do have Agent Cain stating what is at this juncture
3 his opinion, that there is probable cause to believe
4 that the Governor set forth or committed the crimes
5 set forth within the complaint, correct?

6 MR. ELLIS: Well, correct, Representative.
7 And as well Judge Mason, Magistrate Judge Michael
8 Mason signed off on this.

9 REPRESENTATIVE FRITCHEY: And again, what I
10 want to be cognizant of is two things. Obviously an
11 indictment has not yet issued, but obviously there are
12 different thresholds in different types of
13 proceedings.

14 We have a criminal proceeding, we have this
15 proceeding. But I do think the committee would be at
16 least well advised to take notes at least of the
17 opinion of a Federal Magistrate and the Federal Bureau
18 of Investigations in order to find this probable cause
19 to believe that these crimes have been committed,
20 correct?

21 MR. ELLIS: I think that's a fair statement,
22 sure.

23 REPRESENTATIVE FRITCHEY: Thank you.

24 CHAIRWOMAN CURRIE: Thank you. Anyone else?

1 Do you want to proceed with the next section of
2 the criminal complaint?

3 MR. ELLIS: I'd be happy to. The final
4 category alleged in what I would refer to as the
5 October, 2008, allegations, all the stuff that
6 happened from the wiretaps, the final of the three,
7 and frankly in the complaint it's the first of the
8 three, is it deals with the alleged efforts to obtain
9 campaign contributions in exchange for official
10 actions by Governor Blagojevich.

11 I want to be clear about something here. There
12 is another portion of the complaint that I will not be
13 covering today, and the truth is simply because we
14 haven't had the time to thoroughly review it. It
15 deals with the allegations that date back to 2002 that
16 deal with Stu Levine, the Health Facilities Planning
17 Board, Steven Loren I think is mentioned.

18 We will be touching on Ali Ata later, we will be
19 touching on Joseph Cari later. And the reason we're
20 going to be touching on those two is they testified in
21 court and they have plea agreements. But there is
22 some stuff in there that I'm not going to be
23 summarizing today.

24 If it pleases the committee, I'd be happy to do

1 it on another day. Certainly it's part of the record
2 and it can be read by anybody. So what I'm talking
3 about, you know, what we have been calling pay to play
4 allegations, I'm going to be focusing on the three
5 that have been identified since October, 2008, on the
6 wiretaps.

7 The first one I would talk about is what was
8 alleged as the tollway project. The Governor in
9 October, I believe it was October 6th of 2008, the
10 Governor first stated at least privately that he
11 planned to announce a 1.8 billion dollar tollway
12 project, a project to build new express lanes on the
13 Illinois Tollway is what was alleged.

14 And that in announcing this project it was his
15 hope that he could approach an unidentified highway
16 contractor who is named Highway Contractor 1 to seek
17 500,000 dollars in contributions.

18 After talking about announcing the 1.8 billion
19 dollar tollway project and his desire to reach out to
20 this highway contractor, the Governor is quoted as
21 saying "I could have made a larger announcement but I
22 wanted to see how they performed by the end of the
23 year. If they don't perform, bleep 'em."

24 On October 22nd, 2008, the FBI intercepted a

1 phone conversation in which the Governor contacted
2 this highway contractor saying he was "excited about
3 the project "and discussed fundraising for Friends of
4 Blagojevich, his political campaign.

5 The Governor in that phone call specifically
6 reminded the highway contractor of a new ethics law
7 going into effect on January 1, and noting that if he
8 was going to give contributions to the Governor he'd
9 better do it before January 1, 2009.

10 On November 13th the Governor contacted an
11 unidentified lobbyist. I believe it is identified as
12 Lobbyist 1. The Governor contacted Lobbyist 1 to
13 check on the status of these fundraising efforts by
14 the highway contractor.

15 And that is the sum and substance of the
16 allegations related to the tollway contract.

17 The second what they allege to be a scheme to
18 trade political contributions for state actions
19 involved Children's Memorial Hospital and the
20 provision of 8 million dollars in pediatric care
21 reimbursements.

22 According to the complaint in a discussion with
23 Individual A on October 8th, 2008, the topic of the
24 conversation being fundraisers from various

1 individuals, the discussion turned to Children's
2 Memorial hospital. Blagojevich told Individual A that
3 "I'm going to do 8 million for them. I want to get
4 Hospital Executive 1 for 50."

5 Individual A said that he understood Rod
6 Blagojevich's reference to 8 million to relate to his
7 recent commitment to obtain for the Children's
8 Memorial Hospital 8 million dollars in state funds
9 through a pediatric care reimbursement.

10 As described in further detail below, intercepted
11 phone conversations between Blagojevich and others
12 indicate that Blagojevich is contemplating rescinding
13 his commitment of state funds to benefit Children's
14 Memorial Hospital because Hospital Executive 1 has not
15 made a recent campaign contribution to Rod
16 Blagojevich.

17 The complaint also alleges in here, it's not me
18 just saying it, that the Governor -- that the
19 reference to Hospital Executive 1 is to the CEO of
20 Children's Memorial Hospital.

21 On the morning of November 12th, 2008, Rod
22 Blagojevich talked to Fundraiser A. During the course
23 of the conversation, which principally concerned the
24 status of campaign fundraising efforts, Fundraiser A

1 told Blagojevich that Fundraiser A had never heard
2 from Hospital Executive 1. Fundraiser A said "I've
3 left three messages there so I'm going to quit
4 calling. I feel stupid now." Blagojevich asked when
5 the most recent call was, and Fundraiser A replied
6 that it was two days ago. Blagojevich said "if they
7 don't get back to you then last resort is I'll call."

8 Later on November 12th at approximately 2:14 p.m.
9 Rod Blagojevich spoke with Deputy Governor A, a Deputy
10 Governor of the state of Illinois, and the following
11 exchange began the conversation.

12 Blagojevich -- these all are quotes from the
13 complaint.

14 "Blagojevich: The pediatric doctors, the
15 reimbursement, has that gone out yet or is it still on
16 hold?

17 Deputy Governor A: The rate increase?

18 Blagojevich: Yeah.

19 Deputy Governor A: It's January 1.

20 Blagojevich: And we have total discretion over
21 it?

22 Deputy Governor A: Yep.

23 Blagojevich: We could pull it back if we needed
24 to, budgetary concerns, right?

1 Deputy Governor A: We sure could, yep.

2 Blagojevich: Okay, that's good to know."

3 Also on November 12th a phone call was
4 intercepted in which the Governor continued to follow
5 up on whether Hospital Executive 1 had paid. And it's
6 the final recorded conversation. Governor Blagojevich
7 asks Fundraiser A "what do we do with this guy,
8 Hospital Executive 1?"

9 The final area of the three so-called pay to play
10 allegations in October, 2008, deal with the horse
11 racing bill. The legislature passed a bill, House
12 Bill 4758 I believe is the number, it's the bill that
13 continued the practice of directing a certain portion
14 of casino revenue to the horse racing industry.

15 And this deals with -- these allegations deal
16 with an individual identified as Contributor 1. I
17 want to explain something to you. The FBI seized from
18 the Friends of Blagojevich office or came into the
19 possession of it some other way a spreadsheet of
20 potential contributors.

21 And a number of people were listed on the sheet,
22 and next to them was a fundraising goal, and I believe
23 it was by the end of the year, the end of calendar
24 year 2008. Contributor 1, who we're going to be

1 talking about, was listed on the Friends of
2 Blagojevich spreadsheet as someone from whom the
3 Governor was seeking a hundred thousand dollars in
4 contributions, and Lobbyist 1 is listed as the contact
5 for Contributor 1.

