



81, consists of the Application to Hold the City of Chicago and Its Mayor in Civil Contempt for Violation of the Court Orders, filed on July 26, 2005 by original plaintiffs Shakman and Lurie as a result of the widespread violations of the Consent Orders entered in this case in 1972 and 1983. These Counts are combined in this single, omnibus pleading pursuant to the Court's directions at a hearing held December 15, 2005.

**COUNT I**

1. (a) Counts I and IV are brought by plaintiff Michael L. Shakman as a candidate and prospective future candidate for public office. Counts II and V are brought by both original plaintiffs, Mr. Shakman and Paul Lurie, as voters. Counts III and VI are brought by both plaintiffs as taxpayers. Counts VII and VIII are brought by plaintiff Shakman as a prospective future candidate and by both original plaintiffs as voters and taxpayers.

(b) Jurisdiction for this action lies under 28 U.S.C. §§ 1331 and 1343.

**PLAINTIFF**

2. Plaintiff Shakman is, and for more than the past five years has been, a resident, registered voter and taxpayer in the 24<sup>th</sup> State Senatorial District (the "District") in the City of Chicago, County of Cook, State of Illinois.

3. Mr. Shakman was one of the four candidates for the two positions as Delegates from the District to the Illinois Constitutional Convention (the "Convention") in the election held on November 18, 1969. Mr. Shakman ran in said election as an independent candidate, by which is meant that he was not the candidate of a political party.

4. Numerous of the candidates for positions as such Delegates from State Senatorial Districts located in whole or in part within Cook County ran in said election as such independent

candidates. Plaintiff Shakman brings this count on behalf of himself and on behalf of all other candidates similarly situated, by which is meant all of the other independent candidates referred to above in this paragraph 4 and all independent candidates (meaning candidates who are not the candidates of a political party or, in the case of party primary elections or so-called nonpartisan elections, are not the candidates of the “regular” organization of a political party) in all elections held in whole or in part within Cook County, Illinois, at which candidates for any federal, state, county, city or other public office are or were elected or nominated subsequent to October 19, 1969 (the date this suit was commenced), including all elections held subsequent to the date hereof.

(a) Each of the classes covered by this complaint is so numerous that joinder of all members is impracticable. Plaintiffs will fairly and adequately protect the interests of each of such classes. There are questions of law and fact common to each of such classes. The claims of the plaintiffs are typical of the claims of each such class. The prosecution of separate actions by individual members of the classes would create a risk of adjudications with respect to individual members of the classes which would establish incompatible standards of conduct for the defendants. The defendants have acted on grounds generally applicable to the classes, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to each of the classes as a whole. The common questions of law and fact predominate over any question affecting only individual members of the classes. (All references hereinafter to “the class herein” or “the classes herein” mean the class or classes represented by the plaintiffs in the particular count.)

#### **DEFENDANTS**

5. Defendant The Democratic Organization of Cook County (the “Cook County Democratic Organization”) is a corporation organized and existing under the laws of Illinois governing corporations not for profit.

6. Defendant Democratic County Central Committee of Cook County (the “Central Committee”) is, for Cook County, the Democratic Party County Central Committee provided for by Chapter 46, Section 7-7 et seq. of the Illinois Revised Statutes. It is comprised of all of the Democratic Party Committeemen of (a) each of the fifty wards in the City of Chicago and (b) each of the thirty townships in Cook County. Almost all of the members of the Central Committee are members, and some of them are officers, of the Cook County Democratic Organization. In addition to performing the functions and exercising the prerogatives vested in and given to it by the aforesaid Illinois statutes, the Central Committee performs numerous other important political functions and acts on behalf of the Democratic Party in the Cook County area.

7. Defendant City of Chicago is an Illinois municipal corporation. Said defendant is situated within defendant The County of Cook (“Cook County”).

8. Defendant Richard J. Daley is the President of the Cook County Democratic Organization. He is also Chairman of the Central Committee. He is also Mayor of the City of Chicago. Mr. Daley has been such President, Chairman and Mayor for more than the past ten years. As such President he is the chief officer of the Cook County Democratic Organization. As such Chairman he is the chief officer of the Central Committee. As such Mayor he is the chief executive officer of the City of Chicago. Mr. Daley is also the Democratic Party Ward Committeeman for the Eleventh Ward of the City of Chicago. Mr. Daley is sued individually and in his capacities as such President, Chairman, Mayor and Ward Committeeman.

9. Defendant Matthew Bieszczat is the Secretary of the Cook County Democratic Organization. He is also the Secretary of the Central Committee. He has been Secretary of the two said defendant Democratic organizations for more than the past two years. Mr. Bieszczat is also the Democratic Party Ward Committeeman for the Twenty-Sixth Ward of the City of Chicago. He is

also a member of the Board of County Commissioners of Cook County. Mr. Bieszczat is sued individually and in both his aforesaid Secretary capacities and in his capacities as a member of the Board of County Commissioners of Cook County and Ward Committeeman.

10. Defendant Claude W. B. Holman is the Democratic Party Ward Committeeman for the Fourth Ward of the City of Chicago. Part of the Fourth Ward is located within the District. Mr. Holman is sued individually and in his capacity as Ward Committeeman. Mr. Holman is also the elected Alderman of the City of Chicago for the Fourth Ward.

11. Defendant Marshall Korshak was the elected City Treasurer of the City of Chicago and the Democratic Party Ward Committeeman for the Fifth Ward of the City of Chicago at the time this suit was commenced. He is no longer such Treasurer but he continues to be such Ward Committeeman. All of the Fifth Ward is located within the District. Mr. Korshak is sued individually and in his capacity as Ward Committeeman.

12. Defendant James Ronan is the Democratic Party Ward Committeeman for the Seventh Ward of the City of Chicago. Part of the Seventh Ward is located within the District. Mr. Ronan is sued individually and in his capacity as Ward Committeeman.

13. Defendant Kenneth Campbell was the Democratic Party Ward Committeeman for the Twentieth Ward of the City of Chicago at the time this suit was commenced. Part of the Twentieth Ward is located within the District. Mr. Campbell was sued individually and in his capacity as Ward Committeeman. Mr. Campbell was also the elected Alderman of the City of Chicago for the Twentieth Ward. Mr. Campbell died subsequent to November 81, 1969. He has been succeeded as Ward Committeeman for the Twentieth Ward of the City of Chicago by defendant Cecil Partee. Mr. Partee is sued individually and in his capacity as Ward Committeeman.

14. Defendant George W. Dunne is President of the Board of County Commissioners of Cook County. As such he is also the President of defendant Forest Preserve District of Cook County, a municipal corporation. He is also the Democratic Party Ward Committeeman for the Forty-Second Ward of the City of Chicago. Mr. Dunne is sued individually and in both of his capacities as such President and as Ward Committeeman.

15. Defendant P. J. Cullerton is, and for more than the past five years he has been, the elected County Assessor of Cook County. He is also the Democratic Party Ward Committeeman for the Thirty-Eighth Ward of the City of Chicago. Mr. Cullerton is sued individually and in his capacities as such Assessor and Ward Committeeman.

16. Defendant Edward J. Barrett is, and for more than the past five years he has been, the elected County Clerk of Cook County. He was also the Democratic Party Ward Committeeman for the Forty-Fourth Ward of the City of Chicago at the time this suit was commenced, but he is no longer such Committeeman. Mr. Barrett is sued individually and in his capacities as such Clerk and former Ward Committeeman.

17. Defendant Matthew J. Danaher is the elected Clerk of the Circuit Court of Cook County. Mr. Danaher is sued individually and in his capacity as such Clerk. Prior to becoming such Clerk, Mr. Danaher was the elected Alderman of the City of Chicago for the Eleventh Ward.

(a) Defendant Richard J. Elrod is the elected Sheriff of Cook County, having been elected to that office in November 1970. Mr. Elrod is sued individually and in his capacity as such Sheriff.

(b) Defendant Bernard Korzen is the elected Treasurer of Cook County, having been elected to that office in November 1970. Mr. Korzen is sued individually and in his capacity as such Treasurer.

©) Defendant The Chicago Park District is a municipal corporation. Defendant Daniel Shannon is the President of The Chicago Park District. Mr. Shannon is sued individually and in his capacity as such President.

(d) Defendant Metropolitan Sanitary District of Greater Chicago is a municipal corporation. Defendant John E. Egan is President of the Board of Trustees of said municipal corporation. Mr. Egan is sued individually and in his capacity as such President.

18. In addition to all of the above-stated capacities in which the defendants are sued, defendants Daley and Bieszczat are sued as the representatives of all officials and members of the Cook County Democratic Organization, and the Central Committee and all of the defendant Ward Committeemen are sued as the representatives of all members of the Central Committee.

**THE DEMOCRATIC ORGANIZATION IN  
CHICAGO AND COOK COUNTY**

19. The Cook County Democratic Organization is, and for many years has been, what is commonly known as the “regular” Democratic Party organization in and for Cook County. Its authority, power or influence extend to and include, but are not limited to, (a) virtually all of the political affairs of the regular Democratic Party within Cook County, (b) many of the political affairs of the regular Democratic Party outside Cook County and within the State of Illinois, ©) virtually all aspects of government of the City of Chicago, (d) most aspects of government outside the City of Chicago and within Cook County, including the numerous townships and other political entities within Cook County, and (e) many aspects of state government of the State of Illinois.

20. The Democratic Party is, and for the past thirty years or more has been, the overwhelmingly dominant political party in the City of Chicago. During that period, no candidate for city-wide office of the City of Chicago who has not had the support of the Cook County

Democratic Organization has been elected. Also during that period, the City Council of the City of Chicago, which is presided over by the Mayor, has been overwhelmingly dominated by Aldermen who are members and/or supporters of the Cook County Democratic Organization

21. The Democratic Party is, and for many years past usually has been, the dominant political party in Cook County. During that period, most candidates for county-wide office of Cook County who had not had the support of the Cook County Democratic Organization have been defeated.

22. As a result of the facts alleged above, (a) virtually all of the governmental departments, boards and agencies of the City of Chicago, (b) most of the governmental departments, boards and agencies of Cook County and ©) many of the other governmental entities within Cook County are headed and controlled by officials who are members and/or supporters of the Cook County Democratic Organization. This fact, together with the other facts alleged above, has resulted in the Cook County Democratic Organization, the Central Committee and their officials and members presently having and exercising great authority, power and influence with respect to the operations of said governmental departments, boards, agencies and entities, including their employment practices. Indeed, the Democratic Party's political organization is so pervasive in and intermeshed with the government of the City of Chicago and many other governmental operations within Cook County that it is frequently difficult, if not impossible, to distinguish one from the other in day-to-day functions and activities.

23. The facts alleged in paragraph 22 have existed substantially for the past thirty years or more.

**THE DEMOCRATS' PATRONAGE SYSTEM**

24. One of the consequences of the facts alleged in paragraphs 19 through 23 – and at the same time one of the principal reasons for the existence of those facts – is the Democratic Party political patronage system in Chicago and Cook County.

25. As a result of the facts alleged in paragraphs 19 through 23, for more than thirty years there have been, and there are now, employed by the City of Chicago and by many of the governmental departments, boards and agencies of Cook County and by other governmental entities within Cook County, thousands of Democratic Party political patronage employees (“Democratic Patronage Employees”). As used in this complaint, Democratic Patronage Employee means a person who

(a) is hired for or continued in such employment on the basis of said person’s political “sponsorship” of the type referred to in paragraph 26 hereof and/or said person’s political support, or promise of support, of the Cook County Democratic Organization, or a sub-unit, parent, affiliate or official thereof, and the political policies, programs and candidates for public office such organizations or officials endorse and/or support, and

(b) is not protected by civil service or similar laws against arbitrary discharge from such employment.

