

RECEIVED

IN THE HONORABLE SENATE OF THE STATE OF ILLINOIS
FOR THE NINETY-SIXTH GENERAL ASSEMBLY
SITTING AS AN IMPEACHMENT TRIBUNAL

JAN 21 PM 4:43
SECRETARY
OF THE
SENATE

In re)
Impeachment of)
Governor ROD R. BLAGOJEVICH)

**HOUSE PROSECUTOR'S
MOTION FOR ADDITIONAL DOCUMENTS OR MATERIALS**

House Prosecutor David W. Ellis, pursuant to Senate Impeachment Rule 15(b)(2), moves for the admission of additional documents into evidence and, in support thereof, states as follows:

1. The House Prosecutor seeks to excerpts from Exhibit 3, the Affidavit of Special Agent Daniel Cain, for demonstrative purposes at the Impeachment Trial.
2. Copies of these excerpts are attached to this Motion.
3. These excerpts may be used during the testimony of Representatives Jim Durkin, Gary Hannig, Chapin Rose, and Daniel Cain, as well as during closing argument.
4. These excerpts are relevant and material because they provide evidence of the Governor's abuse of power regarding paragraphs 1 through 8 of the Article of Impeachment.
5. These documents are not redundant because they do not exist in the proposed form and will be used for demonstrative purposes.
6. Moreover, although some evidence related to this issue is contained in the House impeachment record, under Senate Impeachment Rule 15(g), the evidence is not deemed redundant simply because it relates to material already in the record.

WHEREFORE, the House Prosecutor respectfully moves for the admission of excerpts from Exhibit 3, the Affidavit of Special Agent Daniel Cain, for demonstrative purposes at the Impeachment Trial.

Respectfully submitted,

**DAVID W. ELLIS,
HOUSE PROSECUTOR**



David W. Ellis
House Prosecutor
Illinois House of Representatives
412 State House
Springfield, IL 62706

RECEIVED

2009 JAN 21 PM 4:43

OFFICE
OF THE
STATE

ROD BLAGOJEVICH told Fundraiser A to tell Individual D if there is “tangible political support (campaign contributions) like you’ve said, start showing us now.”

ROD BLAGOJEVICH told Fundraiser A to communicate the “urgency” of the situation to Individual D.

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 115(b) (Conversation on December 4, 2008)

RECEIVED

2009 JAN 21 PM 4:43

OFFICE
OF THE
SENATE

**“some of this stuffs gotta start
happening now . . .right now . . . and
we gotta see it. You understand?”**

❖ *ROD BLAGOJEVICH told Fundraiser A to tell Individual D that ROD BLAGOJEVICH had a problem with Senate Candidate 5 just promising to help ROD BLAGOJEVICH because ROD BLAGOJEVICH had a prior bad experience with Senate Candidate 5 not keeping his word.*

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 115(b) (Conversation on December 4, 2008)

ROD BLAGOJEVICH said that “one thing I’d be interested in” is a 501(c)(4) organization.

ROD BLAGOJEVICH explained the 501(c)(4) idea to SEIU Official and said that the 501(c)(4) could help “our new Senator [Senate Candidate 1].”

SEIU Official agreed to “put that flag up and see where it goes.”

❖ *Approximately a week before this call, ROD BLAGOJEVICH met with SEIU Official to discuss the vacant Senate seat, and ROD BLAGOJEVICH understood that SEIU Official was an emissary to discuss Senate Candidate 1’s interest in the Senate seat.*

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 109-110 (Conversations on November 12, 2008)

RECEIVED
NOV 17 2008
2:14 PM
LIBRARY

“I said go back to [Senate Candidate 1], and, and say hey, look, if you still want to be a Senator don’t rule this out and then broach the idea of this 501(c)(4) with her.”

❖ *ROD BLAGOJEVICH told Advisor B this is what he said to SEIU Official.*

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 109-110 (Conversations on November 12, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4:44

RECEIVED

ROD BLAGOJEVICH asked Advisor A to call Individual A and have Individual A pitch the idea of the 501(c)(4) to “[President-elect Advisor].”