6 Contributor 1 was a person who was interested in
7 the passage of this bill, House Bill 4758, the horse
8 racing impact fee bill. That bill at the time of
9 this, of these allegations was already sitting on the
10 Governor's desk awaiting a signature or his veto.

11 On November 13th in a phone call with the
12 Governor, a fundraiser said Contributor 1 was "good
13 for it," meaning good for the hundred thousand
14 dollars. The Governor recalled that Lobbyist 1 is
15 "down there," meaning Springfield, with Contributor 1,
16 "pushing a bill," apparently referring to the horse
17 racing bill.

18 In a December 3rd call between the Governor and
19 Lobbyist 1, Lobbyist 1 advised Blagojevich that
20 Lobbyist 1 had a private conversation with Contributor
21 1 about this contribution or commitment that
22 Contributor 1 had not yet made.

23 And Lobbyist 1 told the Governor that he had
24 advised Contributor 1 "look, there is a concern that

1 there is going to be some skittishness if your bill
2 gets signed because of the timeliness of your
3 commitment," because he hadn't paid yet, and made it
4 clear that the contribution "got to be in now."

5 Blagojevich commented to Lobbyist 1 "good," and
6 "good job."

7 In a call the next day, Lobbyist 1 asked Rod
8 Blagojevich to call Contributor 1 "just to say hello,
9 I'm working on the timing of this thing, but it's
10 going to get done." Lobbyist 1 suggested that it is
11 better for Rod Blagojevich to make the call personally
12 "from a pressure point of view."

13 Blagojevich stated that he would call Contributor
14 1 and indicate that Blagojevich wanted to do an event,
15 a fundraiser downstate "so we can get together and
16 start picking some dates to do a bill signing.
17 Lobbyist 1 assured Blagojevich that Contributor 1
18 would be good for the donation because Lobbyist 1 "got
19 in his face."

20 That concludes the October, 2008, allegations
21 regarding the trading of official acts for campaign
22 contributions.

23 CHAIRWOMAN CURRIE: Thank you very much, Mr.
24 Ellis.

1 Are there any questions from members of the
2 committee? If not, then you may take a sip of water
3 and you may move right on.

4 MR. ELLIS: Thank you. What we've been
5 talking about --

6 MR. GENSON: Excuse me, excuse me, is this --
7 do I get to do this at the end or do I get to do this
8 a document at a time?

9 CHAIRWOMAN CURRIE: I'd just as soon you wait
10 till the end, thank you.

11 MR. GENSON: Okay.

12 MR. ELLIS: What we've been talking about so
13 far has been a criminal complaint with sworn
14 allegations by an FBI agent as Representative Fritchey
15 was discussing.

16 What we're going to talk about now is allegations
17 relating to two individuals, one named Ali Ata and one
18 named Joseph Cari. Both of these people have pleaded
19 guilty, they've entered into plea agreements that we
20 have copies of and that you have copies of, and they
21 have also both testified in the trial of Antoin Tony
22 Rezko.

23 We are trying very hard to get copies of the
24 transcript of the trial proceedings in the Rezko case.

1 We're -- well, I'll leave it at that. We're doing our
2 best and we feel confident we're going to be able to
3 get those, and when we do we'll obviously make them a
4 part of the record and give everyone an opportunity to
5 read them.

6 But this is -- I guess the point that I do want
7 to emphasize is this is a bit different than an
8 allegation in the complaint. This is sworn testimony,
9 this is something to which people with personal
10 knowledge of the events have sworn to.

11 First we'll talk briefly about Ali Ata. In May,
12 2008, Ali Ata cooperated with the government and pled
13 guilty to making false statements to the FBI and to
14 tax fraud. Ata testified under oath at the Rezko
15 trial that he had discussed fundraising for
16 Blagojevich in an effort to obtain a position in state
17 government.

18 He testified that on multiple occasions from 2000
19 and 2001 through 2004 he had discussions with Rezko
20 and Blagojevich about obtaining employment with the
21 state of Illinois.

22 Ata testified to discussing with Blagojevich a
23 potential appointment to a high level position with
24 the state of Illinois while a 25,000 dollar donation

1 was sitting on a table in front of the Governor.

2 That's sort of a general take on the entire
3 thing. I'm going to give you a few more specifics
4 briefly. And some of this I will say I'll also be
5 referring to the criminal complaint. Ata and Cari are
6 listed in the criminal complaint. They are also
7 corroborated by the plea agreements.

8 In or about 2000 or 2001 at a meeting with Ali
9 Ata, Blagojevich, who at the time was a Congressman,
10 told Ata he was thinking about running for Governor.
11 Ata agreed to support him.

12 MR. GENSON: Excuse me, may I just find out
13 what document he's referring to, because we're going
14 from one document --

15 CHAIRWOMAN CURRIE: I believe he's talking
16 about the plea agreement between the United States
17 Attorney and Ali Ata, is that right, Mr. Ellis?

18 MR. ELLIS: At this moment I think I'm on
19 paragraph 18 of the complaint.

20 MR. GENSON: You're on the complaint?

21 MR. ELLIS: Yes.

22 MR. GENSON: So we haven't gotten to the plea
23 agreement yet?

24 MR. ELLIS: Well --

1 MR. GENSON: I mean I understood we were
2 going to be reading the plea agreement and now --

3 MR. ELLIS: This is all corroborated in the
4 plea agreement. I believe this is all contained in
5 the plea agreement.

6 MR. GENSON: Well, it's not. And so if you
7 could do one at a time I'd very much appreciate it.

8 CHAIRWOMAN CURRIE: I'm sorry, you want to
9 do --

10 MR. GENSON: I just with regard to the
11 witness I'd like to know whether we are referring to
12 the plea agreement or whether we are referring to the
13 complaint or the affidavit in support of the
14 complaint. We're jumping from one to the other and
15 it's not fair.

16 CHAIRWOMAN CURRIE: That's a fair statement.
17 So Mr. Ellis, do you want to respond to which
18 part are you talking about?

19 MR. ELLIS: Well, I'm summarizing them both
20 at the same time. I wasn't planning on doing them
21 individually. It would be incredibly repetitive, that
22 would be my thought.

23 CHAIRWOMAN CURRIE: The plea agreement's
24 pretty short with respect to anything having to do

1 with the Governor, so maybe you would just say from
2 the criminal complaint these facts emerge and then
3 from the plea agreements this is what Mr. Ata had to
4 say.

5 MR. ELLIS: Okay. Well, I might be -- I will
6 do it as you wish, but I had a summary that sort of
7 encapsulated both. I will tell him, I'll tell Mr.
8 Genson and everybody what I'm referring to at what
9 time.

10 CHAIRWOMAN CURRIE: Okay.

11 MR. ELLIS: I mean the complaint, the plea
12 agreements are in the record. They say what they say
13 and members can read them. I'm simply trying to just
14 give a summary so we can present them. What I'm
15 saying is not evidence. I never pretended that it
16 was. It's a presentation.

17 CHAIRWOMAN CURRIE: Okay, go ahead.

18 MR. ELLIS: Okay. I believe this is
19 paragraph 18 of the complaint. In or about 2000 or
20 2001 at a meeting with Ali Ata, Blagojevich indicated
21 to Ali Ata he was going to run for -- contemplating
22 running for Governor, and Ata agreed to support him.

23 Thereafter, Ata observed that Mr. Tony Rezko was
24 close to Blagojevich and seemed to be involved in his

1 fundraising, including overseeing Ali Ata's own
2 fundraising.

3 Paragraph 19. Ata had several conversations with
4 Rezko regarding the possibility of a high level
5 appointment for Ata in state government. At Rezko's
6 direction Ata put together a list of three state
7 agencies to which he would be interested, and this I
8 believe is in paragraph 19 and it's also in the plea
9 agreement on page 3, which is not -- does not have
10 paragraphs.

