

Pat Quinn: The Man Who Would Replace Blagojevich

by [Eric Ferkenhoff](#)

In a state so plagued by cronyism and shady self-dealing that the head of the FBI here didn't hesitate to call Illinois one of the — if not *the* — most corrupt states in the nation, Lieut. Governor Pat Quinn is considered something of a Goody Two-Shoes. Responsible for slashing the size of the state legislature, he has been booed by legislators on the capitol floor. He keeps a minimal staff and is said to charge \$75 a ticket for fundraisers — at a time when entry to most is well into the hundreds if not thousands of dollars. The former tax attorney and divorced father of two started a citizens' oversight board for the state's utilities. His populist sympathies even led him to support a bill last year that would have allowed citizens to use recall campaigns to boot politicians from office.

As the state continues to grapple with the shocking allegations against Quinn's boss, [Governor Rod Blagojevich](#), that kind of law could have come in handy. But even without it, Quinn could soon be taking the reins of power in the state, including possibly making the U.S. Senate appointment that got his boss in so much trouble in the first place. ([Read TIME's top 10 scandals of 2008.](#))

Almost from the moment that federal prosecutors charged Blagojevich with scheming [to sell President-elect Barack Obama's vacant Senate seat](#) to the highest bidder, a diverse coalition of local, state and national politicians has called on him to step down. The state legislature on Monday took the first steps to start impeachment proceedings, and state attorney general Lisa Madigan has appealed to the Illinois Supreme Court to invoke an obscure law to declare Blagojevich unfit (at least temporarily) for office. Over the weekend, there were media reports that Blagojevich could resign as early as Monday. But late Sunday, his spokesperson denied any

such thing, and others insisted that the governor, who claims he has done nothing wrong, will fight the charges with a new lawyer who doesn't shy away from taking the toughest cases to trial (and who happened to represent a co-defendant of Blagojevich's scandal-stained predecessor, George Ryan, who himself is currently sitting in a federal penitentiary).

Quinn has been more than a tad outspoken since U.S. Attorney Patrick Fitzgerald's office filed the 76-page complaint last Tuesday. At various times, he has said that "Illinois is in crisis" and that "when you have all five constitutional officers, when you have members of Congress, when you have the U.S. Senator from Illinois, Richard Durbin, when you have the President-elect urging you to step aside, I think that's about as high as you can go."

On Sunday, Quinn and Madigan made the rounds of national talk shows, saying the evidence and allegations against Blagojevich — that he engaged in pay-to-play politics for years, tried to purge the Chicago *Tribune* editorial board and, perhaps worst of all, tried to auction off a Senate seat — made it all but impossible for him to govern. "I hope the governor does resign," Quinn said on NBC's *Meet the Press*. "I think that's best for the people of Illinois, as well as for himself and his family."

By most accounts, Quinn hasn't even spoken to Blagojevich — with whom he was twice elected, in 2002 and 2006 — in more than a year. At one point, as Quinn was pressing the governor over taxes and electricity rates, Blagojevich said Quinn was no longer a part of his administration. "Quinn is known as a gadfly," Blagojevich told a radio station last year. "That's one of his charming qualities."

For his part, Quinn said on *Meet the Press*, "I tried to talk to the governor, but the last time I spoke to him was in August of 2007. I think one of the problems is, the governor did sort of seal himself off from all the statewide officials, [from] attorney general Madigan and myself [to] many others, and that's no way to govern. You have to be able to reach out and touch people and listen."

Quinn is far from the only Illinois pol who carefully kept his distance from the governor as it became clear that the feds were investigating his administration. But for Quinn, who turns 60 on Tuesday, it may not have been simply a political calculation.

Cut from the mold of a 1970s post-Watergate maverick politician, Quinn has long been viewed as a serious-minded, if eccentric, reformer. In his 30s, after graduating from Georgetown and Northwestern, he tried to amend the state constitution to allow residents to enact laws through referendums. He once urged people to inundate former governor James Thompson's office with 40,000 tea bags to beat back postelection pay hikes. These days, he draws attention to the cause of veterans by hosting a website called [Operation Homefront](#). (Meanwhile, he slips into the funerals of soldiers almost unnoticed.)

"He's unpretentious, thoughtful, no show," says Kevin Conlon, a political consultant here who was state chair of Howard Dean's presidential bid four years ago. "He's this Irish Catholic, zealous guy who never lost that passion from his young years as a lawyer and politician. It's a calling."

Still, as much as he battles the establishment, Quinn is not exactly an outsider. In addition to serving as lieut. governor, he has been state treasurer, he has served as a commissioner of the Cook County Board of (Property) Tax Appeals and he did a brief stint as revenue director under the late Chicago mayor Harold Washington. In office, he has pushed environmental causes, veterans' affairs issues, consumer and taxpayer rights, and health-care matters. But the whiff of scandal has hit him too. While a state treasurer from 1991-95, he accepted nearly \$20,000 from a company tied to Tony Rezko, a now convicted Blagojevich fundraiser and controversial area developer who also backed Obama early in his political career. When questioned about the money — as well as previous dealings with the disgraced Rezko — during the last election cycle, Quinn said he would contribute the Rezko funds to charity.

And, not surprisingly, in a state where bare-knuckle politics is the norm, Quinn's crusading nature hasn't always endeared him to his peers. He has been called everything from a demagogue

to a fool. As far back as 1980, in a profile of Quinn for *Illinois Issues*, a political publication run by the University of Illinois, the writer questioned whether Quinn, then heading an organization advocating for increased grass-roots political power, was a “gadfly or hypocrite.” The piece was titled “Pat Quinn — A Man Politicians Love to Hate,” and it quoted him as saying, “I’m like a rolling stone gathering the moss of legislative opposition, but it doesn’t bother me that much. I do it because someone has to try to make things better.”

Even if Quinn does end up replacing Blagojevich, the process of making things better may not include his appointing Obama’s replacement. In the wake of the scandal, there are growing calls to let the people of Illinois decide whom to send to Washington, no matter who is in the governor’s mansion. State Republican Party leaders are launching a TV campaign to make the case that a special election should be called to fill the vacancy, and Blagojevich, clearly in a bargaining mood, has indicated that he might be willing to sign such a bill. “Blagojevich Democrats like Pat Quinn did nothing to stand up to Governor Blagojevich and his ethical lapses,” Joe Birkett, the DuPage County state’s attorney, told the *Chicago Tribune*.

Quinn’s behavior since the Blagojevich case was revealed has been called into question. Critics have suggested that he has been making a naked power play by initially supporting a special election for Obama’s Senate seat, only to then support a speedy impeachment process so he could make the appointment himself. The lieut. governor tried to square those two positions over the weekend.

“I saw a bill on Friday night that would provide for a temporary appointment to the U.S. Senate until we could have a special election. I am concerned that we always have two Senators from Illinois representing us in Washington, and I think it’s very important that whoever is governor get an opportunity to appoint at least a temporary person until an election could take place,” he said on *Meet the Press*.

Quinn would not have a long stint in office before having to think about running for a full term in 2010. Perhaps ironically, among those jostling for the executive suite is Madigan, who is

considered by some to be a front runner for the job — and whose father, Illinois house speaker Michael Madigan, decided Monday that impeachment proceedings will go forward.

It would be fitting for a man who has made a career of campaigning against career politicians to make a short stay of it in the highest office in the state. But Quinn will still have to work hard to live up to his own code of conduct. As Blagojevich and his predecessors have shown, it doesn't take too long to be corrupted by the same power that has swallowed four of the past eight governors.

Will Burris Be the Next to Fall in the Blago Scandal?

by [Eric Ferkenhoff](#)

One can forgive the voting public of Illinois for not knowing whether to laugh or cry these days.

Just when it seemed that the [Rod Blagojevich](#) corruption scandal might actually recede from the spotlight, with the accused governor [booted out of office](#) and his seemingly unimpeachable Senate pick [Roland Burris](#) firmly ensconced in Washington, comes another baffling chapter in the saga. ([See pictures of the remarkable world of Rod Blagojevich.](#))

Worse yet, the latest accusations of impropriety concern Burris himself, a former state attorney general who was appointed the state's junior Senator last month over [initially loud objections](#) from fellow Democrats and Republicans in Washington and Springfield. Burris eventually won the nod of party leadership in Washington on the basis of his long, unblemished record of public service and strong denials that he had ever bargained with Blagojevich, who allegedly tried to sell Barack Obama's senate seat (a charge Blagojevich denies). But as he returned home this past

weekend to kick off a listening tour of the state he has represented for over a month, Burris suddenly faced tough questions regarding his own possibly conflicting statements about whether he had had contact last fall with Blagojevich's brother about raising money for the governor. And so now, after a whirlwind six weeks that saw the governor defiantly resist calls to resign before finally being ousted, resignation calls are echoing again.

The controversy over Burris stems from the testimony he delivered on Jan. 8 to the [House panel that impeached Blagojevich](#). His appearance came after Blagojevich [surprised all observers](#) by making the appointment but before the Illinois Secretary of State had agreed to certify the nomination and the U.S. Senate had accepted Burris into its exclusive club. At the time, Burris testified that he had not had contact with Blagojevich's brother, who was the Governor's chief fundraiser and is also reportedly under federal scrutiny for allegedly putting the squeeze on Senate hopefuls (a charge he, too, has denied). After his testimony, Burris said: "I feel I passed the test with flying colors. I have nothing to hide."

But since then, Burris has amended his testimony in a sworn affidavit with the House's impeachment panel chair, outlining multiple conversations he had in fact had with Blagojevich's brother and other of the governor's lieutenants, which included requests for him to raise cash. The Chicago *Sun-Times* first disclosed [the inconsistencies](#) in a weekend report. The paper then suggested Monday that Burris only came clean after being contacted about the matter by federal investigators, something Burris denied Monday as "absolutely, positively not true." ([See the Top 10 Scandals of 2008](#).)

Burris, who told reporters that he "conducted myself with honor and integrity," stated that he never did do any favors for the Governor and that the impeachment panel simply didn't give him the chance to answer the questions fully — a claim that is getting roundly dismissed this week by state Republicans and Democrats alike. It's also one that even Burris has now contradicted. While saying "I have absolutely nothing to hide — I have done nothing wrong," Burris acknowledged this week that he in fact did attempt, albeit unsuccessfully, to raise cash for the embattled governor even as he was making his interest in the potential appointment known,

though he maintained there was nothing improper about his actions. “I welcome the opportunity to go before any and all investigative bodies,” he told reporters Tuesday.

These shifting explanations have once again made Illinois a laughing stock. Many Republicans in the state, who since the scandal began have been pushing a special election instead of an appointment, are calling for Burris’ resignation. Senate Democrats in Washington, who already thought Burris would be a weak candidate for reelection in 2010 before this latest flap, aren’t exactly rising to his defense. Even top state Democrats — [including House Speaker Michael Madigan and his daughter, Attorney General Lisa Madigan](#) — are asking for a criminal perjury investigation by the State’s Attorney for Sangamon County, which covers the capital where Burris testified. Late Tuesday, after the elder Madigan turned over reports and officially referred the case to State’s Attorney John Schmidt, Schmidt’s office released a statement saying “the matter is under review by this office.”

Others are calling on the House panel that led the impeachment to conduct its own inquiry. And at least one Illinois Democrat has asked the U.S. Senate to launch its own ethics investigation into Burris. Though Majority Leader Harry Reid is unlikely to take any action while state legislators are looking into the matter, the Senate Ethics Committee will likely begin a preliminary inquiry.

“It’s incredibly stupid on Burris’ part not to be completely forthcoming. This doesn’t fly,” said Kent Redfield, a political science professor at the University of Illinois at Springfield. “They may not have asked him the right questions, but he had an obligation to restore people’s faith in the system. If there’s bad news, you can contain it, deal with it. Now he’s created a situation where people are wondering: when are you telling the truth.”

So far, Burris is showing no signs of voluntarily giving up his seat. In fact, he has stressed that he is the victim and that the media is threatening to destroy his hard-earned reputation. On Monday, Burris made his resolve clear by visiting with his political base in the state’s African-American community, which rallied behind him when senate leaders like Harry Reid were initially wary of

accepting Blagojevich's appointment. "We put him in, and we're going to keep him in," Rev. Willie Barrow, a leader of the Rainbow/PUSH Coalition, the civil rights organization where the senator served as national executive director three decades ago, told reporters.

That means that this latest controversy isn't likely to go away any time soon, and that Illinois' elected representatives will once again be distracted from the [pressing business of running the state](#). "You think it's all over, then we're dumbfounded," said Republican House Leader Tom Cross. "I almost thought we had hit rock bottom with the last two governors, almost like an alcoholic or some other addict hits bottom before gathering himself together to get better, get some discipline and climb out of it. Maybe, hopefully, we've hit it now." After the last couple of days, no one in Illinois is willing to call the political bottom.

An Illinois Dynasty Versus Blagojevich

by [Eric Ferkenhoff](#)

Michael Madigan is certainly a man who likes to, and quite often does, get his way in the state of Illinois. For most of the past three decades, he has alternately served as House majority leader, House Democratic leader and Speaker of the House of Representatives. He currently holds the latter position as well as serving as head of the state Democratic Party. And while he can be combative in his approach, he regularly earns as much praise as disdain from the other side of the aisle for his skill at maneuvering the state political structure. But rarely has he had to endure a challenge as politically daunting as now, after appointing a 21-member panel to start impeachment proceedings against [Governor Rod Blagojevich](#), who earlier this month was accused of various corrupt acts, most notably trying to sell President-elect Barack Obama's vacant Senate seat to the highest bidder.

So Madigan surely couldn't have been pleased earlier this week when his plans were somewhat derailed by U.S. Attorney Patrick Fitzgerald, who asked Madigan's committee to hold off on interviewing witnesses and exploring the criminal allegations of Blagojevich's two terms in

office in order to not compromise his investigation. Blagojevich and his top aide, John Harris, have been charged in a 76-page criminal complaint, but no indictment has yet been returned. ([See TIME's top 10 scandals of 2008.](#))

The move effectively stalled the impeachment hearings that just began last week and have cast Madigan onto the national stage. The hearings are slated to resume Monday, when [Blagojevich's defense attorney Ed Genson](#) is set to appear and try to rebut charges he and his client say are totally without merit. But it's not clear at this point what will happen, since the scope of the inquiry has been seriously limited. Still, Madigan may get some of what he wants — federal prosecutors are reportedly considering allowing the panel some access to the actual wiretapped tapes of Blagojevich allegedly plotting his schemes.

Thin and wary of media exposure despite his high profile, Madigan, 66, quite simply, is Illinois politics. Legislation halts, or dies, without his blessing, much the same way as politics goes nowhere in Chicago without Mayor Richard M. Daley giving the nod. His power is amplified by his being the head of an emerging Illinois political dynasty — his adopted daughter Lisa is the hard-charging state attorney general who tried unsuccessfully to get the state supreme court to declare Blagojevich temporarily unfit to serve, and who herself is often touted as a future gubernatorial or even U.S. Senate candidate. “There’s just no question who’s in charge here,” says Kent Redfield, a political-science professor at the University of Illinois at Springfield. “There’s no question about authority. But he’s an intensely private person, and he guards his family’s privacy very intensely.”