Many of these employees, numbering in the thousands, are hired on an even more precarious basis, namely, as so-called “temporary” employees. Under this practice, which has existed for many years, the employee is hired as a “temporary” employee, for from 60 to 180 days, at the end of which his employment must be “renewed” by his or her employer if the employee is to retain the employment. A large number of these present employees have worked for years, some for twenty-five years or more, as such “temporary” employees.

26. Most Democratic Patronage Employees are required, as a condition of obtaining and keeping their patronage job, to obtain and maintain the recommendation, called "sponsorship," of an official or member of the Cook County Democratic Organization or Central Committee or some other politically influential person connected with said organizations or with another element of the Democratic Party. Loss of sponsorship usually subjects the employee to dismissal from his or her patronage job or, in the case of the aforesaid "temporary" employee, non-renewal of his or her employment, or other punishment or discipline in his or her public employment.

27. There are between 8,000 and 40,000 Democratic Patronage Employees within Cook County. The efforts of the defendants and others allied with them to conceal the facts concerning said employees make it impossible to state a more precise figure. Said employees pervade virtually the entire executive, judicial and legislative branches of governments of the City of Chicago and Cook County. Many of said employees are employed in jobs of a clerical, ministerial or labor nature. The facts alleged in this paragraph 27 have existed for many years.

28. Between \$50,000,000 and \$250,000,000 of public funds, derived from taxes paid by the public, has been and will be used to pay the salaries of the Democratic Patronage Employees for each of the years 1969, 1970 and 1971. Billions of dollars of public funds, derived from taxes paid by the public, have been used to pay the salaries of Democratic Patronage Employees during the past thirty years. The City of Chicago and The County of Cook each employ thousands of Democratic Patronage Employees. The office of the County Clerk, the office of the County Assessor, the office of the County Sheriff, the office of the County Treasurer, The Chicago Park District, the Metropolitan Sanitary District of Greater Chicago, the Forest Preserve District of Cook County and the office of Clerk of the Circuit Court of Cook County each employ very large numbers of such employees, as do the Board of County Commissioners of Cook County and the various departments,

agencies and other governmental operations under its control. The City of Chicago and the other municipal corporations referred to herein, The County of Cook and the offices and Board just referred to are among the largest employers of Democratic Patronage Employees.

29. It is, and for many years has been, the practice that most of the Democratic Patronage Employees are and have been required, as a condition to keeping their patronage jobs or in order to prevent punishment or discipline in their jobs, to

(a) contribute money to the Cook County Democratic Organization, or to their ward or township organization, or to a sub-unit or affiliate thereof, or to another organization of or connection with the Democratic Party, or to candidates endorsed and/or supported by such organizations, and

(b) do political work for and on behalf of such organizations and candidates.

The candidates referred to include candidates for all offices, federal, state, county, city and other.

30. Various devices and subterfuges are, and for many years have been, used in order to conceal the facts and true nature of the aforesaid coerced contributions. However, regardless of how or to whom the said coerced contributions are made, much of said money is, and for many years has been, used for the purpose of promoting the political policies, programs and candidates referred to in paragraph 25(a).

31. It is, and for many years has been, the practice that many Democratic Patronage Employees are and have been required, as a condition to keeping their patronage jobs or in order to prevent punishment or discipline in their jobs, (a) to take time off from their jobs to do political work of the type referred to in paragraph 29(b), and (b) to perform such political work during the regular working hours of their patronage jobs, for which they are paid with public funds. The practice referred to in (a) of the preceding sentence is, and for many years has been, frequently

accomplished by requiring the employees to use paid vacation time, sick leave time, personal leave time or accrued overtime entitlement, or some other such employee benefit, to do such political work. Other improper practices have also been used for this purpose. The practices referred to in this paragraph take place, and for many years have taken place, on and in connection with various occasions and events. The practice of forcing Democratic Patronage Employees to take time off from their jobs to do political work has most frequently taken place on election days.

32. Most of the patronage practices alleged in this complaint have been widely known and publicized for many years.

**PATRONAGE EMPLOYEES AND  
THE ELECTION OF NOVEMBER 18, 1969**

33. Many of the political sponsorships for patronage jobs are by Democratic Party Ward Committeemen. Each of the defendant Committeemen presently sponsors 100 or more Democratic Patronage Employees. The total number of Democratic Patronage Employees residing in the District who are sponsored by one or more of said defendant Committeemen (“District Patronage Employees”) exceeds 1,000. Each of defendant Committeemen Holman, Korshak, Ronan and Partee regularly sponsors (as did defendant Campbell) residents of the District as such Democratic Patronage Employees, and each of them and their predecessors have done so for many years.

34. As is stated above, plaintiff Michael L. Shakman ran as an independent candidate for Delegate from the District to the Convention. The Democratic Party is and for many years has been the majority political party in the District. The Cook County Democratic Organization actively supported its two candidates for Delegate from the District to the Convention: Miss Odas Nicholson and Mrs. Attye Belle McGee. Each of defendant Committeemen Holman, Korshak, Ronan and

Campbell actively supported the two said Democratic Organization candidates and each, as well as the Cook County Democratic Organization and other defendants, urged the defeat of Mr. Shakman.

35. Funds for use in election campaigns are usually, and in the case of the aforesaid District election on November 18, 1969 were, of major importance to the outcome of the election. Also of great importance to success in the said election, as is true in elections generally, were workers to conduct voter canvasses, solicit voter support, act as poll watchers, put up posters, answer telephones, induce voter supporters of the candidate actually to vote on election day, and do numerous other kinds of political work for the candidate. The factors referred to above in this paragraph are especially important to independent candidates facing candidates supported by one of the established political parties. Much of the money which was used in the campaigns to elect Miss Nicholson and Mrs. McGee as Delegates to the Convention was raised by and through the practices referred to in paragraphs 29(a) and 30, and many of the persons who did the political work on behalf of Miss Nicholson and/or Mrs. McGee did so as a result of the practices complained of in paragraphs 29(b) and 31. Most of the persons required to make such financial contributions and to do such work were District Patronage Employees who were so required, by threat of loss of or punishment or discipline in their patronage jobs, principally by their respective Ward Committeemen, namely, defendants Holman, Korshak, Ronan and Campbell.

36. On election days most Democratic Patronage Employees are usually required, by the same kinds of threats, to do political work in the precincts, for the principal purposes of getting their voters to vote and working in and near polling places, but also do to a myriad of other political tasks relating to the election. Many such employees, during the hours they should have been working on and at their patronage jobs, did such political work in the precincts of the District on September 23, 1969, the day of the primary election for electing the candidates to run in the election on November

18, and also on November 18. Many such employees also did such political work in other districts within the City of Chicago and Cook County on the said days, also during the hours they should have been working on and at their patronage jobs. Many such employees also did such political work throughout the City of Chicago and the County of Cook on other election days subsequent to November 18, 1969. Most of such employees do such political work only because they are required to do so under the threat and risk of losing their patronage jobs or otherwise being punished or disciplined in their jobs. Indeed, it is and for many years has been the practice that Democratic Patronage Employees suffer such loss of jobs, punishment or discipline even if they do perform such work but fail to produce a vote result in their precinct, ward or other assigned area which is satisfactory to their Democratic Party superiors. Many of such employees were, for the foregoing reasons, forced to do such political work in the District on September 23 and November 18, 1969 on behalf of Miss Nicholson and Mrs. McGee and on behalf of defendants' candidates opposing other independent candidates in those and subsequent elections, to the great detriment of plaintiff Shakman and other independent candidates.

(a) Plaintiff Shakman placed third in the November 18 election. He received 623 fewer votes than did Miss Odas Nicholson (a candidate of the Cook County Democratic Organization), who was elected. Over 24,000 votes were cast in the election in the said electoral district. Mr. Shakman's defeat was caused by the patronage acts and practices complained of in this count. Other independent candidates were defeated in the election on September 23 or in the election on November 18 as a result of similar acts and practices.

37. All of the acts and practices complained of in this complaint were and are being performed, induced, aided, abetted, participated in and encouraged by the defendants and others allied with them, and by their predecessors, while acting under color of the statutes, ordinances,

regulations, customs and usages of the City of Chicago, The County of Cook and the State of Illinois.

**VIOLATIONS CHARGED**

38. The acts and practices complained of in this complaint violated plaintiff Shakman's rights, as a candidate for public office, to equal protection of the law, freedom of association, freedom of speech and due process, in violation of the First, Fifth and Fourteenth Amendments to the Constitution of the United States, and of 42 U.S.C. §§1983, 1985, 1986 and 1988, in the following ways among others:

(a) There is and has been created, by improper use of public employment and public funds, an army of political workers and a giant political treasury for the use and benefit of the Cook County Democratic Organization, the Central Committee, the individual defendants, and their political allies and associates, and particularly for the candidates they endorse and/or support, including Mr. Shakman's two above-named opponents, Miss Nicholson and Mrs. McGee, and also defendants' candidates opposing other independent candidates.

(b) The votes and political support of thousands of citizens, namely, Democratic Patronage Employees and persons who may desire to obtain such employment, were in effect purchased or coerced for defendants' candidates, including those referred to in paragraph 38(a), for the reason that such employees are both rewarded and punished by the use and misuse of public employment.

(c) Democratic Patronage Employees and persons who may desire to obtain such employment, who otherwise would have done political work or contributed money to support Mr. Shakman's candidacy – and the candidacies of other independent candidates –

were deterred from doing so because of their fear of losing their jobs or being otherwise penalized in their public employment, or of losing the opportunity for future such employment.

(d) Mr. Shakman and other independent candidates were prevented from even expressing anything about their candidacies, political policies, programs and beliefs through Democratic Patronage Employees and persons who desired to obtain such employment, who would do so but for the fear just referred to.

(e) All members of the public who pay taxes were in effect compelled to involuntarily contribute funds to support defendants, their political policies, programs and candidates, even though a great many such persons, including plaintiffs, oppose defendants and many of their political policies, programs and candidates; and even those who do support such organization, policies, programs or candidates were not given the choice of not making such contributions.

(f) All of the foregoing wrongs are gravely exacerbated by the fact that said acts and practices cause the present situation to be self-perpetuating, for the reason that the improper use of public employment and public funds perpetuates defendants' political domination of the City of Chicago and other areas of Cook County – which said political domination permits defendants to continue to dominate the governmental practices of the City of Chicago and other governmental operations in Cook County – which said governmental domination permits defendants to continue to make the same improper use of public employment and public funds. This accounts for defendants' (and their predecessors') complete control over all city-wide and many other offices of the City of Chicago, and various other offices within Cook County, for over thirty years. For the

reasons set forth above, said control and the acts and practices complained of are virtually impossible to eliminate by the electoral process. Plaintiffs and others similarly situated have no practical opportunities for exerting their political weight to correct this situation. No such elimination or correction can be accomplished within the foreseeable future without the aid of this court.

The foregoing (1) constituted gross and invidious discrimination against plaintiff Shakman as a candidate for public office and others similarly situated; (2) deprived him and his supporters, and others similarly situated, of the right to associate with other persons, namely Democratic Patronage Employees and persons who may desire to obtain such employment, for the advancement of political beliefs; (3) deprived him, the qualified voters who support his candidacy, and others similarly situated, of the right to cast their votes effectively and to have the election determined on the basis of votes so cast; (4) diluted and debased the votes of plaintiffs and other qualified voters who support his candidacy, and others similarly situated; (5) forced him and his supporters, and others similarly situated, to support and contribute to the promotion of political organizations, policies, programs and candidates to which they are opposed, and deprived them of their right not to support or contribute to a political organization, policy, program or candidate; (6) deprived him and the qualified voters who supported his candidacy, and others similarly situated, of their right to, with respect to the votes of Democratic Patronage Employees, have the election determined by votes freely cast for the candidate of one's choice; (7) deprived him and his supporters, and others similarly situated, of their right to express and espouse a political candidacy, policies, programs and beliefs through Democratic Patronage Employees; (8) deprived him and the qualified voters who support him, and others similarly situated, of their right to an electoral process which is

rudimentarily fair and free of substantial partisan interference – all of which violated the constitutional and statutory provisions referred to at the outset of this paragraph.