11 Mr. Ata indicated that there were three agencies
12 he would be interested in, including the Capital
13 Development Board, the Illinois Department of
14 Transportation, and the Illinois Department of Human
15 Services.

16 Ata committed to raising funds for Blagojevich
17 and held a fundraising event for him and when
18 requested made additional contributions.

19 Specifically, and this is paragraph 20, Mr.
20 Genson, of the complaint, also found in the plea
21 agreement, in or about August of 2002 Ata held a small
22 fundraising event for Rod Blagojevich that Blagojevich
23 attended.

24 In advance of that event, Ata had committed to

1 Tony Rezko that he would raise 25,000 dollars for the
2 event, and he eventually did, contributing about 5,000
3 of his own money to that cause.

4 Paragraph 21. Later that year Rezko approached
5 Ata for additional monetary support for Rod
6 Blagojevich. Ata agreed to contribute 25,000 dollars
7 more to the campaign. And Ata subsequently and by a
8 prior agreement with Rezko brought a check in this
9 amount to Rezko's offices on Elston Avenue, North
10 Elston in Chicago.

11 After he arrived at Rezko's offices, Ata was
12 greeted by Rezko to whom he handed a check in an
13 envelope. Rezko carrying the check ushered Ata into a
14 conference room where he met with Rezko and Rod
15 Blagojevich.

16 Rezko placed the envelope containing Ata's 25,000
17 dollar check to Blagojevich's campaign on the
18 conference room table between himself and Rod
19 Blagojevich, and stated to Rod Blagojevich that Ata
20 had been a good supporter and a team player and that
21 Ata would be willing to join Rod Blagojevich's
22 administration. Blagojevich expressed his pleasure
23 and acknowledged that Ata had been a good supporter
24 and good friend.

1 Blagojevich in Ata's presence asked Rezko if
2 Rezko had talked to Ata about positions in the
3 administration, and Rezko responded that he had.

4 Paragraph 22. After this meeting, Ata completed
5 an application for a state employment. In or about
6 early 2003, Rezko informed Ata that he was going to be
7 appointed to helped the State Capital Development
8 Board. Rezko subsequently informed Ata that his
9 position was going to someone else and that another
10 position would have to be found for Ata. Later they
11 discussed an opportunity with the newly formed
12 Illinois Finance Authority.

13 In or about July, 2003, Rezko asked Ata to make
14 an additional 50,000 dollar contribution to the
15 campaign of Blagojevich. Ata agreed to contribute the
16 same amount that he had previously, namely 25,000.
17 Ata made this contribution on or about July 25th,
18 2003, by check payable to Rod Blagojevich's campaign.
19 Ata gave this check to Rezko.

20 Thereafter, Ata had a conversation with Governor
21 Blagojevich at a large fundraising event at Navy Pier.
22 During this conversation Blagojevich told Ata that Ata
23 had been a good supporter. He indicated that the
24 Governor was aware that Ata had made another

1 substantial donation to his campaign, and told Ata
2 that he understood that Ata would be joining his
3 administration.

4 Ata responded that he was considering taking a
5 position, and Blagojevich stated that it had better be
6 a job where Ata could make some money.

7 Paragraph 24. Ata was surprised by this comment
8 by Rod Blagojevich and said something to Rezko about
9 it the next time Ata saw Rezko. When Ata told Rezko
10 that Blagojevich had said words to that effect, namely
11 it had better be a job where you can make some money,
12 Rezko responded that he was not surprised and had
13 heard Rod Blagojevich say things like that before.

14 The plea agreement, page 5. In Ata's plea
15 agreement Ata testified that Rezko told the defendant
16 that he could have the executive director position of
17 the Illinois Finance Authority on the condition Ata
18 agreed to report on Rezko.

19 In late 2003 Ata began working in an unofficial
20 capacity in the position of executive director of the
21 IFA and was officially appointed executive director in
22 January of 2004.

23 Ata was initially interviewed by special agents
24 of the FBI in December of 2005, approximately eight

1 months after he resigned from the IFA. According to
2 the plea agreement, Ata was asked during the initial
3 interview if he was promised anything in connection
4 with any of the campaign contributions. That's
5 apparently on page 8 of the plea agreement.

6 On page 9 Ata admits that he said that he had
7 not, he denied that he had given anything of value for
8 the -- for the state position.

9 The plea agreement states that Ata lied and
10 concealed his true dealings with Rezko, Blagojevich
11 and others. And Ata also lied when asked whether he
12 had received anything of value in exchange for
13 contributions, when in fact he believed Rezko and
14 Blagojevich appointed him to a high level state
15 position as a direct result of his large campaign
16 contributions. That is Ali Ata.

17 With regard to Joseph Cari, I am referring to the
18 complaint, although I think the complaint also refers
19 to prior testimony, but I -- for the record I think
20 I'm on paragraphs 25 and 26 of the complaint.

21 Generally, Joseph Cari was indicted in August of
22 2005 with Stuart Levine and Steven Loren. Cari was a
23 former Democratic National Committee Finance Chairman
24 and a director of Health Point, a private equity fund

1 which received 35 million dollars in investment
2 contracts with the Teachers Retirement System of
3 Illinois in 2003.

4 Cari was accused of attempting to extort a real
5 estate investment firm called JER. JER had sought an
6 investment contract with TRS. Cari told JER that
7 unless it paid a consultant who was hand picked by
8 Stuart Levine, JER would not get the TRS contract.

9 MR. GENSON: Again, excuse me, Representative
10 Currie, excuse me again. If Mr. Ellis could tell us
11 from which of the two documents he is reading I would
12 appreciate it.

13 CHAIRWOMAN CURRIE: I think he's doing his
14 best to do that, sir. And as you have all the
15 documents, and I suspect that you're quite familiar
16 with them, I think we can count on Mr. Ellis to do as
17 good a job as --

18 MR. GENSON: Actually I wasn't furnished with
19 them until yesterday but I am --

20 CHAIRWOMAN CURRIE: You had not ever seen the
21 criminal complaint?

22 MR. GENSON: Not the criminal complaint and
23 testimony of Cari, no.

24 CHAIRWOMAN CURRIE: Thank you, Mr. Ellis,

1 proceed, and to the extent that you're able make those
2 distinctions.

3 MR. ELLIS: Okay, well, I thought I had
4 identified paragraph 25. But let me just take one
5 moment to make sure that -- I want to give Mr. Genson
6 as accurately as I can.

7 CHAIRWOMAN CURRIE: As the plea agreement is
8 fairly short, maybe it would be safe to assume that
9 much of what you say is coming from the criminal
10 complaint.

11 MR. ELLIS: That's correct. I'm just trying
12 to find exactly where it is, I want to -- because what
13 I was doing here was I was sort of generally
14 summarizing what the other things say. I don't know
15 that it all comes from any one thing. I was trying to
16 give you some general background before I went into
17 specifics. And that's about the best I can tell you.

18 MR. GENSON: Certainly, that's fine. As long
19 as we know it's general background, I have no problems
20 with that.

21 MR. ELLIS: Fair enough.

22 MR. GENSON: Just identify what you're doing
23 and we'll work with it. Thank you.

24 MR. ELLIS: Okay. On April 15th and April

1 16th of 2008 during the Rezko trial, Joseph Cari
2 testified under oath that the extortion plan of JER
3 was part of a larger plan to require those individuals
4 who received state contracts to make campaign
5 contributions as directed by associates of Public
6 Official A, who has since been identified as Governor
7 Blagojevich.

