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Final Edition

**Madigan may take him to high court; Attorney general might invoke rule to get Illinois Supreme Court to vote on ousting Blagojevich**

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Staff reporters

SPRINGFIELD-If Gov. Blagojevich refuses to relinquish power and avoids impeachment, Attorney General Lisa Madigan is prepared to force his hand, aides said Tuesday.

The state's chief law enforcement officer is prepared to invoke an obscure Illinois Supreme Court rule under which the state's seven justices could vote to oust a sitting governor deemed unfit for office.

"The attorney general is prepared to take action but believes the Legislature should have a reasonable time to act," Madigan spokeswoman Natalie Bauer said.

Bauer did not specify a timeline for Blagojevich to resign or for the House and Senate to act on impeachment before she would get involved.

The state Constitution doesn't explicitly indicate an officeholder can be ousted by the court or by impeachment if that person faces criminal charges. Instead, the Constitution uses terms such as "failure to qualify" or "disability" in laying out causes to impeach someone.

The Supreme Court rule allowing justices to wade into the issue of gubernatorial fitness is even less defined, saying only that the court has authority to determine "the ability of the governor to serve."

Madigan, House Minority Leader Tom Cross (R-Oswego) and U.S. Rep. Jan Schakowsky (D-Ill.), a longtime Blagojevich friend and colleague, called Tuesday for his impeachment.

But it wasn't clear that Democratic legislative leaders were ready to act on impeachment anytime soon despite hasty plans to reconvene in Springfield next week to react to the Blagojevich bombshell.

One worry among some in the House, where impeachment would begin, focuses on how evidence now held exclusively and tightly by federal prosecutors could be presented to a legislative impeachment panel before a Blagojevich trial.

In a statement, House Speaker Michael Madigan (D-Chicago), the attorney general's father, dealt only fleetingly with impeachment, saying he was "prepared to discuss the suggestions of the House Republican leader."

He did not commit to pushing for an impeachment resolution.

The governor's lawyer, Sheldon Sorosky, said his client has no plans to resign.

If Blagojevich did step down, Lt. Gov. Pat Quinn would take over, dramatically altering the state's political landscape heading into a 2010 gubernatorial election. On Tuesday, Quinn urged the governor to "step aside."

With Blagojevich in mind, Quinn, a self-styled populist disliked by many in his own party, led an unsuccessful legislative effort to pass a constitutional amendment that would have allowed voters to recall corrupt or incompetent leaders from office.