39. In addition, the foregoing violates the rights of Democratic Patronage Employees to equal protection of the law, freedom of association, freedom of speech and due process, in violation of the constitutional and statutory provisions referred to at the outset of paragraph 38, for the reason that the acts and practices complained of in this complaint effectively deprive them of their rights to (a) associate with plaintiff Shakman, his political supporters and others similarly situated, for the advancement of political beliefs or even to speak in support of the political candidacy, policies, programs, or beliefs of any such person; (b) to vote freely for the candidate of their choice, ©) to not support or contribute to a political organization candidate, policy, program or belief. Said Democratic Patronage Employees, as the allegations of this complaint make clear, are not free to assert these rights themselves, since they believe that to do so will lead to the loss of their patronage jobs or other punishment in said jobs.

**RELIEF REQUESTED**

40. (a) The acts and practices complained of above have continued to the present date and have been repeated in connection with elections subsequent to November 18, 1969 and continue to violate rights as described herein of plaintiff Shakman and other members of the classes of plaintiffs. Unless enjoined by this court, the acts and practices complained of above will continue indefinitely hereafter. Moreover, the political requirements imposed by defendants, as described above, with respect to Democratic Patronage Employees are and have been also imposed on many other governmental employees, and the rights of plaintiffs with respect to those employees and the rights of such employees themselves are and have been also violated thereby.

(b) In perpetuation of these acts and practices, defendants Elrod and Korzen, since their election in November 1970 as Cook County Sheriff and Treasurer respectively, have unlawfully fired hundreds of employees of those two offices for the sole reason that the employees did not have Democratic "sponsorship" of the type referred to in paragraph 26 hereof and so that these jobs could be obtained for Democratic Patronage Employees. These fired employees have been replaced by Democratic Patronage Employees. Other defendants herein participated in, aided and cooperated with these firings and replacements.

41. Plaintiff Shakman's own interest in and injury from said acts and practices will not be confined to his loss of the election of November 18, 1969, but will continue hereafter. Mr. Shakman intends to be an independent candidate for public office in the future, at which time, unless enjoined by this court, the said acts and practices will continue to greatly injure him and his supporters in the respects alleged above and in other respects. Many other independent candidates will also be greatly injured by future repetitions of said acts and practices, as independent candidates have been in the past on numerous occasions. In addition, Mr. Shakman frequently actively supports and votes for independent candidates and intends to do so in the future.

42. Plaintiff Shakman has already been permanently and irreparably injured by defendants' said acts and practices and he and other members of the classes herein will be further permanently and irreparably injured unless said acts and practices are promptly enjoined by this court. Although Mr. Shakman has suffered money damages in excess of \$10,000 as a result of said acts and practices (including but not limited to expenditures made in behalf of his said candidacy which would not have been made except for said acts and practices and the loss of contributions of money from and valuable political work of Democratic Patronage Employees), no amount of money

damages can compensate Mr. Shakman for said further injury, and he, his political supporters and other members of the classes herein have no adequate remedy at law.

43. The matter in controversy in this action exceeds the sum or value of \$10,000, exclusive of interest and costs.

(a) Except where the contrary is expressly shown hereinabove, all of the facts alleged hereinabove were true on October 19, 1969 (the date this suit was commenced) and they have been true at all times since that date.

WHEREFORE, plaintiff Shakman, on behalf of himself and the class herein, asks that this Court grant the relief requested in the prayer for relief at the conclusion of this complaint.

## COUNT II

1-3. Plaintiffs reallege paragraphs 1 through 3 of Count I as paragraphs 1 through 3 of this Count II.

3. (a) Plaintiff Paul M. Lurie is, and for more than the past five years has been, a resident, registered voter and taxpayer in the District.

(b) Plaintiff Lurie is and for years has been a political supporter of plaintiff Shakman and voted for him in the elections on September 23 and November 18, 1969. Each of the plaintiffs was and is qualified to vote in the said elections and all other elections – state, county, city, federal and others – covering their voting residences.

©) The plaintiffs herein bring this count as qualified voters on behalf of themselves and all other independent voters (meaning voters who vote for or otherwise support independent candidates) in Cook County on October 19, 1969 and subsequent thereto, including subsequent to the date hereof.

4-37. Plaintiffs reallege paragraphs 4 (except the last sentence thereof) through 37 of Count I as paragraphs 4 through 37 of this Count II.

38. The acts and practices complained of in this complaint violated plaintiffs' rights, as voters, to equal protection of the law, freedom of association, freedom of speech and due process, in violation of the First, Fifth and Fourteenth Amendments to the Constitution of the United States, and 42 U.S.C. §§1983, 1985, 1986 and 1988, in the ways, among others, set forth in subparagraphs (a) through (f) of paragraph 38 of Count I. Each of said subparagraphs are hereby realleged here as subparagraphs (a) through (f) of this paragraph 38.

The foregoing (1) constituted gross and invidious discrimination against plaintiffs as qualified voters supporting the candidacy of Mr. Shakman, and others similarly situated; (2) deprived plaintiffs and others similarly situated of the right to association with other persons, namely Democratic Patronage Employees and persons who desired to obtain such employment, for the advancement of political beliefs; (3) deprived plaintiffs and other qualified voters who supported plaintiff Shakman's candidacy, and others similarly situated, of the right to cast their votes effectively and to have the election on November 18 and other elections determined on the basis of votes so cast; (4) diluted and debased the votes of plaintiffs and other qualified voters who supported Mr. Shakman's candidacy, and others similarly situated; (5) forced plaintiffs and others who supported Mr. Shakman's candidacy, and others similarly situated, to support and contribute to the promotion of political organizations, policies, programs and candidates to which they are opposed and deprived them of their right not to support or contribute to a political organization, policy, program or candidate; (6) deprived plaintiffs and other qualified voters, and others similarly situated, of their right to, with respect to the votes of Democratic Patronage Employees, have the election determined by votes freely cast for the candidate of one's choice; (7) deprived plaintiffs and other

supporters of Mr. Shakman's candidacy, and others similarly situated, or their right to express and espouse a political candidacy, policies, programs and beliefs through Democratic Patronage Employees; (8) deprived plaintiffs and other qualified voters who supported Mr. Shakman's candidacy, and others similarly situated, of their right to an electoral process which is rudimentarily fair and free of substantial partisan governmental interference – all of which violated the constitutional and statutory provisions referred to at the outset of this paragraph 38.

39-40. Plaintiffs reallege paragraphs 39 and 40 of Count I as paragraphs 39 and 40 of this Count II.

41. Plaintiff's interest in and injury from said acts and practices will not be confined to Mr. Shakman's loss of the election of November 18 but will continue thereafter. Mr. Shakman intends to be an independent candidate for public office in the future, at which time plaintiff Lurie intends to support and vote for him, but, unless enjoined by this court, said acts and practices will continue then to greatly injure them and other members of the class herein. In addition, plaintiffs and other members of the class herein frequently actively support and vote for independent candidates, and plaintiffs and many other qualified voters intend to do so in the future.

42. Plaintiffs have already been permanently and irreparably injured by defendants' said acts and practices, and they and other members of the class herein will be further permanently and irreparably injured unless said acts and practices are enjoined by this court. Although plaintiffs have suffered money damage in excess of \$10,000 as a result of said acts and practices, no amount of money damages can compensate plaintiffs for said further injury, and they and other members of the class herein have no adequate remedy at law.

43-43(a). Plaintiffs reallege paragraphs 43 and 43(a) of Count I as paragraphs 43 and 43(a) of this Count II.

WHEREFORE, plaintiffs ask, on behalf of themselves and the class herein, that this court grant the relief requested in the prayer for relief at the conclusion of this complaint.

**COUNT III**

1-3. Plaintiffs reallege paragraphs 1 through 3 of Count I as paragraphs 1 through 3 of this Count III.

3(a)-3(b). Plaintiffs reallege paragraphs 3(a) and 3(b) of Count II as paragraphs 3(a) and 3(b) of this Count III.

3©) Plaintiffs bring this count as taxpayers on behalf of themselves and all other taxpayers in Cook County on October 19, 1969 and subsequent thereto, including subsequent to the date hereof.

4-37. Plaintiffs reallege paragraphs 4 through 37 of Count I as paragraphs 4 through 37 of this Count III.

38. Plaintiffs reallege paragraph 38 of Count II as paragraph 38 of this Count III, except only that the words “as taxpayers” are substituted for the words “as voters” in the first sentence thereof. Plaintiffs allege, in addition, that all of the violations of plaintiffs’ rights as voters in paragraph 38 of Count II are equally violations of plaintiffs’ same rights as taxpayers and of the rights of all other members of the class herein.

39-40. Plaintiffs reallege paragraphs 39 and 40 of Count I as paragraphs 39 and 40 of this Count III.

41. Plaintiffs reallege paragraph 41 of Count II as paragraph 41 of this Count III.

42. Plaintiffs have already been permanently and irreparably injured by defendants’ said acts and practices, and they and other members of the class herein will be permanently and irreparably injured unless said acts and practices are enjoined by this court. Unless such injunctive

relief is granted defendants will continue in the future to misuse and misapply millions of dollars of public funds in the continuation of said acts and practices. No amount of money damages can compensate plaintiffs for said further injury, and they and other members of the class herein have no adequate remedy at law.

43-43(a). Plaintiffs reallege paragraphs 43 and 43(a) of Count I as paragraphs 43 and 43(a) of this Count III.

WHEREFORE, plaintiffs, on behalf of themselves and the class herein, ask that this court grant the relief requested in the prayer for relief at the conclusion of this complaint.

#### COUNT IV

1-43(a). Plaintiff Michael L. Shakman realleges paragraphs 1 through 43(a) of Count I as paragraphs 1 through 43(a) of this Count IV.

44. The wrongful acts and practices alleged above were done pursuant to a conspiracy among the defendants and others to deprive plaintiff Shakman, his supporters and others similarly situated of their constitutional and other rights set forth in paragraphs 38 and 39.

45. Prior to and at the time of said wrongful acts and practices, all of the defendants knew that said wrongs were about to be committed and, notwithstanding the fact that they had the power to prevent or aid in preventing the commission of said wrongs, neglected or refused to do so.

WHEREFORE, plaintiff Shakman, on behalf of himself and the class herein, asks that this court grant the relief requested in the prayer for relief at the conclusion of this complaint.

#### COUNT V

1-43(a). Plaintiffs reallege paragraphs 1 through 43(a) of Count II (including all paragraphs incorporated therein by reference to Count I) as paragraphs 1 through 43(a) of this Count V.

44-45. Plaintiffs reallege paragraphs 44 and 45 of Count IV as paragraphs 44 and 45 of this Count V.

WHEREFORE, plaintiffs ask, on behalf of themselves and the class herein, that this court grant the relief requested in the prayer for relief at the conclusion of this complaint.

**COUNT VI**

1-43(a). Plaintiffs reallege paragraphs 1 through 43(a) of Count III (including all paragraphs incorporated therein by reference to Count I or Count II) as paragraphs 1 through 43(a) of this Count VI.

44-45. Plaintiffs reallege paragraphs 44 and 45 of Count IV as paragraphs 44 and 45 of this Count VI.

WHEREFORE, plaintiffs ask, on behalf of themselves and the class herein, that this court grant the relief requested in the prayer for relief at the conclusion of this complaint.

**COUNT VII**

1-6. Plaintiffs reallege paragraphs 1 through 3 and paragraph 4(a) of Count I, and paragraphs 3(a) and 3(b) of Count II, as paragraphs 1 through 6 of this Count VII.

7. (a) Plaintiff Shakman brings this count on behalf of himself and on behalf of all other independent candidates (meaning candidates who are not the candidates of a political party or, in the case of party primary elections or so-called nonpartisan elections, are not the candidates of the “regular” organization of a political party) in all future elections held in whole or in part within the Northern District of Illinois at which candidates for any federal, state, county, city or other public office are elected or nominated.