8 Cari testified that he had a conversation with
9 Rod Blagojevich in which Blagojevich informed Cari
10 that Rod Blagojevich could use his power to award
11 state of Illinois contracts in order to generate
12 campaign contributions.

13 Cari further testified that he had similar
14 conversations with Rezko and Chris Kelly, who
15 specifically offered him state of Illinois work in
16 exchange for Cari's assistance with various
17 fundraising matters.

18 I believe we are now on paragraph 26 of the
19 complaint, Mr. Genson. This is paragraph 26, yes.

20 In particular, on approximately October 29th,
21 2003, Mr. Cari, Governor Blagojevich, Chris Kelly,
22 Stuart Levine and others rode on an airplane arranged
23 by Levine to a fundraiser in New York being hosted by
24 Cari on behalf of Rod Blagojevich.

1 During the plane ride, Cari had a conversation
2 with Rod Blagojevich. During the conversation Cari
3 and Rod Blagojevich discussed Cari's fundraising
4 background and work as a national fundraiser.
5 Blagojevich discussed his interest in running for
6 President of the United States.

7 During the conversation, Blagojevich informed
8 Cari that it was easier for governors to solicit
9 campaign contributions because governors had the
10 ability to "award contracts" and give legal work,
11 consulting work, and investment banking work to
12 campaign contributors.

13 Rod Blagojevich informed Cari that Rezko and
14 Kelly were his point people in raising campaign
15 contributions.

16 Later in the conversation Blagojevich told Cari
17 that there were state of Illinois contracts and other
18 state of Illinois work that could be given to
19 contributors who helped Blagojevich, Rezko and Kelly.

20 Cari testified that Blagojevich ended the
21 conversation with Cari by informing Cari that Rezko
22 and Kelly would follow up with Kelly in relation to
23 the discussion that had just occurred, not the
24 Governor.

1 Paragraph 27. At one point during the October
2 29th, 2003, New York fundraiser, Cari and Levine had a
3 conversation. Levine informed Cari that there was a
4 plan in place in the Blagojevich administration
5 pursuant to which Rezko and Kelly would pick
6 consultants to do business with the state of Illinois
7 boards, and thereafter the consultants would be asked
8 to make campaign contributions.

9 Cari also testified -- paragraph 28. Cari also
10 testified about a conversation he had with Rezko at
11 Rezko's offices. Levine was also present for the
12 conversation.

13 According to Cari, Rezko informed Cari that Rezko
14 had a close relationship with the Blagojevich
15 administration, and Rezko had a role in picking
16 consultants and law firms and other entities to get
17 state of Illinois business.

18 Rezko informed Cari that Rezko called the
19 Governor's chief of staff, Lon Monk, and Monk would
20 help implement Rezko's choices for certain state of
21 Illinois work.

22 Rezko informed Cari that in exchange for raising
23 money for Rod Blagojevich, that the Blagojevich
24 administration would be financially helpful to Cari's

1 business interests.

2 Paragraph 30. Based on conversations with
3 Governor Blagojevich, Rezko, Kelly and Levine in which
4 he was informed that consultants would be inserted in
5 the state of Illinois transactions and then solicited
6 for campaign contributions, Cari believed that JER
7 needed to hire a consultant.

8 Cari testified that he informed employees of JER
9 that they needed to hire a consultant and that
10 Illinois, the "Governor and the people around the
11 Governor" picked the consultants to be used on these
12 particular deals.

13 Cari informed JER employees that if they did not
14 hire the consultant, that JER would not receive the
15 money it was seeking from the state of Illinois.
16 Ultimately TER exposed the attempted extortion and
17 received the money from the state of Illinois.

18 I think that concludes it.

19 CHAIRWOMAN CURRIE: Thank you very much, Mr.
20 Ellis. Are there questions? Representative Durkin.

21 REPRESENTATIVE DURKIN: Representative
22 Currie, have these documents been marked and moved
23 into evidence yet?

24 CHAIRWOMAN CURRIE: Have they been -- I'm

1 sorry?

2 REPRESENTATIVE DURKIN: Have they been marked
3 and moved into evidence?

4 MR. ELLIS: I believe they've already been
5 entered into the record as exhibits.

6 CHAIRWOMAN CURRIE: We did that this morning.
7 They're -- I can't remember which number exhibit.

8 REPRESENTATIVE DURKIN: Okay. I just wanted
9 to make sure that we've at least made that motion,
10 thanks.

11 CHAIRWOMAN CURRIE: And could I just for a
12 moment note that Representative Black needed to leave
13 the committee, and we have a letter from
14 Representative Cross replacing him with Representative
15 Reboletti.

16 Any other questions or comments from the
17 committee? If not, thank you very much, Mr. Ellis.

18 And now -- oh wait, Representative Mautino.

19 REPRESENTATIVE MAUTINO: Mr. Ellis, you were
20 leaving this portion of the complaint, so before doing
21 that, there's an item that I noticed was left out of
22 the summary. Could you go back to in our books under
23 tab one, page 53, it's paragraph 83, and put that into
24 the record, please.

1 MR. ELLIS: I sure will. This is in the
2 criminal -- I don't have the exhibits, but this would
3 be the criminal complaint?

4 REPRESENTATIVE MAUTINO: The criminal
5 complaint.

6 MR. ELLIS: Paragraph 83?

7 REPRESENTATIVE MAUTINO: Starting at -- yes.

8 MR. ELLIS: So this is dealing with the
9 Tribune Company.

10 REPRESENTATIVE MAUTINO: Correct.

11 MR. ELLIS: Okay. I believe it's on page 52,
12 paragraph 83 of the criminal complaint. And you
13 probably recall the context of the allegations here.
14 Conversations with the Tribune Company, making changes
15 to their editorial board.

16 Paragraph 83. After hearing the Tribune
17 Financial Advisor had assured Harris, John Harris that
18 the Tribune would be downsizing or making personnel
19 decisions affecting the editorial board, Blagojevich
20 had a series of conversations with representatives of
21 the Chicago Cubs regarding efforts to provide state
22 financing for Wrigley Field.

23 On November 30th, 2008, Blagojevich spoke with a
24 Sports Consultant, again a code, Sports Consultant,

1 the president of a Chicago area sports consulting
2 firm, whose remarks during the conversation indicated
3 that he was working with the Cubs on matters involving
4 Wrigley Field.

5 In that conversation Blagojevich and Sports
6 Consultant discussed the importance of getting the IFA
7 transaction approved at the IFA's December, 2008, or
8 January, 2009, meeting, because Rod Blagojevich was
9 contemplating leaving office in early January, 2009,
10 and Rod Blagojevich's IFA appointees would still be in
11 place to approve the IFA deal.

12 On December 3rd, 2008, Blagojevich spoke again
13 with Sports Consultant and explained that Rod
14 Blagojevich had control over state funds designated
15 for use in connection with science and technology and
16 which could be used to pay for improvements at Wrigley
17 Field.

18 Later that same day, Blagojevich spoke with Cubs
19 Chairman, another code, Cubs Chairman, and said that
20 he could make state science and technology funds
21 available to the Cubs without having to go through the
22 legislature, and suggested that the Cubs come up with
23 proposals that would allow the use of such funds.

24 CHAIRWOMAN CURRIE: Representative Mautino?

1 REPRESENTATIVE MAUTINO: Thank you. I just
2 wanted to make sure for some of our witnesses coming
3 tomorrow and further on that that was in there.

4 CHAIRWOMAN CURRIE: Thank you very much.

5 Any further questions or comments from members of
6 the committee?

7 If not, Mr. Genson, you or one of your
8 co-counsels would at this time be -- we'd be happy to
9 hear some brief remarks.