A frequent critic of Blagojevich despite co-chairing the governor’s 2006 re-election campaign, Madigan made his position clear early in the case, which broke Dec. 9: “During these six days [since Blagojevich’s arrest] Governor Blagojevich has declined to voluntarily leave the office of governor. Quite frequently, I have stood in opposition to Governor Blagojevich, many times alone. However, my record of opposition to the governor and the governor’s policies and programs will not stand in the way” of a fair hearing.

Not everyone believes it is so fair. Some state Republicans criticized Madigan for appointing 12 Democrats and only nine Republicans to the investigative panel, which is charged with the task of making a recommendation as to whether the state senate should hold a full impeachment trial.

Blagojevich's colorful, feisty attorney Genson rebuked the panel on the first day for having already made up its mind about his client, calling the entire process "Alice in Wonderland."

Madigan and House Dems were also criticized by some Republicans for refusing to take up a bill that would have put in place a special election for Obama's vacant Senate seat rather than leave it open to appointment. Their defense was that it would be prohibitively expensive to hold a vote, especially since candidates would have to run again in 2010, when Obama's current term expires. (As it stands, no one knows how and when the seat will be filled, since Blagojevich has made it clear he is not going to make the appointment under the current cloud.)

Madigan, a graduate of Notre Dame and Loyola University Law School, got his start in politics as a ward leader from the working-class and politically powerful southwest side of Chicago. He headed to the state capital of Springfield in 1970 as a delegate to the Constitutional Convention, or "Con Con" — the same body that helped craft the impeachment rules Madigan is now playing by — and really never left. Over more than 30 years, he has pushed through legislation on such issues as education, electrical deregulation, child-predator laws, medical and mental-health care and, recently, a transportation tax that had him butting heads with union officials over pension and retirement issues.

For all their power, the Madigans don't exactly embrace the notion that they constitute a political line of succession. "Calling them a dynasty, I don't know if that's unfair," says the elder Madigan's spokesman Steve Brown, who has been with his boss for 26 years. "He's powerful, but he wields that power with respect and, more importantly, by talking to people. He doesn't use his power as a big hammer over someone's head."

But his backing of his daughter's career has sparked some criticism, especially during her 2002 bid for the AG's office. Of all the races that year, hers was the single candidacy endorsed by the state Democratic Party and the only one it helped to fund. The now 42-year-old former state senator and lawyer, a graduate of Georgetown and (like her dad) Loyola Law School, took some degree of heat for her inexperience when she won the post; it didn't help matters that she had to return \$25,000 in campaign donations from what turned out to be a bigoted rock band, though she did wisely donate the cash to anti-hate groups. "He really did go out and put the arm on people to raise money," says Redfield, who knew and briefly worked with Michael Madigan in the 1970s and '80s.

As Joe Birkett, a Republican state attorney from DuPage County (outside Chicago) puts it, Madigan demands respect and gets it. "I've had the chance to work with Michael Madigan for some years, and while I've felt on some occasions that he has helped ax my bills, there have been years when he has brought them through — allowing the state to do more to protect our children, for example."

Those diplomatic words come from a man many are expecting will put up a fight for the governor's mansion in 2010, when Lisa Madigan is also expected to run. When asked whether he would have made the same move as Lisa Madigan in trying to get the governor ousted, Birkett insisted he would not. "Illinois is currently the laughingstock of the nation," he claimed. It was a power play by the AG, he said, and one that stood little chance of success since it requires some proof that the governor is somehow incapacitated — not just allegedly corrupt. "I'm aware of the rule, but I would not have. It has nothing to do with a public-opinion nightmare, which the governor has; it has to do with a mental or physical disability. You don't use your position as a public office for making press releases."

In short, Birkett claimed, Lisa Madigan attempted to dislodge her rival, whom she never endorsed during his 2006 re-election bid, from office. Well before the Blagojevich case broke, her office opened probes into hiring practices in the governor's office — an investigation she reportedly turned over to the feds in 2006 at Fitzgerald's request. Madigan also earned a regional

reputation for attacking the local meth problem by coordinating with other states to help blunt the siege of the drug and impose tough penalties on people buying ingredients to produce it, and a national profile for going after such mortgage giants as Countrywide Financial for defrauding customers with questionable loans. She has been much more willing than her father to open up to and use the media to her advantage. But the Blagojevich case is showing them both that corruption scandals can be a vexing matter even for the politicians standing on the supposed high moral ground.

The Blagojevich Circus Comes to the State Senate

by [Eric Ferkenhoff](#)

For all the ridicule that the state of Illinois has suffered since the corruption scandal of its governor was first revealed, for all the jokes made at the expense of the Land of Lincoln's long, sordid history of graft, there is one thing that is often overlooked: [Rod Blagojevich](#) is the first governor of the state to be impeached.

Today's start of the feisty Chicago native's state senate trial, which will determine whether he is thrown out of office, is therefore a historic occasion. And like any media-savvy politician, Blagojevich isn't about to let history pass him by.

Sure, technically he won't be in attendance, and the betting is he could be ousted within a week. Blagojevich has made no secret of his disdain for the proceedings, calling the trial (which is separate from the ongoing federal criminal probe) the equivalent of a lynching and his inability to call witnesses a "trampling of the Constitution." But his outrageous media appearances and unpredictable moves have kept Blagojevich the unrivaled star of his own reality show, making the jury of his peers in state government look feckless by comparison. ([See a gallery of politicians caught in scandals.](#))

In fact, Blagojevich's circus-like behavior since he was charged has angered and dismayed his colleagues in Springfield almost as much as the acts he is accused of committing, most notably trying to sell [President Barack Obama's](#) U.S. Senate seat. Not only did he refuse to go quietly by resigning, but he has steadfastly denied any wrongdoing, accusing legislators of plotting to overthrow him so they can push through tax hikes and generally bully all future governors. Blagojevich then surprised all observers by going ahead with an appointment to replace Obama; his choice of [Roland Burris](#), a veteran African-American politician of impeccable credentials, turned out to be a shrewd move that Senate leaders in Washington reluctantly had to accept. And his stunning press conferences, during which Blagojevich has quoted poetry and presented himself as a defender of the ill and infirm, have made the entire impeachment process seem like a joke.

Blagojevich followed the same kamikaze strategy on Monday, appearing on GoodMorning America (where he said he had briefly considered appointing Oprah Winfrey to Obama's Senate seat) and The View. In a pretaped interview for NBC's Today Show, he tossed out names like Gandhi, Nelson Mandela and Martin Luther King Jr., saying they gave him "perspective" in the storm that has erupted around him.

"Cuckoo" was the response of Chicago Mayor Richard M. Daley after Blagojevich's latest news conference on Friday, the same day that Blagojevich's top defense lawyer, Ed Genson — never one to give up a fight — [threw in the towel on the governor](#). "I have practiced law for 44 years," Genson said to reporters. "I never require a client to do what I say, but I do require clients to listen to what I say." Among other things, Genson said he wasn't being included in key decisions on whether to file suit to attempt to block the impeachment trial.

Still, for all the governor's antics, some serious business will take place on Monday afternoon. The 59 members of the senate — 37 Democrats and 22 Republicans — will gather to begin considering the 13-point article of impeachment, with 40 votes needed for conviction. Some of the alleged offenses have nothing to do with the case laid out by federal prosecutors, including ignoring hiring laws to put political buddies in nice jobs and ignoring the will of the legislature

by going ahead with expanded health-care programs. The senate has set aside 10 days for the trial, but given that the defendant isn't likely to show up, it could be much quicker.

David Ellis, the chief attorney for house speaker Michael Madigan, will prosecute the case. He was scheduled to call as many as 13 witnesses, including an FBI agent who has been allowed to testify, and he will likely play tapes of recorded conversations with Blagojevich — from some of the thousands of hours of often crude conversations that the government has recorded to pursue its criminal case against Blagojevich for allegedly engaging in widespread pay-to-play politics.

“We have taken this very seriously. We’ve looked to the Clinton impeachment to figure out what’s fair. But it’s time to be statesmen,” said Republican Matt Murphy. “This is about a lot more than just one guy, even if these last days have been pretty consistent with the way he’s been acting the past six years. This is no joke. It’s especially no joke to the people of Illinois.” ([Read “Where Are They Now: The Clinton Impeachment.”](#))

Of course, grudges could come into play, and this is still a political, not a criminal, trial. But senate president John Cullerton was equally blunt, saying that playing politics with the trial could come back to bite the same senators sitting in Blagojevich’s judgment.

“We take it seriously, and the rules we have adopted are fair,” said Cullerton on Sunday night, adding that the proceedings were most closely matched to the Clinton impeachment hearings, with the exception that there will be a prosecutor instead of house managers. “I don’t talk about the case or the outcome, just the rules. And the governor said the rules were unfair; we disagree with that. We could potentially be victims of impeachment if this was done in a political manner and not a professional manner. The rules could be used against us.”

How Will Blagojevich Defend Himself in Court?

by [Eric Ferkenhoff](#)

With the Illinois House's vote by an overwhelming margin today to impeach [Rod Blagojevich](#), the Illinois governor is assured of having to face at least one trial: in the state senate. But the criminal case against him is also continuing to percolate, if on a delayed schedule.

Today was also the original deadline for an indictment, one that would most likely lay out the charges in greater detail than initially put forth in the 76-page criminal complaint filed by [U.S. Attorney Patrick Fitzgerald](#) at Blagojevich's arrest. But four days ago, a federal judge for northern Illinois granted Fitzgerald's request for a 90-day extension. "The ends of justice served by the extension," according to Chief Judge James Holderman, "outweigh the best interests of the public and the defendants to a speedy trial." He set the new deadline for April 7. ([See TIME's gallery of politicians outed in scandals.](#))

In filing the motion for an extension, Fitzgerald revealed that the investigation, begun in 2003, involves many more suspects than the two thus far charged — Blagojevich and his resigned chief of staff John Harris. Reports are surfacing that the probe is widening beyond the governor into the dealings of his brother Robert, who ran his campaign fund. The motion also noted that "thousands of phone calls were intercepted between late-October 2008 and early-December 2008," that confidential witnesses were used as part of the case and that "multiple witnesses have come forward in recent weeks to discuss their knowledge of criminal activity." Holderman, in a separate hearing Monday, ruled that parts of taped conversations can be released to the defense, though redacted by the feds.

And so, in requesting his extension, Fitzgerald seems to have handed [Blagojevich lead attorney Edward Genson](#) a good chunk of information to play with before April 7. Just how will Genson and his team defend the governor against the charge that he attempted to sell Barack Obama's Senate seat and other corruption allegations?

John Marshall Law School professor Ronald Smith describes Genson and his team as "verbal elbow throwers" who meticulously strategize and specialize in crafty back-and-forth before the

jury. And Genson has already begun throwing elbows. On Thursday, his team asked Holderman to remove Fitzgerald and his entire prosecution crew because of a purported violation of a pretrial publicity order. (“Meritless,” said the prosecutors.) Genson has also loudly pushed his claim that the government’s case is much ado about nothing. Sure, the governor was heard talking of selling Obama’s seat to the highest bidder, talking of getting Chicago

Tribune editorialists fired for being too harsh on his administration and talking about trying to put the squeeze on a children’s hospital and on the *Tribune*, which was looking to sell the Cubs with state help. But does mere talk constitute a crime? “Genson can argue it was [just] talk, and absent any act, there’s no crime,” says Andrea Lyon, a professor of law at DePaul University and former head of the Illinois Association of Criminal Defense Lawyers. “It’s a First Amendment issue.”

[Fitzgerald will undoubtedly argue](#) that the talk itself *was* a crime. Says Lyon: “The prosecution’s position, as I understand it, is the offer to take a bribe or something of value is the completed crime because it’s depriving the people of the state of the right to honest service.” Such statutes have become broader, allowing lawyers greater reach in how to interpret such talk. “It used to be quid pro quo. That’s what people were looking for. Not so anymore.” Smith, a former prosecutor who has taught federal criminal law for 15 years, explains: “The question is whether something was promised or something was expected. The courts realize there is a right to give, a constitutional right to support your candidate with money. But now we’re into the gray area. When is there an expectation of a reward [for having provided that monetary support]? When does the politician or the donor cross the line? It’s not clearly spelled out.”

According to legal experts, the crux of the legal arguments may focus on parts of the taped conversations that aren’t getting much attention now, dialogue that helps define [the nature of all the pay-to-play politics talk](#). Defense lawyers will argue that politics is politics and that you can’t hold someone criminally accountable for playing by the rules of the political game. Genson tried — unsuccessfully — to make the same point at the trial of Lawrence Warner, a co-defendant of Illinois’ disgraced and incarcerated ex-governor George Ryan.

Smith suggests that Genson will probably try to get the jury to parse not just the words but what was intended by a conversation. “Who knows what’s going on in somebody’s mind when they say certain things?” says Smith. “But a jury is permitted to get into their minds and make a finding.” Such a strategy would characterize Blagojevich and his co-defendants as experienced political operators who “made it to the top of the game; they’re not losers. But one day they woke up to find out the rules had changed, and they can’t believe that they’ve committed a crime.”

Whatever the defense strategy, the trial is likely to be good theater. Genson and Fitzgerald have already been trading jabs in the legal back-and-forth during the impeachment proceedings and in the run-up to the indictment. They are playing to an audience that extends far beyond a potential jury pool, says Jack Doppelt, a lawyer, investigative journalist and professor at Northwestern University. All the talk of prosecution and defense what-ifs has an effect on constituents, who in turn talk to their political representatives, who can put pressure on other public officials. And all the talk has an effect on the shape of Fitzgerald’s and Genson’s strategies. “Everything they do, everything they say, creates a ripple in all these arenas,” says Doppelt. “Both sides, every time they make a move or a statement, they reach out to every single one of these audiences.”

Chicago's Toughest Cop Goes Down

by [Eric Ferkenhoff](#)

Few stories have so shamed this city as that of Jon Burge, the former boss of Chicago detectives who earned much fame for their work on the toughest cases. Very simply, he and his underlings seemed to solve nearly every investigation thrown their way during much of the 1970s and '80s, from cop killings to serial rapes. How did they get their answers? According to dozens of civil lawsuits and the claims of more than a hundred suspects, it was by force — sometimes a cattle prod held to a man’s groin, or a burn caused by a radiator. One suspect said he was electrocuted during interrogation. Another says Burge forced him to play fake Russian roulette. Over the years, hundreds of similar stories emerged, some with enough merit that they factored large in

former Gov. George Ryans decision to declare a moratorium on executions in Illinois in 2000 and clear the states Death Row in 2003.

Those stories have been the focus of a four-year, \$7 million investigation by special prosecutors, who released their findings Wednesday. Authors of the 292-page report, top prosecutors Edward J. Egan and Robert D. Boyle, said they had enough evidence to prove crimes against Burge and others, but “regrettably” could not bring charges because the statute of limitations had passed. After reviewing 148 cases, they said found three cases where they could prove in a court of law that Burge and four other officers were guilty of dereliction of duty, mistreatment of prisoners and abuse.

Burge’s attorney has said that Burge never tortured anyone, and Burge did not return a message from TIME left at his home. He keeps a residence in Florida, where he ignores phone calls and knocks on his door for comment. It’s a far cry from his days on the streets, where his approachability earned the gruff cop a spot as a favorite among colleagues and reporters. Chicago through and through, Burge, now 58, is the son of a phone company worker and fashion journalist who joined the Army, served in Vietnam and then fell in love with policing. From beat cop in 1970 to commander of South Side Chicago’s detectives in the early 1980s, he earned commendations like snacks. He was a cops cop, a reporters cop and a city’s hero.