(b) In addition, both plaintiffs also bring this count on behalf of themselves and (1) all other present and future independent voters (meaning voters who vote for or otherwise

support independent candidates) in the Northern District of Illinois (“Northern District”) and (2) all other taxpayers in the Northern District.

**DEFENDANTS**

8. Defendant Richard B. Ogilvie is the Governor of the State of Illinois and head of the Republican Party of Illinois. He is sued individually and in his capacities as Governor and head of the Republic Party.

9. Defendant William J. Scott is the Attorney General of the State of Illinois. He is sued individually and in his capacity as Attorney General.

10. Defendant John W. Lewis is the Acting Secretary of State of Illinois. He is sued individually and in his capacity as Acting Secretary of State.

11. (a) Defendant Republican State Central Committee of Illinois is the Republican Party State Central Committee provided for by Chapter 46, §7-7 et seq. of the Illinois Revised Statutes. In addition to performing the functions and exercising the prerogatives vested in and given to it by the aforesaid Illinois statutes, said defendant performs numerous other important political functions and acts on behalf of the Republican Party in the State of Illinois.

(b) Defendants Republican County Central Committee of Cook County, Republican County Central Committee of DuPage County, Republican County Central Committee of Kane County, Republican County Central Committee of LaSalle County, Republican County Central Committee of McHenry County, Republic County Central Committee of Winnebago County, Republican County Central Committee of Lake County and Republic County Central Committee of Will County are the Republican Party County Central Committees for the counties of their respective titles provided for by Chapter 46, §7-7 et seq. of the Illinois Revised Statutes. In addition to performing the functions and exercising the prerogatives vested in and given to them

by Illinois law, each of such defendants performs numerous other important political functions and acts on behalf of the Republican Party in the county for which it is such Central Committee.

12. (a) Defendant Victor L. Smith is the Chairman, and defendant William F. Scannell is the Secretary, of defendant Republican State Central Committee. Mr. Smith and Mr. Scannell are sued individually and in their capacities as such Chairman and Secretary respectively. They and defendant Edmund J. Kucharski are also sued as the representatives of the said State Central Committee and all members thereof.

(b) Defendant Edmund J. Kucharski is the Chairman of defendant Republican County Central Committee of Cook County. He is also the Republican Ward Committeeman for the Thirteenth Ward of the City of Chicago, a member of defendant Republican State Central Committee and Assistant Secretary of State of Illinois. Mr. Kucharski is sued individually and in his capacities as such member, Chairman, Ward Committeeman and Assistant Secretary of State. He and defendants Evert C. Schultz and Timothy Sheehan are also sued as representatives of the said Republican County Central Committee of Cook County and all members thereof.

(c) Defendant Evert C. Schultz is the Secretary of defendant Republican County Central Committee of Cook County. He is also the Republican Township Committeeman for Thornton Township. Mr. Schultz is sued individually and in his capacities as such Secretary and Township Committeeman. Defendant Timothy Sheehan is the Republican Committeeman for the Forty-First Ward of the City of Chicago and is sued individually and as such Committeeman.

(d) Defendant James Philip is the Chairman, and defendant Ray W. McDonald is the Secretary, of defendant Republican County Central Committee of DuPage County. Mr. Philip is also the Republican Precinct Committeeman for the Ninety-Fourth Precinct of York Township,

and Mr. McDonald is also the Republican Precinct Committeeman for the Second Precinct of Wayne Township.

Mr. McDonald is also the elected County Clerk of the County of DuPage (“DuPage County”).

Mr. Philip and Mr. McDonald are sued individually and in their capacities as such Chairman and Secretary, respectively, and as such Precinct Committeemen. Mr. McDonald is also sued as the County Clerk of DuPage County.

(e) Defendant Thomas Feehan is the Chairman of the Republican County Central Committee of Will County. Mr. Feehan is also the Republican Precinct Committeeman for the Twelfth Precinct of Joliet Township. Mr. Feehan is sued individually and in his capacities as such Chairman and Precinct Committeeman.

(f) Defendant J. Frederick Baker is the Chairman of the Republican County Central Committee of LaSalle County. Mr. Baker is also the Republican Precinct Committeeman for Adams Township. Mr. Baker is sued individually and in his capacities as such Chairman and Precinct Committeeman.

(g) Defendant Albert M. Jourdan is the Chairman of the Republican County Central Committee of McHenry County. Mr. Jourdan is also the Republican Precinct Committeeman for the Sixteenth Precinct of McHenry Township. Mr. Jourdan is sued individually and in his capacities as such Chairman and Precinct Committeeman.

(h) Defendant Ralph C. Glans is the Chairman of the Republican County Central Committee of Winnebago County. Mr. Glans is also the Republican Precinct Committeeman for the Eighth Precinct of the First Ward of the City of Rockford. He is sued individually and in his capacities as such Chairman and Precinct Committeeman.

(I) Defendant Robert J. Milton is the Chairman of the Republican County Central Committee for Lake County. He is also Republican Precinct Committeeman for the Fifth Precinct of Shields Township. He is sued individually and in his capacities as such Chairman and Precinct Committeeman.

(j) Defendant William Wake is the Chairman of the Republican County Central Committee for Kane County. He is also Republican Precinct Committeeman for the Sixty-Fourth Precinct of the City of Aurora. He is sued individually and in his capacities as such Chairman and Precinct Committeeman.

13. (a) Defendants Wayne Shimp, Joseph Doring, James A. Callahan, Gerald R. Pratt and Orville Clavey are the elected Sheriffs respectively of DuPage, Kane, LaSalle, Winnebago and Lake Counties. Mr. Shimp is also the Republican Precinct Committeeman for the Fourth Precinct of Naperville Township. They are each sued individually and in their capacities as such Sheriffs and Mr. Shimp is also sued as such Precinct Committeeman.

(b) Defendants James H. Clark, James H. Fitzgerald, Roy Rathbun, Audrey Walgenbach and Robert G. Skidmore are the elected Treasurers respectively of DuPage, Kane, LaSalle, McHenry and Lake Counties. Mr. Clark is also the Republican Precinct Committeeman for the Sixty-Seventh Precinct of Milton Township. They are sued individually and in their capacities as such Treasurers and Mr. Clark is also sued as such Precinct Committeeman.

©) Defendants Robert M. Haenisch, Jan E. Carlson, Margaret O'Neil, Anthony M. Colletti and Stephanie Sulthin are the elected Clerks of the Circuit Court respectively for the Eighteenth Judicial Circuit of DuPage County, for the Sixteenth Judicial Circuit of Kane County, for the Nineteenth Judicial Circuit of McHenry County, for the Seventeenth Judicial Circuit of Winnebago County, and for the Nineteenth Judicial Circuit of Lake County. They are sued

individually and in their capacities as such Clerks of the Circuit Court. Mr. Colletti is also Republican Precinct Committeeman for the Seventh Precinct, Fifth Ward of the City of Rockford and is also sued in that capacity.

(d) Defendants William A. Vollrath, George L. Hunter, Vernon W. Kays and Clara Hartley Woodard are the elected County Clerks respectively of Kane, LaSalle, McHenry and Will Counties. Mr. Vollrath is also the Republican Precinct Committeeman for the Thirty-Fourth Precinct of Elgin Township. They are sued individually and in their capacities as such County Clerks and Mr. Vollrath is also sued as such Precinct Committeeman.

(e) Defendants Jack M. Weidner, Theron J. Ehorn, Collins Y. Sundberg, Oscar A. Lind and Willard G. Blood are the elected Coroners respectively of Kane, McHenry, Winnebago, Lake and Will Counties. They are sued individually and in their capacities as such Coroners.

(f) Defendants Floyd Fulle, Joseph Woods, Charles J. Grupp and William N. Erickson are Commissioners of Cook County and are sued individually and as such Commissioners. Defendants Fulle, Grupp and Erickson are the Republican Committeeman respectively for Maine, Bloom and Evanston Townships, Cook County, and are also sued as such Committeemen.

(g) Defendants Eugene Leonard, William E. Kane and Bernard Pederson are both the Township Assessors and Republican Committeemen respectively for Bremen, Orland and Palatine Townships. Defendant John J. Nimrod is the Niles Township Supervisor. Defendant John F. Kimbark is the Clerk both of the Town of Cicero and Cicero Township. Defendant Elmer Conti is the President of the Village of Elmwood Park. Defendant Frank A. Bella is the Calumet Township Collector. Defendants Nimrod, Kimbark, Conti and Bella are the Republican Committeemen respectively for Niles, Cicero, Leyden and Calumet Townships. All said defendants are sued individually and as both such public officials and Committeemen.

15. Each of the foregoing defendant Republican Precinct Committeemen is a member of a defendant Republican County Central Committee. In addition to all of the above-stated capacities in which said defendant Precinct Committeemen are sued, they are sued as the representatives of the County Central Committee of which they are members, all members thereof, all Republican Precinct Committeemen of such County, and all officials and members of the County Republican Organization for such County.

16. All of the defendants herein, in addition to all of the above-stated capacities in which they are sued, are sued as the representatives of all persons and organizations involved in the implementation or administration of Republican patronage, or any part thereof, in the Northern District.

**THE REPUBLICAN ORGANIZATION IN  
THE NORTHERN DISTRICT OF ILLINOIS**

17. The Republican Party is, and for the past thirty years or more has been, the overwhelmingly dominant political party in the Northern District outside of the City of Chicago. Its authority, power or influence extend to and include, but are not limited to, virtually all aspects of government in said district outside of Chicago, including the numerous townships and other political entities within said area, and many aspects of state government of the State of Illinois. During the many years of the Republican Party's said dominance, most candidates for public office who had not had the support of the Republican Party have fared badly in the Northern District outside Chicago. For example, since the time of the Civil War virtually no candidates for county-wide office of the County of DuPage who have not had the support of the DuPage County Republican Organization have been elected. Indeed, plaintiffs believe that the only exception

occurred over thirty years ago when a Democrat was elected to a county-wide office in DuPage County.

18. As a result of the facts alleged above, most of the township and many other lower level governmental entities within the Northern District outside Chicago are headed and controlled by officials who are members and/or supporters of the Republican Party. This is also true of most county agencies outside of Cook County. At times this has also been true of various agencies of Cook County. These facts, together with the other facts alleged herein, have resulted in various officials and elements of the Republican Party, including the defendants herein, having and exercising great authority, power and influence with respect to the operations, including employment practices, of many governmental departments, boards, agencies and entities in the Northern District, especially outside of Cook County. Indeed, the Republican Party's political organization is so pervasive in and intermeshed with many of these county, township and other governments and governmental operations that it is frequently difficult, if not impossible, to distinguish one from the other in day-to-day functions and activities.

19. The facts alleged in paragraph 18 have existed substantially for the past thirty years or more.

#### **THE REPUBLICAN PATRONAGE SYSTEM**

20. One of the consequences of the facts alleged in paragraphs 17 through 19 – and at the same time one of the principal reasons for the existence of those facts – is the Republican Party political patronage system in the Northern District.

21. As a result of the facts alleged in paragraphs 17 through 19, for more than thirty years there have been, and there are now, employed by many of the State of Illinois and other governmental entities, departments, boards and agencies within the Northern District, thousands of

Republican Party political patronage employees (“Republican Patronage Employees”). As used in this complaint, Republican Patronage Employee means a person who

(a) is hired or continued in such employment on the basis of such person’s political “sponsorship” of the type referred to in paragraph 22 hereof and/or such person’s political support, or promise of support, of the Republican Party of Illinois, or a sub-unit or affiliate or official thereof, and the political policies, programs and candidates for public office such organizations or officials endorse and/or support, and

(b) is not protected by civil service or similar laws against arbitrary discharge from such employment.

