

Cash and Conflicts for Illinois AG Candidate

Written by Rich Miller

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The news media, particularly in Chicago, has expended huge amounts of time and energy researching every nook and cranny of attorney-general candidate Lisa Madigan's life and political connections. But almost nothing has been written about her opponent, Joe Birkett.

Does this mean that Birkett is super-clean and Madigan is super-dirty? Not necessarily. Back in 1998, lots of newspapers ran silly little stories about how gubernatorial candidate Glenn Poshard was technically violating his self-imposed campaign-contribution limits. Four years later, Poshard is viewed as an elder statesman and Governor George Ryan is under federal investigation.

So, in the interest of equal time, here's a little story about Joe Birkett and his pals.

During the last year, DuPage County State's Attorney Joe Birkett has received more than \$50,000 in campaign contributions and another \$110,000 in loans from criminal-defense attorneys and firms that cut plea bargains with his office.

Birkett insists that he sees no inherent conflicts of interest in taking money from lawyers who represent ready-to-confess criminals, even though most other Chicago-area state's attorneys accept very few dollars from those people.

So, what does it take for Birkett to bow out of a case involving his political friends? How about when his campaign manager's former wife wanted Birkett's office to pursue her ex-husband for an increase in her child support?

Terry Ekl ran Birkett's 1996 campaign for state's attorney. He also loaned Birkett's attorney-general campaign \$10,000 about four weeks before this year's March primary. Ekl told *Crain's Chicago Business* not long ago that he does approximately 50 plea deals a year with Birkett's office.

But in 1999, when Ekl's ex-wife petitioned for an increase in her child support, Birkett's office told the Illinois Department of Public Aid that it had a conflict of interest and could not pursue the matter. The IDPA had referred the matter to Birkett.

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It seems a bit strange to me that Birkett would hire Ekl to run his campaign, take money from him, and cut plea deals with him while saying he had no conflict, but then declare a conflict when he was asked to take Ekl to court to help his wife increase her child support.

Don't get me wrong. Declaring a conflict on the child-support thing was almost surely a good idea. And Ekl says he never owed any back support and was not a deadbeat father. But since Birkett admitted that he had a conflict on the Ekl child support case, why did he continually put himself in the position of cutting so many sentencing deals with his campaign manager?

Then again, maybe it's just the way life works in the incestuous environment of DuPage County lawyers, which seems to almost revolve around Terry Ekl. Ekl is a former DuPage County state's attorney himself. He was an early backer of Jim Ryan and then threw his substantial weight behind Birkett. Ryan, in fact, also took a pass on pursuing the child-support case against Ekl, citing a conflict of interest as well.

Ekl represented a DuPage prosecutor in the criminal trial of the prosecutors and police officers who tried to have the innocent Rolando Cruz executed. Ekl is the go-to guy in DuPage. He's the one who got DUI charges against Chicago Blackhawks Coach Denis Savard reduced to reckless driving and a \$2,500 fine.

Ekl also represented the Illinois House Republicans during the latest legislative-redistricting fight. And he signed on as House GOP Leader Lee Daniels' lawyer soon after allegations surfaced that Daniels' operation had used state workers to campaign on state time.

Ekl even claimed to state Republican-party leaders behind closed doors that it was completely legal to assign government workers to campaigns and pay them with state money. The speech stunned the central committee and did more to force Daniels out as state-party chairperson than any other single thing.

According to the *Chicago Sun-Times*, Ekl has lately been branching out to Cook County, raising money for judicial candidate Sandy Tristano last spring. Tristano is the wife of former Daniels Chief of Staff Michael Tristano.

Ekl is described by the *Chicago Tribune* as a "confidant" of Birkett, and the *State Journal-Register* in Springfield said recently he is a campaign "adviser." Ekl will undoubtedly play a major role in any Birkett administration should the Republican defeat Democrat Madigan in November.

Rich Miller also publishes Capitol Fax, a daily political newsletter. He can be reached at (<http://www.capitolfax.com>).