But as evidence began emerging that Burge enforced a quite unique form of justice, he was suspended in 1991. Two years later, he was fired, after city attorneys stood up before the police board and alleged that Burge and his crew coerced confessions out of people — including Andrew Wilson, who said he was forced to confess to the murders of two cops.

Over the years, the city has had to switch seats and take the side of the police, disputing that the city of Chicago should hand out a nickel over such claims. But Chicago has paid, and dearly — attorneys’ fees and settlements have totaled in the millions — after concerns were brought by politicians and civil and human rights groups, including Amnesty International. Egan and his chief deputy, Boyle, were appointed in April 2002 by the countys chief criminal judge

specifically to investigate Burge after much community outcry that stemmed from repeated media reports on the alleged crimes.

Egan and Boyle's report has been eagerly awaited by many, but others feared what it would contain. Last month, the court haggled over whether to release the report at all. In late June, the Illinois Supreme Court denied a request by a person concerned he would be named in the report who wanted it to remain secret.

Now that the report has been released, some bigger names may also take cover. Chicagos Mayor, Richard M. Daley, was the countys top prosecutor when some of the allegations were being made against Burge. The current top prosecutor, Richard Devine, was a top Daley aide and, while in private practice, defended Burge in at least one lawsuit. Devine had disputed the need for a special prosecutor. Neither has responded directly when asked why Burge was never prosecuted. Boyle said that Daley cooperated with the special prosecutors' investigation. Boyle also said that they believe Daley's explanation that he was aware of the abuse allegations, but delegated the responsibility of investigating them to people who worked under him in his office.

Some are angered that Daley and Devine were not held culpable. "This report is a joke," says Frank Avila, an attorney for Aaron Patterson, who is suing the city for allegations of abuse by Burge and his men. "It is a sham by politically connected attorneys to protect the politically powerful." Meanwhile, Egan and Boyle said they have turned over their evidence — 33,000 documents and testimony from 700 witnesses — to the office of U.S. Attorney Patrick Fitzgerald, who could bring conspiracy or similar charges under federal law. A spokesman for Fitzgerald says his office won't make a decision until digesting the report.

How Daley's Minimum Wage Victory Could Mean Defeat

by [Eric Ferkenhoff](#)

Over his 17 years in office, Mayor Richard M. Daley has lorded over the Chicago City Council with such power and certainty that it is big — really big — news when aldermen dare say no to an ordinance he is pushing; or, for that matter, yes to an ordinance he had lobbied against. In fact, of the roughly 5,000 votes between April 2003, when the current council took office, and the end of last year, there were only 29 divided votes.

So at a time when the mayor was already considered vulnerable because of federal corruption investigations at the doorstep of his office and potentially tough running mates in next February's election, it came as quite a slap to his standing when the council signed off in July on a bill to raise substantially the wages and benefits of workers at such big-box retailers as Target, Wal-Mart and Home Depot. The vote — 35 to 14 — was such an aberration that Daley had to resort to a tool he had never been forced to use before: the veto. However well-meaning it may have been, Daley argued, the measure would disproportionately hurt the black worker by keeping capital out of poor neighborhoods and cut into the city's overall financial well-being by shutting out retailers that generate some of the highest revenues — and taxes — of any business.

And on Wednesday Daley showed that he can still flex muscle like his legendary father, when the council failed to override his veto, killing the living wage ordinance for now. Those aldermen who did switch sides secured the victory (the 31 votes to override — versus 18 who backed it — were three shy of what was needed), and said they had simply changed their minds. But City Hall insiders said there was no doubting Daley did some nudging to wrestle the necessary votes from the trio of politicians usually thought to be in Daley's camp. "Everyone wants a living wage, but it has to be statewide," Daley said after the council vote, stressing that issues of hiking wages and benefits should be the purview of state and federal officials — a noticeable shift of thinking for Daley, who usually boasts about piloting the big programs such as housing and education on his own.

The measure's backers, including co-sponsor Freddrenna Lyle, have suggested the ordinance could end up on a referendum in the February elections, and co-sponsor Joe Moore has promised to breathe life into an even wider plan covering more businesses as early as the next council

meeting in October. Groups such as the Chicago Coalition for the Homeless, which joined in a massive rally at City Hall Wednesday, have promised to take the fight to state and federal officials to increase wages across the board.

Still, the minimum wage standoff was viewed by almost everyone through the wider prism of Daley's political future. Dick Simpson, the chair of political science at the University of Illinois at Chicago, said that Daley's power is waning at a critical time. "He can still raise millions and has thousands of patronage workers," Simpson says. "But he doesn't have the kind of control that he had before."

Daley hasn't officially announced his candidacy for a sixth term, but he has sounded very much the candidate in recent months. He has talked up his record of taking over and improving one of the nation's most troubled school systems, as well as its pathetic public housing system by wrecking the high rises that imprisoned so many in poverty for so long. He also hasn't missed many opportunities to tout the city's falling crime rates, especially murder, or his campaign to turn Chicago into the envy of many cities for its [greening efforts](#).

Leading up to this week, Daley had dropped hints that he was ready to pull rank over the council. But it was far from clear that he would actually spend such political capital at a tenuous time in his career. His patronage chief was convicted earlier this year for doling out political hires, and rumors have swirled that the probe by U.S. Attorney Patrick Fitzgerald was edging even closer to Daley himself, who has always steadfastly denied any wrongdoing. Aides say he's in the clear, safe, and eminently electable.

"The mayor won today," Simpson of UIC says, "but the surprising thing is that 31 aldermen voted against the mayor here. The aldermen are more afraid of the community groups than they are of the mayor. He won nearly every vote that came before the council during this council's term, but already this year there have been at least six divided votes."

Just last week, Democratic Congressman Jesse Jackson, Jr. announced — finally — that he is doing what everyone expected: exploring a run for the top job in America's third largest city, a job that has been held by a Daley for 38 of the last 50 years. Also in the running is Dorothy Brown, the popular clerk of the Cook County Circuit Court, and rumored to be in a bid for the job is Democratic Congressman Luis Gutierrez.

But observers believe it is Jackson, the son of the civil rights leader and former presidential candidate Jesse Jackson, who poses the greatest threat to Daley. He is more moderate than his often fiery father, and he is thought to have solid backing in both the black and white communities (Daley has traditionally polled very well in the black community, as well). Well spoken, full of charm, he has deftly avoided scandal and has challenged Daley on some of the more divisive issues in this city in recent years, including the living wage ordinance, which Jackson supports, and the possibility of a third airport in the suburbs Jackson represents, which Daley opposes. And if Jackson can pull it off, then Daley might finally know a little bit of what it feels like so often for many of the minimum wage workers the retail measure was aimed at — out of a job and unable to call the shots.

A Break in the Deadly Drugs Case?

by [Eric Ferkenhoff](#)

For months now, police in Illinois have joined forces with officers from other Midwestern cities, federal agents and even Mexico to chase a rabid killer — a silent but deadly assassin that has so far claimed at least 70 lives in and around Chicago, as many as 200 others in the Detroit area and dozens more in states from Missouri to New Jersey. But the suspect isn't a serial killer; it's a lethal brand of the drug fentanyl, sometime mixed with an already potent batch of heroin, or even cocaine or alcohol.

If you want an indication of just how bad the outbreak of drug deaths has gotten in and around Chicago lately, just climb into one of the city's ambulances, which are now stocked with four times the usual amount of antidotes to handle such overdoses — if they get there in time. "I

never remember another outbreak of overdoses [like what] we have had in recent months,” says Chicago Police Superintendent Phil Cline. “Over one weekend, we had 24. More than 60 fatalities, and more than 700 overdoses. Even in the crack years, I’ve never seen it with the same deadly consequences.”

Authorities hope they may be one step closer to putting a stop to it; a police source told TIME Friday that a major operation that could wrap up as early as next week may tip the investigation. Officially, they said Friday that a big step was taken with the bust of a 26-year-old man taken into custody earlier this week. Frank Limon, Chicago’s chief of organized crime, described the man, who has yet to be charged, as a potentially crucial link to larger dealers and perhaps the root of the outbreak. While overseeing operations on Chicago’s West Side and just southwest of the city, the man allegedly used children, including a teenage Russian girl, as runners because juvenile laws are more lax on those busted. “He’s like a street boss. We’ve moved up a level with this arrest,” said Limon.

Still, the suspect appears to be only a piece of a large, confusing puzzle that has seen monthly fatal overdoses in the Windy City increase by more than 50% since at least March. Chief among the confusion was that all the overdoses were initially blamed almost entirely on heroin.

“Everyone’s saying this is heroin causing the problem, but it’s fentanyl, which is an even more dangerous narcotic,” said Edmund Donoghue, the chief medical examiner for Cook County, which covers Chicago. “It seems to be getting them into trouble very fast,” mainly by interrupting breathing patterns and essentially causing the body to shut down. We’re finding people dying in their cars, not even making it inside. I guess the attraction seems to be a more powerful high.”

Officials said the deaths — ranging in age from young adults to people well into their 60s, mostly men — are hitting people of all walks of life, including victims from some 20 towns surrounding Chicago and also Detroit, where suburbanites trek along the expressways into the inner city to pick up the drug.

Dozens of operations, many undercover, to weed out the source of the drugs have been launched and police said they are having some luck getting lower-level dealers to turn on bigger catches. But they are careful not to promise too much, noting that arrests have been made, drugs have been confiscated, and conferences have been held in Chicago with investigators from the Midwest and even some East Coast cities. But so far, the scourge goes on, leaving police frustrated — and puzzled.

“We’re having difficulty understanding the attraction,” says Donoghue, the medical examiner, “because, frankly, they’ll die.”

Behind the Blagojevich Mess, a State in Disarray

by [Eric Ferkenhoff](#)

Governor Rod Blagojevich’s 47-min. closing statement at his impeachment trial was the only real hiccup in [the state senate hearings](#) that had gone very smoothly in his absence. “It’s painful to hold your tongue,” Blagojevich said of [the accusations leveled at him in December](#). But he insisted that he did not commit a criminal act, adding, “I didn’t resign then, and I’m not resigning now.” He went on, “You haven’t been able to show wrongdoing in this trial,” said Blagojevich, who called the proceedings an “improper impeachment not based on evidence” and hinted that he could call witnesses who might provide “political embarrassment to members of my party in Washington, D.C.” At the end, he [defiantly](#) warned of “the dangerous precedent of removing me ... If it can happen to me, it can happen to any governor ... it can happen to any citizen.” And then he left without taking questions.

Blagojevich had originally boycotted the trial, calling the proceedings, which began on Monday afternoon, a “kangaroo court.” That allowed prosecutor David Ellis to present his case at a steady clip without any real hitches. Witnesses testified, evidence was presented and the occasional wiretap tape played. Blagojevich’s soliloquy did not slow Ellis down. The trial moved swiftly to

a conclusion and the unloved governor was sent packing a couple of hours after what turned out to be his valedictory. ([See pictures of the remarkable world of Rod Blagojevich.](#))

If only the state as a whole functioned as smoothly as the trial. In a perfect — or at least normal — world, the Illinois legislature would convene next Wednesday to ready a budget that is due two weeks later and set to work drafting bills to help the state. On the to-do list: battle the effects of a plummeting economy, bolster schools and the small-business sector, shore up agriculture and deal with a host of environmental issues, from clean coal to protecting Lake Michigan. “Nothing’s getting done,” says state representative Patricia Bellock, a Republican who sat in on the monthlong process hearings that led to the trial. “Nothing.”

“We’re \$2 billion at least in debt,” says state senator Christine Radogno, head of the senate Republicans. “We have unpaid bills, we have less revenue coming in. Everything is literally at a complete standstill as we deal with this impeachment.”

Through it all, the governor, as he did at his closing statement, painted himself as a defender of the poor and infirm, someone who is being unfairly targeted by legislators who want to reverse his progressive health-care and social-welfare policies. Indeed, despite the criminal charges against Blagojevich (including allegations that he tried to sell Barack Obama’s vacant U.S. Senate seat), the trial is focusing on the governor’s alleged “abuse of power”: ignoring the wishes of the legislature by vastly expanding health care and other programs at a time when his critics say the state could least afford it. The governor is alleged to have gone around the legislature by simply ordering departments to carry out his directives — including bringing in prescription drugs from Canada and purchasing a flu vaccine outside of FDA supervision.

But the fact is that those same poor and infirm whom the governor claimed to be championing are those suffering the greatest because of the political paralysis brought on by his scandal. Funding at the state’s 29 long-suffering safety-net hospitals for the poor, for instance, has been or is about to be cut off, according to Bellock. “Every week, I’m getting calls of doctors in tears not

sure if they can treat a child,” she says. “The bills aren’t being paid, and the people are being turned away.”

Nursing homes, domestic-violence shelters and alcohol- and drug-treatment centers are closing. “Once these things, these agencies, close, even if you turn the money back on, they don’t spring back up,” says Radogno. “They’re gone, and we’re damaging the human services infrastructure in the state.” The cash flow at free clinics is drying up. And to make matters worse, the state’s credit rating is sinking — and there hasn’t been a balanced budget in years. As a result, the state has had to take out emergency loans to cover the deficit, and those payments — amounting to hundreds of millions of dollars — will be due in late winter and spring.

“We have a serious governance problem,” says Bob Reed, a top aide to [Democratic Lieutenant Governor Pat Quinn](#), who is taking over now that Blagojevich has been ousted. “So much attention has been focused on the impeachment and now the trial that everything else has been placed on the back burner.”

So what would Quinn — whose office has acknowledged that the state’s accumulated debt could be \$5 billion and climbing — do to get the state back on track? “The lieutenant governor has said the priorities are ethics reform, the economy and then the state budget crisis,” Reed says. “Any one of those would be enough for anybody, but taken together, it’s a tall order.”

Some legislative leaders have suggested that Quinn, once he takes over as governor, get an extension on filing the budget. “The budget underlies everything,” Radogno says. “It’s the priorities of the state. If we can’t have that, we can’t deal with these things.”

Lessons of the Schiavo Battle

by [Daniel Eisenberg](#)

Pat Robertson called the removal of her feeding tube “judicial murder,” and House majority leader Tom DeLay described it as an “act of medical terrorism.” Representative Christopher

Shays of Connecticut, one of only five House Republicans to vote against Congress's emergency legislation throwing the Terri Schiavo case into the federal courts, declared that "this Republican Party of Lincoln has become a party of theocracy." Operation Rescue founder Randall Terry, acting as spokesman for the parents of the severely brain damaged woman and making even his counterparts on the conservative right wince in embarrassment, inveighed in a mass e-mailing that Florida State Circuit Court Judge George Greer, who approved the request by Schiavo's husband to let her die, "has shown more courage in trying to kill Terri Schiavo than Governor [Jeb] Bush has shown in trying to save her." Just a few days before Easter, Brother Paul O'Donnell, a Franciscan monk and spiritual adviser to Robert and Mary Schindler, Schiavo's parents, said, "We pray that this modern-day crucifixion will not happen."

