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**Madigan, Cullerton sue over pay**

By Dave McKinney

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SPRINGFIELD - House Speaker Michael Madigan and Senate President John Cullerton spent all spring disagreeing over how to solve Illinois' nearly $101 billion pension crisis, but Tuesday they agreed on one thing: Gov. Pat Quinn has no right to withhold their paychecks.

The two Democratic legislative leaders filed a lawsuit against the Democratic governor and Republican state Comptroller Judy Baar Topinka in Cook County Circuit Court, aiming to enlist the state's judiciary in blocking Quinn's unprecedented July suspension of legislative paychecks until a pension deal is reached.

"The purpose of this lawsuit is to protect the independence of the Legislature and preserve the separation of powers," Madigan and Cullerton, both Chicago Democrats, said in a joint statement. "It is our hope that the court will remedy this constitutional violation, and that future governors will not feel empowered to use such coercive tactics."

Quinn dismissed Cullerton and Madigan's strategy as "just plain wrong."

"Today's lawsuit filed by two members of the Illinois General Assembly is just plain wrong," the governor said in a prepared statement. "If legislators had put forth the same effort to draw up a pension-reform agreement that they did in crafting this lawsuit, pension reform could have been done by now.

"Instead of focusing on resolving the state's pension crisis - which is costing taxpayers millions of dollars a day - legislators have chosen to focus on their own paychecks and waste taxpayer time and money on this lawsuit," the governor said. "My action to suspend the appropriation for legislative pay is clearly within the express provisions of the Illinois Constitution."

Quinn has tried using legislative pay as a leverage point to break the deep stalemate between Madigan and Cullerton over pension reform. The two legislative leaders ended the spring session without being able to rally behind a single solution to the state's pension crisis. A 10-member conference committee the four legislative leaders appointed now is weighing alternatives.

Madigan and Cullerton's legal step did not involve the two Republican legislative leaders. "A lawsuit now will unfortunately take the focus off pension reform, which must be accomplished," Senate Minority Leader Christine Radogno (R-Lemont) said in a statement. "However, there are legitimate issues concerning a governor's use of power to intimidate a General Assembly. If those issues are not resolved now, this practice could become more widespread and misused."

House Minority Leader Tom Cross (R-Oswego) told the Sun-Times, "This has become a civil war between these guys, and I think they kind of enjoy the fight, and I'm not interested in that fight. I'm interested in pension reform. Let these guys fight it out among themselves."

The state Constitution says state lawmakers are entitled to be paid but that any changes in salary cannot "take effect during the term for which he has been elected."

At the same time, there appears to be a valid question about whether a judicial remedy in this case is yet necessary since the General Assembly hasn't attempted to override the governor's July line-item veto that quashed legislative salaries.

Meanwhile, the coalition of unions that have fought Quinn and Madigan's efforts to roll back pension benefits reacted to the lawsuit with a sense of irony that seemed unmistakably directed at the speaker.

"Lawmakers must not cherry-pick or apply a double standard in determining what parts of the Constitution should be defended. They shouldn't adhere to the Constitution only when it's convenient," said the We Are One Illinois coalition in a joint statement.