

## Can Illinois AG Candidate Tell the Truth?

Written by Rich Miller

Tuesday, 15 October 2002 18:00

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I have been writing about Illinois politics for more than 12 years now, and, believe it or not, I've never called anyone a liar. That's a pretty harsh thing to say about someone, even a politician. But I'm starting to wonder whether Republican attorney general candidate Joe Birkett is capable of telling the truth.

During a recent debate with his Democratic opponent Lisa Madigan, Birkett's statements were often at odds with what he's been telling some interest groups.

For instance, Birkett said repeatedly that he was pro-life with exceptions for rape, incest, and the life of the mother.

But when he filled out his Illinois Federation for Right to Life (IFRL) survey, he said he would support a law to outlaw all abortions except those that would prevent the death of the mother. He also said he would support a law to prevent the use of state facilities to "perform abortions not necessary to prevent the death of the mother."

By the way, Birkett also told the Illinois Federation of Right to Life that he would "defend the First Amendment rights of issue-oriented groups to continue to conduct 'independent expenditure' campaigns that support or oppose candidates for office." But Birkett also told the Illinois Campaign for Political Reform (ICPR) that he would support "limits on the total amount of money that an individual and/or group can contribute to a campaign committee in each election cycle." He also backed public funding of campaigns on his ICPR questionnaire and opposed them on his IFRL questionnaire.

Birkett said at the debate that he did not necessarily oppose expansion of O'Hare Airport. But a survey he filled out for the Suburban O'Hare Commission (SOC) indicated that he opposed Mayor Daley's expansion plan, even without the new southern or northern runways. Birkett said he wants the SOC to retract the survey and a comment they attributed to him, which, to be fair, does look a bit out-of-context. Even so, Birkett re-appointed Joe Karaganis as a special deputy DuPage County State's Attorney to sue Chicago over O'Hare. Karaganis is a rabid expansion opponent and is absolutely hated by O'Hare supporters.

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Birkett also claimed he opposes legislation to allow citizens to carry concealed weapons. But an e-mail from Concealed Carry, Inc. president John Birch to several gun-owner rights activists last year claimed Joe Birkett called Birch and said he “supports concealed carry.”

Birch said when I called him that the e-mail was written in the heat of the moment and was overstated. “He’s open to it,” Birch said about Birkett’s views on concealed carry, “but he doesn’t feel the evidence is in.” Birch acknowledged, however, that his organization is supporting Birkett in the AG’s race.

Birkett repeated for the umpteenth time during the debate that he had “ordered” the DNA test that eventually exonerated Rolando Cruz for the abduction, rape, and murder of 10-year-old Jeanine Nicarico. Actually, it was Cruz’s lawyers who asked for the test, and Birkett had no choice but to agree to it. And then after the DNA test showed that Cruz wasn’t involved with the crime, Birkett refused to admit the obvious and pressed ahead with a third trial.

The Rolando Cruz case is the source of many of Birkett’s lies. Yes, lies.

He tells anyone who will listen that he had no supervisory role in Cruz’s case and wasn’t the lead prosecutor in the trial. But he was the lead prosecutor in the Cruz case for several months in 1994 and 1995 leading up to the trial. Don’t believe me? Well, how about this, from an August 1994 *Chicago Tribune* story: “I feel very comfortable taking on this case,’ said Birkett.” He was, at the time, also the head of the division that prosecuted criminal cases.

When the case against Cruz fell apart, and his state’s attorney’s office was busted fabricating evidence and intimidating witnesses, Birkett ran away from the ugly train wreck to save his career, turning the actual trial over to his underlings. And he’s tried to dodge responsibility ever since for his role in keeping an innocent man on death row for more than a decade.

Every politician stretches the truth a little. (Lisa Madigan has insisted, for instance, that she’s running her own campaign. Wrong.) But Birkett seems to prevaricate on way too many topics. Is he a liar? I’ve never written this about anyone before, but, yes, I think he is. There’s something really wrong with this guy.

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