With Schiavo's life hanging in the balance, and people on both sides of the case holding strong beliefs about her right to live or die, passions were understandably running high. But as the endless barrage of inflammatory rhetoric and sometimes blatant posturing continued, the Florida woman at the center of the bitterly fought case seemed to have become a sideshow. "This is not about Terri Schiavo," says George Annas, chairman of the health law department at Boston University School of Public Health. "I think this is about abortion and stem cells. Congress wants to say that we need pro-life judges because the judiciary is out of control and favors death over life." Most Americans disapproved of the congressional action—and showed little faith in the stated, high-minded motives behind it. In a TIME poll conducted last week, fully three-quarters of respondents (including 68% of Republicans) said it was wrong for Congress to intervene, and two-thirds said they believed that Washington's action was more rooted in politics than principles.

Having conspicuously interrupted a vacation to return to Washington to sign Congress's bill in the wee hours of the morning—although he could have approved it from his ranch in Texas—President George W. Bush did not escape the public's displeasure. In TIME's poll, 70% disapproved of his role in the drama. As federal and Florida state courts continued to reject appeals from Schiavo's parents to reinsert her feeding tube, Washington may have started to get the message. Bush, DeLay and Senator Bill Frist of Tennessee were suddenly as quiet as the

Democrats had been all along; the Republican congressional leaders declined opportunities to speak about Schiavo on the Sunday-morning talk shows. “The winners of this are going to be the people who stop talking about it,” said a senior Republican strategist.

To many Americans, the idea that there could be any winners in this ugly and tragic family spectacle, filled with accusations of greed, abuse and adultery, must have been hard to believe. Beyond the heart-wrenching specifics of the case, the Schiavo controversy raised alarms for many about the federal government encroaching on states’ rights, individual rights and the judiciary, not to mention the role religion should play in politics and the legal system. Most of all, though, it got people thinking seriously about what it means to be alive or dead, and how they might prepare for their own death. Suddenly, couples gathered around the dinner table or getting ready for bed were discussing how they would want to be treated near the end of their life and making plans to draft a living will and appoint a health-care proxy. Almost 70% of the people polled by TIME said they would want their feeding tube pulled if they were in Schiavo’s situation, and some went to lengths to ensure they didn’t end up in the same predicament. One Florida attorney told friends he had just drafted a new living will that included the words “I really, really, really mean this,” and a Democratic political consultant says without joking that her new living will is going to include the words “Congress cannot overturn this by any legislation.” Of course, having a living will doesn’t guarantee it won’t be contested. In a Bucks County, Pa., court this week, a daughter hopes to prevent her mother from having a feeding tube put into her Alzheimer’s-afflicted father against the express wishes of his living will.

More than 15 years after she suffered cardiac arrest (from a potassium imbalance that may have been caused by an eating disorder), which deprived her brain of oxygen and left her in what most doctors have diagnosed as a persistent vegetative state, Schiavo has become a cause célèbre for the right-to-life movement. Already mentioned in all sorts of fund-raising literature, Schiavo is a symbol not just for those fighting the right-to-die movement but also in the battle over abortion, stem-cell research and judicial activism. “We’re replacing the sanctity of life with the quality of life in this country,” laments Ken Connor, Florida Governor Jeb Bush’s counsel in the Schiavo case.

Over the course of the nasty seven-year legal battle between Schiavo's parents and her husband and legal guardian Michael, he has insisted that his wife, who did not have a living will, had previously made clear her wishes not to be kept alive in such an incapacitated state. She has been dependent on a feeding tube, though not a ventilator, and according to most medical experts, lacks a consciously functioning brain. Although Michael Schiavo and the Schindlers were initially united in seeking extensive treatment for Terri's condition, the two sides have been estranged since February 1993, when they apparently had a falling out over the \$300,000 malpractice settlement that Michael won from Schiavo's gynecologist, who failed to detect the potassium imbalance that led to her collapse. (An additional \$750,000 from the case was put into trust for Terri's care, although Michael Schiavo's lawyers claim almost all of it has been used for medical and legal bills.)

Since then, Schiavo's parents exhausted every legal avenue to keep their daughter alive; their unsuccessful appeal to the U.S. Supreme Court last week was their fifth. Along the way, they have made a number of arguments, and all were rejected: that because of his relationship and two children with another woman, Michael should be removed as guardian—although, according to court documents, the Schindlers originally encouraged him to see other women; that as a devout Catholic, Terri would want to live—although they have also acknowledged in court that they might have disregarded her wish to die even if stated in a living will; that Michael was abusing Terri, charges he has vehemently denied; and that her condition has been misdiagnosed, that she actually has a minimal level of consciousness and, with more therapy, could get better.

Even a bill signed by Governor Bush in 2003 to allow the tube to be reinserted ultimately didn't help, since the measure, dubbed Terri's Law, was declared unconstitutional. By the time they were able to persuade Congress to give them another chance to be heard in the federal courts, her parents were arguing that Terri was being denied due process, contending that her rights under the Americans with Disabilities Act were being violated and even claiming that Terri had recently communicated that she still wants to live. While the Schindlers and their supporters charged that Terri was being starved to death, her husband maintained that Terri was in absolutely no pain.

Almost from the moment that DeLay first came up with the idea of subpoenaing Schiavo as a way to prevent the removal of her feeding tube, the saga has had elements of a political circus. There was Congress, convening a special session during the Easter recess to pass a bill crafted just for one family, giving Schiavo's parents a final avenue of appeal. There was President Bush, for the first time cutting short a rest at his ranch to sign a bill. Top Republican staffers on Capitol Hill told TIME that it took some lobbying by congressional Republican leaders, who Bush needs for his controversial Social Security reform and budget cuts, for the President to return on short notice in such a visible role. There were members of Congress, including some physicians like Senate majority leader Frist, earning the derision of the medical community by voicing their own views of Schiavo's condition based on little more than court transcripts and some grainy, heavily edited three-year-old videotapes. ("We're not doctors," Democratic Representative Barney Frank quipped. "We just play them on C-SPAN.")

There were protesters suggesting that Governor Bush should, in an eerie echo of the Elián González snatching that took place five years ago, forcibly remove Schiavo from her hospice to make her a ward of the state—with the help of the Florida National Guard if necessary. At one point, they almost got their wish. Agents from Florida's Department of Children & Families actually did begin to head over to Schiavo's hospice, but local police at the scene made it clear that they would not allow them in without an order from Judge Greer, who had previously enjoined the state from taking such a drastic action. In the end, Governor Bush, a devout Catholic who scored valuable points with the religious right with his dogged work on the case, reluctantly admitted that "my powers are not as expansive as people would want them to be."

On the Internet, conservative bloggers questioned whether an anonymous G.O.P. talking-points memo calling the Schiavo case "a great political issue" was in fact a fake cooked up by Democrats. And DeLay, for whom the Schiavo case served as a well-timed media distraction in the midst of his growing ethical scandals, told a private gathering of the conservative Family Research Council that "this is more than just Terri Schiavo. This is exactly the kind of issue that is going on in America ... attacks against the conservative movement, against me and others, to destroy everything we believe in."

Many voters reacted negatively to such bluster. In the TIME poll, 54% of respondents said they would be more likely to vote against their congressional representative if he or she voted for the recent Schiavo bill. Still, for all the speculation that Republicans may have overreached with their control of Congress, it is hard to imagine that many voters, especially moderate Republicans, will punish legislators for, in effect, trying to prolong Schiavo's life.

"All we did was allow Terri's parents to have the same privileges as an individual sentenced to death—an appeal to the federal courts," says Thomas Price, a Republican Representative from Georgia. That comparison is debatable, but there is no denying that the action will resonate with a small minority of committed members of the religious right. "For people for whom this is murder by the state in a grotesque and inhumane way, this will deepen and harden their energy and activism in ways that will last a lifetime," says former Speaker of the House Newt Gingrich, who while personally conflicted over the issue, thinks Congress did the right thing. "But for everyone else, it will be a memory."

That surely was one of the political calculations the Republicans made when deciding to get so involved in the Schiavo case, which was first discussed in the halls of Congress late last year. At a time when G.O.P. leaders in Congress have been unable to gain much traction on issues like abortion and gay rights—which are near and dear to Christian conservatives—this was a no-lose opportunity to burnish their credentials with their most demanding and important supporters. Still, many Republicans reject the notion that anything but deep moral conviction motivated the extraordinary legislative measure. "It's hard to say it's politics when you get that kind of consensus in a divided U.S. Senate," says Republican Senator Chuck Grassley of Iowa.

The move contradicted the G.O.P.'s long-standing support of states' rights, generating concern from a few independent-minded members of the party, like Virginia Senator John Warner. As the only Republican Senator to take to the floor to speak against the emergency legislation, Warner declared in the Congressional Record that "I fear the door has opened, and Congress, which by constitutional mandate is entrusted to pass laws for the nation, will again and again be petitioned to deal with personal situations which are the responsibility of the several states." Even so, the

idea of a meaningful split emerging in the Republican ranks seems to be overblown. The people who deliver votes and mobilize constituencies are still on the same page, and that means doing what they can to make social conservatives happy.

Some on the religious right think the Schiavo case shows that their agenda is more realistic than ever. “When I heard that Senate minority leader Harry Reid was with us, I thought I had died and gone to heaven,” says the Rev. Louis Sheldon, chairman of the Traditional Values Coalition. “[This] says that being pro-life is respectable and has political credibility. The issue is broadening; it isn’t just abortion.”

If people like Sheldon get their way, it will be about almost everything that encompasses the so-called culture-of-life movement, including restricting stem-cell research and assisted suicide. Social conservatives are almost certain to use the Schiavo case as another weapon in the coming war against what they castigate as judicial activism, the practice of creating new rights from the bench. As Frist contemplates the so-called nuclear option of trying to take away congressional Democrats’ ability to filibuster President Bush’s controversial judicial nominees, Schiavo is sure to be a rallying cry. In particular, critics fervently believe that the federal courts that heard the Schindlers’ appeals largely ignored Congress’s will by not following the bill’s order to conduct a thorough re-examination of the case, formally called a *de novo* review. “In this instance, judges have essentially made themselves the supreme political power and simply aren’t willing to listen to other branches of government,” says Don Feder, communications director of Vision America, a Texas-based Christian conservative group.

Some Democrats tried to make political hay out of the fact that Republicans were rallying to the defense of Schiavo, much of whose care has been paid for by a malpractice settlement along with Medicaid, just when the G.O.P. was trying to limit such awards and cut Medicaid spending. Even if that doesn’t help their case on specific issues, some Democrats believe the Schiavo episode may change voters’ general perception of the two parties. “This is a cold, bracing slap in the face for a lot of Americans, as to the degree they want these very personal issues debated upon in a political forum,” says Democratic political consultant David Axelrod.

Although they insist that the Schiavo saga was an extreme example, Republicans aren't giving up on the issue of end-of-life care. The Senate Health Committee is set to hold a hearing this week on end-of-life issues, and there is talk among some members of introducing a federal version of Terri's Law, which would give other people in similar right-to-die cases access to federal courts. Members only have to look at their state counterparts to get other ideas: a conservative Democratic lawmaker in Michigan has introduced a bill that would bar spouses caught in adultery from blocking measures that would keep a husband or wife alive, while a Georgia state senator has authored legislation that would bar the removal of a feeding tube from patients able to breathe on their own unless they had left a living will specifying otherwise. Certain social conservatives don't believe in any kind of right to die, even if someone has asked for death in a living will. In their minds, ending any life-sustaining medical treatment is tantamount to murder or assisted suicide. The G.O.P. probably would never go that far. Still, as an aide to the House leadership puts it, "the fight is not over." And with that kind of language, the battle over Terri Schiavo's legacy isn't likely to simmer down anytime soon.

—Reported by Perry Bacon Jr., John F. Dickerson and Karen Tumulty/Washington; Amanda Bower/New York; Dee Gill and Wendy Malloy/Tampa; Tim Padgett and Siobhan Morrissey/Miami; and David Thigpen and Eric Ferkenhoff/Chicago, with other bureaus

The Governor Goes Down

by [Eric Ferkenhoff](#)

The state of Illinois, not to mention the city of Chicago, has a long-earned reputation for corruption, and it just got worse.

On Monday, former Governor George Ryan, 72, is the third Illinois governor since 1973 to be convicted of federal crimes. Ryan, who won worldwide acclaim and even a Nobel Peace Prize nomination for clearing out the state's Death Row and putting a moratorium on executions, was found guilty of running campaigns — and government offices — like a personal piggy bank to enrich himself, family and friends. The verdict, convicting Ryan on 18 counts ranging from

rackeering to mail fraud, came after five months of testimony from more than 100 witnesses, including Ryan's previously convicted former chief of staff, some 20 hours of closing arguments and nearly a month of jury deliberations.

Despite the fact that Ryan had character witnesses like famed death penalty opponent Sister Helen Prejean, the jury was apparently sold on the government's position laid out in the first few minutes of closing arguments, which began March 13. "This is a case about a betrayal of trust, of corruption at the very highest levels of state government," said Assistant U.S. Attorney Joel Levin, launching into a hours-long recounting of a trial that began on Sept. 19 and of a case that goes back roughly 13 years. "He might as well have put up a 'For Sale' sign over [his] office." Specifically, Ryan was found guilty of selling his office, both as secretary of state for eight years and later as the state's governor from 1998 to 2002, for campaign cash through sweetheart leases and coveted low-digit license plates, as well as using office workers to do such campaign legwork as selling fundraising tickets on government time; prosecutors even charged that Ryan's own inspector general's office was rigged to clear Ryan of any whiff of wrongdoing in his administration.

"This decision today is not in accordance with the type of public service that I provided the state of Illinois," Ryan said moments after the verdict was read. "There will be an appeal." His lawyer, former U.S. Attorney Dan Webb, said that among the grounds for appeal — and for immediate motions to overturn the verdict — would be the "unusual developments" during deliberations, including the disclosures about jurors who lied during attorneys' pre-trial questioning. On at least two occasions, the case appeared close to being tossed out after revelations that two jurors had failed to disclose criminal records and another had spoken outside of the closely watched deliberations with a friend.

Those are mere technicalities for the many people who view Ryan as a "political prostitute," as former U.S. Senator Phil Gramm described him while testifying about how Ryan had allegedly pilfered \$100,000 when he was the state chair of Gramm's reelection campaign in 1996. Among those sitting in the packed courtroom was the Rev. Duane "Scott" Willis and his wife, Janet,

whose six young children were killed in 1994 when the van they were driving on a Wisconsin interstate exploded after a piece of a nearby truck dislodged and pierced its gas tank. When it was later discovered that the driver of the truck was illegally licensed, the tragedy helped set off the broader Ryan corruption investigation, which revealed a rampant scheme in which state workers were trading licenses for cash — going so far in some cases as to sign off on tests given in English to people who spoke no English at all.

Now that the verdict on Ryan is in, it is sure to play a role in this year's gubernatorial race. Current Gov. Rod Blagojevich will likely say it proves that the Democrats are the only party capable of protecting the integrity of state government. Meanwhile his opponent, state treasurer Judy Baar Topinka, will probably argue that Blagojevich, whose administration is also being probed, is definitely not the man for that job. "We'll see the commercials very soon," said Roosevelt University political scientist Paul Green. "Each will manipulate this for their own purposes." Just as history shows so many Illinois politicians, like Ryan, have done with their own elected positions.