10 MR. GENSON: Brief?

11 CHAIRWOMAN CURRIE: Please.

12 MR. GENSON: With regard to these documents,
13 let me make something clear. You're talking -- with
14 regard to the first document called criminal
15 complaint, do you have that in front of you, sir? You
16 were reading parts of that?

17 MR. ELLIS: Am I being questioned?

18 MR. GENSON: Yes.

19 MR. ELLIS: I'm not being crossed.

20 CHAIRWOMAN CURRIE: I don't know if that
21 counts as cross-examination, but that's not something
22 that we permit in this committee.

23 MR. GENSON: Oh, you don't permit
24 cross-examination?

1 CHAIRWOMAN CURRIE: Not cross-examination.
2 If you have questions, that he is not after all a
3 factual witness.

4 MR. ELLIS: I'm not a fact witness.

5 CHAIRWOMAN CURRIE: That he can answer, as
6 members of the committee just to spell out some of
7 the --

8 MR. GENSON: Well, I'll be happy to make a
9 brief statement. Before that though there were some
10 inaccuracies in some of the things he read, and I just
11 wanted to make --

12 CHAIRWOMAN CURRIE: Fine, you can certainly
13 pose those issues to Mr. Ellis.

14 MR. GENSON: That's correct, you were the --
15 you made reference to a criminal complaint, Mr. Ellis,
16 is that correct?

17 MR. ELLIS: Madam Chair, I'm going to be
18 subject to cross-examination? That was different than
19 what I understood.

20 MR. GENSON: This is not cross-examination,
21 I'm trying to clarify something, just go on --

22 CHAIRWOMAN CURRIE: I don't want you
23 cross-examining. If he's asking were you talking
24 about a criminal complaint, I think that's --

1 MR. GENSON: That's what I --

2 CHAIRWOMAN CURRIE: That's a factual answer.

3 MR. ELLIS: Yes.

4 MR. GENSON: What I'm trying to get to
5 without cross-examining, is that you were reading what
6 was the criminal complaint which consists of two pages
7 which is supported by an affidavit in support of the
8 application. Is that correct?

9 MR. ELLIS: It's supported by an affidavit.

10 MR. GENSON: An application. And so when you
11 quote the paragraphs that you quote, 2, 35, 40,
12 whatever, this is not contained in the criminal
13 complaint, it's contained in the application of the
14 criminal complaint, is that correct?

15 MR. ELLIS: It's an affidavit attached to the
16 criminal complaint.

17 MR. GENSON: That's right, that's all I want
18 to know.

19 MR. ELLIS: Sure.

20 MR. GENSON: And the other two documents that
21 we're talking about, the documents that we're talking
22 about with regard to Joseph Cari and Ali Ata, those
23 are plea agreements that were filed in the case, is
24 that correct?

1 MR. ELLIS: That's my understanding.

2 MR. GENSON: That's all I know want to know.

3 Now can I make my statement?

4 CHAIRWOMAN CURRIE: Please.

5 MR. GENSON: And so that you're -- so that
6 everybody's clear, I didn't want Mr. Ellis to be
7 upset, I was trying to tell you or explain to you the
8 nature of what he's been reading.

9 Now, first of all let me summarize what these
10 documents are and procedural aspects of them so that
11 the committee understands.

12 The first document is the criminal complaint, I
13 asked that question, and the criminal complaint is
14 only two pages.

15 CHAIRWOMAN CURRIE: If you could speak a
16 little more directly into the microphone.

17 MR. GENSON: All right, directly into the
18 microphone, I will. All my life they've told me I was
19 too loud and then in my later years they're telling me
20 I don't talk loud enough. So I can't get it right.

21 But the fact is, the criminal complaint is two
22 pages. It's a two-page criminal complaint. It's
23 filed by the United States Attorney. It consists of
24 two counts.

1 The judge just accepts the complaint. There's no
2 finding of probable cause regarding that complaint.
3 There's nothing looked at by the judge as to whether
4 in fact that complaint can or can't be filed.

5 The probable cause hearing, the determination of
6 Magistrate Mason as to probable cause will not come
7 until January 14th. If on January 14th there is an
8 indictment, then there will be no preliminary hearing.

9 But the fact of the matter is, there was no --
10 and Senator Fritchey who is not here asked the
11 question and made the statement that there was a
12 finding of probable cause by the judge.

13 There's no such thing. This is just a complaint.
14 What's important in the complaint is the affidavit by
15 this agent and with his summaries of what took place.

16 Now, I think it's important to understand that,
17 because it's an affidavit by a police person who has
18 reached his conclusion that there's probable cause.

19 But there is no, there is no determination by
20 Judge Mason that there was probable cause in this
21 case.

22 Now, the next two documents that we have, and I'd
23 just like to talk about briefly, I'm going to talk
24 fast, is -- are the plea agreements between Ali Ata

1 and the government and Joseph Cari and the government.

2 I'm sorry, I --

3 CHAIRWOMAN CURRIE: Representative Gordon?

4 REPRESENTATIVE GORDON: Mr. Genson, to be
5 specifically clear, there was probable cause to issue
6 the warrant for the arrest of Mr. Blagojevich.

7 MR. GENSON: And that's the filing of the
8 complaint.

9 REPRESENTATIVE GORDON: Exactly. So to be
10 specifically clear, Mr. Genson, there was a finding of
11 probable cause to issue a warrant for the arrest on
12 the two charges that were filed in the criminal
13 complaint. Would you agree with that statement?

14 MR. GENSON: No.

15 REPRESENTATIVE GORDON: Well, then you really
16 should go back to criminal law.

17 MR. GENSON: I've been doing it for 44 years
18 and maybe you should go back to law school.

19 REPRESENTATIVE GORDON: I went there and
20 that's what they taught me very well.

21 MR. GENSON: When I teach at my law school
22 they don't teach it. Now the fact is I've been
23 teaching for 44 years, too. I don't mean to insult.
24 But the fact of the matter is there was no probable

1 cause. That's the purpose of the preliminary hearing.

2 There's only -- there was only a warrant that was
3 issued, he was arrested pursuant to the warrant. If
4 there were probable cause we wouldn't need a
5 preliminary hearing.

6 So the fact of the matter is that's -- may I
7 proceed?

8 CHAIRWOMAN CURRIE: Representative Lang.

9 REPRESENTATIVE LANG: Well, enlighten me on
10 this, sir. There was a wiretap here.

11 MR. GENSON: I'll admit to that.

12 REPRESENTATIVE LANG: And whether -- you can
13 claim anything you want about the wiretap, but doesn't
14 probable cause have to be shown to get a warrant for a
15 wiretap?

16 MR. GENSON: Probable cause is to be shown to
17 get a wiretap, and the reason that we're not allowed
18 to use the contents of the wiretap is because the
19 person --

20 REPRESENTATIVE LANG: That's not the question
21 I asked you, sir. I just asked you if probable cause
22 needed to be shown to get a court order to get a
23 wiretap.

24 MR. GENSON: You know I've never seen a

1 wiretap order, they've never given them to me and I
2 can't make that assumption. I can't make the
3 assumption it was properly issued, because I have
4 never seen the tapes and I've never seen the wiretaps.

5 REPRESENTATIVE LANG: That's fine. So you
6 said you've been practicing criminal law for 44 years.
7 So how does a person get a court order for a wiretap,
8 sir?

