

IN THE HONORABLE SENATE OF THE STATE OF ILLINOIS FOR THE NINETY-SIXTH GENERAL ASSEMBLY PM 4: 43 SITTING AS AN IMPEACHMENT TRIBUNAL

		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.
- 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

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

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

RECEIVED

we gotta see it. You understand?" happening now...right now...and "some of this stuffs Solia Start

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

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

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

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

where it goes." SEIU Official agreed to "put that flag up and

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

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

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

* 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)

YRATAROB8 BLTANBS

2009 JAN 21 PM 4:444

BECEINED

0

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

in play other things." Advisor A said that, "while it's not said this is a play to put

ROD BLAGOJEVICH responded, "correct."

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

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

Advisor A agreed to find out who is close



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

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

"look into all of those." ROD BLAGOJEVICH told HARRIS to

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

YPIATPROBE BHT 90 BTANBS

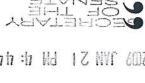
SEED DAY OF U

HECEIVED

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

Legal. Personal. Political.

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



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

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

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

HECEIVED

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

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)

like they can do this and not f-Candidate 1]... but if they feel that he will appoint "[Senate ROD --ing give me anything . . . then BLAGOJEVICH states

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

Candidate 5]."

9

Senate

2009 JAN 21 PM 4: 45

BECEINED

Senate Candidate 1 that the President-elect wants BLAGOJEVICH said he knows Senate seat but "they're not willing to give me anything tor

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

except appreciation. F--- them

"if . . . they're not going to offer anything of any value, then I might just take it."

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

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

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

away for nothing Senate valuable seat

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

YAMENES SENANS SENANS

Stith Hd IZ NVr 6002

HECEIVED

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



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

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



2009 JAN 21 PM पः प

BECEINED

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

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

YAATPAOJe BHT JO BTANJE

SOO TWA SI BY 4:45

RECEIVED

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

that and assume everybody's listening, "you gotta be careful how you express the whole world is listening. You hear

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

73A77938

BECEINED

OCKSON Would WOU

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

YAATHAOHS HIT TO BTANHS

SUB JAN 21 PM 4: 45

BECEINED

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

"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)

YAATBAOB8 BIHT AO BTANB8

2009 JAN 21 PM 4: 415

RECEIVED

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

* 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)

YATTI SOTS TANTIS

Str:h Wa IZ NVC 6007

HECENED

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



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

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

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

the list "can't be in writing." ROD BLAGOJEVICH responded

CEVED M 4: 46

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



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

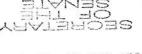


Source: Exhibit 3, Daniel Cain Affidavit, paragraph 99 (Conversations on November 7, 2008) elect a "buffer so there is no obvious quid pro quo for [Senate] three-way deal like the one discussed would give the President-HARRIS suggested a "three-way deal," and explained that a Candidate 1]."

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

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

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



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

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

YPATPINOSS STANSS

917 : H H 17 NV 1 602

BECEINED