How Schools Are Pulling Rank

by [Eric Ferkenhoff](#)

It's hard to get more white-fenced than Naperville. In the western Chicago suburb, crime is a nuisance, not a problem. The streets are clean and the schools are some of the most impressive in the state, churning out some of the brightest students who attend the nation's best colleges. But it's vicious at the top — so much so that Naperville's school officials recently voted to stop using a class ranking system.

The rankings will be phased out over the next year, with 2007's upperclassmen deciding whether to include such a rank in their official transcripts. By no longer ranking students, the Naperville School District 203 is squarely in line with a trend that is fast sweeping the nation, as more and more private and public schools are dropping the practice. The goal, proponents say, is to cut

down on the hyper-competition and lessen the stress at such a critical learning point and maturation curve in kids' lives.

“It’s a high bar we set, and it should be,” said Naperville Superintendent Alan Leis. “But there needs to be more than wrestling over who’s better than who.” Class rankings, a tradition at many schools, have long helped universities and colleges — especially the Harvards and Princetons of the world — weed out the weak students from the strong, the ones with not only promise but the ambition to excel and meet the rigors of higher education.

Some 80% or more public schools still report rankings to inquiring universities and colleges, but a growing number of high schools in the Chicago area and around the country — in mostly affluent districts from California to Miami to New Jersey — have already adopted the practice. A much higher number of private schools do not share their rankings, including some independent schools in Chicago that, for example, have cum laude societies that recognize the top 10% of a class but choose to allow the student body — not GPA — dictate who speaks at graduation. Even in Naperville, a valedictorian is still expected to address the class, but that honor is not chosen until the last weeks of a school year and is not forwarded on to schools in official transcripts.

Students and their parents increasingly fight over who gets to be number one, and the damage that can be done — both academically and psychologically — to those who lose out far trumps the benefits of the glory attached to such titles, according to Dr. Scott Hunter, a clinical psychologist and school consultant at the University of Chicago Hospitals who specializes in pediatric neuropsychology. “The reality is that we have made in the last 10 years more of rank than it deserves because some kids don’t really shine until they enter into adulthood, and they risk being ignored by the very places and people where they could greatly succeed,” adds Hunter. “This is an artificial number in terms of where a person really falls.”

Not surprisingly, there is still lots of disagreement about the new policy; some parents are worried that it hurts high-achieving students’ chances of getting over the bar, while forcing colleges and

universities to rely on perhaps less reliable or easily gauged measures or on standardized tests like the ACT or SAT.

“It makes it a little more opaque for us on the admissions side, but we fully understand it,” said Jim Miller, director of admissions at Brown University. “It’s conceivable a student could get a B in gym and get knocked down 40 places in rank. So we’re getting more used to it, and probably half our applicants now come from schools that don’t have rank. You just have to ascertain, through student profiles and other means, the strength of a schedule and student performance relative to other students.”

Gas Prices Driving a Transit Boom

by [Eric Ferkenhoff](#)

Drivers across the country aren’t the only commuters cursing the rising price of gas. As a gallon of fuel surpasses \$3 in many parts of the country, growing numbers of big-city residents are opting to use mass transit, making for unusually crowded trips and rising tempers.

In Chicago, there are lots of sour faces as passengers step off the South Shore Line’s cramped 7:35 into Chicago’s Randolph Street station from nearby Notre Dame University in South Bend, Ind. The 90-minute trip, along the electric-powered silver train that in normal years carries about 13,000 passengers a day in relative comfort, has seen daily ridership spike to over 17,000 at points in recent months. What was once a leisurely, relatively pleasant way to start off and end the workday has become an exercise in elbow wrestling.

The Windy City is by no means the only place experiencing a mass transit boom. Transportation authorities in the Cleveland area are expanding park-and-ride lots to help accommodate the growing commuter ridership, while cities from Washington, D.C., to Salt Lake City and San Francisco are experiencing near-record passenger levels.

“I wouldn’t say it’s at the point where people are knocking each other around, but these trains, they’re certainly filling up,” said Chicago-area daily rider and state court reporter Gloria Shelley, 55, navigating a crowded station as commuters from Indiana and elsewhere hopped off a later train bound for the Chicago Cubs afternoon game.

President Bush has promised to crack down on rising gas prices, saying on Tuesday that he has asked for a waiver of clean air rules and stopped pumping up the emergency oil reserve to try to help push down the price. He also said a \$2 billion tax break for the nation’s oil companies, which have seen some of the highest profit margins on record, should be repealed. It was a first step that many rejected as little more than election year politics, coming at the same time that such lawmakers as Illinois Democratic Senator Barack Obama are calling for investigations into perceived price gouging.

None of those actions, however, mean much to the people who have to deal with such a sudden growth in demand. “How are we treated? Poorly, very poorly,” said Todd, a ticket agent who declined to give his last name. “People can just be mean, and they for some reason think that we have something to do with the situation and decide to take it out on us. If people could just be a little more kindhearted all the way around, it would be nice.”

Ghosts in the Machine

by [Daniel Eisenberg](#)

It was a far cry from the typically cocksure Mayor Richard M. Daley, the savvy Chicago ambassador courting CEOs and world-class architects, or the hard-knuckle retail politician pressing the flesh in his family’s blue-collar neighborhoods. A week after two of Daley’s top officials were charged with mail fraud in a widening federal corruption probe, the Cook County Republican Party had gone so far as to offer a \$10,000 reward to anyone who could provide information leading to the conviction of the mayor himself, and suddenly he seemed a bit like a wounded animal, ready to lash out or, alternatively, plead for sympathy. “It was deeply offensive to me [and] my family,” he told reporters after a city council meeting last week, his eyes tearing

up and his face turning red. “I understand that things get really dirty and ugly and messy, but this crosses the line.” In an exclusive interview with TIME, Daley sounded a defiant tone: “I have 38,000 people. I don’t micromanage them. I don’t feel personally responsible.”

For most of his 16 years in office, Daley has seemed responsible for everything in Chicago, good and bad. Despite his own fair share of embarrassing scandals, the son of legendary Mayor Richard J. Daley has largely managed to avoid his father’s notoriety for cronyism and back-room dealing, a record of corruption that led to a federal ban in 1983 on almost all politically motivated hiring in Cook County. Instead Daley has won praise for spurring economic development, reducing crime and trying to reform public housing and education—which earned him a place as one of America’s Best Mayors in TIME earlier this year. But now it seems that legacy may be in jeopardy, and some political observers question whether Daley can win re-election in two years.

The allegations of patronage—which include rigging of applicant test scores, falsifying records and recommending the hiring of, among other apparently unqualified people, one dead man and one drunk—are just the latest serious charges of wrongdoing leveled at Daley’s administration. U.S. Attorney Patrick Fitzgerald (who is also investigating the leak of CIA officer Valerie Plame’s identity) has helped convict more than 20 city employees of taking bribes in exchange for contracts in the city’s Hired Truck program, which doles out transportation work to private companies. When announcing the recent indictments, Fitzgerald, who has also charged that a heroin ring was operating out of a city water-filtration plant, said he hoped that his probe would shake a city hall “where people are being scored not on the merits but by whom they know or what clout they have.” (His office refused last week to comment further.)

Daley dismisses the scandals as a few isolated incidents rather than evidence of any “systemic” problem. But even many supporters find it hard to believe that Daley, who practically has patronage in his blood and is known as a hands-on boss, had no idea what was going on. “I like him. It’s just that he has this blind spot when it comes to corruption. I don’t think he ever realizes the seriousness of it,” says Joe Moore, a Far North Side alderman who was elected to the city

council two years after Daley took office. In recent months Daley has at least tried to appear to be doing business differently. He fired a handful of his top aides, brought in a new chief of staff and proposed that an independent panel handle city hiring.

Still, for every voter incensed by the apparent excesses of machine politics, there are probably more backers ready to rally around Daley. “I have never seen the city look better, run better,” says Jay Schaller, whose family owns a bar in the working-class neighborhood of Bridgeport, a longtime Daley power base. “And if it takes a little patronage to get it done, so be it.” That is a sentiment that Daley is banking on. “People used to say, ‘You’re the mayor’s son—you don’t have to do anything,’” Daley says. “I’ve worked very hard to be where I am. People know who I am in this city, and they respect me.” He just has to hope that in Chicago, that’s what will count most.

—Reported by Wendy Cole, Elizabeth Coady and Eric Ferkenhoff/Chicago

On Scene: The Marchers Gather in Chicago

by [Eric Ferkenhoff](#)

By 9:15 a.m. in Chicago, the catering trucks were starting to pull up alongside the vans hawking flags from just about every Latino country stretching from Mexico south, the mothers with large grocery bags to keep their kids well fed during a long march and a long day, and the dozens of media trucks parked around Union Park on Chicago's Near West Side. Some had been here all night; some were just rushing to join friends and strangers.

A woman spills coffee while juggling a cup of fruit. Park District workers tidy the large park, and police officers, mostly chatting among themselves, keep a careful eye on a crowd that is quickly swelling. The people here — mostly Hispanic, but whites and blacks as well — wear serious faces, but there is a sense that this is as much an event as a rally, as busloads of kids, large trucks and ordinary drivers whip by honking approval for a gathering that police expect to grow to some 300,000 in Chicago alone. Newspapers carrying the headline “Today We March, Tomorrow We Vote” in Spanish are read by dozens in the crowd as they wait.

It's this that we've been waiting for, says one man here for the protest. People need to take notice. And notice they will. Despite grey skies warning of strong showers later in the day, the crowd gains bulk. Old, young, some tired from a night or weekend spent in the park to get ready for the march, which will take this crowd a few miles east to Chicago's Grant Park. This is the way that America was built, said Ivan Miller, 43, a criminal justice student at Westwood College near O'Hare International Airport. I'm a black man, and I don't take offense that the spotlight is on this one population. That's what America's about — people coming together, struggling together from all different cultures.

Miller and classmate Keith Trevino, 28, were at the rally to write a paper about the immigration issue, yet it clearly pulls at the latter's heart. One of five children, Trevino is the only one of his siblings who was born in the United States. The others were born in Mexico, from which Trevino's family came in the 1970s. Ten years later, under the amnesty granted many immigrant workers in the 1980s, the whole family became citizens.

I didn't go through this fight, but my parents did, coming here, Trevino said. So it's a tough call. You have to look at the big picture. You have to understand what the government is going through, but you have to understand what these people are going through. I'm glad I'm not the one making the decision. How do you come up with an answer that fits both sides? It's impossible.

Closer to 10 a.m., the crowd was pushing through the park, numbering a few hundred as they wait for the march to begin around noon. But not everyone was taking the day off to protest. Manuel Escelante, 46, a Honduran and Chicago Park District worker, was busy cleaning the very park that the organizers were using as a rallying point. I can't leave my job, he said, pointing to a line of leaves and rubbish left just outside the park's wrought iron gates. This looks terrible. I'm with them, my heart, but I have a job to do. I have work to do.

Similarly, Mario Perez, a Mexican with his green card who is trying to become a citizen, couldn't skip class at Malcolm X College, a community college a few blocks from Union Park. I have an

English test. Maybe Ill go over there later, but this I have to do, said Perez, 62, who has been in the country for about 40 years. Thats what Im doing. Im bettering myself. I want to go up.

Others couldnt resist skipping a days classes. This is a once-in-a-lifetime thing, said Rocio Michquiri, a 17-year-old student at Steinmetz High School. Theres more learning out here. So not today, not school.

Blagojevich's Lawyer: Taking the 'Unwinnable' Cases

by [Eric Ferkenhoff](#)

If anyone had any remaining doubts whether embattled Illinois Governor [Rod Blagojevich](#) was going to fight hard to hold onto his job — and freedom — in the face of stinging corruption allegations, they were surely dispelled after veteran Chicago defense lawyer Edward Genson came to his side.

Genson, 67, has never shied away from taking seemingly unwinnable cases, and even though he loses a fair share of them, it's often his opponents who end up playing the fool. "I teach cross-examination at my law firm, and a lot of what I teach I learned by watching Ed Genson carve up my witnesses," said Scott Lassar, a former U.S. Attorney in Chicago and current partner with the firm of Sidley Austin, who went mano a mano with Genson as a young prosecutor.

Blagojevich, who again showed up for work Thursday morning, is facing a storm of calls to resign even as impeachment hearings get under way in the state capital of Springfield. There, a panel of legislators pushed ahead after a brief delay over worries the impeachment would interfere with the federal prosecution of Blagojevich, who, according to a criminal complaint, [tried to sell President-elect Barack Obama's U.S. Senate seat](#), among other alleged corrupt acts.

Asked why he would take Blagojevich's case — given that the two-term governor reportedly owes another law firm upwards of \$2 million, was denied by the Illinois Attorney General state funds to pay for the impeachment hearings and is facing the prospect of having his campaign fund frozen by the feds — Genson was his usual mischievous self. “I take the cases that are fun,” he said. As best-selling author and famed lawyer Scott Turow put it in an e-mail to TIME, “He is a great lawyer who would have been almost as good as a circus ringmaster. He will have a great time with this case.” ([See the top 10 scandals of 2008.](#))

That much was clear from the moment Genson, a Northwestern University grad, took the case. Right off the bat, he said he was going to trial. During an appearance in Springfield, he mocked the impeachment process, saying that too many of the 21 members on the panel had already made up their minds and that there were no clear standards to govern the proceedings. At one point, a member suggested, “You really should go back to criminal-law school.” Genson quickly retorted, “Well, I have been doing it for 44 years, and maybe you should go back to law school.” When asked why Blagojevich wasn't at the proceedings to field questions, Genson said of the impeachment hearings, “This is Alice in Wonderland.”

Though he has yet to file anything in federal court — no indictment has actually been returned against Blagojevich — Genson did hint at part of his strategy in Springfield on Thursday, saying the wiretaps that make up the bulk of the more salacious charges facing the governor were illegal. The evidence gathered in the taps, he said, was “illegally obtained” and should not be considered. He has also argued that all Blagojevich was doing was talking, not committing a crime. ([Read TIME's top 10 political lines of 2008.](#))

Genson's disdain for the impeachment process is typical of how he views practically all proceedings against his clients. The charges are absurd, he'll routinely say, especially political charges, as he describes those lodged against his newest client. In Illinois, he will usually argue, you can't hold someone criminally accountable for simply playing along with a system that dictates — and ingrains the idea — that sometimes you have to pay to play, as the prosecution calls it.

It's almost a cliché in the Windy City to say that even prosecutors, should they run afoul of the law, would tap Genson to defend them. The son of a bail bondsman and a model-train enthusiast, he's become a rich man by being one of the go-to guys for people caught up in dire legal circumstances.

So dire, in fact, that winning is often a matter of perception for Genson, who uses a scooter and cane to ease the pain of walking due to a neuromuscular disorder. After all, he frequently goes up against government offices with conviction rates well above 90%, and he rarely negotiates plea agreements. Even if he loses, however, Genson will call it a win if the sentence is less than the government was seeking, if some of the often long list of counts are dismissed, or even if he gets the right prison for his client.

"Defense attorneys often lose, and he usually loses," said Lassar, who knows Genson both in and out of the courtroom. "But he's one of the best trial lawyers in town, so you go to him if you're thinking of going to trial, and this man has as many or more acquittals as anyone in town because he is a very good student of human nature."