22. Most Republican Patronage Employees are required, as a condition of obtaining and keeping their patronage job, to obtain and maintain the recommendation, called “sponsorship,” of an official or member of defendant Republican State Central Committee or an official or member of one of the defendant Republican County Central Committees or some other politically influential person connected with said organizations or with another element of the Republican Party. Loss of sponsorship usually subjects the employee to dismissal from his or her patronage job or other punishment or discipline in his or her public employment.

23. There are between 8,000 and 30,000 Republican Patronage Employees in the Northern District. The efforts of the defendants and others allied with them to conceal the facts concerning said employees make it impossible to state a more precise figure. Said employees pervade virtually the entire executive, judicial and legislative branches of the governments of many of the municipal entities, townships and counties in the Northern District. Many of said employees are employed in jobs of a clerical, ministerial or labor nature. The facts alleged in this paragraph 23 have existed for many years.

24. Each of the defendants herein is and has been actively involved in the implementation and administration of the Republican patronage system in the Northern District and the acts and practices complained of herein. Each of the government officials who are defendants herein employs a substantial number of Republican Patronage Employees in the Northern District, either directly or through the various governmental departments, boards, agencies and entities under such official's control. The number of Republican Patronage Employees in the Northern District has been greatly increased by the vast number of state jobs which are controlled by defendants Ogilvie, Scott and Lewis in their capacities as Governor, Attorney General and Acting Secretary of State. Said defendants employ thousands of Republican Patronage Employees in the Northern District.

25. The jobs of most of the Republican Patronage Employees referred to in the immediately preceding sentence were obtained for such employees by defendants in an unlawful manner. The unlawful manner in which these jobs have been and are obtained for Republican Patronage Employees is illustrated by the patronage practices engaged in by defendant Lewis. Defendant Ogilvie, as Governor, appointed defendant Lewis Acting Secretary of State in October 1970, to replace the deceased Democratic incumbent of that office, Paul Powell. Mr. Lewis thereupon undertook a program of mass firings, in which thousands of employees of the office of Secretary of State were unlawfully discharged for the reason that they did not have Republican "sponsorship" of the type referred to in paragraph 22 hereof and so that these jobs could be obtained for Republican Patronage Employees. These fired employees have been replaced by Republican Patronage Employees. Defendant Ogilvie and other defendants herein participated in, aided and cooperated with these firings and replacements.

26. Many millions of dollars of public funds, derived from taxes paid by the public, have been and will be used to pay the salaries of the Republican Patronage Employees for the year 1971

and for each year thereafter. Billions of dollars of public funds, derived from taxes paid by the public, have been used to pay the salaries of Republican Patronage Employees during the past thirty years.

27. It is, and for many years has been, the practice that most of the Republican Patronage Employees are and have been required, as a condition to keeping their patronage jobs or in order to prevent punishment or discipline in their jobs, to

(a) contribute money to their county, ward or township organization, or to a sub-unit or affiliate thereof, or to another organization of or connected with the Republican Party, or to candidates endorsed and/or supported by such organizations, and

(b) do political work for and on behalf of such organizations and candidates.

The candidates referred to include candidates for all offices, federal, state, county, city and other.

28. Various devices and subterfuges are, and for many years have been, used in order to conceal the facts and true nature of the aforesaid coerced contributions. However, regardless of how or to whom the said coerced contributions are made, much of said money is, and for many years has been, used for the purpose of promoting the political policies, programs and candidates referred to in paragraph 21(a).

29. It is, and for many years has been, the practice that many Republican Patronage Employees are and have been required, as a condition to keeping their patronage jobs or in order to prevent punishment or discipline in their jobs, (a) to take time off from their jobs to do political work of the type referred to in paragraph 21(b), and (b) to perform such political work during the regular working hours of their patronage jobs, for which they are paid with public funds. The practice referred to in (a) of the preceding sentence is, and for many years has been, frequently accomplished by requiring the employees to use paid vacation time, sick leave time, personal leave

time or accrued overtime entitlement, or some other such employee benefit, to do such political work. Other improper practices have also been used for this purpose. The practices referred to in the paragraph take place, and for many years have taken place on and in connection with various occasions and events. The practice of forcing Republican Patronage Employees to take time off from their jobs to do political work has most frequently taken place on election days.

30. Most of the patronage practices alleged in this count have been widely known and publicized for many years.

31. Funds for use in election campaigns are usually of major importance to the outcome of the election. Also of great importance to success in elections generally are workers to conduct voter canvasses, solicit voter support, act as poll watchers, put up posters, answer telephones, induce voter supporters of the candidate actually to vote on election day, and do numerous other kinds of political work for the candidate. The factors referred to above in this paragraph are especially important to independent candidates facing candidates supported by one of the established political parties.

32. On election day most Republican Patronage Employees are usually required, by threat of loss of or punishment or discipline in their patronage jobs, to do political work in the precincts, for the principal purposes of getting their voters to vote and working in and near polling places, but also to do a myriad of other political tasks relating to the election. Many such employees, during the hours they should have been working on and at their patronage jobs, were doing such political work in precincts of the Northern District of Illinois on September 23, 1969, the day of the primary election for electing the candidates to run in the election on November 18, 1969, often working against independent candidates. Most of such employees do such political work only because they are required to do so under the threat and risk of losing their patronage jobs

or otherwise being punished or disciplined in their jobs. Indeed, it is and for many years has been the practice that Republic Patronage Employees suffer such loss of jobs, punishment or discipline even if they do perform such work but fail to produce a vote result in their precinct, ward or other assigned area which is satisfactory to their Republican Party superiors.

33. All of the acts and practices complained of in this complaint were and are being performed, induced, aided, abetted, participated in and encourage by the defendants and others allied with them and by their predecessors, while acting under color of the statutes, ordinances, regulations, customs and usages of the counties, townships, cities, villages and other governmental entities within the Northern District of Illinois and of the State of Illinois.

#### **VIOLATIONS CHARGED**

34. The acts and practices complained of in this count violate plaintiffs' rights as a prospective candidate, voters and taxpayers, and the rights of the classes plaintiffs represent, to equal protection of the law, freedom of association, freedom of speech and due process, in violation of the First, Fifth and Fourteenth Amendments to the Constitution of the United States, and of 42 U.S.C., §§1983, 1985, 1986 and 1988, in the following ways among others:

(a) There is and has been created, by improper use of public employment and public funds, an army of political workers and a giant political treasury for the use and benefit of the Republican Party of Illinois, its Central Committees and sub-units, the individual defendants, and their political allies and associates, and particularly for the candidates they endorse and/or support, including defendants' candidates opposing independent candidates.

(b) The votes and political support of thousands of citizens, namely, Republican Patronage Employees and persons who may desire to obtain such employment, are in effect purchased or coerced for defendants' candidates, including those referred to in paragraph 34(a), for

the reason that such employees are both rewarded and punished by the use and misuse of public employment.

©) Republican Patronage Employees and persons who may desire to obtain such employment, who otherwise would do political work or contribute money to support the candidacies of independent candidates are deterred from doing so because of their fear of losing their jobs or being otherwise penalized in their public employment, or of losing the opportunity for future such employment.

(d) Independent candidates are prevented from even expressing anything about their candidacies, political policies, programs and belief through Republican Patronage Employees and persons who may desire to obtain such employment, who would do so but for the fear just referred to.

(e) All members of the public who pay taxes are in effect compelled to involuntarily contribute funds to support defendants, their political policies, programs and candidates, even though a great many such persons, including plaintiffs, oppose defendants and many of their political policies, programs and candidates; and even those who do support such organization, policies, programs or candidates are not given the choice of not making such contributions.

(f) All of the foregoing wrongs are gravely exacerbated by the fact that said acts and practices cause the present situation to be self-perpetuating, for the reason that the improper use of public employment and public funds perpetuates defendants' political domination of most of the area of the Northern District of Illinois outside of Chicago – which said political domination permits defendants to continue to dominate the governmental practices of many governmental entities and other governmental operations in said area – which said governmental domination permits

defendants to continue to make the same improper use of public employment and public funds. This accounts for defendants' (and their predecessors') complete control over so many governmental offices in the said area over such a long period of time. For the reasons set forth above, said control and the acts and practices complained of are virtually impossible to eliminate by the electoral process. Plaintiffs and others similarly situated have no practical opportunities for exerting their political weight to correct this situation. No such elimination or correction can be accomplished within the foreseeable future without the aid of this court.

The foregoing (1) constitutes gross and invidious discrimination against plaintiff Shakman as a prospective independent candidate for public office and others similarly situated and against both plaintiffs and others similarly situated as qualified voters supporting such independent candidates and against both plaintiffs as taxpayers; (2) deprives plaintiffs, as candidates, voters, and taxpayers, and others similarly situated, of the right to associate with other persons, namely Republican Patronage Employees and persons who may desire to obtain such employment, for the advancement of political beliefs; (3) deprives plaintiffs as candidates, voters and taxpayers, and others similarly situated, of the right to cast their votes effectively and to have the election determined on the basis of votes so cast; (4) dilutes and debases the votes of plaintiffs and others similarly situated; (5) forces plaintiffs as candidates, voters and taxpayers, and others similarly situated, to support and contribute to the promotion of political organizations, policies, programs and candidates to which they are opposed, and deprives them of their right not to support or contribute to a political organization, policy, program and candidate; (6) deprives plaintiffs as candidates, voters and taxpayers, and others similarly situated, of their right with respect to the votes of Republican Patronage Employees, to have the election determined by votes freely cast for the candidate of one's choice; (7) deprives plaintiffs as candidates, voters and taxpayers, and others

similarly situated, of their right to express and espouse a political candidacy, policies, programs and beliefs through Republican Patronage Employees; (8) deprives plaintiffs as candidates, voters and taxpayers, and others similarly situated, of their right to an electoral process which is rudimentarily fair and free of substantial partisan interference – all of which violate the constitutional and statutory provisions referred to at the outset of this paragraph.

35. In addition, the foregoing violates the rights of Republican Patronage Employees to equal protection of the law, freedom of association, freedom of speech and due process, in violation of the constitutional and statutory provisions referred to at the outset of paragraph 34, for the reason that the acts and practices complained of in this complaint effectively deprive them of their rights to (a) associate with plaintiff Shakman, his political supporters and others similarly situated, for the advancement of political beliefs or even to speak in support of the political candidacy, policies, programs, or beliefs of any such person; (b) to vote freely for the candidate of their choice, (c) to not support or contribute to a political organization, candidate, policy, program or belief. Said Republican Patronage Employees, as the allegations of this complaint make clear, are not free to assert these rights themselves, since they believe that to do so will lead to the loss of their patronage jobs or other punishment in said jobs.

36. Plaintiff Shakman placed third in the November 18, 1969 election. He received 623 fewer votes than did Miss Odas Nicholson (a candidate of the Democratic Party), who was elected. Over 24,000 votes were cast in the election in the said electoral district. Mr. Shakman's defeat was caused by patronage acts and practices of the type complained of in this court. Other independent candidates in the Northern District were defeated in the election on September 23, 1969 or in the election on November 18 as a result of similar acts and practices committed by the defendants herein.

37. The acts and practices complained of above have continued to the present date and have been replaced by the defendants herein in connection with elections subsequent to November 18, 1969. Unless enjoined by this court, the acts and practices complained of above will continue indefinitely hereafter, to the great injury of plaintiffs and other members of the classes herein. Moreover, the political requirements imposed by defendants, as described above, with respect to Democratic Patronage Employees are and have been also imposed on many other governmental employees, and the rights of plaintiffs with respect to those employees are and have been also violated thereby.

38. Plaintiff Shakman intends to be an independent candidate for public office in the future, at which time plaintiff Lurie intends to support and vote for him, but, unless enjoined by this court, said acts and practices will continue then to greatly injure them and other members of the classes herein. In addition, plaintiffs and other members of the classes herein frequently actively support and vote for independent candidates, and plaintiffs and many other qualified voters intend to do so in the future.

