

Congress of the United States
Washington, DC 20515

June 11, 2018

Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Trump,

We write with a unified message as Republican Members of the United States House of Representatives for the State of Illinois to express our concern regarding your recent comments contemplating the pardon and/or commutation of former Illinois Gov. Rod Blagojevich. We ask that you give thoughtful attention to our fear that granting clemency for the former governor would set a detrimental precedent and send a damaging message on your efforts to root out public corruption in our government.

As you know, Illinois has gone through a difficult period of public corruption in the past, with several of our recent governors falling to corruption charges and convictions. This trend reached its pinnacle with the impeachment, and later criminal conviction, of former Gov. Blagojevich on 18 counts of public corruption including lying to federal agents, wire fraud, extortion, and bribery.¹ The events leading up to his impeachment, conviction and sentencing to 14 years in prison grew out of a series of actions by the former governor that showed a consistent pattern of public corruption – both within the State of Illinois and its agencies – culminating in the ultimate act of public corruption: attempting to sell a United States Senate seat.

We believe that it is important to outline why facts from the case of former Gov. Blagojevich show a much larger problem and underlying pattern of public corruption. During his tenure in the governor's office, Rod Blagojevich participated in several pay-to-play practices in which he attempted to solicit money in exchange for official public acts. Two examples include withholding \$8 to \$10 million in reimbursement money from Children's Memorial Hospital until they agreed to contribute over \$50,000 to his campaign and withholding the signing of a piece of legislation beneficial to race tracks until one of the race track owners agreed to a \$100,000 campaign contribution.²

This type of *quid pro quo* behavior was further exemplified by Gov. Blagojevich's attempt to sell an appointment to fill a vacancy in the United States Senate. First, he failed to convince then President-elect Barack Obama to either nominate him to a cabinet position or encourage a foundation to hire him at a large salary in return for appointing Valerie Jarrett. Next, he offered the seat to Rep. Jessie Jackson Jr. in exchange for a \$1.5 million campaign contribution.³ Negotiations for the sale of the seat only ended when the former governor learned of federal wiretaps on his phone just days before his eventual arrest.⁴

¹U.S. v. Blagojevich, 594 F. Supp. 2d 993 (N.D. Ill. 2009).

²United States v. Blagojevich, 794 F.3d 729 (7th Cir. 2015).

³United States v. Blagojevich, 794 F.3d 729 (7th Cir. 2015).

⁴United States v. Blagojevich, 794 F.3d 729 (7th Cir. 2015).

We believe it is important to take into account both the findings of his impeachment trial by the Illinois General Assembly, as well as his lengthy criminal trials, appeals, and ultimate denial by the United States Supreme Court.⁵ After Rod Blagojevich's arrest, the Illinois House of Representatives, led by members of his own political party, passed legislation authorizing a Special Investigative Committee (SIC), with the purpose of investigating the conduct of Gov. Blagojevich, including any misfeasance or nonfeasance, and providing a recommendation and findings for impeachment under the Illinois Constitution.⁶ The report from the SIC recommending an Article of Impeachment was signed by all 21 members, including 12 Democrats and nine Republicans. The Speaker of the Illinois House, Michael Madigan, filed the Article of Impeachment with 13 counts articulating Gov. Blagojevich's abuse of power which passed the Illinois House of Representatives by a near-unanimous vote of 114-1-1.⁷ It is also important to recognize that, following the start of a new legislative session, legislation to reaffirm the actions of the previous General Assembly to impeach Gov. Blagojevich was passed by a vote of 117-1-0 with the only no vote coming from the governor's sister-in-law, Rep. Deborah Mell.⁸

After passage in the Illinois House of Representatives, the Illinois Senate passed legislation to organize into an Impeachment Tribunal to try the governor as required under the Illinois Constitution.⁹ After the impeachment trial was complete, wherein the governor appeared and testified on his own behalf, the Illinois Senate voted unanimously 59-0 to sustain the Article of Impeachment, to immediately remove the governor from office, and to prevent him from holding Illinois office in the future. A clear, nearly unanimous decision from the Illinois General Assembly shows that, in a bipartisan manner, members found overwhelming evidence to impeach the governor for his actions.