While Genson spends much of his time in federal court, one of his more notable acquittals came in state court, where pop and R&B sensation R. Kelly faced child-pornography charges after being accused of making a sex tape with a teenage girl. Genson won the case, getting Kelly acquitted of all 14 counts. And in a 2003 verdict that stunned some court observers, Genson teamed with three other top-tier lawyers to win the acquittal of Bruno Mancari, the brother of a well-known Chicago-area auto dealer, on charges he murdered a childhood pal 18 years earlier.

"I've known him for over 30 years, and he's seen it all," said former governor James Thompson, whose powerhouse firm, Winston & Strawn, once represented the governor's campaign fund. "He's tough, and he knows Chicago."

But Genson has also had his losses. One was Mel Reynolds, the disgraced Chicago Democratic Congressman who was convicted of having sex with an underage volunteer. Another was Scott

Fawell, former governor George Ryan's chief of staff and political headhunter, who was sent to federal prison (and has since been released) after being convicted of racketeering and other federal charges. At the corruption trial of Ryan, Blagojevich's predecessor, Genson represented Ryan's co-defendant, Lawrence Warner, who is in a Colorado federal penitentiary with a projected release date of October 2009. (Ryan, who was also convicted, is seeking a pardon from President Bush.) More recently, Genson advocated unsuccessfully for Conrad Black, the disgraced media baron accused of fleecing his company, Hollinger, of millions. Black is serving a federal sentence near Orlando, Fla., until 2013.

To some observers that may seem like a less than stellar record. But for a certain kind of client who isn't willing to give up without a fight, Genson is the ideal advocate. "These clients are very sick, they're at death's door, and they're [looking] for someone — anyone — to save them," said Steve Rhodes, publisher of the online publication the Beachwood Reporter, who did an extensive profile of Genson for *Chicago* magazine in 2005. "Genson will try every last thing, and he's right for people who just decide that they're not going to give in." In other words, he's just right for Rod Blagojevich.

No Death Penalty for Chicago Murders

by [Eric Ferkenhoff](#)

In the first state to declare a moratorium on executions, the sentence handed down Thursday by an Illinois jury in the notorious Brown's restaurant murder case shouldn't have been all that surprising. The state jury rejected the death penalty against one of two men accused in the gruesome 1993 murders of seven restaurant workers outside Chicago, a decision that amounted to a major defeat for the area's top prosecutor. What is perhaps more surprising was how some of the very families whose loved ones were slain considered the sentence a victory.

In the days leading up to the penalty phase of the trial, some of the victims' families stood in a seemingly awkward alliance with the family of Juan Luna, the man convicted of the crime, denouncing the death penalty as an inhumane punishment. Thursday evening they got their wish.

The verdict took only two hours of deliberation, and it ensures that Luna, convicted last Thursday after a 14-day trial, will spend the remainder of his life in prison. James Degorski, the second man charged in the case, one of Illinois' longest-running murder mysteries and worst massacres, is expected to go on trial soon. Cook County State's Attorney Richard Devine, who argued part of the case and pleaded with jurors to impose death during the verdict stage over the last two days, told reporters he "respected" the decision.

The Brown's case laid bare the strange state of limbo in Illinois' criminal justice system. Though Democratic Governor Rod Blagojevich has continued the landmark moratorium on carrying out executions imposed in 2000 by his Republican predecessor George Ryan, 11 men have been sent to death row since Ryan cleared it out as he left office in 2003 — and prosecutors in the state still plan to seek the ultimate punishment when they feel it fits the crime.

The state has made some reforms to try and ensure that people don't end up wrongly convicted and sentenced for crimes they didn't commit — the original impetus for Ryan's moratorium. In addition to instituting more court oversight in the last few years, it has provided better training for lawyers in capital cases, more stringent guidelines for what qualifies for death, and put a closer watch on the police investigating and prosecutors trying these cases. Perhaps most importantly, it has set up a fund to even the field in cases that have long favored the deep pockets of the state doing battle with poorly trained, poorly paid and poorly funded public defender offices. The fund, according to the Illinois treasurer's office, stands at roughly \$4.5 million. Of that, more than a quarter — \$1.6 million — has been withdrawn.

"It's not only not a perfect system, the death penalty accomplishes nothing," says Rob Warden, who heads up the Center on Wrongful Convictions at Northwestern University's Law School. "Quite the contrary. It doesn't deter crime, and it's very costly. Not just financially, but socially. We have some evidence in all of the cases where people are currently on death row in this state that the defendants were mentally ill — psychologically, if not legally — and there will be so many appeals and years will pass before these are resolved that couldn't, actually couldn't, see

an execution in this state for five to seven more years. How much does that cost, in lives and in dollars?”

Some 200 people across the country, many of them on death row, have been exonerated through DNA evidence, according to the Innocence Project, a New York advocacy and litigation firm headed up by Barry Scheck. More than half of the nation’s states have had at least one exoneration. Of those, Illinois, with 27, ranks behind only Texas, with 28, in the total number of exonerations.

None of that, however, is enough to convince prosecutors that the death penalty shouldn’t exist at all. “We respect what the jury has done,” Devine told reporters after the punishment was announced. Perhaps, but his office has already signaled it would again seek death when Degorski goes on trial for his alleged role in the Brown’s restaurant murders.

Will the Death Penalty Return to Illinois?

by [Eric Ferkenhoff](#)

This week’s sweeping guilty verdict in the federal corruption case against former Illinois Governor George Ryan seemed sure to seal the gruff Republican’s legacy as yet another in a long line of crooked Illinois politicians. But Ryans other major legacy — the moratorium he placed on executions in 2000, which earned him a Nobel Peace Prize nomination — is also under attack, and the reverberations could be felt across the entire country’s criminal justice system.

Six years after Ryan’s unilateral move set off a wave of capital punishment reforms nationwide, conservative prosecutors throughout the state are hoping a change at the Governor’s Mansion this fall can usher back the death penalty. While Democratic incumbent Rod Blagojevich has said Ryan’s moratorium should remain in place, at least for the foreseeable future, his Republican challenger and state treasurer Judy Baar Topinka has hinted that enough safeguards have now been put into place for the death penalty to be reinstated.

“It’s time to have a Governor who exercises authority in the way it was intended,” said Topinka’s running mate Joseph Birkett, the state’s attorney in Republican DuPage County, who helped author some of the reforms in Illinois. “People felt betrayed by what Ryan did.”

Only seven inmates currently sit on Illinois Death Row, where about 170 were before Ryan cleared it out shortly before leaving office three years ago. Even though no executions can currently be carried out, the death sentence can still be handed down, and some 200 cases are currently in the pipeline in which prosecutors have signaled their intention to seek capital punishment.

The moratorium has had no practical effect and I think it would be good to lift it, said Thomas Brown, the chief prosecutor for rural Livingston County, who won a new death sentence for the only person who was cleared from Death Row by Ryan but then returned for a separate murder case. We’ve had to start filling it back up one by one, and there’s no case that’s ripe yet so it could be 15 or 20 years of appeals before anyone actually is executed (if the moratorium gets lifted). There’s this push for perfection. But that raises the argument, how do you perfect a system?

Illinois certainly has tried to do just that. Shortly after Ryan granted clemency to some and commuted all other death sentences to life in prison, the state launched a major study and overhaul of the system. At the time, about thirteen inmates on Death Row had been found innocent and freed, one more than the number who had been executed since the death penalty was reinstated in 1977. New reforms adopted included an overhaul in police lineups to guard against false identifications, the videotaping of most murder confessions, some state Supreme Court oversight of capital cases to make sure they are handled fairly and the requirement that criminal defense attorneys be sufficiently qualified to try such cases. (Investigations of Illinois system revealed that in some death cases, defense attorneys had never tried a murder before. In other cases, the attorneys nodded off, napping during trial at the defense table.)

We had the worst record in the country in terms of sending innocent people to Death Row, said Gov. Blagojevich's spokeswoman Abby Ottenhoff. We have enacted major reforms here to prevent future injustices, but a system that was so obviously broken can't be fixed overnight."

The debate over Illinois's pioneering roll back of the death penalty comes as more and more states are conducting their own reappraisals. In recent years, states from New York and New Jersey to Kansas, Virginia, Kentucky and California, have either enacted a similar moratorium, had certain executions ruled out by the courts or at least started doing comprehensive studies of the death penalty system.

Across the country, death sentences and executions are both down, according to Richard Dieter, head of the Washington-based Death Penalty Information Center. Even public support is down, from about 80 percent in 1994 to 64 percent now," says Dieter. "There is simply concern around the country about innocence and I think it would be strange to jump back into regular executions until there was more confidence. Dieter clearly hopes that day will not come. But in Illinois, it now seems possible that a loss of confidence in one of the death penalty's most outspoken and notable opponents may help bring it back to life.

The Greening of Chicago

by [Eric Ferkenhoff](#)

Chicago, a blue-collar city of asphalt and glass and concrete canyons, would seem an odd place for admitted tree-hugger Sadhu Johnston to think he could save the planet. But Johnston, Mayor Richard M. Daley's environmental commissioner, believes that cities are actually the answer to the earth's environmental ills. And with that in mind, he is working to turn Chicago into what he claims will be the most environmentally friendly city in the U.S. — as well as the nation's center for environmental design and the manufacturing of components for the production of alternative energy.

If it works — and Daley is betting a hefty sum it will, with promises to buy millions in solar panels, for example — the green movement here is expected to yield the city perhaps billions in saved energy costs and new business.”This is way beyond tree hugging in Chicago,” said Johnston, 31, who before coming to Chicago helped dust some of the rust off of Cleveland’s image by serving as executive director of the non-profit Cleveland Green Building Coalition. “This is about quality of life. What we’re talking about is creating a city that exists in harmony with the world, a place that can be a model. Cities have long been hurtful to the environment. Raw materials came in and waste went out. We’re trying to redefine that relationship, and cities can be models.”

In much the same way that cities like Austin and San Francisco latched onto the boom in the Internet or biotech industry to propel their economies, Chicago is working hard to rev up its manufacturing and capitalize on the growth in green construction and wind and solar energies. But can Chicago, such a muscular city, shake its industrial, broad-shouldered image by showing that cities are not the bane of the environment. Does it deserve, in short, the title of America’s Green Thumb?

“We’re doing it,” Daley said in a brief interview earlier this week while also playing host to an environmental summit for U.S. mayors and making a pitch for the 2016 Olympics. “We’re aggressive in terms of the environment and we’re educating the people and bringing business along.”

The city first drew real attention to its greening efforts, when it planted a lush garden on the rooftop of City Hall. Now, be it McDonald’s, Wal-Mart or the Apple store, businesses wanting a relaxation of density building rules or financing to help construct new offices are being convinced to plant so-called green roofs. The result: the city has planted or negotiated the construction of over 2 million square feet of rooftop gardens, more than all other U.S. cities combined.

While in office Daley, who shut down the lakefront airport Meigs Field in a bald power play to create a big park, has ordered that the heads of all city departments make their operations environmentally friendly. That includes paving alleys with special asphalt to better absorb water, buying a greener fleet of vehicles or forbidding city vehicles to idle more than five minutes.

Chicago is now among the largest users of green energy in the country, with a goal of using renewable energy for roughly a quarter of city operations. To help reach that goal, it has already attracted two solar panel manufacturers to set up shop in the area.

The Windy City, which has won international awards for its environmental agenda, also boasts one of the world's only municipal buildings given a platinum rating for its green design and operations by the organization Leadership in Energy and Environmental Design. That honor is more than a little ironic, since the building, the Center for Green Technology, sits on a former illegal dump that was part of a sweeping federal investigation that sent several aldermen to jail for taking bribes.

Since Daley, a Democrat whose administration is mired in a sweeping federal investigation into hiring practices and patronage schemes, took office in 1989, some 500,000 trees have been planted, the city has been decorated with fancy planters, park space has increased and the lakefront, while still soiled with pollution, is being cleaned and preserved at a level never before seen.

"Look at this," Daley said, motioning to a wide yard in the depressed Dearborn Homes public housing development. To be sure, the neighborhood, among the city's poorest, isn't much to brag about. But it is green. Trees have been planted, the lawns have been tidied and are lush, despite the broken concrete and glass that litters nearby playgrounds. "This wouldn't have happened before."

But not all is so green here. A broad recycling program in the city, which was touted as a model for urban America a decade ago, has not yielded the expected results, as some 87% of the city's

total refuse is still not being fully recycled. And the air quality, while improved, remains a sore topic.

Still, the city's efforts are drawing attention. Green Bay Mayor James Schmitt, who launched his Greener Green Bay campaign during his recent State of the City speech, is sold and makes no apologies for trying to copy Chicago. "We're a blue-collar, paper-making, NFL football town," he says. "We're very young in this, and we're going to use Chicago as a model."

Too Young to Die

by [Claudia Wallis](#)

In his Norman, Okla., law office, attorney Steven Presson stores two unusual keepsakes. One is a leather pouch that holds the ashes of Sean Sellers, the only person executed for a crime committed as a 16-year-old since the death penalty was reinstated in the U.S. in 1976.

Sellers—who murdered his mother, his stepfather and a store clerk—was dispatched by lethal injection in 1999, when he was 29. Presson's other memento is a plastic box containing the ashes of Scott Hain, who, it now seems fair to say, was the last juvenile offender to be executed in the U.S. Hain, sent to his death in 2003 at the age of 32, was 17 when he and a friend committed a grisly double murder.

Presson, who represented both boys, found it "very bittersweet" when the U.S. Supreme Court ruled last week that it was cruel and unusual to sentence anyone to death for crimes committed before the age of 18. "I'm happy for those on death row, but it came six years too late for Sean and two years too late for Scott," says Presson. "We've been arguing for decades that kids don't have the same moral culpability that adults have, and finally, finally, they listened."

It took 16 years for the high court to come around to Presson's point of view, by a narrow 5-to-4 vote. In 1989 the court ruled 5 to 4 the other way. Justice Antonin Scalia, who wrote the 1989 decision, argued that there was neither a "historical nor a modern societal consensus" forbidding

capital punishment for 16- or 17-year-olds (though the court had found such a consensus for those under 16 a year earlier). Last week, however, Scalia was on the short side of the decision.

What changed? The views of Justice Anthony Kennedy, for one thing. While Kennedy voted with Scalia in 1989, he wrote a very different majority opinion this time around. Why did Kennedy change his mind? Legal tradition invites him to do so. Since 1958 the court has applied a flexible standard to interpreting the Eighth Amendment's ban on "cruel and unusual punishments." What we mean by the phrase, wrote then Chief Justice Earl Warren in *Trop v. Dulles*, depends on "the evolving standards of decency that mark the progress of a maturing society."

How do you know that society no longer believes in sentencing a 17-year-old killer to death? Kennedy's argument mirrors his reasoning in a 2002 decision that outlawed death sentences for the mentally retarded. He notes that since 1989 five states have banned capital punishment for juveniles, making the practice illegal in 30 states, including the 12 with an outright ban on executions. Second, Kennedy cites scientific literature showing that, like the retarded, adolescents lack mature judgment and a full appreciation of the consequences of their actions. They are also more vulnerable than adults to peer pressure. Third, Kennedy points out that only seven other countries have executed juvenile offenders since 1990, and all seven have repudiated the practice: "The United States now stands alone in a world that has turned its face against the juvenile death penalty."