Advisor A said that, “while it’s not said this is a play to put in play other things.”

ROD BLAGOJEVICH responded, “correct.”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 114 (Conversations on November 13, 2008)

RECEIVED
2009 JAN 21 PM 4:44
SECRETARY
OF THE
SENATE

ROD BLAGOJEVICH and Advisor A discussed who might be close to Senate Candidate 6 to talk with him about the issue, because ROD BLAGOJEVICH did not “want to be the one to ask something like that.”

Advisor A agreed to find out who is close to Senate Candidate 6.

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 105 (Conversations on November 11, 2008)

RECEIVED
2009 JUN 21 PM 4: 44
SECRETARY
OF THE
SENATE

ROD BLAGOJEVICH told HARRIS that he should do “homework” on private foundations “right away.”

ROD BLAGOJEVICH told HARRIS to “look into all of those.”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 94 (Conversations on November 5, 2008)

RECEIVED
2009 JAN 21 PM 4:44
SECRETARY
OF THE
SENATE

ROD BLAGOJEVICH stated that his decision about the open Senate seat will be based on three criteria in the following order of importance: “our legal situation, our personal situation, my political situation. This decision, like every other one, needs to be based upon on that.

Legal. Personal. Political.”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 111 (Conversations on November 12, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4:44

RECEIVED

ROD BLAGOJEVICH said that the consultants are telling him that he has to “suck it up” for two years and do nothing and give this “motherf---er [the President-elect] his senator. F--- him. For nothing? F--- him.”

ROD BLAGOJEVICH states that he will put “[Senate Candidate 4]” in the Senate “before I just give f---ing [Senate Candidate 1] a f---ing Senate seat and I don’t get anything.”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 101(c) (Conversations on November 10, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4:44

RECEIVED

“the immediate challenge [is] how do we take some of the financial pressure off of our family.”

BLAGOJEVICH stated that absent getting something back, BLAGOJEVICH will not pick Senate Candidate 1.

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 101(c) (Conversations on November 10, 2008)

RECEIVED
2009 JAN 21 PM 4: 45
SECRETARY
OF THE
SENATE

ROD BLAGOJEVICH states that he will appoint “[Senate Candidate 1] . . . but if they feel like they can do this and not f---ing give me anything . . . then I’ll f---ing go [Senate Candidate 5].”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 102 (Conversations on November 10, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4:45

RECEIVED

BLAGOJEVICH said he knows that the President-elect wants Senate Candidate 1 for the Senate seat but “they’re not willing to give me anything except appreciation. F--- them.”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 104 (Conversations on November 11, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4: 45

RECEIVED

“if . . . they’re not going to offer anything of any value, then I might just take it.”

“unless I get something real good for [Senate Candidate 1], s---, I’ll just send myself, you know what I’m saying.”

“I’m going to keep this Senate option for me a real possibility, you know, and therefore I can drive a hard bargain. You hear what I’m saying. And if I don’t get what I want and I’m not satisfied with it, then I’ll just take the Senate seat myself.”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 89, 90 (Conversations on November 3, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4: 45

RECEIVED

**The Senate seat “is a
f--ing valuable thing,
you just don’t give it
away for nothing.”**

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 89, 90 (Conversations on November 3, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4:45

RECEIVED

BLAGOJEVICH stated that he will make a decision on the Senate seat “in good faith . . . but it is not coming for free. . . . It’s got to be good stuff for the people of Illinois and good for me.”



