

## Look Beyond the Feds' Case Against Governor Ryan

Written by Rich Miller

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Secretary of State George Ryan sat on a couch in his Chicago office, reading a document in early September of 1998. It hadn't been a good day. The feds were closing in, the media was turning against him, and election day was just two months away. He stood up, walked across the office and had a brief conversation with his campaign manager, Scott Fawell, then returned to the couch.

Fawell turned his attention to William Mack, a secretary-of-state employee who had been summoned to the private office. Fawell allegedly told Mack he was worried that the feds were planning to raid Ryan's executive office suite at the Thompson Center. Fawell then told Mack to make sure that all campaign-related documents were cleaned out of the office suite and destroyed.

"Hey, George, I told Bill to go around and tell people to get stuff out of their offices," Fawell allegedly said to his boss, who then quickly got up off the couch and left the office.

Mack dutifully organized a cleaning party, and the group of loyal campaign aides entered the executive suite after most of the employees had gone home for the day. They searched every office and found volunteer lists, low-digit-license-plate application forms, campaign-update reports, press releases, campaign schedules, campaign-disclosure reports, and other stuff. The operation lasted well into the night, and the crew shredded at least eight garbage bags full of documents. A couple of days later, Mack told Ryan that the fifth floor had been cleaned up. Ryan didn't respond.

The U.S. attorney's office released that story, among others, last week in an unprecedented, 76-page evidentiary "proffer" against Scott Fawell and the Citizens for Ryan campaign fund.

According to the government's proffer, even a single conversation can connect someone to a conspiracy if it "leads to the reasonable inference of intent to participate in an unlawful enterprise."

The feds also claim that someone can be found guilty of conspiracy "if he knew of the conspiracy's existence at the time of his acts, and his acts knowingly aided and abetted the

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business of the conspiracy.”

If the feds are correct and Ryan knew about the shredding and didn't do anything to stop it, then a prosecutor would probably say he's guilty.

But if the government ever decides to indict George Ryan, a good defense lawyer could destroy that argument.

Ryan could claim that he didn't know what Fawell was talking about. He could say that he didn't hear the conversation between Fawell and Mack. Or he could say that he had ordered Fawell to clean out any political literature from state offices because he was shocked, shocked, to learn of the existence of campaign materials on government property.

So, just because he looks guilty doesn't mean the government can prove it. Although, with Ryan's poll numbers in the toilet, I doubt he'll get a fair shake from any Illinois jury. Still, it's something to think about when you read the prosecution's case. And the feds have a lot of fascinating stories to tell.

Some of the allegations of how politics pervaded the secretary of state's office are just amazing.

- For instance, not only was the politically connected mail house owned by Roger “The Hog” Stanley given a no-bid, highly favorable contract to send out mailings advertising Ryan's organ-donor program in the months leading up to the 1994 general election, but the state-financed mailings were targeted at specific political demographics, including “ticket splitters.”
- According to the feds, Scott Fawell figured out that cell-phone bills in the secretary-of-state police-department budget were exempt from public disclosure under the Freedom of Information Act. Fawell and at least three others had cell phones billed to the secretary-of-state police, and they took those phones with them in February of 1998 when they went to the campaign.
- Long before he was indicted this year for allegedly obstructing a federal investigation into an allegedly fraudulent, \$1.25-million Small Business Association loan scam, Peter Palivos was doing his best to help the Republican Party. Back in 1994, Palivos became “financially supportive” of the Harold Washington Party (HWP) – the mostly phony political party essentially created by the Republicans in 1990 to siphon black votes away from Democratic gubernatorial candidate Neil Hartigan.

Scott Fawell heard about Palivos' strong support for the party from some HWP members. Fawell and other Republicans wanted to encourage the HWP and, like magic, Palivos was given a lucrative leasing deal from the secretary of state's office. Three years later, in 1997, Palivos' lease was extended far beyond George Ryan's term as secretary of state.

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