9 MR. GENSON: They have to go to Washington
10 and they have to get all sorts of permissions to do it
11 and they have to go in front of a judge. But until
12 I --

13 REPRESENTATIVE LANG: And what is the
14 standard, what is the standard?

15 MR. GENSON: May I finish?

16 REPRESENTATIVE LANG: No, you can't. What is
17 the standard that a judge has to -- you'll have your
18 chance.

19 MR. GENSON: I'm in the middle of a
20 statement.

21 REPRESENTATIVE LANG: What is the standard
22 that a judge has to apply before he or she can sign a
23 wiretap order?

24 MR. GENSON: The judge has to apply the

1 standard of probable cause and they're overruled all
2 the time.

3 REPRESENTATIVE LANG: That's all I asked.

4 MR. GENSON: And the reason the statute -- so
5 if I may proceed. And the reason the statute -- may I
6 proceed?

7 CHAIRWOMAN CURRIE: You may proceed, Mr.
8 Genson.

9 MR. GENSON: The reason the statute doesn't
10 allow the use of these -- in these kinds of
11 proceedings or any kinds of proceedings is because the
12 defendant under our Constitution and under our concept
13 of due process is entitled to test it. And in fact we
14 haven't tested them in this case.

15 We also haven't seen the wiretaps. We haven't
16 seen how many conversations there were. We haven't
17 seen whether these were taken out of context. We
18 haven't seen if they were accurately described. We
19 haven't seen whether in fact there were conversations
20 that show a withdrawal of the statements that were in
21 them. We haven't seen any of this.

22 We have seen a one-sided summary by someone who
23 probably didn't look at the wiretap trying to get a
24 determination in this case so that this man could be

1 arrested. That's what happened.

2 So as a result of -- and so it is our contention,
3 a number of things, is that this proceeding, this
4 proceeding which is basing its findings on this
5 summary, this proceeding which is basing its findings
6 on summaries of wiretaps is unfair and quite frankly
7 illegal.

8 And the fact of the matter is, we in this case
9 object and object vociferously to the use of this.

10 Now let me get to the facts before I get to the
11 procedure. The fact of the matter is we have not seen
12 the tapes. The fact of the matter is we have not been
13 able to find out who these people are. We have A, B,
14 C, D, E, F, G. We haven't seen whether there's any
15 corroboration. We haven't seen whether any people
16 were questioned. We haven't figured out or figured
17 out who these people are and why they're saying what
18 they're saying, and if in fact it's nothing more than
19 conversation.

20 Without going into specifics, which would make
21 this a lot longer than Representative Currie wants me
22 to talk --

23 CHAIRWOMAN CURRIE: Mr. Genson, take the time
24 that you need to make your statement.

1 MR. GENSON: Thank you. With regard to every
2 one of these things, whenever someone's talking about
3 it, we have someone -- we have someone talking about
4 what we're going to do, but nothing gets done. We
5 don't know who he ultimately was going to pick as a
6 state Senator. We don't even know if he actually
7 picked another state Senator and was -- and who was
8 not involved in this and in fact was going to pick
9 someone who in fact was not involved in any of these
10 negotiations.

11 Let's take 5 for purposes of argument. According
12 to 5, this person 5 has a -- has an emissary.
13 Emissary who? Somebody, who ever talked to him? Did
14 someone ever talk to this person --

15 REPRESENTATIVE FRANKS: Could I interrupt you
16 for a moment?

17 MR. GENSON: Yes.

18 REPRESENTATIVE FRANKS: I'm sorry, and you've
19 been practicing law as long as I've been around so --

20 MR. GENSON: And I practiced along with your
21 father.

22 CHAIRWOMAN CURRIE: Representative Franks.

23 REPRESENTATIVE FRANKS: So I'm not going to
24 question your legal ability. It dwarfs mine, I

1 understand that. But my question though, as I
2 understand your argument, we're not talking about a
3 criminal complaint here. We're not here to find
4 guilt.

5 I think your impassioned argument is something
6 that you should do, but probably in a different forum.

7 MR. GENSON: fairness and due process is what
8 we're here for. And due process requires
9 confrontation and due process requires -- and I
10 understand the standard is different. I understand
11 that and I don't quarrel with what Representative --
12 what everyone's been saying here.

13 But certainly due process requires, due process
14 requires us to have access to these wiretaps so that
15 we can show you that the language --

16 REPRESENTATIVE FRANKS: We're not talking
17 about the wiretaps.

18 MR. GENSON: Well, you're talking about
19 statements that were allegedly made in a wiretap that
20 we have no -- and we have no idea or no way to
21 corroborate. We have no confrontation here, which is
22 based --

23 REPRESENTATIVE FRANKS: Under the Sixth
24 Amendment, I understand that, of the United States

1 Constitution. But also this is not a criminal
2 proceeding.

3 MR. GENSON: And I'm not suggesting it is.

4 REPRESENTATIVE FRANKS: But perhaps to answer
5 these questions your client could be here.

6 MR. GENSON: Perhaps to answer these
7 questions somebody could give John Fitzgerald an
8 opportunity, maybe he will give us the wiretaps. We
9 asked him Wednesday and we didn't get an answer until
10 Thursday. Maybe he will give us the name of these
11 witnesses.

12 REPRESENTATIVE FRANKS: Are you planning on
13 bringing your witness? Because whenever I see this on
14 TV, at least, you know, in the U.S. Congress I always
15 see a lawyer whispering in his client's ear before the
16 client answers the question.

17 Now today we don't have a client.

18 MR. GENSON: You know how forthcoming I am?
19 If you give me subpoena power I will subpoena
20 Fitzgerald tomorrow. If you give me subpoena power I
21 will subpoena him for the names of these people A, B,
22 C, D, E, F, G, none of whose names we know here. I'll
23 do that all that.

24 REPRESENTATIVE FRANKS: I presume you'll have

1 that opportunity at the proper criminal trial to be
2 able to talk to who you need to. But will you be
3 bringing your client here to answer these questions
4 that we have as the committee to determine --

5 MR. GENSON: Maybe I will and maybe I won't.
6 But I have to find out what you're going to do at the
7 end of your case and I'll make that decision.
8 My client is --

9 REPRESENTATIVE FRANKS: This is not a case,
10 Mr. Genson.

11 MR. GENSON: My client has a Fifth Amendment
12 right not to testify. Is he going to exercise it? I
13 haven't asked him. But I don't think I can -- I don't
14 think I have to at least in my --

15 REPRESENTATIVE FRANKS: But this is not a
16 case --

17 MR. GENSON: In my remarks I cannot make that
18 kind of commitment to you now.

19 REPRESENTATIVE FRANKS: You may have the
20 opportunity in a case should the House impeach, then
21 you would have that opportunity to determine at a
22 trial that the Senate would have.

23 MR. GENSON: So I'm not allowed to question
24 the lack of foundation?

1 REPRESENTATIVE FRANK: If we want to get to
2 the facts you should have your client here. If you
3 want to get to the facts, let's bring him here, let's
4 ask the questions. There's a lot of things we'd like
5 to know.

6 MR. GENSON: This is Alice in Wonderland.

7 REPRESENTATIVE FRANKS: I don't believe so at
8 all.

9 MR. GENSON: They talk about or we have a
10 gentleman get up there, read an anonymous complaint
11 with names of people who in fact don't -- they don't
12 tell us about on tapes that we're not even sure exist.
13 I'm questioning and making remarks about that and your
14 response is forget all that. Bring your client in.

15 REPRESENTATIVE FRANKS: I think it's the
16 wrong time for that. But what we've heard so far
17 today, if we are to believe the evidence, it seems to
18 me that your client's sole idea was to get out of
19 being the Governor of Illinois.

20 I'd like to know whether he'd like to be the
21 Governor. And if he doesn't want to be the Governor
22 anymore he could resign.