BLAGOJEVICH states “[President-elect], you want it? Fine. But, its got to be good or I could always take [the Senate seat].”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 92 (Conversations on November 4, 2008)

RECEIVED
2009 JAN 21 PM 4: 45
SECRETARY
OF THE
SENATE

“I’ve got this thing and it’s f---ing golden, and, uh, uh, I’m just not giving it up for f---in’ nothing. I’m not gonna do it. And, and I can always use it. I can parachute me there.”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 96 (Conversations on November 5, 2008)

SECRETARY
OF THE
SENATE
2009 JAN 21 PM 4:45

RECEIVED

**“some of this stuffs gotta start happening
now . . . right now . . . and we gotta see it.
You understand?”**

**“you gotta be careful how you express
that and assume everybody’s listening,
the whole world is listening. You hear
me?”**

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 115(b) (Conversation on December 4, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4: 45

RECEIVED

**“I would do it in
person. I would
not do it on the
phone.”**

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 115(b) (Conversation on December 4, 2008)

RECEIVED
2009 JAN 21 PM 4:45
SECRETARY
OF THE
SENATE

On the morning of December 5, 2008, the Chicago Tribune ran a front page news story stating ROD BLAGOJEVICH had recently been surreptitiously recorded in relation to an ongoing criminal investigation. BLAGOJEVICH and Fundraiser A discussed certain information contained in the story.

“undo your [Individual D] thing.”

Fundraiser A confirmed that it would be undone.

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 115(c) (Conversation on December 5, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4: 45

RECEIVED

“We were approached ‘pay to play.’ That, you know, he’d raise me 500 grand. An emissary came. Then the other guy would raise a million, if I made him (Senate Candidate 5) a Senator.”

❖ *ROD BLAGOJEVICH describing an earlier approach by an associate of Senate Candidate 5.*

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 115(a) (Conversation on October 31, 2008)

RECEIVED
2009 JAN 21 PM 4:45
SECRETARY
OF THE
SENATE

BLAGOJEVICH stated that the “trick . . . is how do you conduct indirectly . . . a negotiation” for the Senate seat.



BLAGOJEVICH analogized his situation to that of a sports agent shopping a potential free agent to various teams, stating “how much are you offering, [President-elect]? What are you offering, [Senate Candidate 2]? Can always go to . . . [Senate Candidate 3].”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 92 (Conversations on November 4, 2008)

RECEIVED
2009 JAN 21 PM 4:45
SECRETARY
OF THE
SENATE

With respect to the Senate seat, Deputy Governor A suggested putting together a list of things that ROD BLAGOJEVICH would accept in exchange for the Senate seat.



ROD BLAGOJEVICH responded that the list “can’t be in writing.”

RECEIVED
JAN 21 PM 4:46
SECRETARY OF THE SENATE

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 91 (Conversations on November 5, 2008)

BLAGOJEVICH indicated that if he was appointed as Secretary of Health and Human Services by the President-elect, then BLAGOJEVICH would appoint Senate Candidate 1 to the open Senate seat.



HARRIS stated “we wanted our ask to be reasonable and rather than . . . make it look like some sort of selfish grab for a quid pro quo.”



HARRIS suggested a “three-way deal,” and explained that a three-way deal like the one discussed would give the President-elect a “buffer so there is no obvious quid pro quo for [Senate Candidate 1].”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 99 (Conversations on November 7, 2008)

RECEIVED
NOV 21 4:46 PM '08
SECRETARY
OF THE
SENATE

Advisor B stated that he likes the idea, but liked the Change to Win option better because, according to Advisor B, from the President-elect's perspective, there would be fewer "fingerprints" on the President-elect's involvement with Change to Win because Change to Win already has an existing stream of revenue and, therefore,

“you won't have stories in four years that they bought you off.”

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 107 (Conversations on November 12, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4: 46

RECEIVED

**Governor General Counsel asked,
“can [the President-elect] help in
the private sector. . . where it
wouldn’t be tied to him? . . . I
mean, so it wouldn’t necessarily
look like one for the other.”**

Source: Exhibit 3, Daniel Cain Affidavit, paragraph 101(b) (Conversations on November 10, 2008)

SECRETARY
OF THE
SENATE

2009 JAN 21 PM 4:46

RECEIVED