

ILLINOISANS SHOULD BE PROUD OF ETHICS REFORM

Illinoisans won big with ethics reform this year. Still, a variety of critics have complained that the General Assembly has not done enough to root out corruption at its source, or to enact “game changing” legislation. Let’s look at what action lawmakers took to root out corruption at its known source, and let the chips fall where they may.

Even before the Illinois Reform Commission entered the scene in late January 2009, the General Assembly had enacted sweeping reforms targeting the culture of “pay-to-play” politics at its source—the Blagojevich and Ryan administrations. In Fall 2008, we passed House Bill 824—over Blagojevich’s veto—to bar business entities with state contracts from making contributions to the campaigns of the officeholder awarding the contracts. Five years earlier, we enacted the Illinois Ethics Act, which the Illinois Campaign for Political Reform described as “striking” and propelled “Illinois from being one of the least regulated States in the nation into the forefront of ethics reform.” Even the Better Government Association recognized the dramatic progress we made, elevating Illinois’ ethics laws from 41st in the nation in 2002 to 11th in 2008. Let’s not forget, of course, that the General Assembly began this year by impeaching, trying, convicting, and removing Blagojevich from office. This is yet another example of rooting out corruption *at its source* before the Illinois Reform Commission’s creation.

Next, while the Reform Commission toured the State, the General Assembly in Springfield enacted landmark reforms to eradicate corruption at the State’s retirement boards—corruption again attributed to Blagojevich- and Ryan-insiders Tony Rezko, Stuart Levine, and others. These reforms removed Blagojevich’s pension board appointees, banned gifts to board members from people seeking business or official action, and imposed unprecedented conflicts of interest provisions.

In short, even before the Reform Commission issued its 100-day report, the General Assembly had already enacted “game changing” reform proposals to target the “culture of corruption” *at its source*.

When the Reform Commission completed its work at the end of April, it offered reform ideas—not actual legislation, just ideas—in six areas: campaign finance; procurement; enforcement; government structure; transparency; and what the Commission termed “inspiring better government,” a catch-all for miscellaneous reform ideas. As the chairman of the Commission himself acknowledges, the General Assembly implemented the Commission’s procurement, transparency, and “inspiring better government” ideas.

As for the other three ideas, the chairman of the Reform Commission claimed in a recent letter to the newspapers that we in the General Assembly viewed them as a “grave threat” and our decision to not accept them whole cloth revealed an “unwillingness to get to the core of the culture of corruption.” That’s simply not true. The General Assembly was already striking at that culture of corruption before the Reform Commission was created.

Let’s be honest. We rejected some parts of the Reform Commission’s campaign finance proposal for good reason. First, the proposed campaign contribution limits—which mirror federal contributions caps—are too low. That’s not just our view, but also the opinion of the most vocal reform advocates, the Chicago Tribune and other editorial boards. The Reform Commission’s

proposal also would favor wealthy, self-funding candidates, not the average citizen running for office.

Second, the Reform Commission's proposal would simply shift campaign spending to unregulated "Swift Boat" or 527 committees. Recently, the U.S. Supreme Court had to step in and force a West Virginia Supreme Court judge to recuse himself from a case involving a political benefactor who set up a 527 committee to elect the judge. The contribution limits proposed by the Reform Commission are little different than those in West Virginia and would have the same effect.

Finally, the Reform Commission's proposal to allow only legislative leaders to maintain additional political committees to support multiple candidates would further consolidate, not diminish, the power of legislative leaders. Unlike the Reform Commission's notions, our proposal ensures that rank-and-file members are not beholden to legislative leaders because they can set up their own multi-candidate committees in opposition to the legislative leaders. Moreover, we proceeded with our proposal because it actually imposes limits on transfers of contributions between campaign committees. The legislative language at last submitted by the Reform Commission failed to do so.

Yes, we did reject the Commission's enforcement ideas for state prosecutors. We believed that authorizing the Commission's initial proposal for Bush-Cheney style "warrantless wiretaps" was a bad idea, ripe for abuse, and wholly inconsistent with the Illinois Constitution. Former prosecutors, sitting judges, and the Illinois State Bar Association shared that view and strongly opposed even the Commission's own watered-down enforcement ideas as unnecessary and duplicative. Instead, we passed two real "game-changing" laws. One forces politicians convicted of bribery, taking kickbacks or extortion to forfeit all campaign contributions and any other proceeds they got from their criminal activity. The other bars politicians convicted of official misconduct or a similar federal crime from deriving a financial benefit from their misconduct.

On government structure, the Commission's redistricting idea has been delayed for good reason. The Senate Redistricting Committee, which was created before the Reform Commission even met, will conduct hearings as planned this Summer to review competing ideas and receive expert testimony on the subject, especially in light of recent redistricting decisions from the U.S. Supreme Court. Delay is not an issue, however, since no proposal can be implemented without a constitutional amendment, which could be submitted to the voters no earlier than November 2010.

The Reform Commission chairman is incorrect that we "outright ignored" its legislative rule changes idea. Early in my presidency, the Senate adopted rules changes that provide members with greater ability to advance and control their own bills. In addition, I reversed the policy of my predecessors by assigning virtually every bill and amendment to a substantive committee. I would also point out that at no time did the Reform Commission ever propose actual language for these rule changes. As I've said before and will reiterate here, the General Assembly enacts legislation, not press releases.

As to the Commission's "legislative leader term limits" idea, the Commission's report fails to explain how it targets "the core of the culture of corruption" or even relates to the rampant and bipartisan corruption in the executive branch over the last decade. If anything, the reform idea smacks of a personal or partisan animus toward House Speaker Michael Madigan, rather than a proposal supported by evidence. Of the scores of legislative leaders elected in the last 100 years, only two

have served for longer than the 10 years—Speaker Madigan and former Senate President Phil Rock. There is no need for term limits, as a fair reading of history proves.

The Illinois Reform Commission is to be commended for its efforts and reform ideas. With its help, the General Assembly enacted “game-changing” reforms to strike corruption at its core. The process of enacting these reforms also illustrates how well the system can work. Ideas are formulated into proposals by advocates and experts. The proposals are submitted to the General Assembly, which tests them, refines them, augments them, and, in some cases, scales them back in order to secure the approval of a majority of those elected by the people to make laws. The process may look like “sausage making,” but it has stood the test of time and withstood more serious attacks than those leveled by today’s critics. I expect that someday soon we will all look back at the reforms recently enacted by the General Assembly as the most significant reforms enacted in Illinois since Watergate.