23 MR. GENSON: How about you subpoenaing him or
24 how about you waiting until we get to our case and

1 decide whether in fact we're going to ask him. What
2 I'm saying is the issue in this case is the evidence
3 that you have. The evidence that you have is nil,
4 zero, nothing.

5 REPRESENTATIVE FRANKS: We aren't trying a
6 case, we are getting evidence now.

7 MR. GENSON: This isn't evidence, and that's
8 my argument. If you let me finish, I'll finish and
9 then you can go and talk among yourselves and maybe
10 even decide that I'm wrong.

11 But the fact is I'd like to at least finish the
12 argument so that we can all go home and so that I can
13 get -- come back tomorrow for the second part and then
14 argue why I think he shouldn't be impeached.

15 REPRESENTATIVE FRANKS: Fair enough.

16 MR. GENSON: But let me do this.

17 Now the fact of the matter is, here's what we
18 have. And I've talked about the complaint, I think I
19 made myself very clear what I believe the evidentiary
20 value of this complaint is.

21 I think it's unfair to put in hearsay. I think
22 it's unfair to put in anonymous people. I think it's
23 unfair to deprive him of confrontation. I think it's
24 unfair to do all those things, and I think it's unfair

1 to assume that on January 14th Magistrate Mason based
2 on this is going to find probable cause. I will bet
3 you that they don't even give us a hearing. But
4 that's another thing.

5 Now let me talk about -- let me talk about Ata
6 and Cari and their plea agreements and their testimony
7 at trial.

8 Mr. Ata is a convicted perjurer. Mr. Ata said
9 that he came, that he lied to agents. Mr. Ata said
10 that he lied under oath to the IRS. Mr. Ata said that
11 he engaged in all sorts of conspiracies with his
12 fellow people in regarding to defrauding the IRS.

13 And what we are saying here and what we are
14 talking about and what is contained in this plea
15 agreement is convicted perjury statements.

16 Mr. Ata in this particular case pled guilty, pled
17 guilty with the idea that he, Mr. Ata, is going to be
18 able to ask for probation. At this point anything he
19 says has no evidentiary value. Anything he says has
20 no value for your consideration because you are
21 dealing with a convicted perjurer.

22 One of things that I see in these rules here, and
23 these rules here said that you may file for
24 incorporation into the record sworn written

1 statements.

2 This plea agreement isn't sworn. And with regard
3 to --

4 CHAIRWOMAN CURRIE: Why don't you finish your
5 statement. I know that Representative Franks has
6 another question to or two and so does Representative
7 Durkin, but if you could finish.

8 MR. GENSON: What I'd like to do is talk
9 about the plea agreements and get it out of the way,
10 and then I'll answer any question that anybody on this
11 panel wants.

12 CHAIRWOMAN CURRIE: Good.

13 MR. GENSON: You don't like to be interrupted
14 and neither do I. So the point of the matter is we
15 have in this case a statement that's been offered by
16 Mr. Ata who has pled to perjury and who has pled to
17 perjury on at least two occasions.

18 Now I would like to, if you please, I would like
19 to if you please to look at that and consider that.

20 Now the point I was trying to make, and you take
21 old people and you know what happens, you tell them
22 about something else and they forget what they were
23 going to say.

24 The rules that you have here says written, sworn

1 written statements. Neither of those plea agreements,
2 the plea agreement of Mr. Ata nor the plea agreement
3 of Mr. Cari, neither of those plea agreements are
4 signed, neither of those plea agreements -- I'm sorry,
5 are sworn. They're both signed. Neither of them are
6 sworn.

7 What we are listening to is supposed statements
8 of these gentlemen in federal court and again, which
9 we don't see. Again which we don't have. Again what
10 we do is we have a summary.

11 Now let me talk a little bit about Mr. Cari. Mr.
12 Cari's an extortionist. Mr. Cari's an extortionist
13 and his extortion in this case is admitted by him in
14 his plea agreement, and I ask you to look at his plea
15 agreement where he basically goes -- he basically goes
16 to members of a company, and he says when he goes to
17 those companies you make up a fake consultant to give
18 money. You make up a fake consultant and get money.

19 Again, he talks about two meetings. He has the
20 deal. His deal is that he's going to be able to ask
21 for probation if in fact he can implicate somebody.
22 One meeting, two meetings it's easy to make up.

23 So this is the evidence. Not a person who I
24 could cross-examine, but a plea agreement that's not

1 sworn to just as Mr. Ata wasn't sworn to.

2 And the fact of the matter is, that, too, in this
3 particular case, is something that should not be,
4 cannot be considered in evidence.

5 That, too, is something as with Mr. Ata, Mr.
6 Cari's a convicted extortion, the extortion that he
7 has nothing to do with this case, has nothing to do
8 with supposed Rod Blagojevich. Except, except for
9 other than his one meeting, something that was told to
10 him by Mr. Levine.

11 Now, I ask you to look at Mr. Levine. I'd ask
12 you to look at page -- I think it's point number 34,
13 and these are the quotes that we hear from Mr. Ata and
14 from Mr. -- I'm sorry, from Mr. Cari with regard to
15 Levine.

16 Levine is facing life imprisonment. Levine cut a
17 deal for five years. He talks about -- he talks about
18 accepting kickbacks for a hospital, a medical school,
19 a charitable organization. He talks about paying
20 bribes, tax fraud, election fraud, structuring,
21 defrauding the estate of a business associate, using
22 illegal narcotics. This is the character of the
23 statements of Mr. Levine who makes his statement to
24 Cari.

1 Again, I'm not trying a criminal case. I'm not
2 pretending to try a criminal case. What I'm saying to
3 you is for your consideration, this is the source of
4 the -- this is the source of what we were going on to.

5 Now, let me just briefly talk about the major
6 complaint, and I'm going to talk probably longer than
7 I should, so will you tell me to keep quiet, I'll try
8 to wrap up.

9 CHAIRWOMAN CURRIE: Go on, go on.

10 MR. GENSON: Especially Ms. Gordon, she isn't
11 really appreciative of me anyway. I'm not sure Franks
12 is either.

13 But the fact of the matter is, we are talking
14 about cause. And one of the questions that was asked
15 of Mr. Ellis, and I know I'm not -- and I'm not
16 cross-examining him, it was asked what cause is, cause
17 for impeachment. That was a statement by Mr.
18 Fritchey, so I'm not going out of line by talking
19 about it.

20 The line, the line that says it has never been
21 drawn. I don't know what the line is, I only know
22 about Heiple and he didn't get impeached. I don't
23 know of any case law on it.

24 And so -- but I would offer for your

1 consideration that the line should be, should be based
2 on evidence, should be based on due process, and
3 should be based on confrontation. And I know
4 everybody believes and wants to -- you know, we have a
5 terrible, terrible public relations problem here and
6 people want to see something done and this is your
7 obligation.

8 But still, you have an obligation under the
9 Constitution. Cause must mean something. Cause must
10 mean something, and due process -- and due process was
11 one of the main things that Speaker Madigan talked
12 about when we talked about this legislation.

13 Almost everybody who spoke whether they disliked
14 Rod Blagojevich intensely or didn't like -- or didn't
15 want to give an opinion, and they were talking about
16 due process. And due process means confrontation.
17 Due process means a consideration of evidence. There
18 will be a time, maybe next week or maybe in two weeks,
19 where people will actually testify under oath.

20 But sitting there listening to hearsay, sitting
21 there listening to hearsay on hearsay is
22 inappropriate.

23 Now, with regard to the specific acts in this
24 case, I'm not going to sit here, and I could, we can

1 go over each individual, each individual incident.

2 But the fact is that none of it's corroborated.

3 You've got a man who is talking. You have a man who
4 says I can do this, but nobody has any -- talks about
5 talking to anyone from the Tribune because we don't
6 have anybody from the Tribune here.