39. Plaintiffs and other members of the classes herein have already been permanently and irreparably injured by defendants' said acts and practices, and they will be further permanently and irreparably injured unless said acts and practices are promptly enjoined by this court. They have suffered money damage in excess of \$10,000 as a result of said acts and practices, but no amount of money damages can compensate them for said further injury, and they have no adequate remedy at law.

40. The matter in controversy in this action exceeds the sum or value of \$10,000, exclusive of interest and costs.

WHEREFORE, plaintiffs, on behalf of themselves and the classes herein, ask that this court grant the relief requested in the prayer for relief at the conclusion of this complaint.

**COUNT VIII**

1-40. Plaintiffs reallege paragraphs 1 through 40 of Count VII as paragraphs 1 through 40 of this Count VIII.

41. The wrongful acts and practices alleged above were done pursuant to a conspiracy among the defendants and others to deprive plaintiffs and other members of the classes herein of their constitutional and other rights set forth in paragraphs 34 and 35.

42. Prior to and at the time of said wrongful acts and practices, defendants knew that said wrongs were about to be committed and, notwithstanding the fact that they had the power to prevent or aid in preventing the commission of said wrongs, neglected or refused so to do.

WHEREFORE, plaintiffs pray that the Court:

A. Enter a declaratory judgment declaring that the constitutional and other federal rights of the plaintiffs and of other members of the classes herein, as set forth above in this complaint, and of both the Democratic Patronage Employees and the Republican Patronage Employees, are, have been and, unless enjoined by this Court will be violated by:

- (1) the acts and practices, and other facts, alleged in this complaint.
- (2) The conditioning, determining, or basing of employment, or of any term or aspect of employment, by the City of Chicago, the County of Cook, any township within the County of Cook or by any state, county or other local government entity or any department, board, agency or office thereof within the County of Cook upon an employee's or prospective employee's present or future political support of (including financial contributions to, political work for, or loyalty or allegiance to) the Democratic Party, or any official, unit or affiliate of the Democratic Party or to

another organization of or connected with the Democratic Party, or any candidate for public office endorsed or supported by the Democratic Party or by any such official, unit, organization or affiliate thereof.

(3) The conditioning, determining or basing of employment, or of any term or aspect of employment, within the Northern District of Illinois by the State of Illinois, or by any county, township or other local government entity, or by any board, department, agency or office thereof upon an employee's or prospective employee's present or future political support of (including financial contributions to, political work for, or loyalty or allegiance to) the Republican Party, or any official, unit or affiliate of the Republican Party or to another organization of or connected with the Republican Party or any candidate for public office endorsed or supported by the Republican Party or by any such official, unit, organization or affiliate thereof.

(4) Causing or permitting Democratic Patronage Employees or Republican Patronage Employees to do political work not a part of their lawful employment duties during such employees' regular working hours.

(5) Using public funds to pay such employees for time spent doing such political work or for other private political purposes.

B. Grant a preliminary injunction, thereafter to be made permanent, against the defendants and each of them, their respective officers, members, agents, servants, employees and attorneys, and all persons in active concert or participation with them:

(1) enjoining each and all of them from, directly or indirectly, in whole or in part (a) conditioning, basing, prejudicing or affecting any employment covered by paragraphs A(2) and A(3) hereof, or any term or aspect of such employment, upon or because of an employee's or prospective employee's present or future political support of either the Democratic Party or the

Republican Party or of another organization of or connected with either of said Parties, or any candidate for public office endorsed or supported by the Democratic Party or the Republican Party or by any such official, unit, affiliate or other organization thereof or upon or because of any other political reason or factor; (b) taking or threatening to take any action of a punitive nature or effect against any such employee or prospective employee, relating to his or her said employment, continuance of employment or prospective employment, based upon such employee's or prospective employee's political beliefs or lawful political activity; ©) causing or permitting any such employee to do any political work not a part of his or her lawful employment during the regular working hours of his or her public employment; (d) using public funds to pay any such employee for time spent doing such political work or for any private political purpose; and (e) performing, inducing, aiding, abetting, participating in, cooperating with or encouraging any act which is prescribed by this paragraph B(1).

(2) Ordering each and all of them promptly to post court-approved notices in each of the governmental and/or Democratic and Republican Party departments, boards, agencies and offices under their control informing all employees and other persons therein of the provisions of this paragraph B, and to take such other court-approved acts as are necessary to insure that all persons covered by this paragraph B are promptly and adequately informed of said provisions.

C. Grant an additional preliminary injunction, thereafter to be made permanent, against defendants Richard J. Elrod, Bernard Korzen and John W. Lewis, and each of them, their respective officers, agents, servants, employees and attorneys, and all persons in active concert or participation with them, enjoining each of them from failing immediately to reinstate each of those employees unlawfully discharged by said defendants, as alleged in paragraph 40(b) of Count I and paragraph 25 of Count VII, in their governmental employment from which they were discharged, with full

back-pay and without prejudice or loss of position, status or benefits; and from failing to pay any such discharged employees who decline such reinstatement their actual damages incurred as a result of their discharge.

D. Award plaintiffs compensatory damages of \$11,000 and judgment be entered against defendants in that amount.

E. Because of the importance of the constitutional issues involved in this case and to assure that the grave constitutional violations complained of here will not be repeated in the future, plaintiffs be awarded exemplary or punitive damages in the amount of \$100,000 and judgment be entered against defendants in that amount.

F. Such additional relief as may be necessary or proper.

### **COUNT IX**

1. Jurisdiction for this Count lies under 28 U.S.C. §§ 1331 and 1343.

2. Plaintiff Independent Voters of Illinois - Independent Precinct Organization (“IVI-IPO”) is an Illinois political organization which endorses and supports candidates for public office both in party primary and general elections, especially in Cook County, Illinois. Nearly all members of IVI-IPO are members of the plaintiff class of independent voters in this case.

3. Defendant George Dunne is President of the Board of Commissioners of Cook County, Illinois, and President of the Forest Preserve District of Cook County. He is also a member of the Central Committee, as described in paragraph 14 of Count I of the First Amended Complaint. He is sued in this Count individually and in his capacity as holders of those public and party offices.

4. Defendant Stanley Kuser is Clerk of Cook County, Illinois. He is sued in this Count individually and in his capacity as Clerk.

5. Defendant Thomas Hynes is Assessor of Cook County, Illinois. He is sued in this Count individually and in his capacity as Assessor.

6. Defendant Cook County is a political subdivision of the State of Illinois.

7. Defendant Forest Preserve District of Cook County is an Illinois municipal corporation. It is an *alter ego* of Cook County, having identical boundaries with Cook County and being governed by the corporate authorities of Cook County.

8. The dominant faction of the Democratic Party in Cook County, Illinois, is the Cook County Regular Democratic Organization (“RDO”) which is composed of “regular” party organizations in the various wards and townships in the County. The RDO in most wards and townships is headed by the Democratic Party County Central Committeeman. (In some wards where the Committeeman is not aligned with the RDO there is a separate RDO leader who acts as a *de facto* Committeeman for purposes of the patronage employment system described in this Count.)

9. Defendants Dunne, Kuser and Hynes are members and supporters of the RDO. The government of Cook County and the Forest Preserve District of Cook County is politically controlled and dominated by the RDQ.

10. There are approximately 25,000 jobs with the defendant Cook County and approximately 2,000 jobs with the Forest Preserve District of Cook County (together, “Cook County Jobs”).

11. Hiring for the majority of Cook County Jobs is and long has been conditioned on the applicant being an active political supporter of and obtaining the political sponsorship of ward or township RDO officials, including members of the Central Committee. Without such political sponsorship, it is not possible to obtain those jobs. To obtain such political sponsorship, it is usually

necessary to promise and to make political financial contributions to the RDO and promise to do political work on its behalf and on behalf of its candidates for public office. Persons who oppose the RDO and its candidates and policies are excluded from attaining its political sponsorship.

12. IVI-IPO frequently endorses and supports candidates in Democratic Party primary elections and in elections which are formally non-partisan in nature, who are opposed to candidates of the RDO.

13. To advance its political activities, the IVI-IPO depends on volunteer campaign work and financial contributions. IVI-IPO has no patronage jobs to dispense to its supporters.

14. Many members and supporters of IVI-IPO are excluded from being hired or even considered for most Cook County Jobs for which they otherwise would be hired because they are not supporters of the RDO and its candidates but instead are supporters of IVI-IPO, consequently being excluded from being sponsored by the RDO. These members and supporters would otherwise be hired for Cook County Jobs.

15. IVI-IPO members and supporters have each also been denied the opportunity to apply for Cook County Jobs for which they would be qualified because defendants keep the availability of Cook County Jobs a secret except from the RPO.

16. The practices described in this Count IX deprive members and supporters of IVI-IPO of Cook County Jobs solely because of their political affiliation, support and beliefs. This infringes on their rights under the First and Fourteenth Amendments to the Constitution of the United States to freedom of speech and association, to due process and to equal protection of the law, all in violation of 42 U.S.C. §§ 1983, 1985, 1986 and 1988.

17. IVI-IPO brings this Count IX on behalf of its members and supporters whose constitutional rights to affiliate with and support IVI-IPO and to support or refrain from supporting the RDO continue to be violated as a result of the practices described in this Count.

18. IVI-IPO also brings this Count on its own behalf as a political membership organization. The practices described in this Count seriously injure IVI-IPO by making it more difficult for it to attract members, by reducing the amount of membership dues and other political support it can attract and by reducing its political effectiveness. This is one of the purposes of the defendants' patronage hiring system described in this Count.

19. The practices described in this Count pressure persons holding and applying for Cook County Jobs to pledge political allegiance to a political faction with which they prefer not to associate, to work for the election of candidates they do not support and to contribute money to be used to further policies with which they do not agree. The practices also constrain employees and applicants from joining, working for or contributing to the political party and candidates of their own choice.

20. The patronage employment system described in this Count works not only at the partisan election stage but also, and most significantly, at the stage of the electoral process involving contests for party endorsement. Defendants use their control over patronage jobs to compel political support and contribution for candidates of the RDO for Democratic Party endorsement. Persons who seek to retain RDO sponsorship are not free to urge the adoption of political positions contrary to those of the RDO. To the contrary, in order to obtain or maintain RDO sponsorship, employees and applicants are prohibited from supporting candidates for party endorsement who are opposed to the RDO candidates or the political positions which they take.

21. The acts and practices complained of in this Court were and are being performed, induced, aided, abetted, participated in and encouraged by the defendants while acting under color of law. These acts and practices are and have long been the policy of defendant Cook County and the Forest Preserve District of Cook County.

22. The matter in controversy in this Court for each plaintiff exceeds the sum or value of \$10,000, exclusive of interest and costs.

23. Plaintiffs are permanently and irreparably injured by defendants' continuing acts and practices and will continue to be permanently and irreparably impaired unless those acts and practices are promptly enjoined by this Court. Plaintiffs have no adequate remedy at law for those injuries.

24. Defendants have conspired to establish and implement the patronage employment system described in this Court.

25. Unless enjoined by the Court, the acts and practices complained of in this Court will continue to injure IVI-IPO and its present and future members and supporters in their exercise of rights of speech and association, and to deny the equal protection and due process of law.

26. Accordingly, plaintiffs ask the Court to enter injunctive relief to ensure that hiring for Cook County Jobs will not be based upon or affected by political reasons or factors, and to award plaintiffs their costs and reasonable attorneys' fees.

## COUNT X

Plaintiffs submit this Count X as set forth below to describe continuing violations of plaintiffs' rights as independent voters and candidates, and to add additional plaintiffs. The additional plaintiffs are applicants for jobs with the City of Chicago and current City of Chicago employees whose constitutional rights have been violated by the patronage system maintained and operated by the City of Chicago, its Mayor and other persons and organizations acting in concert with them, as more fully set forth herein. (Plaintiff IVI-IPO is already a party to this case, having asserted in Count IX claims on behalf of its members and a class of applicants and employees against the Cook County defendants.) The City and the Mayor have violated the constitutional rights of the original and additional plaintiffs, and this Court's prior orders of May 5, 1972 (the "1972 Order") and June 20, 1983 (the "1983 Order"), directly contrary to said defendants' repeated representations to this Court. These serious and continuing violations underscore the need for this Court to continue to exercise jurisdiction to remedy the illegal and contemptuous patronage hiring and employment system operated by defendants.

