



GENERAL ASSEMBLY
STATE OF ILLINOIS

MICHAEL J. MADIGAN
SPEAKER
HOUSE OF REPRESENTATIVES

ROOM 300
STATE HOUSE
SPRINGFIELD, ILLINOIS 62706

Dear Members of the Special Investigative Committee:

I received your invitation to appear before the Special Investigative Committee as you consider Representative Durkin's allegation that I engaged in conduct unbecoming to a legislator based upon assertions in the Deferred Prosecution Agreement ("DPA") between Commonwealth Edison Company ("ComEd") and the U.S. Attorney's Office for the Northern District of Illinois.

In order to conduct an investigation, the Committee must thoroughly scrutinize the facts and circumstances underlying the DPA, and it must do so while ensuring it does not interfere with the ongoing federal investigation. In light of Mr. Lausch's letter to the Committee, and the need to ensure that the federal investigation runs its course without interference or distraction, I do not believe that I can provide testimony before the Committee at this time. While I believe in the Rules of the House of Representatives, the fact remains this Committee has neither the resources nor the ability to recreate a multi-year federal investigation. Nor do I believe that this Committee will be able to gain access to all of the information and testimony it would need for a complete and accurate understanding of the facts and issues underlying the DPA.

For the record, I am not exercising my Fifth Amendment rights by not appearing before the Committee. As I have said before, I have done nothing wrong. I fully believe Leader Durkin's charge is nothing more than a political stunt motivated by a transparent political agenda using his government office and government resources to earn free media for himself and his political candidates. But the federal investigation is more important than Mr. Durkin's political theatrics, and I cannot in good conscience take any action that may in any way interfere with a federal investigation or potential prosecutions solely to appease the minority party's desire to use government resources for a political purpose.

That being said, I wish to make a few things clear for the Committee.

First, the DPA does not attribute any misconduct to me. It asserts that certain individuals at ComEd hired individuals I purportedly recommended in an attempt to influence me. But let me be clear: that attempt was never made known to me — if it had been, it would have been profoundly unwelcome.

To the extent that anyone at ComEd or Exelon believed that they could influence my conduct as a legislator by deciding to hire someone I may have recommended, someone who worked for me, or someone who did political work for me, they were incredibly mistaken. If they even harbored the thought that they could bribe or influence me, they would have failed miserably. I take offense at any notion otherwise. To the extent that anyone may have suggested to others that I could be influenced, then they, too, were dead wrong and, had I known about it, I would have made every effort to put a stop to it.

Second, I believe part of my duty as an elected official is to help people, including helping those seeking employment. As I have stated before, I have never helped someone find a job with an expectation that the person would not be asked to perform work by his or her employer. Anyone

who has ever worked for or around me knows I value, above all else, hard work and dedication, whether you are knocking on doors, collecting garbage, or representing a client. I have also never promised, implicitly or explicitly, to provide anything to a prospective employer if it should choose to hire a person that I recommended. Nor have I ever recommended someone for a job with an expectation or understanding that the prospective employer would hire that person to reward me for an action it believed I took. I do not inquire into an employer's rationale for making particular hiring decisions, nor do I treat that employer differently depending on those decisions. This has been my practice for decades.

Helping people find jobs is not a crime. As I have also stated on numerous occasions, and as members of the General Assembly have been advised, the law does not, and should not, prohibit members of the General Assembly from making job recommendations, irrespective of the capacity in which they make the recommendation. Nor is it ethically *improper* for members of the General Assembly to make job recommendations. To the contrary, I believe that it is part of my duties as a community and political leader to help good people find work — from potential executives to college interns, and more. What an employer chooses to do with that recommendation rests solely within their discretion.

I encourage you to think of the times you recommended someone for a job, a contract, or a position. Just as each of you surely believed that you acted properly when making those recommendations, I too believe that any job recommendations I made were proper.

Third, other than the DPA's claim that I recommended certain individuals, the only other information with respect to me is that I had some control over the passage of certain energy legislation. The DPA names the 2011 Energy Infrastructure and Modernization Act and 2016 Future Energy Jobs Act as legislation from which ComEd allegedly benefited. As I have stated before and reiterate here, I have never made a legislative decision with improper motives with respect to these or any other pieces of legislation. These were major bills and the subjects of years-long negotiations that involved stakeholders from both sides of the General Assembly, executive agencies, environmental groups, consumer interest groups, and labor organizations, among others. The many individuals who were most deeply involved in those negotiations know firsthand that, in the negotiations and among the stakeholders, it was members of the House Democratic Caucus and its staff who often provided the greatest pushback to ComEd and Exelon and who refused to buckle. In so doing, House Democrats won significant concessions, much to the chagrin of ComEd and Exelon, likely costing the companies millions of dollars in profits, all while acting in the best interests of our constituents and the ratepayers. It cannot be seriously said that my staff or I carried the banner for ComEd or Exelon on this legislation. The 2016 FEJA bill, for example, would not have moved but for the intense involvement of Representative Durkin and Governor Rauner.

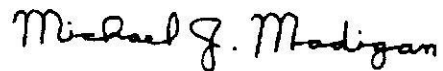
To those members who were not in the General Assembly during negotiations and passage of these bills, I encourage you to speak to your fellow representatives who were members at the time or to your contacts whom you know to have been stakeholders in the bills. I am confident that each of them, if speaking candidly, would agree with what I write above. In fact, if Representative Durkin were to put aside his current political agenda and speak honestly about his experiences with this energy legislation in which he was personally involved, I am certain he would attest that the process of negotiating that bill was bipartisan and his input was likely more valuable than mine. I am certain he would also agree, regardless of the various individuals at ComEd or Exelon with whom he has been deeply connected over the years, that these bills were passed because they were important pieces of legislation believed to be in the best interests of the people of Illinois. As one press release pointed out with respect to FEJA, Governor Rauner and Representative Durkin worked "tirelessly" on FEJA's passage, and, "This was not an easy bill to pass and they moved mountains to help get it done." (*One year in, Future Energy Jobs Act on pace to add jobs, draw investment*, Ill. Dept. of Comm. & Econ. Opportunity, Dec. 12, 2017.)

In conclusion, I cannot provide information I do not have, and I cannot answer questions about issues of which I have no knowledge or conversations to which I was not a party. I have provided all of the answers I can give. As I have stated on numerous occasions, I have not engaged in any wrongdoing. This Committee has no evidence to the contrary. The charge itself does not actually allege any action by me, but rather urges this Committee to conclude that I engaged in conduct unbecoming a legislator based on the actions of others alleged in the DPA.

I urge the Committee to allow the federal government to conduct a full, complete, and fair investigation without any interruption or distraction. I believe that such an investigation, once all of the facts are made available to the public, will demonstrate that I have not engaged in any improper conduct.

With kindest personal regards, I remain

Sincerely yours,

A handwritten signature in black ink that reads "Michael J. Madigan". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

MICHAEL J. MADIGAN
Speaker of the House