7 Nobody talks about anyone talking to anyone from
8 the Tribune or doing anything because they didn't say
9 that they talked to someone from the Tribune. Nobody
10 even gives us the name of the people involved except
11 McCormick, and McCormick as I understand it didn't
12 know anything about it, because I watch the news, too.

13 But the fact of the matter is with regard to all
14 of these things and with regard to the Tribune
15 specifically, there is nothing that was done. It's
16 just people jabbering.

17 With regard to the charitable foundation, people
18 talk and talk and talk, but nobody -- there's no
19 evidence that anyone ever did anything.

20 With regard to the Senate seat, the lady, whoever
21 was Number 1, didn't want to do it anymore. There's
22 no evidence that anyone ever asked anybody for
23 anything with regard to that seat. There's no
24 evidence with regard to 5, that whoever 5 was, that 5

1 ever talked to Rod Blagojevich.

2 And as a matter of fact, if he did talk to Rod
3 Blagojevich, there's no evidence that anything
4 inappropriate was said. It's just somebody jabbering
5 back in October, repeating about it in December, and
6 again nothing is done.

7 Now if somebody wants me to sit down and brief
8 every one of these things, I'd be happy to do it. But
9 I'm not going to sit here and talk for an hour to each
10 and every one of those things because I'd get thrown
11 out.

12 But I think it's important, and all I can ask you
13 to do, I can't sit there and convince any of you that
14 what I'm saying is right or whether I'm wrong in five
15 minutes, especially when the person who does the
16 reading really doesn't want to talk to me about it.

17 The fact of the matter is, I think that it's
18 incumbent on every single one of the people in this
19 panel, I think it's incumbent to read these things and
20 read these things one at a time and determine whether
21 it's just somebody who says inappropriate things in a
22 two month wiretap.

23 This is picked up two months of a spike mic in a
24 wall, and two months of somebody who obviously likes

1 to talk a lot. But two months of nothing getting
2 done.

3 And rather than me sitting down and going one by
4 one by one by one, I'm not asking you to do it. I'm
5 saying that you're the -- you're not the judges,
6 you're the jury here. You're the jury, you're the
7 judge, but you're the jury essentially. And it seems
8 to me it's up to everyone of you to look.

9 If you look at this thing and you decide this was
10 something that was done, fine. If you look at this
11 thing and you don't like what he says and you think
12 it's inappropriate for someone to say it, fine.

13 But first determine what you have to do to kick a
14 guy out of office. And I'm only talking about this
15 part. There's stuff that I don't really understand.
16 I'll probably defer to my co-counsel here, because
17 that way I won't make a fool out of myself.

18 But the fact of the matter is, what I'm saying to
19 you here with regard to these matters, it's up to each
20 and every one of you to decide whether it's enough and
21 whether it's time.

22 And decide whether in fact this is a basis for
23 impeachment and whether in fact what's the standard
24 you have to look at, not a visceral standard but a

1 standard you have to determine, because I have no idea
2 what it says because there's nothing written about it.

3 But in this particular instance it would appear
4 to me that when you don't know who Senate Candidate 1,
5 2, 3, 4, 5 is, Financial Advisor 1, A, B, Deputy
6 Governor A, Individual B, and going on and on and on.
7 And on that basis asking you to reach a conclusion of
8 what occurred I think is inappropriate.

9 Now that completes my remarks.

10 CHAIRWOMAN CURRIE: Thank you very much, Mr.
11 Genson.

12 And any comments from the committee?

13 Representative Durkin.

14 REPRESENTATIVE DURKIN: Good morning, Mr.
15 Genson. I would disagree. We are allowed to take in
16 hearsay in this committee. A grand jury is allowed to
17 hear hearsay, and as a matter of fact, Mr. Genson,
18 you've been given more process than anybody that's
19 been before the grand jury representing clients.

20 So you've got more process than some of your
21 clients have had before the grand jury. So let me
22 just say that.

23 These documents which Mr. Ellis referred to, they
24 are now part of the record. They are in evidence.

1 And we will make a decision. I know that you want to
2 argue about whether there's probable cause, and we can
3 go into the standards and that, but we will make the
4 appropriate -- we'll attach the appropriate weight to
5 each one of these documents.

6 We are not convicting, we are not the trial body.
7 That's in the Senate. They can decide what types of
8 -- how the evidentiary proceedings will go over there
9 about the hearsay and different types of
10 authentication.

11 But I just want to make it perfectly clear, that
12 we have a right to consider hearsay in this committee
13 and make some findings.

14 And I would ask everybody, hearsay is -- you
15 know, you can argue as much as you want, but we can
16 connect the dots as well. And we'll -- as I said,
17 we'll make the determination of what type of weight we
18 want to attach to these documents that have been
19 placed into evidence.

20 Let the Senate make a decision on whether or not
21 these things are admissible, and that's a whole
22 different body, but --

23 MR. GENSON: Representative Durkin, at no
24 time have I ever or will I ever suggest that there's

1 anything other than you holding up the utmost
2 standards of your office. And this is a horrible
3 thing to say because as long as I've known everybody,
4 I've known your family for years, and I understand
5 that, I'm not questioning it.

6 I'm only -- I'm asking you to do the exact same
7 thing your saying you're going to do. I'm asking you
8 to consider, and the reason for all this, there's a
9 reason why there's a law against it.

10 I'm asking you to consider the evidence as you're
11 getting it and to the best of your ability give Rod
12 Blagojevich a fair shake here. I'm not asking
13 anything more.

14 REPRESENTATIVE DURKIN: There's plenty of
15 exceptions to hearsay as well, so it's not --

16 MR. GENSON: Not here.

17 REPRESENTATIVE DURKIN: I'll tell you what,
18 we're going to accept hearsay and I'm going to
19 encourage my members that you can, as I said earlier,
20 attach whatever weight you want to these documents
21 that are considered hearsay. But we are going to
22 review it and we're to going to take that into
23 consideration. Thank you.

24 MR. GENSON: I'm not asking you to do

1 anything else.

2 REPRESENTATIVE DURKIN: Thank you.

3 CHAIRWOMAN CURRIE: Thank you very much.

4 Are there comments? Apparently not.

5 So tomorrow we will convene in this room at 10
6 a.m. And I think our topics will include a discussion
7 of whether or not the Governor has exceeded his
8 authority with respect to activities in the Joint
9 Committee on Administrative Rules.

10 The Auditor General will be with us and he will
11 talk about several different audits that have happened
12 over time.

13 And I believe there may also be a discussion of
14 the Freedom of Information Act and the Governor's
15 willingness or unwillingness to provide documents as
16 requested. Mr. Genson.

17 MR. GENSON: I believe I was told at some
18 point that I might get a list of those topics.

19 CHAIRWOMAN CURRIE: Yes.

20 MR. GENSON: Or perhaps some paperwork on
21 those topics so I can be ready to proceed tomorrow. I
22 haven't gotten any yet.

23 CHAIRWOMAN CURRIE: I thought that was faxed
24 to you yesterday. Apparently not?

1 MR. GENSON: No, it hasn't, but I'll be
2 around today.

3 CHAIRWOMAN CURRIE: And do we know -- maybe
4 if you talk to Mr. Ellis as soon as we're finished he
5 can figure out how to get that.

6 MR. GENSON: Fine. I understand, I just want
7 to --

8 CHAIRWOMAN CURRIE: But thank you very much
9 for your participation, and thank you very much,
10 members of the committee.

11 We'll adjourn for the day and we'll see one
12 another at 10:00 tomorrow morning. 10 a.m.

13 (The committee was in recess.)

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