

IL STARTS BLAGOJEVICH IMPEACHMENT PROCEEDINGS

The Madigan family is finally adopting the right approach to removing Governor Blagojevich from office: Michael Madigan has announced the House will begin impeachment proceedings.

Speaker Michael Madigan announced Monday that he's appointing a special committee to review the case and recommend whether Blagojevich should be impeached.

Madigan says the committee will work every day except holidays.

"We're going to proceed with all due speed, but we're going to make sure that what we do is done correctly," the Chicago Democrat said.

Once the committee makes a recommendation, the full House will decide whether to file impeachment charges against the governor. The Senate ultimately would rule on them.

I say the Madigan family is making the right move, because previously Michael's daughter Lisa has been calling for the courts to remove Blago.

Atty. General Lisa Madigan called on the Illinois Supreme Court today to temporarily remove Gov. Rod Blagojevich from office and appoint Lt. Gov. Patrick Quinn as acting governor, "so the business of the state of Illinois can go forward."

I agree with Adam B that Lisa's move—to use the courts—is inappropriate while her father's move to start impeachment is appropriate.

Blagojevich hasn't been convicted of anything. Technically, he hasn't even been *indicted* yet; it's just a criminal complaint. And especially in the courts, Blagojevich *should be* entitled to a presumption of innocence. So, yes, we tend to be fans here of Patrick Fitzgerald's work, but what about a less scrupulous prosecutor in a state with a malleable Supreme Court? A criminal complaint, by itself, shouldn't be enough to empower a court to remove someone from office.

There are, thankfully, other remedies.

First of all, as I've noted before, under Article V of the Illinois Constitution he can resign voluntarily, or temporarily cede power "whenever the Governor determines that he may be seriously impeded in the exercise of his powers."

Assuming he doesn't do the right thing, then impeachment and conviction by the Illinois Legislature under Article IV, section 14 is the superior approach.

Legislators are more accountable to the people than are judges – even elected judges – and they are more sensitive to the ramifications of a bad decision here. Some things are better left to the political branches.

What Fitz has given us with his complaint is a list of things that—at least—passed the standard of the judge to arrest the Governor. Presumably, we'll shortly see an indictment that not only further supports the two charges Blago was arrested on, but may well include more.

But what Fitz has also given us is a road map to conduct an impeachment—a list of both alleged legal **and** political acts taken by Blago that suggest he was violating the public trust. For example, whether or not Fitz can prove Blago's prioritization of personal gain over Illinois'

best interest in choosing a replacement for Obama was a conspiracy to commit fraud, Blago's own words make it clear what his priorities were. That, by itself, rises to the level of political abuse involved in impeachment proceedings.

And impeachment is a better option, too, because it avoids having one of Blago's potential replacements basing her run for Governor on his fate. Given that one of the central questions to this case is the role of self-interest in politics, Illinois ought not put Madigan in a position where her own self-interest might influence what the state does about Blago's focus on self-interest.