



January 5, 2009

Barbara Flynn Currie
Chairperson
Special Investigative Committee
Illinois House of Representatives
300 State Capitol Building
Springfield, IL 62706

Re: Senator Roland Burris' Subpoena before the Special Investigative Committee.

Dear Chairperson Currie:

I write as counsel for Senator Roland Burris in regard to the receipt of the Subpoena for him to appear before the Special Investigative Committee on January 7, 2009 at 1:00 p.m. Senator Burris is willing and desirous of appearing before the Special Investigative Committee and to testify as soon as is practicable. As you are no doubt aware, Senator Burris is scheduled to enter the U.S. Senate on Tuesday, January 6, 2009, at 12 noon to take the oath of office and begin his legislative duties. Senator Burris is further tentatively scheduled to meet with various members of the U.S. Senate leadership team on Wednesday, January 7, 2009 to discuss various matters related to his legislative status.

In view of Senator Burris' expected Senate schedule and responsibilities, he is prepared to present himself to the Special Investigative Committee as early as Thursday, January 8, 2009, or as soon thereafter as the Committee directs or any pressing business in Washington might permit. I am available the morning of Monday, January 05, 2009, to further discuss the timing and logistics of Senator's Burris' appearance before the Committee. Please feel free to contact me at my office at (312) 566-0040, my direct line at (312) 638-0015 or via email at tim_wright@gshllc.com.

I look forward to speaking with you and further defining the Senator's appearance before the Special Investigative Committee.

Sincerely,

Timothy W. Wright, III
Attorney for Senator Roland W. Burris

GONZALEZ, SAGGIO AND HARLAN LLP | Chicago
Attorneys at Law

www.gshchicagolpc.com

Committee Exhibit 40

Cincinnati
Cleveland
Indianapolis
Las Vegas
Milwaukee
New York
Washington, DC
West Des Moines



January 5, 2009

VIA FACSIMILE (217) 557-7599

Barbara Flynn Currie
Chairperson
Special Investigative Committee
Illinois House of Representative
300 State Capitol Building
Springfield, IL 62708

Re: Senator Roland Burris' Subpoena before the Special
Investigative Committee.

Dear Chairperson Currie:

As you have discussed with Timothy Wright, Senator Burris has sworn the attached Affidavit reciting the events leading up to his appointment as United States Senator by Governor Blagojevich. The Affidavit is not intended to be a substitute for testimony before your Committee, but may be useful to you pending the Senator's actual appearance.

Thank you for the consideration the Committee has extended to Senator Burris.

Very truly yours,

A handwritten signature in black ink, appearing to read "Emmitt C. House".

Emmitt C. House
An Attorney for Senator Roland W. Burris

Attachment

GONZALEZ, SAGGIO AND HARLAN, L.L.C.
Attorneys at Law

www.gshchicagollc.com

Chicago
35 East Wacker Drive
Suite 500
Chicago, IL 60601
Tel (312) 236-0475
Fax (312) 236-1750

Cincinnati
Cleveland
Indianapolis
Las Vegas
Milwaukee
New York
Washington, DC
West Des Moines

STATE OF ILLINOIS

COUNTY OF COOK

AFFIDAVIT OF ROLAND W. BURRIS

I, **ROLAND W. BURRIS**, being first sworn on oath, depose and state that the following is true to the best of my knowledge and recollection:

1. I am the Senator-Designate for the State of Illinois.
2. I am a resident of the State of Illinois, at least 30 years of age and a natural-born citizen of the United States of America.
3. On Friday, December 26, 2008, I received a telephone call from Sam Adams, Jr., ("Mr. Adams, Jr.") an attorney employed by Rod Blagojevich, the Governor of the State of Illinois ("Governor Blagojevich").
4. During the December 26, 2008 telephone conversation with Mr. Adams, Jr., he asked if he could come to my residence to discuss a matter with me and I agreed.
5. At my residence Mr. Adams Jr. asked if I had an interest in accepting Governor Blagojevich's appointment to fill the Senate seat left vacant by President-Elect Barack Obama. I responded to Mr. Adams, Jr. that I needed a couple of days to confer with friends and family and that I would inform him of my decision within a couple of days.
6. On Sunday, December 28, 2008, Mr. Adams Jr. contacted me by telephone and then visited me at my home to ask me if I had reached a decision with respect to accepting or rejecting Governor Blagojevich's appointment to the United States Senate.
7. I told Mr. Adams Jr. that, should Governor Blagojevich offer the appointment to the United States Senate, I would accept.
8. On Sunday, December 28, 2008, at approximately 4:00 p.m., Governor Blagojevich personally contacted me by telephone, praised my public service record and offered to appoint me to the United States Senate to fill the Senate seat left vacant by President-Elect Barack Obama.
9. During the December 28, 2008 telephone conversation with Governor Blagojevich, I formally accepted the appointment to the United States

Senate. Governor Blagojevich then indicated that he would formally announce my appointment at a press conference within the next couple of days. The telephone call then ended.

- 10. Other than greetings, Governor Blagojevich praising my public service record, his offer and my acceptance of the appointment to the United States Senate, and the discussion of the future press conference to announce my appointment, Governor Blagojevich and I discussed no other topics or subject matter during the December 28, 2008 telephone conversation.
- 11. Prior to the December 26, 2008 telephone call from Mr. Adams, Jr., there was not any contact between myself or any of my representatives with Governor Blagojevich or any of his representatives regarding my appointment to the United States Senate.

FURTHER AFFIANT SAYETH NAUGHT.



ROLAND W. BURRIS

Senate-Designate for the State of Illinois

Subscribed and sworn to me
this 5th of January, 2009


NOTARY PUBLIC