

Editorial: What the ComEd scandal means, and what it costs

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A ComEd headquarters building, July 17, 2020, in Chicago. (Brian Cassella / Chicago Tribune)

“We do our job without fear or favor, without political influence whatsoever, and we follow the facts where they lead.”

— U.S. Attorney John Lausch Jr., July 17, 2019

When the first lid blew off the ComEd corruption case last summer, federal prosecutors and investigators, along with Internal Revenue Service officials, largely [confined their case](#) to the conduct of ComEd the company, the corporate entity, the electricity utility. They exposed how private sector patronage works in

the ComEd world: hire certain firms and associates as directed, and the interests of the company writ large within the government sector will get favored treatment.

ComEd needed help in Springfield. A highly-regulated utility company, it needed sympathetic lawmakers to hear it out, to change and tweak state regulations, to pass legislation shareholders would view favorably.

On Wednesday evening, prosecutors stripped off another layer of the ComEd investigation. The [feds' indictment](#) of individuals — former ComEd lobbyist Michael McClain, former ComEd CEO Anne Pramagiorre, former ComEd lobbyist John Hooker and consultant Jay Doherty — cranks up the heat and hints that the cooperation the feds sought last summer through a deferred prosecution agreement with ComEd the company didn't go far enough to elicit said cooperation. That's one take-away.

As expected, several of the attorneys representing those clients lashed out at prosecutors Wednesday evening, alleging the feds twisted legal political acts into criminal acts. House Speaker Michael Madigan, who has not been charged with wrongdoing but whose associates are alleged to be the recipients of favors, has made the same argument. Finding people jobs is not a crime. Recommending firms and lobbyists is not a crime.

“In its zeal to find any evidence of criminal conduct by (Madigan), the government is attempting to rewrite the law on bribery and criminalize long-recognized legitimate, common, and normal lobbying activity into some new form of crime,” the attorney for McClain, Patrick Cotter, wrote to the Tribune.

So was their conduct routine political horse-trading? Or criminal? That is almost always the crux of public corruption cases, including this one.

But then there's context. Prosecutors have repeatedly said jobs and contracts went to Madigan associates who then did little or no work. So is it a contract? Or is it a bribe?

And are those favors the grease for favorable treatment in the legislature? A quid pro quo that sets up influential companies to get a special government response in return, a response not available to other rank-and-file parties in the Capitol? At the highest level the question is this: Did ComEd hand out those goodies in exchange for legal and regulatory benefits *at the expense of Illinois taxpayers?*

For the Madigan antagonists juicing for the feds to rip off another layer that more directly implicates Madigan, prosecutors have several — many — bridges to cross if that's where, as they say, the facts lead them, based on

what we know publicly so far. The indictments of Wednesday evening swirl around Madigan with central figures referencing Madigan, but without Madigan directly implicated.

In a state like Illinois so accustomed to corruption in its government, the temptation might be to brush it off. To be cynical. What's the big deal, legal or illegal? This is how things get done, through campaign contributions, jobs, contracts — access. This is how government works at all levels.

Well, here's one anecdote to explain why we shouldn't go numb: The year prosecutors allege the ComEd scheme began, 2011, the state was facing (of course) major budget challenges. On the chopping block to cut costs? Jacksonville Developmental Center, a home for the developmentally disabled in central Illinois.

Advocates for the disabled, including distraught families, wheeled their loved ones around the state Capitol in May as lawmakers wound down their legislative session. In committee hearings, in lawmakers' offices, to reporters, they begged the state to reconsider. Some of the parents were elderly, worried how they would care for their grown adult disabled children if the center closed. Some carried framed photos of their disabled children and held them out for all to see.

They didn't have jobs or contracts to curry favor with influential leaders. They didn't have the dinner tabs or the campaign accounts to hand out checks. They only had worried faces.

Jacksonville Developmental Center did close. The state eventually cut its budget to zero. A [Tribune investigation](#) later showed how residents of Jacksonville were "auctioned off" to smaller community homes.

And this, while ComEd lobbyists and consultants were building their influence, swinging through the doors of the people in power and negotiating deals, jobs, favors that prosecutors now allege were illegal. If this is how "things get done," should it?

Prosecutors may not get higher on the food chain as they investigate corruption in the ComEd case and others. As Lausch said during his news conference last year, corruption is a "stubborn problem."

But the pressure from the public to hold them accountable, and to understand how favors and influence help those at the top at the expense of those at the bottom, also is part of this unfolding scandal.

It is why we have federal law enforcement to "shine a light in dark corners," as Chicago's lead IRS agent said at that news conference. And it is why we need to resist going numb.

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