



**Judicial
Watch®**
*Because no one
is above the law!*

VIA FACSIMILE (217-524-4049)
AND CERTIFIED U.S. MAIL

March 20, 2008

Governor Rod R. Blagojevich
Office of the Governor
207 State House
Springfield, IL 62706

Re: Illinois Freedom of Information Act Request

Dear Governor Blagojevich:

Judicial Watch, Inc. and the Americans for Prosperity Foundation hereby request that the Office of the Governor produce the following public records pursuant to the provisions of the Illinois Freedom of Information Act, 5 Ill. Comp. Stat. Ann. 140/1 *et seq.*:

1. Any and all records concerning or relating to any gubernatorial or legislative member initiative or earmarked appropriation for Fiscal Year 2008.
2. Any and all communications between House Speaker Michael J. Madigan, Governor Rod R. Blagojevich and/or the Office of the Governor concerning or relating to any gubernatorial or legislative member initiative or earmarked appropriation for Fiscal Year 2008.
3. Any and all communications between Senate President Emil Jones, Jr., Governor Rod R. Blagojevich, and/or the Office of the Governor concerning or relating to any gubernatorial or legislative member initiative or earmarked appropriation for Fiscal Year 2008.
4. Any and all agreements by or between Senate President Emil Jones, Jr., House Speaker Michael J. Madigan, and/or Governor Rod R. Blagojevich concerning or relating to any gubernatorial or legislative member initiative or earmarked appropriation for Fiscal Year 2008.

For purposes of this request, the term "gubernatorial or legislative member initiative" shall mean the following:

An appropriation for a grant or distribution to a specific unit of local government, specific school district, specific-not-for-profit organization, or specific non-governmental entity for infrastructure improvements or operating expenses. Appropriations that are part of a statewide program and are based on generally applicable standards of eligibility are not gubernatorial or legislative member initiatives. Infrastructure improvements include without limitation capital improvements, capital projects, planning, construction, reconstruction, equipment, utilities, vehicles, and all costs associated with economic development, community programs, educational programs, public health, and public safety.

See, e.g., 95th Ill. Gen. Assem. Senate Bill 1601, 2007 Sess.

Also for purposes of this request, the term "earmarked appropriation" shall mean the following:

An appropriation that is: requested by only one member of the Illinois General Assembly; not specifically authorized by an authorizing committee; not awarded through a competitive process or formula; not subject to Illinois Senate or Illinois House of Representative hearings or debate; or serves only a local or special interest.

Please produce the requested record(s) to Judicial Watch, Inc. at its Washington, DC office, located at 501 School Street, S.W., Suite 500, Washington, DC 20024, within seven (7) working days of your receipt of this request. 5 Ill. Comp Stat. Ann. 140/3(c). If the requested record(s) cannot be produced within seven (7) working days, please notify us in writing of the reason(s) for the delay and the date by which the requested record(s) will be available.

Judicial Watch, Inc. and Americans for Prosperity Foundation request that the above-referenced records be furnished without charge pursuant to 5 Ill. Comp. Stat. 140/6. Judicial Watch, Inc. and Americans for Prosperity Foundation are both 501(c)(3) non-profit educational organizations that seek to promote transparency in government and combat waste, fraud, and abuse in government spending, among other goals. They are undertaking a detailed review of public spending practices in Illinois, including member initiatives and/or earmarked appropriations, about which substantial questions have been raised. *See, e.g.,* "Secret deals passed state budget; Governor's memos pledged pet projects," *Chicago Tribune*, June 21, 2006 at 3. The principal purpose of this request is to enable Judicial Watch, Inc. and Americans for Prosperity Foundation to access and analyze the requested information, then disseminate the results of their findings to the public. Waiver or reduction of the fee is therefore in the public

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interest, as the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare, and legal rights of the public in general. Neither organization makes this request for the principal purpose of securing any personal or commercial benefit. Thus, a waiver or reduction of fees is in the public interest. In the event any fee is to be charged for copying the requested records, please advise us in advance if the expected cost of the copying is likely to exceed \$150.00.

If you do not understand this request, or any portion thereof, or if you feel you require clarification of this request, or any portion thereof, please contact us at (202) 646-5172.

Thank you for your attention to this matter.

Sincerely,

JUDICIAL WATCH, INC.



Paul J. Orfanedes