



GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

SPECIAL INVESTIGATIVE COMMITTEE OF THE ONE HUNDRED AND FIRST GENERAL ASSEMBLY

September 16, 2020

VIA EMAIL

The Honorable John Lausch
United States Attorney
Northern District of Illinois
219 South Dearborn, 5th Floor
Chicago, IL 60604

Re: Illinois House of Representatives Special Investigating Committee #2

Dear Mr. Lausch:

We appreciate your taking the time to talk with representatives of the Special Investigating Committee (“SIC”) on September 14, 2020. We had anticipated that the Committee would send one letter to you reflecting a joint view of our conversation. We prepared a letter for Chairman Welch’s consideration. He rejected it and prepared his own letter. We proposed edits to that letter that reflected our view of the conversation. Chairman Welch rejected those proposed changes in full and unilaterally sent a letter to you with his view of the conversation.

Suffice it to say, I have a very different view of our conversation than Chairman Welch.

We expressed to you our desire not to interfere with any work of your Office. We expressed that we wanted to do the work that the Special Investigating Committee must do under the House Rules but that we did not want to get in the way of any investigation your Office was conducting. I believe you indicated that you did not wish to be an impediment to the SIC’s investigation and we discussed some parameters for the SIC’s ongoing work.

You indicated that your Office would not provide the SIC with information or documents from your Office or from any federal investigative agency working with your Office on any investigation. (It was not our intention to seek that information). You also indicated that you would view inquiries to witnesses about what the government provided to them – either in terms

of documents or information – to be disruptive of your Office’s work, I believe that Chairman Welch and I agree about the above.

We read you a list of witnesses that we intend to call for voluntary testimony or production of documents or, if necessary, by subpoena. You indicated that you did not have an objection to those witnesses being called. Here is where my recollection of our conversation diverges from that of Chairman Welch. I believe you did not set limits on the SIC’s ability to question those witnesses except for those noted above, i.e., that we would not ask witnesses about information or documents that the government provided to them. While we would not ask them what they discussed with the government, e.g., “what did the government tell you about x” “Did you appear before the grand jury,” the subject areas would be fair game for the SIC’s witness examination, whether or not they discussed it with you, e.g. “What do you know about x.” Chairman Welch takes the view that if the witness discussed a topic with your Office or an investigator working with your Office, then you object to the SIC questioning that witness about that topic at all. That is not what I heard you say. Chairman Welch said that you indicated the Committee could call witnesses, but, in essence, the Committee cannot ask them any relevant questions. Once again, that is not what I heard you to be saying.

You indicated that you would do nothing to identify the individuals to which the DPA refers but does not name. We understand and respect that. We do intend to ask witnesses their opinion about the identity of those people.

To be clear, we intend to seek information – testimony and documents – from the following witnesses either through voluntary requests or subpoenas:

1. The testimony of Rep. Michael Madigan, about, among other things, the events described in the DPA
2. The testimony of Michael McClain before the SIC regarding, among other things, the events described in the DPA.
3. The testimony of Anne Prammagiore before the SIC regarding the events described in the DPA.
4. The testimony of Fidel Marquez before the SIC regarding the events described in the DPA.
5. The testimony of John Hooker before the SIC regarding the events described in the DPA.
6. The testimony of Jay D. Doherty before the SIC regarding, among other things, the events described in the DPA.

7. The testimony of Michael R. Zalewski before the SIC regarding, among other things, the events described in the DPA.
8. Testimony of current or former employees of ComEd or Exelon before the SIC regarding the events described in the DPA.
9. Document production of relevant materials by the individuals and entities listed in items #1-8 above regarding the admissions of ComEd contained in the DPA.
10. The issuance of document preservation letters to the individuals listed in items #1-8 above, or any other relevant individuals or entities.

As explained above, I believe you indicated that you would not object to the witnesses being questioned about these matters before the SIC.

I regret that we have presented you with dueling letters. You have more important work to do that mediate an internecine dispute over what I thought was a straight-forward and collaborative conversation. But alas, here we are.

Thank you for your consideration. We would appreciate it if you included Derek Persico, one of the counsels on the phone, on September 14, 2020 in your response.

Sincerely,

A handwritten signature in black ink that reads "Tom Demmer". The signature is written in a cursive, slightly slanted style.

Rep. Tom Demmer
Special Investigating Committee
Minority Spokesperson
Illinois House of Representatives
101st General Assembly