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Ends and Means

Lawmakers used almost surgical precision to address problems linked to former governor

by Charles N. Wheeler III



Is the glass surprisingly near full or virtually bone-dry empty?

That's the underlying question for those who would rate the General Assembly's response to the calls for fundamental changes in how Illinois government works in the wake of the corruption scandal involving former Gov. Rod Blagojevich.

Some reformers and editorial boards — joined by partisan Republicans — were quick to give the Democratic-controlled legislature failing marks for not adopting all the recommendations from Gov. Pat Quinn's blue-ribbon reform panel and other change advocates.

In particular, the reform crowd complained that the state's first-ever proposal to limit some campaign contributions was more loophole than law. GOP leaders grumbled that nothing was done to rein in the power of the majority Democrats and their leadership. Hyper-ventilating editorial writers deplored that lawmakers shelved a plan to allow voters to fire the governor and other elected officials.

Despite such lamentations, a closer examination shows that lawmakers addressed with almost surgical precision the problems linked to the former governor, especially the pay-to-play allegations that led to Blagojevich's arrest and subsequent indictment.

Consider:

- A federal jury convicted Blagojevich fundraiser Antoin "Tony" Rezko of fraud for his role in kickback and extortion schemes involving decisions made by state boards overseeing pension investments and hospital construction. Another insider and board member, Stuart Levine, pleaded guilty to similar charges and was a key witness against Rezko.

In response, the legislature swept Blagojevich appointees from the boards, mandated new ethics and economic disclosure requirements for members and beefed up conflict of interest provisions. Quinn signed the measure, **Senate Bill 364**, in April.

- An uncanny coincidence permeated Blagojevich's six-year tenure — big campaign donors got even bigger state contracts, sometimes under questionable circumstances.

Lawmakers last year approved, over Blagojevich's veto, a measure that bans businesses with contracts worth more than \$50,000 from contributing to statewide officials who award the contracts.

- Ironically, the federal wiretaps released when Blagojevich was arrested in December detailed his frantic efforts last fall to rake in big bucks before the ban took effect on January 1.
- This spring, the legislature approved far-reaching changes in how the state buys goods and services, intended to insulate such procurement decisions from political influence. The package reflects ideas from Quinn's panel, including independent procurement officers and monitors charged with making sure that state purchasing decisions are above-board. No-bid and emergency purchases — two loopholes used to direct contracts to contributors and other political insiders — would be much more difficult to execute.

The measure, **SB 51**, also would restore internal auditors to state agencies, in place of the centrally controlled operation Blagojevich installed. The change should help agency heads avoid the kind of statutory violations that later show up in auditor general reports.

- The state's internal watchdogs received reports of some Blagojevich wrongdoing but by law could not share verified information with the public. Indeed, the House impeachment committee needed an attorney general's opinion to pry loose a report by the executive inspector general documenting widespread disregard for veterans preference laws and other hiring requirements as the governor's patronage operation handed out jobs.

Lawmakers rewrote the statute to allow inspectors general to release publicly reports of investigations uncovering corruption. The legislation, **SB 54**, also strengthens whistle-blower protection, tightens revolving door prohibitions on state employees going to work for companies with whom they've had official dealings and increases lobbyist registration fees.

- The Blagojevich administration was notorious for restricting access to public information to control tightly its public relations image, going so far as to defy attorney general opinions and judicial requests for documents.

One of Quinn's first acts as governor was to order state agencies to comply fully with the state's Freedom of Information Act, and lawmakers then sent him far-reaching revisions in the open records law to strengthen the public's access to documents. The measure, **SB 189**, would shorten a public body's response time to an information request and would narrow the often-abused personal privacy exemption.

Other significant changes would let the attorney general make binding decisions on the release of records a public body wants to withhold, impose stiff fines for noncompliance and require public bodies to pay legal fees for citizens suing successfully for access.

Also approved was legislation, **House Bill 35**, creating an Illinois Transparency and Accountability Portal, a Web site with online databases providing detailed information about

state workers, contracts, spending, professional licensing and business tax breaks.

Some of those who see the glass as almost empty grudgingly acknowledge the therapeutic qualities of the foregoing list but argue that lawmakers' rejection of the campaign limits they sought in favor of a watered-down bill overshadows all else.

One might argue, though, that the most significant loophole in any scheme limiting campaign contributions cannot be closed by any legislative body but would require the U.S. Supreme Court to reverse its 1976 ruling exempting independent expenditures from caps.

Others lambaste the legislature for refusing to give local prosecutors greater eavesdropping and wiretapping powers. Anyone wondering why that idea might give someone pause need only consult the *Chicago Tribune's* comprehensive series on prosecutorial misconduct of a few years ago.

Overall, the legislative reaction to the reform suggestions followed the pattern predicted here a couple of months ago. Changes affecting executive branch operations were embraced; those that would upset the legislative status quo were not.

In so choosing, did Democratic leaders and their majorities sustain a culture of corruption? Or was that the rational approach, focusing on eradicating the opportunities for clearly documented illicit activities while ignoring certain aspects of the legislative process that some might not like but are hardly corrupt?

Instead of bemoaning what didn't happen, naysayers might want to look again and see a glass that's got more in it than anyone would have believed possible this time last year.

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