### Summary of Count X

1. After plaintiffs filed their First Supplement to Amended Complaint in November, 1990 to add IVI-IPO as an additional party and to make additional allegations, very serious and widespread violations of this Court's 1972 and 1983 Orders, and of plaintiffs' rights, have become known because of criminal proceedings filed by the United States Attorney for the Northern District of Illinois (The "Federal Criminal Cases," which are defined below). Defendants have engaged in a massive conspiracy to defraud, and have in fact defrauded, this Court, plaintiffs and the general public. They have implemented an illegal hiring and advancement system in violation of this Court's Orders. A systematic pattern of violations by the City and high level personnel has been

established by ensuing guilty pleas and plea agreements in the Federal Criminal Cases against City of Chicago personnel. The types of violations described in the Federal Criminal Cases are confirmed and amplified by the additional plaintiffs (“Additional Plaintiffs”) who join in this Count X. The Additional Plaintiffs have experienced such violations as applicants for employment and as job holders with the City of Chicago.

2. While widespread violations of this Court’s orders have been on-going for years, the City of Chicago, its Mayor and City officials have repeatedly assured this Court and the public that the City did not engage in political hiring and did not condition, influence or affect the employment of City employees because of political factors or considerations. Those statements were untrue and, upon information and belief, were known by many responsible City officials to be untrue.

3. Plaintiffs seek relief with respect to the City’s and Mayor’s violations of the 1972 and 1983 Court Orders by this Count X and by their pending Application to Hold the City of Chicago and Its Mayor in Civil Contempt for Violation of the Court Orders (the “Contempt Application”), filed on July 26, 2005. The Contempt Application is set forth in full as Count XI below, and is incorporated in this Count X by reference. The Federal Criminal Cases are identified in the Contempt Application in pars. 28-31, 40-47. In addition, the Federal Criminal Cases include a Plea Agreement between the United States and Daniel Katalinic, entered November 15, 2005, a true and correct copy of which is attached as Exhibit 1 and incorporated herein (“Katalinic Guilty Plea”). Katalanic was Deputy Commissioner of Street Operations for the City’s Department of Streets and Sanitation, who engaged in illegal patronage hiring and promotion practices as more fully described in the Katalanic Guilty Plea.

4. As is made clear from each of the Additional Plaintiffs’ allegations, despite Supreme Court decisions and Orders of this Court outlawing them, illegal patronage practices continue to play

a substantial role in Chicago City government. Hiring, promotion, and assignment decisions are regularly and customarily based on political sponsorship and on the applicant's or employee's political activities for particular candidates or organizations. One supervisor, when questioned about the legality of these practices, declared, "the Shakman decree is dead."

5. Defendants Daley and City of Chicago knew or recklessly disregarded the widespread political patronage system as described in this Count that was and is operated with the assistance of certain Ward Committeemen, Ward Superintendents, high-ranking personnel of various City Departments (including Department Commissioners), personnel in the Mayor's office, and political organizations such as the 11<sup>th</sup> Ward Democratic Organization, the Regular Democratic Organization, the Hispanic Democratic Organization, and the Citizens for a Better West Side, all of which are closely allied with the Mayor and are run by people close to the Mayor personally and politically, such as John Daley, Timothy Degnan, and Robert Sorich ("Patronage Front Organizations"). Collectively and individually, these persons have acted and conspired to violate this Court's orders and to implement the illegal patronage system described in this Count and in the Federal Criminal Cases.

6. Such practices inflict injuries on a wide range of individuals and corrupt the operation of democracy in Chicago. They violate the applicant's and employees' rights, inter alia, to freedom of speech and association. They violate candidates' rights to a fair, competitive chance in the election process. And they violate voters' rights to have their votes counted, undiluted by a tainted system caused by patronage practices.

7. Moreover, the public is injured in another respect: politically favored employees often get away with misconduct that would never be tolerated if they did not have political sponsorship or "clout." Such misconduct deprives the citizens of honest government and squanders

tax dollars. As described below, favored employees have been promoted despite being suspended or having poor work records, have been permitted to perform political work on City time, or have been paid for work when in fact they were not working at all. This breeds incompetence, arrogance, and a culture of corruption and disregard for public service, leading one City employee to tell his supervisor, who wanted to assign the employee to outdoor work duties, “[expletive deleted] you, I don’t work for you. I work for John Daley.” John Daley, the Mayor’s brother, is the 11<sup>th</sup> Ward Democratic Committeeman; he is one of the individuals who provided the “clout” responsible for illegal and contemptuous hiring and promotion of certain City employees.

### **Additional Plaintiffs**

#### **Plaintiff Kenneth Ayers**

8. Plaintiff Kenneth Ayers worked for the City of Chicago from 1993 to 2002 as a full time, year-round “seasonal” laborer. Ayers has attended college but does not have a degree. He also served in the Illinois National Guard and was honorably discharged. Ayers would like to apply for employment with the City again, but has been deterred from applying, so long as the patronage system described below remains in effect.

9. When he was hired by the City, Ayers was told that he could advance to a career service position with the City within a year and would have job security thereafter. That never happened.

10. As a seasonal laborer, Ayers was at the bottom in terms of job assignment with the Department of Streets and Sanitation. As a result, he was assigned from Ward to Ward. He was repeatedly told by supervisors that in order to advance he had to join a political organization and have clout.

11. While working as a laborer in the 29<sup>th</sup> Ward he was told by Thomas Johnson, the Ward Superintendent, that if he wanted to advance his career he should join Johnson's political organization, the Citizens for a Better West Side. Johnson said that by joining "it would really help you out. If you don't have protection [from a political organization] you can get fired at any time. It can really get ugly for you." Johnson told Ayers that if he joined Johnson's organization he would have to knock on doors and do other campaign work. He would also have to make monthly payments to the organization. Ayers declined.

12. Johnson was later promoted from ward superintendent, a position in which he directed laborers like Ayers in a single ward, to a position as supervisor of one of five City districts of the Department of Streets and Sanitation. In 2002, Johnson caused Ayers to be fired without any reason being given. Ayers is not aware of any valid reason to fire him.

13. In addition to working under Johnson's supervision in the 29<sup>th</sup> Ward, Ayers worked under the direction of ward superintendents Leo Sanchez in the 25<sup>th</sup> Ward and Raoul Montes in the 22<sup>nd</sup> Ward. In late 2001 or early 2002 Sanchez told him that unless Ayers "went the political route" his days were numbered. Sanchez said words substantially as follows: "We all got ours from clout. If you don't want to play the game, why do you come to work?" Montes told Ayers substantially the same thing.

14. A fellow laborer told Ayers "you aren't a bad guy, but that is the way it is. You won't get ahead without clout." Another said "you are taboo, you have a tag on you." A coordinator of employees in the 37<sup>th</sup> Ward told Ayers "everybody out here knocked on doors to get this position. Who do you think you are? I got here because I used my clout. You have to go along or you are not going to last. All of us came in with clout."

15. Ayers also learned that several other employees had to join the Hispanic Democratic Organization (“HDO”) in order to get their jobs. Some of these employees even had criminal records, but HDO support enabled them to get jobs with the Department. One employee started out working in parking, then became a coordinator and ultimately obtained a management job, all because of his clout. Ayers asked this employee what his clout was, and the employee said HDO did it all for him.

16. On one occasion, Ayers wrote Cathy Torres, an employee in the Department of Streets and Sanitation’s personnel department, stating that he was being harassed for political reasons. She told him never to write her a letter like that again. She took no action to correct the harassment.

17. Ayers also complained to his union representative, who was sympathetic but was unable to do anything about the City’s misuse of political influence on the City employment system.

18. Ayers spoke with Walter Thompson, the 24<sup>th</sup> Ward superintendent, who urged him to join the 24<sup>th</sup> Ward organization of Alderman Michael D. Chandler. Ayers went to a ward organizational meeting and was told that “we need foot soldiers and we need money.” Thompson told Ayers that if he got into the organization he would be protected. Thompson also told Ayers “You got to get a Chinaman.” “Chinaman” in Chicago political parlance has long meant a ward committeeman, alderman or someone with political clout who could cause an employee to get benefits in his job assignments and promotions in return for political work.

19. Ayers asked Thompson about the “Shakman Decree,” referring to one of the orders in this case that prohibited political considerations in hiring and advancement. Thompson told Ayers “the Shakman decree is dead. That is not the way it happens. No one gets a job here unless he is connected with the organization.”

20. Ayers is interested in working for the City but has been deterred from doing so because of the widespread patronage practices he witnessed. He wishes to do so if he can be free of City officials or political groups dictating his political affiliations or loyalties.

Plaintiff Michael Sullivan

21. Plaintiff Michael Sullivan is a construction laborer with the Bureau of Electricity of the Department of Streets and Sanitation of the City of Chicago. He has been employed by the City for 16 years and has been employed as a laborer in his present position since 1993. Sullivan and other laborers are eligible for overtime work. However, overtime assignments, which can generate as much as \$5,000 per year per employee in additional compensation, are assigned on the basis of clout. Sullivan lacks clout and, therefore, has been denied significant overtime work that has been provided to others who have clout. Overtime assignments in the job title that Sullivan holds are largely provided to employees with 11<sup>th</sup> Ward political connections. The 11<sup>th</sup> Ward is the former home of Mayor Richard M. Daley. John Daley, brother of Richard M. Daley, is the Democratic Party Committeeman of the 11<sup>th</sup> ward and its political boss. As more fully described herein, John Daley operates a portion of the City's illegal patronage system.

22. In addition to overtime assignments, work assignments in Sullivan's job category are made on the basis of clout. Employees with clout are assigned relatively light duty work, while Sullivan and others without clout receive more arduous assignments, such as street excavation and reconstruction. John Daley, Robert Sorich or Patrick Slattery have called personnel at the Bureau of Electricity and requested that Bureau employees associated with the 11<sup>th</sup> Ward organization receive light duty in-door assignments while other employees without clout, like Sullivan, receive the less desirable assignments. Upon information and belief, Sorich and Slattery are close associates of John Daley and of his 11<sup>th</sup> Ward political organization. Both Sorich and Slattery have been

charged with crimes by the United States Attorney for engaging in fraudulent conduct regarding patronage hiring practices. Such charges are part of the Federal Criminal Cases.

23. On occasion, Bureau employees with clout have told their supervisor that John Daley wanted them to receive indoor assignments and not to be assigned to work “on the street.” When given an assignment to which he objected, one employee told his supervisor “[expletive deleted] you, I don’t work for you. I work for John Daley.” An employee with 11<sup>th</sup> Ward clout has been seen to sign in and then leave work while remaining on the payroll to spend the day at his family’s private business. Supervisors have acknowledged to Sullivan that they could not control such people because they are associated with the 11<sup>th</sup> Ward Daley organization and had clout. As described more fully below, the inability of honest City supervisors to get an honest day’s work from City employees is a by-product of the City’s patronage system. This deprives the public of honest and efficient government.

24. Upon information and belief, interviewing sessions for employment positions with the Department of Streets and Sanitation are rigged for illegal patronage reasons. For example, in connection with one such session one of the participants told Sullivan that instructions had come from Slattery not to fill in the scores on interview forms that were to be filled out by the interviewers, because “City Hall will fill in the forms.” This is consistent with allegations in the government’s charges in the Criminal Complaint in *United States v. Sorich*, 05 CR 644, and the Criminal Complaint in *United States v. Slattery*, 05 CR 646, both of which are Federal Criminal Cases.