"This reference to international practices is a very big deal," says Cass Sunstein, a constitutional scholar at the University of Chicago Law School, and is part of a surprising new trend in Supreme Court thinking. Overseas legal practices were also cited by the court in the 2002 ruling on the mentally retarded and in a 2003 decision overturning a Texas law banning gay sex. For his part, Scalia blasted his brethren for suggesting that "American law should conform to the laws of the rest of the world" and pointed out that the U.S. has unique legal traditions.

In the 12 states where juvenile offenders have been languishing, death sentences will be lifted for 72 offenders. That brought dismay to many victims' families. Martin Soto-Fong was 17 in 1992 when he and two accomplices robbed the El Grande Market in Tucson, Ariz., for \$300 and shot three workers. Richard Gee, who lost a brother and an uncle that day, is not happy to see the murderer exit death row. "We had him at the gates of hell," he says, "and he got kicked back."

—With reporting by Eric Ferkenhoff/ Chicago, Wendy Grossman/Houston and Stacy J. Willis/Las Vegas

An Iraq Veteran Begins her Journey to Congress

by [Eric Ferkenhoff](#)

Ever since veteran Republican representative Henry Hyde announced last year that he would not be seeking another term in Congress, Democrats have viewed his suburban Chicago district as one of the key battlegrounds in their effort to take back the House in 2006. Almost immediately party heavyweights like Senators Barack Obama of Illinois and Hillary Clinton of New York and House Democratic Leader Nancy Pelosi started lending their support and helping raise loads of cash for one of the nation's most closely watched races. And with the Iraq War increasingly seen as a winning issue for the Dems, they recruited wounded Iraq War veteran Tammy Duckworth to run for the seat.

On Tuesday, their strategy began to pay off. Duckworth, a 38-year-old former major with the Illinois National Guard who lost both legs during a grenade attack on her helicopter, appeared to have eked out a primary victory over her challenger, tech entrepreneur and two-time candidate Christine Cegelis, by garnering 44% of the vote to Cegelis's 40%. Duckworth will now face a high-stakes fall race against conservative state Sen. Peter Roskam, who himself has had big names like Vice President Dick Cheney helping him amass a war chest topping \$1 million.

For his three decades in Congress Hyde, who brought clout and many political goodies to his District, had been an unbeatable incumbent. So when he decided to end his storied career on Capitol Hill, Dems viewed it as an especially promising opening. And with a greater mix of

young people and minorities, especially Hispanics, moving to the area, Dems believe the district is trending in their favor.

Republicans are confident that Hyde's conservative legacy remains very much alive in the west suburban District. And they note that Roskam, while criticized as too far right for a district becoming more diverse, is a loyal Bush supporter running in a district that voted for him in 2004, even as the President handily lost the state as a whole.

Duckworth is one of several veterans of the war in Iraq to enter the political fray this election, and some have questioned whether Democrats—namely Democratic Congressional Campaign Committee Chairman Rahm Emanuel, the Illinois representative who is thought to have personally recruited Duckworth—were exploiting a veteran wracked with emotional and physical scars. Duckworth dismisses such talk, as well as the notion that the race is about national issues like the war. “I’ve been under much more stress when people’s lives are on the line,” she said. “This I can handle.”

That may be, but whether she can actually deliver the district to the Democrats will depend on how well she can translate her combat experience into political know-how. “My service gives me an insight that other candidates won’t have, and my injuries give me a platform,” she said. “But that’s all it is, a platform. If there was no substance to me—[issues] like education, the health care, the jobs—I’d fall off that platform very quickly.”

A Prostitute's Right to Sue?

by [Eric Ferkenhoff](#)

Helen Smith's past is one she would just as soon forget. A child of Chicago's housing projects, she ended up turning tricks, but the cash lined the pockets of her polio-stricken pimp named Crip. “I’d probably make \$200 a night, but he took it all. I was the young one, and they liked to show me off, but I didn’t know what I was doing,” she says.

Now 46, Smith finds herself on the front lines of an unlikely legal rights campaign. Along with other former prostitutes, she is trying to convince Illinois state senators to sign off on a bill that would allow current and former prostitutes to sue their pimps for emotional, physical and psychological damages in civil court. Only the states of Florida (1993), Minnesota (1994) and Hawaii (1999), as well as the federal government, have similar laws on the books, but Illinois would be the first state make it so that the plaintiff would not have to prove they were forced into the profession. The bill's language assumes anyone—women, men, young girls and boys—engaged in prostitution was coerced into the trade one way or another.

But some legislators have voiced concerns that defendants, already prone to violence, would target those filing the claim. And then there is the question of whether former prostitutes like Smith would dare to show up in court—a place they usually appeared in handcuffs—to file claims?

“The criminal side [needs] to put less energy into targeting prostitutes and more on going after the johns and pimps,” said Shay-Ann Sheiser, a DePaul University law student who is completing a 50-page report on the legislative effort in her bid for Law Review. The law would include a 10-year statute of limitations, which Sheiser says “is fabulous since it takes that long for these women to get through the emotional and psychological struggles and have the financial wherewithal to do this. But often the law is the last thing they want to resort to get justice. Some have old warrants, and they might not show up in a courtroom.”

But the proposed law has plenty of detractors, too. Some argue that prostitutes don't deserve what they view as special legal rights. “I think the best description for this bill is absurd,” says state Senator Peter Roskam, a conservative member of the Senate Judiciary committee who is running in the Illinois Congressional race to replace retiring Republican House member Henry Hyde.

In the three states where the similar laws are in effect, few cases have gone to trial, suggesting that either the cases are settled or the burden of proof in these other states is just too high.

Senator John Cullerton, the Democratic head of the Senate Judiciary Committee, which is expected to consider the bill later this month, said he is “philosophically in agreement with [it].” He expects that wide, bipartisan support from the House, where it passed last year with just one abstention, will carry over in the Senate. “But I need to, we all need to, look at it closely to make sure we’re not just signing a law that is more symbolic than real.”

The Right Kind of Nuclear Leak

by [Eric Ferkenhoff](#)

For the residents of Chicago and its outlying areas, the recent news that three of energy powerhouse Exelon’s nuclear plants in Illinois have, on several occasions, leaked the radioactive material tritium has been scary enough. Then there was this past weekend’s false alarm at another of Exelon’s plants, which, while not related, set off the nation’s first “site-area emergency” at a U.S. nuclear facility in 15 years. The fact that upon further review, the Nuclear Regulatory Commission (NRC) announced that the incidents were much ado about nothing with “no release of radioactivity... no danger to the public” did little to assuage many people’s worst fears.

And perhaps they shouldn’t have. At a time when the Bush Administration is pushing nuclear power as a partial solution to the nation’s current energy woes, the fact that the accidents happened as far back as 1996 but were only recently disclosed highlighted what critics view as glaring weaknesses in the federal government’s oversight of nuclear energy. So it was that earlier this week, just hours after the emergency at the LaSalle County nuclear plant and loud complaints from Republican Congressman Jerry Weller of Illinois, the NRC decided to launch a wide probe of all nuclear power operations in Illinois, which has the highest number of plants (6) and reactors (11) of any state in the U.S. As it happens, they are all owned by Exelon, a Chicago-based giant with some 5 million customers and \$15 billion in annual revenues.

Weller, whose district covers three of Exelon’s plants, and other critics first sounded the alarm following three leaks in the past month, including one from aged pipe that was due to be replaced

in June. But more worrisome, they said, was the fact that the company and federal officials only recently disclosed publicly that, in fact, there had been eight leaks and spills going back 10 years. Most occurred in pipes that are supposed to safely dispose of waste but on some occasions leaked tritium into the ground water. One spill, in 1998 at the company's Braidwood generating plant, dumped some 3 million gallons of water that was still in the ground eight years later, albeit in small doses.

The public knew nothing of it. In fact, it appears the company didn't know the full extent until a year ago when a worried state worker alerted them to the fact that tritium may be in the water near one of the plants. That set off a round of testing that late last year showed plant officials had severely blundered in both reporting the incident and cleaning it up.

"These [leaks] are at levels of radioactivity that you may be exposed to by simply walking the face of the earth," said Exelon spokesman Craig Nesbit, who added that the company welcomes any federal or state inspections. "But the 1998 spill was, clearly, improperly handled and it was a large wakeup call and kicked us into gear. Our sensitivity to the environmental effects of what we do and our sensitivity to the public's need to know, and right away, has evolved tremendously over the last couple of months."

But the delays in disclosure, according to David Lochbaum, a nuclear expert at the Union of Concerned Scientists, "raises serious red flags. That's not the way it's supposed to work. The leaks should be stopped immediately and the public should be alerted. But the companies, and I'd say the federal government, have been so distracted with putting up new reactors and new opportunities. The Bush Administration wants an expanded role for nuclear power without first properly expanding the capacity for the nuclear regulators."

Lockbaum acknowledges that the NRC, for its part, has been hit with budget cuts, more nuclear demands and more worries since Sept. 11, and is only now getting the necessary funds to add about 300 positions — a roughly 10 percent increase. He's not the only one concerned. At a Senate committee hearing last May, an official with the Government Accountability Office

expressed misgivings about the industry's level of self-policing, saying that the NRC "in effect, relies on [plant operators] and trusts them to a large extent to make sure that their plants are operated safely." Residents of the Midwest might argue that companies like Exelon no longer deserve that trust.

The Search for Homegrown Priests

by [Eric Ferkenhoff](#)

The 13 men lying prone on the altar of Holy Name Cathedral on a recent Saturday were a testament to the Catholic Church's long push to recruit a new generation of priests from around the world as seminary enrollment in the U.S. sagged. Four of the men hailed from Poland, three from Kenya, two each from Mexico and Peru, and one from Tanzania. But of all these men before Cardinal Francis George, leader of the third largest archdiocese in the nation, the one that really stood out is Fr. Michael Scherschel, 42, who took his vows that day just a few miles from the church where the riddle of whether to enter the priesthood first entered his mind.

And if the Chicago Archdiocese succeeds in a new push, Scherschel will soon be joined by many more homegrown members of the clergy. Beginning July 1, the church will launch a drive to find more of them, using the 500 or so active priests across the city and suburbs to help spread the word. Roughly a dozen full- or part-time priests will work Chicago's 80 neighborhoods and northern suburbs much like recruiters for the police or fire department or any business group would. Schools will be visited in the 364 local parishes, as well as public and private institutions, colleges and universities and career fairs, as the archdiocese looks to reverse a trend in which, currently, about 90% of all seminary freshmen drop out.

The archdiocese has one thing going for it that other career recruiters don't — a captive audience. Some 2.3 million Catholics attend more than 1,700 weekly masses here. The U.S. Conference of Catholic Bishops applauds the effort, saying this "fishers of men" approach at the local level could help cultivate a corps of priests in Chicago that not only knows the language of

the neighborhood, but the politics and the culture that helped develop it and the people who live there.

“It’s drawing from their own people, and that’s part of who we are as Catholics,” says Monsignor Edward Burns, head of priestly and vocational services for the bishops conference. “We need to identify the future leaders of the church, and just as the parish comes forth and celebrates with bread and wine and the sacraments, sometimes parents in a community feel this need to pray and say to God, if you want one of my sons to serve you, by all means touch his heart.”

Experts are unaware of any similar formal local recruiting effort elsewhere in the country. But over the years, from New Hampshire and Maine to Iowa, Mississippi and Wisconsin, many tactics have been employed to lure a new generation of Catholics to the priesthood — Internet campaigns, TV commercials, high school marketing and nominating petitions in dioceses. In this new campaign, the archdiocese will rely on a more intimate approach, appointing a new vocation director, at least 12 full- and part-time priests, and using pastors at regular masses to spread the word from the pulpit during homilies and announcements — or by simply walking up to strong lay members and asking if they have heard the call. “Many of the recently ordained foreign-born priests said that’s precisely what led them to consider being priests,” says James Accurso, a spokesman for the Chicago archdiocese.

But in a city that is now 37% black and 26% Latino, the trick is not to simply replace retiring white men with young white men. Even with the international push over the past 20 years or so, the archdiocese struggles to reflect its flock in the racial breakdown of the parishioners and those who tend to them. While about 90% of the active priests are white, only about half of all congregants are white, with 40% Hispanic or Latino, 4% African American, and 4.5% listed as Asian or “other.” So just as the Church went on a global hunt for priests in years past to tend to the flock in their own language, the archdiocese here is trying to recruit a U.N. corps of clergy by mining local neighborhoods filled with Korean and Chinese, Urdu, Hindi and Polish, French, German, Italian and all manner of Spanish and African dialects.

“There’s something to be said for a great voice to so many cultures and nations in one church,” says Fr. Thomas Baima, provost of the University of St. Mary of the Lake-Mundelein Seminary. “But the numbers are down. Society has changed. We need to reach out differently.”

Certainly the way they have been reaching out at home hasn’t been working so well. Since 1980, the priesthood in Chicago alone has dropped from more than 1,200 in 1980 to just over 800 now (including retired or otherwise not practicing priests). Nationwide, one in every three Catholic priests is now foreign born, with the fastest-growing group of Hispanic descent. “The priesthood,” Baima says, “isn’t a normal career, or a career at all. It’s more akin to marriage; it’s total engagement. There’s a personal dialogue in inviting someone to become a priest that you can’t put side by side with the law or medicine or police.”

So is Fr. Scherschel the right man for the job? The archdiocese says yes — for his parish, in the mostly white neighborhood on the northwest side. Just as important, perhaps, is his age, over 40. The average age for making commitments in general has risen dramatically, matching changes in society, with people getting married and making other life decisions later and later. Baima says, “A full 10 years has been added to making these lifelong decisions. This is as much about a social change as it is about religion, really.”

Exactly, says Scherschel. “I asked God if I could do something else,” said Scherschel, who was making good money in advertising before deciding to become a priest. It was exciting, creative, and more rungs on the ladder were ahead. “But this is of the spiritual, and that is critical. My life’s not supposed to be about increasing my own worth anymore.”

Ambition: Why Some People Are Most Likely to Succeed

by [Jeffrey Kluger](#)

You don't get as successful as Gregg and Drew Shipp by accident. Shake hands with the 36-year-old fraternal twins who co-own the sprawling Hi Fi Personal Fitness club in Chicago, and it's clear you're in the presence of people who thrive on their drive. But that wasn't always the case. The twins' father founded the Jovan perfume company, a glamorous business that spun off the kinds of glamorous profits that made it possible for the Shipps to amble through high school, coast into college and never much worry about getting the rent paid or keeping the fridge filled. But before they graduated, their sense of drift began to trouble them. At about the same time, their father sold off the company, and with it went the cozy billets in adult life that had always served as an emotional backstop for the boys.

That did it. By the time they got out of school, both Shipps had entirely transformed themselves, changing from boys who might have grown up to live off the family's wealth to men consumed with going out and creating their own. "At this point," says Gregg, "I consider myself to be almost maniacally ambitious."

It shows. In 1998 the brothers went into the gym trade. They spotted a modest health club doing a modest business, bought out the owner and transformed the place into a luxury facility where private trainers could reserve space for top-dollar clients. In the years since, the company has outgrown one building, then another, and the brothers are about to move a third time. Gregg, a communications major at college, manages the club's clients, while Drew, a business major, oversees the more hardheaded chore of finance and expansion. "We're not sitting still," Drew says. "Even now that we're doing twice the business we did at our old place, there's a thirst that needs to be quenched."

