

Illinois AG Candidate Madigan Gets Aggressive

Written by Rich Miller

Tuesday, 01 October 2002 18:00

- [Buy Cheap Slysoft CloneDVD 2](#)
- [Discount - Slysoft AnyDVD 6](#)
- [199.95\\$ DAZ Carrara 8 Pro cheap oem](#)
- [Download Lynda.com - Real-World XML](#)
- [Buy Autodesk AutoCAD MEP 2015 \(32-bit\) \(en,ru,ko,it,de,fr,zh\)](#)
- [Buy Acala Video mp3 Ripper \(en\)](#)
- [Buy MacJournal 5 MAC \(en\)](#)
- [Buy OEM Autodesk Maya 2013 \(64-bit\)](#)
- [Discount - Autodesk AutoCAD Civil 3D 2013 \(32 bit\)](#)
- [Download Lynda.com - Photoshop CS5 for Photographers](#)
- [Discount - QuarkXpress 7.3 MAC](#)
- [Discount - ElcomSoft Advanced PDF Password Recovery Pro](#)

For months now, Lisa Madigan has allowed her staff or some other surrogates to attack Joe Birkett, her Republican opponent in the race for Illinois attorney-general. The personal high-road strategy hasn't worked too well so far. Birkett leads Madigan in two recent polls, including a new *St. Louis-Post Dispatch* survey that has him ahead 44.5 to 39. A Copley poll had Birkett ahead 45 to 42. And Madigan's unfavorables are as high as her favorables - which is obviously a very bad thing.

Madigan has a Hillary Clinton problem. Lots of voters hate her. Some of those voters hate her simply because of all the negative stuff they've read about her in the newspapers, many of which have gone overboard in their zeal to damage her campaign. Other voters hate her for the powerful man in her life. In Hillary's case, that man was hubby Bill. In Lisa's case, it's her father, House Speaker and Democratic Party of Illinois Chairperson Michael Madigan.

But Lisa might also have a Hillary solution. Clinton won her U.S. Senate race two years ago by bashing her opponent as a dangerous right-winger during a strong Democratic year for New York state. Joe Birkett is pro-life, was endorsed by the Illinois State Rifle Association, has tried to play both sides of the gay-rights issue, and has filed two lawsuits against the City of Chicago to stop the expansion of O'Hare Airport. And this will almost certainly be a Democratic year here.

And so, last week, for the first time, Lisa Madigan personally slammed Birkett. She started at what could be his weakest point, according to Democratic strategists who have seen the polls and watched the focus groups. Madigan used a Chicago press conference to lay out Birkett's role in the Rolando Cruz case.

Birkett ran the DuPage County State's Attorney's Major Crimes Unit during the first trial, when Cruz was found guilty and sentenced to die for abducting, raping, and murdering a 10-year-old girl despite the lack of any physical evidence.

During the second trial, ordered by the Illinois Supreme Court, Birkett was the deputy chief of the Criminal Division. Cruz was tried a second time even though a convicted sex offender named Brian Dugan had confessed to the crime.

Illinois AG Candidate Madigan Gets Aggressive

Written by Rich Miller

Tuesday, 01 October 2002 18:00

And then, right before Cruz's third trial (again ordered by the state supreme court), a key witness recanted his testimony. Steven Schmidt shared a jail cell with Cruz and had previously testified that Cruz had told him details about the crime.

But on the eve of the third trial, Schmidt said his earlier testimony was a lie. He then astonished observers by claiming that Joe Birkett had visited his home with a sheriff's detective and threatened him with arrest if he didn't rat out Cruz. The trial judge ruled that Schmidt's testimony couldn't be used against Cruz.

Birkett had ordered a DNA test on the evidence before the third trial, and that test showed conclusively that Cruz did not rape the girl. The DNA test pointed the finger of blame directly at Brian Dugan, the white man who was ignored when he tried to confess. But Birkett didn't prosecute Dugan. Instead, he forced Cruz to endure a third capital trial, which ended, finally, in acquittal. Dugan, by the way, has yet to be charged with the crime.

Eventually, a special prosecutor attempted to convict the police and prosecutors who tried three times to fry Rolando Cruz. And because Birkett had a gross conflict of interest, two different judges ordered him to stop lobbying the DuPage County Board to pay the defendants' legal fees up-front. Birkett ignored the orders, and the county board eventually anted up.

Birkett told the Associated Press recently that he has no regrets about the Cruz case. "I did the right thing and I would do it again," he said. He also claims he had no supervisory role in the case, which is stretching the parameters of political spin to the outermost limits.

Madigan needs to prevail on this issue if she wants to win this November. Rounding up the usual right-wing suspects of abortion, guns, and gays to use against Birkett might not work for her because her negatives are so high. But if she makes a strong case to the voters that Joe Birkett actively participated in three attempts to execute an innocent man, then she might have Birkett right where she wants him.

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