Even if his pattern of behavior and unanimous impeachment are not sufficient, the judicial history of his criminal conviction provides additional insight as to the need for his full 14-year sentence. During the course of his two trials, multiple appeals, and a denied *writ of certiorari* by the United States Supreme Court, his 14-year sentence was continually upheld. During the course of his legal battles, there was never any alleged wrongdoing or nefarious intent by the judges or juries; and on appeal, the United States Court of Appeals for the 7th Circuit determined the sentence to be within the proper guidelines. Over the course of two trials, he was convicted of 18 total counts of public corruption. On appeal, the court upheld 13 of these counts, articulating that the evidence on appeal against Rod Blagojevich remained overwhelming¹⁰ and remanded the case back to the lower court where his sentence of 14 years was reinstated in full and then upheld again on further appeal.¹¹ The 7th Circuit Court of appeals confirmed that the District Court judge was within the sentencing guidelines for his convictions.¹² This 14-year sentence was also not at the maximum end of the applicable guideline range.

Commuting the sentence now would actually ensure the governor served less than the low end of the applicable guideline range. The sentencing judge had over 30 years of state and federal experience and knew precisely the damage pay-to-play schemes have on the public, which was recognized with his appropriate sentence. The evidence against Rod Blagojevich was gathered through the diligent efforts of

⁵ Blagojevich v. U.S., 854 F.3d 918 (7th Cir. 2017), *cert. denied*, 86 U.S.L.W. 3523, 86 U.S.L.W. 3526 (U.S. Apr 16, 2018) (No. 17-658).

⁶ H.R. 1650, 95th Gen. Assemb., Reg. Sess. (Ill. 2009).

⁷ H.R. 1671, 95th Gen. Assemb., Reg. Sess. (Ill. 2009).

⁸ H.R. 5, 96th Gen. Assemb., Reg. Sess. (Ill. 2009).

⁹ S.R. 6, 96th Gen. Assemb., Reg. Sess. (Ill. 2009).

¹⁰ United States v. Blagojevich, 794 F.3d 729 (7th Cir. 2015).

¹¹ United States v. Blagojevich, 854 F.3d 918 (7th Cir. 2017).

¹² United States v. Blagojevich, 794 F.3d 729 (7th Cir. 2015).

law enforcement professionals in the Department of Justice and the Federal Bureau of Investigation. To now excuse him would be demoralizing to those committed agents and officials who work hard every day in Illinois to fight public corruption and defend the rule of law.

On Blagojevich's last appeal to the United States Supreme Court, not only was his petition for *writ of certiorari* denied, but Solicitor General Noel Francisco, who your administration appointed, asked the court not to take up what he termed an "unwarranted" appeal.¹³ We also believe it is important to point out that, up until the possibility of clemency was reported in the media, Rod Blagojevich's lawyers had not filed a request to your administration, doing so only after your remarks. From this background, we feel that it is clear that at all levels of the government and judiciary, the correct decision was made given the volume of corruption Rod Blagojevich participated in over the course of his two terms. We hope you will continue to recognize the full scope of his criminal conviction and the personal pattern of corruption and uphold his full 14-year sentence.

While we understand that, as president, you have the privilege and right under our Constitution to grant pardons and clemency as you determine fit,¹⁴ we ask that you consider very carefully the precedent this may set and the impact it will have on acts of public corruption in the future. As you well know, the integrity of our democracy and the core of American values depend on our elected officials being honest in upholding the trust given to them by the American people. Granting clemency to Rod Blagojevich would go against this trust.

We thank you for your consideration of our concerns against granting clemency and the message it would send to the American people.

Sincerely,

Darin LaHood
Member of Congress

John Shimkus
Member of Congress

Peter Roskam
Member of Congress

Randy Hultgren
Member of Congress

¹³ Mitchell Armentrout, *Fed lawyer urges Supreme Court to ignore Blagojevich's latest 'unwarranted' plea*, CHICAGO SUN TIMES, Mar. 1, 2018, <https://chicago.suntimes.com/news/solicitor-general-slams-bлагоjevichs-latest-call-for-supreme-court-to-hear-case/>.

¹⁴ U.S. Const. art. II, § 2, cl. 1.



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