

# Crime Prevention through Criminal Law and Security Studies

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# Coming Attractions

- ▣ A Case Study of Corruption
- ▣ Criminal Felony Trials in USA
- ▣ Money and Politics in the USA: Transparent Bribery?
- ▣ Growing Threats to Judicial Independence
- ▣ US Role in Combating Transnational Corruption (according to the US Department of State)



# Criminal Felony Trials

- ▣ Common (Case) Law.
- ▣ Adversarial System.
- ▣ Jury Trials.





# Corruption: The Rod Blagojevich Story







# The Background Factual Allegations

- ❑ "Friends of Blagojevich": was the official campaign committee of Rod Blagojevich and was his principal fundraising vehicle.
- ❑ Rod Blagojevich, the Office of the Governor, and Friends of Blagojevich were associated in an organization called "The Enterprise."
- ❑ The members of "The Enterprise" functioned as a continuing unit with the common purpose of achieving personal advantages for Blagojevich and others.







Boss Blagojevich

# The Facts

- ❑ Rod Blagojevich permitted Tony Rezko, his principal campaign fundraiser and director of **The Enterprise**, to exercise substantial influence over certain activities of the Office of the Governor, with the knowledge that Rezko would use this influence to enrich himself.
- ❑ In return Rezko provided benefits to Blagojevich by generating millions of dollars in contributions to Friends of Blago, and by providing financial benefits directly to R.B. and his family.
- ❑ Rezko hired the wife of Blagojevich as an employee of Rezko's real estate business at a salary of approximately \$12,000 per month.
- ❑ Rezko directed a real estate commissions in the amount of approximately \$54,000 to the wife of Blagojevich, even though she had done little or no work to earn those commission.





# Count I : The Law

- ▣ Blagojevich and his employees were prohibited from committing the following acts in his official capacity:
  1. performing an act in excess of his lawful authority, with intent to obtain a personal advantage for himself or others; and
  2. soliciting or knowingly accepting, for the performance of any act, a fee or reward which he knows is not authorized by law.



# Count I: Jury Instruction

- ▣ Any person who knowingly aids or procures the commission of an offense may be found guilty of that offense. That person must knowingly associate with the criminal activity and try to make it succeed. If a defendant knowingly caused the acts or omissions of another, the defendant is responsible for those acts as though he personally committed them.
- ▣ A person's association with conspirators or persons involved in a criminal enterprise is not by itself sufficient to prove his participation criminal enterprise



- ▣ Prosecutor Fitzgerald “The jury system is the best antidote to the poison of corruption and dishonest government.”
- ▣ Ryan trial, 5 months of testimony, 83 witnesses, 5 weeks of jury deliberation, 148 pages of jury instructions. No “smoking gun.”
- ▣ “We will take strong circumstantial cases to court.”





# The Facts

- ❑ Blagojevich is caught on a wire-tap threatening to withhold at least \$100M in tax credits from the Tribune Company, in an attempt to induce the Tribune Company to fire the journalist/editors responsible for editorials that criticized Blagojevich and called for his impeachment.
- ❑ Specifically, Blagojevich stated in a conversation with his aide “our recommendation is fire all those [expletives] people, get ‘em the [expletives] out of there and get us some editorial support.”

Blagojevich’s aide met with Tribune Company and was told that the Owner of the Tribune Company “got the message and is very sensitive to the issue.” There will be “certain corporate reorganizations and budget cuts coming and, reading between the lines, he’s going after that section.” To which Blagojevich responded, “oh, that’s fantastic.”

The Chicago Tribune Newspaper later announced it was reducing the size of its workforce by 11 members (but the main person that Blagojevich wanted cut was not cut).





DARK  
COLUMBIAN  
DAILY TRIBUNE  
CARTELECARTOONS.COM  
2008  
12/14

BLAGOJEVICH!  
WHAT ARE YOU DOING?  
EVEN I THINK YOU'RE  
OUT OF CONTROL!



## Count 2: Bribery – Law

- ▣ A government official is prohibited from
- ▣ receiving or agreeing to accept personal advantage
- ▣ which he is not authorized by law to accept,
- ▣ knowing that such personal advantage was promised or tendered
- ▣ with intent to cause him to influence the performance of any act related to his public office.



# Count 2: Bribery – Jury Instructions

- ▣ To sustain the charge of Bribery the government must prove:
  1. that Blagojevich was an agent of the State of Illinois;
  2. that the Blagojevich solicited or demanded anything of value from another person;
  3. that the Blagojevich did so corruptly with the intent to be influenced or rewarded in connection with some business or transaction of the State of Illinois;