Why is that? Why are some people born with a fire in the belly, while others — like the Shipps — need something to get their pilot light lit? And why do others never get the flame of ambition going? Is there a family anywhere that doesn't have its overachievers and underachievers — its Jimmy Carters and Billy Carters, its Jeb Bushes and Neil Bushes — and find itself wondering how they all could have come splashing out of exactly the same gene pool?

Of all the impulses in humanity's behavioral portfolio, ambition — that need to grab an ever bigger piece of the resource pie before someone else gets it — ought to be one of the most democratically distributed. Nature is a zero-sum game, after all. Every buffalo you kill for your family is one less for somebody else's; every acre of land you occupy elbows out somebody else. Given that, the need to get ahead ought to be hard-wired into all of us equally.

And yet it's not. For every person consumed with the need to achieve, there's someone content to accept whatever life brings. For everyone who chooses the 80-hour workweek, there's someone punching out at 5. Men and women — so it's said — express ambition differently; so do Americans and Europeans, baby boomers and Gen Xers, the middle class and the well-to-do. Even among the manifestly motivated, there are degrees of ambition. Steve Wozniak co-founded Apple Computer and then left the company in 1985 as a 34-year-old multimillionaire. His partner, Steve Jobs, is still innovating at Apple and moonlighting at his second blockbuster company, Pixar Animation Studios.

Not only do we struggle to understand why some people seem to have more ambition than others, but we can't even agree on just what ambition is. "Ambition is an evolutionary product," says anthropologist Edward Lowe at Soka University of America, in Aliso Viejo, Calif. "No matter how social status is defined, there are certain people in every community who aggressively pursue it and others who aren't so aggressive."

Dean Simonton, a psychologist at the University of California, Davis, who studies genius, creativity and eccentricity, believes it's more complicated than that. "Ambition is energy and determination," he says. "But it calls for goals too. People with goals but no energy are the ones who wind up sitting on the couch saying 'One day I'm going to build a better mousetrap.' People with energy but no clear goals just dissipate themselves in one desultory project after the next."

Assuming you've got drive, dreams and skill, is all ambition equal? Is the overworked lawyer on the partner track any more ambitious than the overworked parent on the mommy track? Is the

successful musician to whom melody comes naturally more driven than the unsuccessful one who sweats out every note? We may listen to Mozart, but should we applaud Salieri?

Most troubling of all, what about when enough ambition becomes way too much? Grand dreams unmoored from morals are the stuff of tyrants — or at least of Enron. The 16-hour workday filled with high stress and at-the-desk meals is the stuff of burnout and heart attacks. Even among kids, too much ambition quickly starts to do real harm. In a just completed study, anthropologist Peter Demerath of Ohio State University surveyed 600 students at a high-achieving high school where most of the kids are triple-booked with advanced-placement courses, sports and after-school jobs. About 70% of them reported that they were starting to feel stress some or all of the time. “I asked one boy how his parents react to his workload, and he answered, ‘I don’t really get home that often,’” says Demerath. “Then he handed me his business card from the video store where he works.”

Anthropologists, psychologists and others have begun looking more closely at these issues, seeking the roots of ambition in family, culture, gender, genes and more. They have by no means thrown the curtain all the way back, but they have begun to part it. “It’s fundamentally human to be prestige conscious,” says Soka’s Lowe. “It’s not enough just to be fed and housed. People want more.”

If humans are an ambitious species, it’s clear we’re not the only one. Many animals are known to signal their ambitious tendencies almost from birth. Even before wolf pups are weaned, they begin sorting themselves out into alphas and all the others. The alphas are quicker, more curious, greedier for space, milk, Mom — and they stay that way for life. Alpha wolves wander widely, breed annually and may live to a geriatric 10 or 11 years old. Lower-ranking wolves enjoy none of these benefits — staying close to home, breeding rarely and usually dying before they’re 4.

Humans often report the same kind of temperamental determinism. Families are full of stories of the inexhaustible infant who grew up to be an entrepreneur, the phlegmatic child who never really showed much go. But if it’s genes that run the show, what accounts for the Shipps, who

didn't bestir themselves until the cusp of adulthood? And what, more tellingly, explains identical twins — precise genetic templates of each other who ought to be temperamentally identical but often exhibit profound differences in the octane of their ambition?

[\(See TIME's Wellness blog.\)](#)

Ongoing studies of identical twins have measured achievement motivation — lab language for ambition — in identical siblings separated at birth, and found that each twin's profile overlaps 30% to 50% of the other's. In genetic terms, that's an awful lot — “a benchmark for heritability,” says geneticist Dean Hamer of the National Cancer Institute. But that still leaves a great deal that can be determined by experiences in infancy, subsequent upbringing and countless other imponderables.

Some of those variables may be found by studying the function of the brain. At Washington University, researchers have been conducting brain imaging to investigate a trait they call persistence — the ability to stay focused on a task until it's completed just so — which they consider one of the critical engines driving ambition.

The researchers recruited a sample group of students and gave each a questionnaire designed to measure persistence level. Then they presented the students with a task — identifying sets of pictures as either pleasant or unpleasant and taken either indoors or outdoors — while conducting magnetic resonance imaging of their brains. The nature of the task was unimportant, but how strongly the subjects felt about performing it well — and where in the brain that feeling was processed — could say a lot. In general, the researchers found that students who scored highest in persistence had the greatest activity in the limbic region, the area of the brain related to emotions and habits. “The correlation was .8 [or 80%],” says professor of psychiatry Robert Cloninger, one of the investigators. “That's as good as you can get.”

It's impossible to say whether innate differences in the brain were driving the ambitious behavior or whether learned behavior was causing the limbic to light up. But a number of researchers

believe it's possible for the nonambitious to jump-start their drive, provided the right jolt comes along. "Energy level may be genetic," says psychologist Simonton, "but a lot of times it's just finding the right thing to be ambitious about." Simonton and others often cite the case of Franklin D. Roosevelt, who might not have been the same President he became — or even become President at all — had his disabling polio not taught him valuable lessons about patience and tenacity.

Is such an epiphany possible for all of us, or are some people immune to this kind of lightning? Are there individuals or whole groups for whom the amplitude of ambition is simply lower than it is for others? It's a question — sometimes a charge — that hangs at the edges of all discussions about gender and work, about whether women really have the meat-eating temperament to survive in the professional world. Both research findings and everyday experience suggest that women's ambitions express themselves differently from men's. The meaning of that difference is the hinge on which the arguments turn.

Economists Lise Vesterlund of the University of Pittsburgh and Muriel Niederle of Stanford University conducted a study in which they assembled 40 men and 40 women, gave them five minutes to add up as many two-digit numbers as they could, and paid them 50¢ for each correct answer. The subjects were not competing against one another but simply playing against the house. Later, the game was changed to a tournament in which the subjects were divided into teams of two men or two women each. Winning teams got \$2 per computation; losers got nothing. Men and women performed equally in both tests, but on the third round, when asked to choose which of the two ways they wanted to play, only 35% of the women opted for the tournament format; 75% of the men did.

"Men and women just differ in their appetite for competition," says Vesterlund. "There seems to be a dislike for it among women and a preference among men."

To old-line employers of the old-boy school, this sounds like just one more reason to keep the glass ceiling polished. But other behavioral experts think Vesterlund's conclusions go too far.

They say it's not that women aren't ambitious enough to compete for what they want; it's that they're more selective about when they engage in competition; they're willing to get ahead at high cost but not at any cost. "Primate-wide, males are more directly competitive than females, and that makes sense," says Sarah Blaffer Hrdy, emeritus professor of anthropology at the University of California, Davis. "But that's not the same as saying women aren't innately competitive too."

[\(See the world's most influential people in the 2009 TIME 100.\)](#)

As with so much viewed through the lens of anthropology, the roots of these differences lie in animal and human mating strategies. Males are built to go for quick, competitive reproductive hits and move on. Women are built for the it-takes-a-village life, in which they provide long-term care to a very few young and must sail them safely into an often hostile world. Among some of our evolutionary kin — baboons, macaques and other old-world monkeys — this can be especially tricky since young females inherit their mother's social rank. The mothers must thus operate the levers of society deftly so as to raise both their own position and, eventually, their daughters'. If you think that kind of ambition-by-proxy doesn't translate to humans, Hrdy argues, think again. "Just read an Edith Wharton novel about women in old New York competing for marriage potential for their daughters," she says.

Import such tendencies into the 21st century workplace, and you get women who are plenty able to compete ferociously but are inclined to do it in teams and to split the difference if they don't get everything they want. And mothers who appear to be unwilling to strive and quit the workplace altogether to go raise their kids? Hrdy believes they're competing for the most enduring stakes of all, putting aside their near-term goals to ensure the long-term success of their line. Robin Parker, 46, a campaign organizer who in 1980 was already on the presidential stump with Senator Edward Kennedy, was precisely the kind of lifetime pol who one day finds herself in the West Wing. But in 1992, at the very moment a President of her party was returning to the White House and she might have snagged a plum Washington job, she decamped from the capital, moved to Boston with her family and became a full-time mom to her two sons.

“Being out in the world became a lot less important to me,” she says. “I used to worry about getting Presidents elected, and I’m still an incredibly ambitious person. But what I want to succeed at now is managing my family, raising my boys, helping my husband and the community. In 10 years, when the boys are launched, who knows what I’ll be doing? But for now, I have my world.”

But even if something as primal as the reproductive impulse wires you one way, it’s possible for other things to rewire you completely. Two of the biggest influences on your level of ambition are the family that produced you and the culture that produced your family.

There are no hard rules for the kinds of families that turn out the highest achievers. Most psychologists agree that parents who set tough but realistic challenges, applaud successes and go easy on failures produce kids with the greatest self-confidence.

What’s harder for parents to control but has perhaps as great an effect is the level of privilege into which their kids are born. Just how wealth or poverty influences drive is difficult to predict. Grow up in a rich family, and you can inherit either the tools to achieve (think both Presidents Bush) or the indolence of the aristocrat. Grow up poor, and you can come away with either the motivation to strive (think Bill Clinton) or the inertia of the hopeless. On the whole, studies suggest it’s the upper middle class that produces the greatest proportion of ambitious people — mostly because it also produces the greatest proportion of anxious people.

When measuring ambition, anthropologists divide families into four categories: poor, struggling but getting by, upper middle class, and rich. For members of the first two groups, who are fighting just to keep the electricity on and the phone bill paid, ambition is often a luxury. For the rich, it’s often unnecessary. It’s members of the upper middle class, reasonably safe economically but not so safe that a bad break couldn’t spell catastrophe, who are most driven to improve their lot. “It’s called status anxiety,” says anthropologist Lowe, “and whether you’re born to be concerned about it or not, you do develop it.”

But some societies make you more anxious than others. The U.S. has always been a me-first culture, as befits a nation that grew from a scattering of people on a fat saddle of continent where land was often given away. That have-it-all ethos persists today, even though the resource freebies are long since gone. Other countries — where the acreage is smaller and the pickings are slimmer — came of age differently, with the need to cooperate getting etched into the cultural DNA. The American model has produced wealth, but it has come at a price — with ambition sometimes turning back on the ambitious and consuming them whole.

The study of high-achieving high school students conducted by Ohio State's Demerath was noteworthy for more than the stress he found the students were suffering. It also revealed the lengths to which the kids and their parents were willing to go to gain an advantage over other suffering students. Cheating was common, and most students shrugged it off as only a minor problem. A number of parents — some of whose children carried a 4.0 average — sought to have their kids classified as special-education students, which would entitle them to extra time on standardized tests. "Kids develop their own moral code," says Demerath. "They have a keen sense of competing with others and are developing identities geared to that."

Demerath got very different results when he conducted research in a very different place — Papua, New Guinea. In the mid-1990s, he spent a year in a small village there, observing how the children learned. Usually, he found, they saw school as a noncompetitive place where it was important to succeed collectively and then move on. Succeeding at the expense of others was seen as a form of vanity that the New Guineans call "acting extra." Says Demerath: "This is an odd thing for them."

That makes tactical sense. In a country based on farming and fishing, you need to know that if you get sick and can't work your field or cast your net, someone else will do it for you. Putting on airs in the classroom is not the way to ensure that will happen.

Of course, once a collectivist not always a collectivist. Marcelo Suárez-Orozco, a professor of globalization and education at New York University, has been following 400 families that

immigrated to the U.S. from Asia, Latin America and the Caribbean. Many hailed from villages where the American culture of competition is alien, but once they got here, they changed fast.

As a group, the immigrant children in his study are outperforming their U.S.-born peers. What's more, the adults are dramatically outperforming the immigrant families that came before them. "One hundred years ago, it took people two to three generations to achieve a middle-class standard of living," says Suñrez-Orozco. "Today they're getting there within a generation."

So this is a good thing, right? Striving people come here to succeed — and do. While there are plenty of benefits that undeniably come with learning the ways of ambition, there are plenty of perils too — many a lot uglier than high school students cheating on the trig final.

Human history has always been writ in the blood of broken alliances, palace purges and strong people or nations beating up on weak ones — all in the service of someone's hunger for power or resources. "There's a point at which you find an interesting kind of nerve circuitry between optimism and hubris," says Warren Bennis, a professor of business administration at the University of Southern California and the author of three books on leadership. "It becomes an arrogance or conceit, an inability to live without power."

While most ambitious people keep their secret Caesar tucked safely away, it can emerge surprisingly, even suddenly. Says Frans de Waal, a primatologist at the Yerkes Primate Center in Atlanta and the author of a new book, *Our Inner Ape*: "You can have a male chimp that is the most laid-back character, but one day he sees the chance to overthrow the leader and becomes a totally different male. I would say 90% of people would behave this way too. On an island with three people, they might become a little dictator."

But a yearning for supremacy can create its own set of problems. Heart attacks, ulcers and other stress-related ills are more common among high achievers — and that includes nonhuman achievers. The blood of alpha wolves routinely shows elevated levels of cortisol, the same stress

hormone that is found in anxious humans. Alpha chimps even suffer ulcers and occasional heart attacks.

For these reasons, people and animals who have an appetite for becoming an alpha often settle contentedly into life as a beta. “The desire to be in a high position is universal,” says de Waal. “But that trait has co-evolved with another skill — the skill to make the best of lower positions.”

Humans not only make peace with their beta roles but they also make money from them. Among corporations, an increasingly well-rewarded portion of the workforce is made up of B players, managers and professionals somewhere below the top tier. They don’t do the power lunching and ribbon cutting but instead perform the highly skilled, everyday work of making the company run. As skeptical shareholders look ever more askance at overpaid corporate A-listers, the B players are becoming more highly valued. It’s an adaptation that serves the needs of both the corporation and the culture around it. “Everyone has ambition,” says Lowe. “Societies have to provide alternative ways for people to achieve.”

Ultimately, it’s that very flexibility — that multiplicity of possible rewards — that makes dreaming big dreams and pursuing big goals worth all the bother. Ambition is an expensive impulse, one that requires an enormous investment of emotional capital. Like any investment, it can pay off in countless different kinds of coin. The trick, as any good speculator will tell you, is recognizing the riches when they come your way.

— With reporting by Dan Cray / Los Angeles and Eric Ferkenhoff, Noah Isackson and Leslie Whitaker / Chicago