

## Impeachment could be more than just talk

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Legislative discontent with Gov. Rod Blagojevich has some in Springfield talking about impeachment.

The state constitution allows for the removal of executive and judicial officers through impeachment, a process rarely used in Illinois.

No governor has been impeached in Illinois. One judge, Theophilus Smith, who was on the bench in the 1830s, was impeached in the House but then not convicted by the Senate.

Still, growing frustration with Blagojevich's performance as the state's top officeholder and the recent corruption conviction of one of his top fundraisers, Tony Rezko, is causing impeachment rumors to swirl in the Statehouse.

House Speaker Michael Madigan even went so far as to recently tell reporters he has had his chief attorney research the impeachment process. He sent an impeachment memo to Democratic legislative candidates comparing the governor to a malignant tumor that needed to be cut out.

In response, Blagojevich spokeswoman Abby Ottenhoff said, "This is another example of the pettiness, silliness and backroom games that Speaker Madigan has been playing for months to prevent progress."

"I think it's right on the bubble," said state Rep. Jerry Mitchell, R-Sterling.

There are plenty of Republicans and Democrats who are angry with Blagojevich, but Mitchell said many lawmakers will need to see solid evidence of wrongdoing before they will be willing to make the jump toward impeachment.

State Rep. Frank Mautino, D-Spring Valley, said many will be waiting to see what happens with the other pending criminal cases involving Blagojevich's political allies.

"Until you get a direct tie (to Blagojevich), I don't expect anyone to file (impeachment paperwork)," Mautino said.

Impeachment is one of the heaviest tests of the state's constitution and one lawmakers won't take lightly, Mautino added.

The process must begin in the House, which investigates has sole constitutional power to conduct legislative investigations to determine the existence of cause for impeachment. A simple majority vote is needed to pursue.

It is the Senate that decides whether or not to convict the officeholder of impeachment and the threshold is higher, needing a two-thirds majority vote. The chief justice of the state Supreme Court would preside over any impeachment proceedings.

Most states allow for impeachment but there are differences in which officeholders can be subject to removal, said Brenda Erickson, senior research analyst for the National Conference of State

Legislatures.

In most cases, states have been fairly vague about what constitutes misconduct worthy of impeachment so legislatures have more leeway to decide things on a case-by-case method, she said.

According to a 2004 report by the Connecticut General Assembly, 15 governors have been impeached nationally, including two who were impeached twice. Of those, seven were subsequently convicted.

Seven other governors have been threatened with impeachment, according to the report.

The last time the Illinois Legislature even took up the issue of impeachment was in the 1990s when it considered, but then opted not to proceed with, impeachment actions against then Illinois Supreme Court Justice James Heiple.

State Sen. Dan Rutherford, R-Chenoa, was on the House committee that made the decision not to impeach Heiple and thinks more evidence is needed in the Blagojevich case.

Rutherford supports the idea of allowing voters to recall an elected official, but said impeachment should be used sparingly and only in the case of a violation of law or the constitution, not just as a reaction to poor job performance.

Charles N. Wheeler III, professor of public affairs reporting at the University of Illinois at Springfield, doesn't see impeachment happening soon.

Wheeler said Blagojevich probably should be more worried about U.S. Attorney Patrick Fitzgerald, the federal prosecutor investigating corruption in state government.

But state Sen. Mike Jacobs, D-East Moline, said he can see lawmakers using the threat of impeachment to keep Blagojevich from trying to call lawmakers back to town for special sessions.

"If they start down that path, I strongly believe Speaker Madigan will move to impeach the governor," Jacobs said. "I think it's a big stick over (Blagojevich's) head."