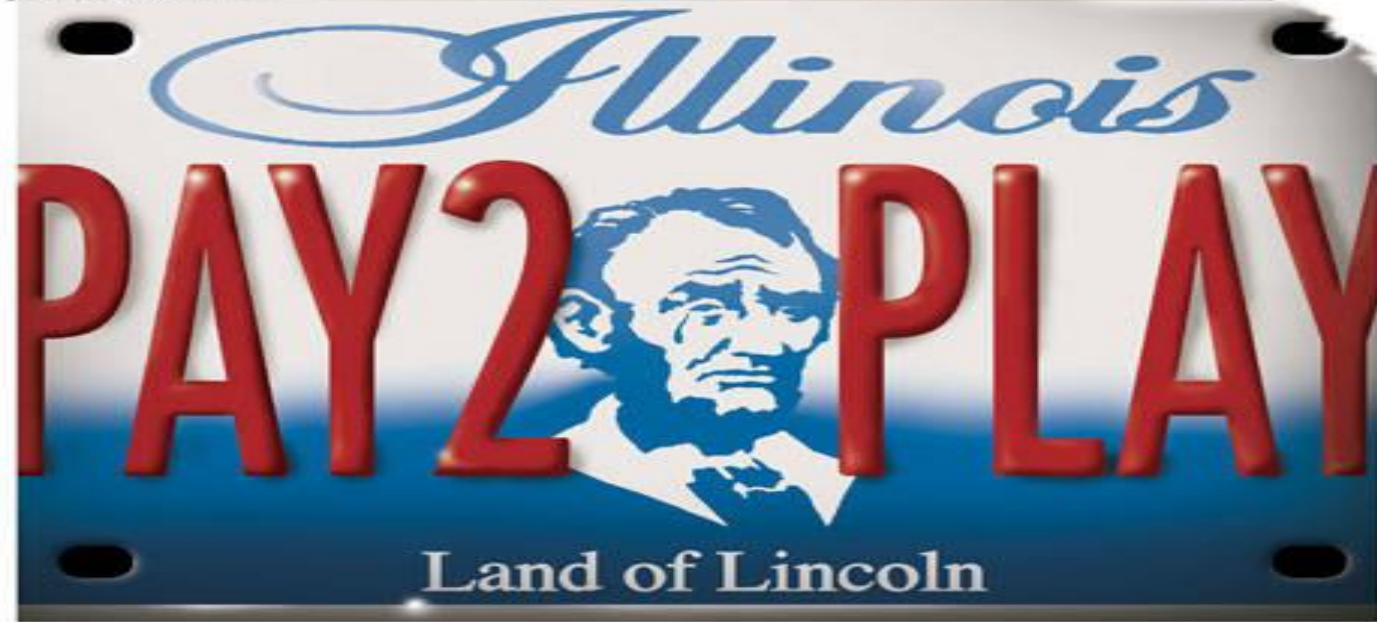


# The Facts

- ❑ Oct. 8, 2008, Rod Blagojevich tells a lobbyist that he would provide state money to Children's Memorial Hospital and wanted \$50,000 in campaign contributions from the CEO.
- ❑ A week later, Blagojevich calls the CEO to tell him of the funding increase and then directs the Deputy Governor to increase funding to the hospital.
- ❑ Shortly thereafter, Blagojevich calls the CEO to ask him to raise \$25,000 for his campaign.
- ❑ The CEO does not return Blagojevich's calls or make any donations.
- ❑ Blagojevich asks his Deputy Governor if he can "pull back" the increased funding, and Deputy Governor instructs the Department of Healthcare Services to stop working on increasing funding for Children's Memorial.



SHERIFFS Shoulder Camera © 12/11/08  
CREATOR(S) SYNDICATE  
www.filmcell.com



# Count 3: Attempted Extortion – Law

Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by extortion, or attempts or conspires so to do, shall be fined under this title or imprisoned not more than twenty years, or both.



# Count 3: Attempted Extortion – Jury Instruction

- ▣ The Government must prove:
  1. Blagojevich knowingly attempted to obtain money or property from the victim;
  2. Blagojevich used actual or threatened fear, or the color of official authority;
  3. Blagojevich believed that the victim would have parted with the money because of the action; and
  4. The conduct would have affected, or had the potential to affect interstate commerce.



# Money and Politics in the USA: If We Can See It, Is It Bribery?

- ▣ The Watergate Scandal
- ▣ The “Soft Money “ Dodge
- ▣ Campaign Contributions and Free Speech
- ▣ The Incumbency Advantage
- ▣ The Pols Pick the People: Gerrymandering









# Judicial Elections and Judicial Independence

- ▣ Judicial elections in 39 of 50 States
- ▣ 98 % of all litigation in State Courts
- ▣ Prohibitions on policy statements
- ▣ 1990s \$83M, in 2000s \$206M.
- ▣ \$45M in three State Supreme Court races.
- ▣ West Virginia mining co. \$3.5M to candidate elected to Supreme Court, \$70M judgment on appeal.
- ▣ Wisconsin Mfgr. Ass'n., \$4M attack ad, “a loophole to put child rapist back on street to molest another child.”





# US Efforts to Combat Transnational Corruption

- ▣ Led G-20 Action Plan on UN Convention Against Corruption
- ▣ Increased DOJ enforcement, 105 new actions, \$2 billion in collections since 2009
- ▣ DOS doubling of staff to deny safe haven to “kleptocrats” and proceeds of corruption
- ▣ Led new peer review mechanism on UNAC ; one of first countries to be reviewed; to publish review
- ▣ Over \$1B in anti-corruption projects, prosecutors to 35 countries



**Thank you!**

**(Let's go to lunch.)**