25. Advancement in the Department of Streets and Sanitation is also dependent on clout. In 2003 promotions to the general foreman’s position were influenced by clout. One individual who was employed as a lineman but had clout was double promoted to foreman over people with 20

years or more of experience. On another occasion, an individual who was related to former mayoral aide Timothy Degnan, who is also a long-standing member of John Daley's 11<sup>th</sup> Ward organization, was promoted from laborer to assistant superintendent, while more experienced and qualified persons without clout were passed over.

26. Hiring and promotion in the Department of Streets and Sanitation is well-known to employees like Sullivan to be customarily based on clout. That fact has a demoralizing impact on honest employees and discourages able potential job applicants from applying for jobs or for advancement.

27. Sullivan has attempted to report these matters to Ronald Huberman, the Mayor Daley's chief of staff, and to others. His calls have not been returned.

Plaintiffs Richard and Connie Gramarossa

28. Plaintiff Richard Gramarossa has been employed in the Bureau of Forestry for the Department of Streets and Sanitation since April 1981. He began as a "Tree Trimmer 1," advancing in 1993 to "Tree Trimmer 2" after 12 years of service because of a union grievance he filed when he learned that co-workers with less than five years of service had received the promotion ahead of him due to clout. These less senior workers who benefitted from clout were John McBride (whose clout came from John Daley and the 11<sup>th</sup> Ward Democratic Organization) and Pat Pagaluco (phonetic). Since that time John McBride has received two additional promotions due to clout and currently serves as a Forestry Superintendent.

29. Mr. Grammarosa has applied at least thirteen times for promotions or higher paying positions. These positions included: District tree foreman, Laborer (electricity) (two times), Assistant Superintendent, Assistant Forestry Supervisor, Forestry Supervisor, Motor Truck Driver,

Supervisor of lot cleaning, General Foreman of Laborers, District Supervisor of rodent control, Lamp maintenance, Asphalt Helper, and File Vehicle Inspector.

30. Despite having seniority and being well-qualified for such promotions or other City positions, each time he was passed over, and notified of the denial via a letter informing him he was qualified for the position. Each time another employee with clout was placed in the position ahead of him. Mr. Gramarossa remains interested, if the process is free from clout, in applying for a promotion within the Forestry Bureau or a higher-paying position with the City for which he is qualified.

31. Mr. Grammarosa has also been repeatedly harassed and retaliated against because he complained about his not being promoted and about other improprieties described below. The harassment and retaliation included, without limitation, the following:

- a. He has been repeatedly denied overtime assignments. Such assignments, which can substantially increase a worker's annual income, customarily went to Forestry workers who performed campaign and other work, mostly for Alderman Edward Burke's 14th Ward Regular Democratic Organization. Only in the last six months or so, since the federal indictments started occurring, has overtime been offered on a more equitable basis.
- b. He has been repeatedly given the more unpleasant job assignments. For example, during the winter of 2002, he and another worker were dispatched to pick bagworms from trees in arctic cold weather. The other worker, Benny Hernandez, had formerly performed political work for the 14th Ward Regular Democratic Organization, but had since refused to do so, resulting in the punitive job assignment with Mr. Gramarossa. As another example, despite his seniority in his division, Mr. Gramarossa has been repeatedly transferred from the far north side division to the far south side division as punishment. When he asked why he was being transferred, he was told by supervisors Timothy Vaughan (General Superintendent) and Bruno Bertucci (Superintendent), whose own promotions were based on clout from the 14<sup>th</sup> Ward Democratic Organization, that the transfers would help Mr. Gramarossa "learn to play ball."
- c. Beginning in or about 2001 until 2003 Mr. Gramarossa worked as a Forestry Inspector (an untitled position) that generally is assigned to more senior, experienced employees. At that time Timothy Vaughan abruptly replaced Mr. Gramarossa with

Richard Lontka, who had approximately nine years less seniority, because Lontka performs political work for the 14<sup>th</sup> Ward Organization. When Mr. Gramarossa questioned the change, Vaughan replied, "I told you that if it was the last thing I do in this department, you're going on the street." Vaughan retired shortly thereafter.

- d. He has been disciplined unfairly and without justification in retaliation for his complaints and because he has no clout to protect him.

32. Based on his observations in the Forestry Bureau, clout-based promotions and favoritism have been the norm during the last 15 years. Virtually all of the more desirable indoor positions have been filled by workers with clout, primarily through the 14th Ward Regular Democratic Organization. During the 2003 election, Mr. Gramarossa observed that 27 "tree trimmers" with office assignments were absent from work on election day. Upon information and belief, they were performing political work on behalf of the 14th Ward Regular Democratic Organization or other political organizations.

33. In 2003, Mr. Gramarossa and his wife, Connie Gramarossa, were actively campaigning for Manny Flores, who defeated the incumbent 1st Ward Alderman, Jesse Granato. Granato had been supported by Mayor Daley and HDO. Mr. and Mrs. Gramarossa observed City employees allied with HDO actively working for Granato.

34. During that campaign, Mr. Gramarossa was contacted by and met with Rich Guidas [phonetic], who, upon information and belief, worked in the Mayor Daley's office. Guidas told Mr. Gramarossa that it would "be to his benefit" to walk away from the Flores campaign and work for Granato instead. Mr. Gramarossa understood this as a threat.

35. Mr. and Mrs. Gramarossa (like the other Additional Plaintiffs) have been injured and, in the absence of continuing injunctive relief against patronage hiring, firing and promotional practices, will continue to be injured by the fact that public jobs and public rewards, via more

desirable work assignments, overtime and promotions, are being used to fund an army of workers campaigning against candidates the Gramarossas wish to campaign and vote for.

Plaintiff Darryn Jones

36. Plaintiff Darryn Jones has been employed by the Department of Streets and Sanitation for 14 years, mostly as a laborer who works on City garbage trucks. He has applied repeatedly for a transfer to the more desirable and more highly paid job of graffiti remover, but has not been transferred despite the fact that he has repeatedly bid for and is qualified for such promotions or hirings. Jones has no clout.

37. Individuals with clout are able to obtain such positions and other more desirable jobs after only a few months working for the City. Jones has been told by co-employees who are members of the Hispanic Democratic Organization that they can get promoted quickly and easily, and he has seen that happen. Positions as coordinators of laborers are often filled on the basis of clout, without posting or bidding.

38. In 2005 Jones complained when a position for which he was eligible was filled without posting or permitting bidding. Upon information and belief, the position was awarded to someone who had political support from the Hispanic Democratic Organization. As a result of his complaint, the Department acknowledged to the federal Equal Employment Opportunity Commission, to whom Jones had complained, that the job was improperly filled, and the person who had filled it was being removed from the position. Upon information and belief, the Department has subsequently filled the position with four employees and has done so without making the position availability known to Mr. Jones and other possible applicants.

Plaintiff Ann M. King

39. Ann M. King has worked for the Department of Streets and Sanitation since 2001 as a seasonal junior laborer. She picks up garbage from lots, cleans up the streets after parades and special events and does similar work. Although she is designated a seasonal laborer, she has generally worked full-time until a recent on-the-job accident caused her to be given leave. Her designation as a seasonal laborer deprives her of certain benefits granted to career employees, including paid vacation, as well as a higher salary.

40. On occasion King has been assigned to work for Thomas Sajak, a supervisor associated with the 10<sup>th</sup> Ward Democratic organization. When he learned that King was bilingual in Spanish and English he asked her to do political work and told her that in return she would get promoted or hired as a career employee with full benefits. He told King that he was working with the Hispanic Democratic Organization and invited her to attend a meeting.

41. King did so, attending a meeting at the Crowbar tavern at Ave C. and 106<sup>th</sup> Street on the Southeast side of the City of Chicago. Al Sanchez, then the Commissioner of the Department of Streets and Sanitation and a high level HDO official, was present. From attending HDO meetings over the course of the next year, King learned that although Hispanic in name, HDO actually is divided into three separate racial/ethnic divisions: (i) a Black or African American Division, (ii) a white, non-Latino division, and (iii) an Hispanic or Latino division. Each had its own coordinators and assigned workers to areas of the city based on race and ethnicity.

42. The race and ethnic division in HDO was reflected directly in the interviewing process for advancement from seasonal laborer to higher permanent positions in the Department of Streets and Sanitation. In the interviews that King participated in at the Department's Pershing Avenue location, interviewees were separated into Black, Hispanic and White to correspond to the

HDO supervisors who participated in the City's promotion process. In that way, the Department assured that political evaluations from HDO supervisors would be brought to bear on applications for advancement in City jobs in the Department. On one occasion, King was placed in the "Black" group because of her name and then was redirected to an Hispanic interviewer when identified.

43. King performed extensive political work for HDO, often far from her home and her children, because she had been told and had observed that it was the only path to secure a promotion to a permanent position that would pay a substantially higher salary and improved benefits. King had no desire to support or associate with HDO nor any candidates for whom she campaigned, but did so only because she felt she had no choice if she wanted to be hired as a full-time City employee and advance with the City in position and remuneration.

44. As part of her HDO work, King was assigned to work on political campaigns for Alderman George A. Cardenas in the 12<sup>th</sup> Ward, for Iris Martinez for state representative, for Richard M. Daley for Mayor and for Rod Blagojevich for Governor. She had no desire to work for these candidates, but did so because directed by HDO and because she had been informed that such work was necessary to obtain a promotion to a career position, which would entail a substantial raise of approximately \$10 per hour. She worked on election day, taking off from her City job for that purpose. Her absence from her City job so that she could work on election days was done with the support and cooperation of her supervisor, Joseph Chejnowski. Chejnowski asked King to provide him faxes identifying her HDO political coordinator and whom she would be working for in her election day work. King was always assigned to Hispanic areas to do political work.

45. King stopped doing political work when she asked but did not receive assistance from HDO in arranging for her to take days off from her City job so that she could attend to the health needs of a daughter who suffers from epilepsy. On one occasion, she wrote her supervisor,

Chejnowski, that it was odd that the City would allow her to take time off to do election work but not to take care of an ill child. King pursued the issue to the Department's personnel department. As a result she fell out with HDO.

46. While she did not personally benefit from HDO when she asked for help, King is aware of many City employees who have. One employee who worked out of the 10th Ward was not politically connected until 2004, and then was promoted from the seasonal labor position, making \$14.77 per hour, to a position making \$24.62 per hour. Upon information and belief, this employee had joined HDO because she wanted to get promoted. The 10<sup>th</sup> Ward is the home ward of Al Sanchez of HDO, former Commissioner of the Department of Streets and Sanitation.

47. King is acquainted with another employee who was promoted from a seasonal laborer's position in 2004 after working only 8 months. Other qualified employees without clout worked for years as seasonal laborers without promotions. King was told that Sanchez, when Commissioner of the Department, involved himself directly in seeing to it that persons associated with HDO were promoted. HDO's political activity was known to Sanchez, including the names of City employees who did political work. King was also told that Jack Drumgold, then an official in the personnel section of the Department of Street and Sanitation, would rank candidates for promotion from seasonal laborer to a higher position based, first, on their political activity. In terms of importance, clout was first, followed by good attendance on the job and no suspensions. Clout trumps bad attendance or suspensions, as described below.

48. King was assigned at one time to work as a laborer in west side wards. At one time she worked with Melvin Hamilton, who had been suspended from his City job. Upon information and belief, his clout was Thomas Johnson of the 29<sup>th</sup> Ward. The employee told King "Tommy is going to hook me up because I have been doing political work for so long." He told her that when

he was at home on suspension he received a letter from the City telling him that he had been promoted. Linda Young, with whom King was also acquainted, told her that she was expecting to be promoted (“pulled”) because she and her husband were working in Johnson’s political organization. She was subsequently promoted to career service with the City, a much more desirable position than seasonal laborer. She and her husband had been doing political work for years.

49. On another occasion, Tami Holiday, an employee with whom King was working, asked to borrow King’s cell phone. She explained that she had been approved for a promotion, but would not be eligible for it because she was subject to a suspension decision. In King’s presence she called someone from HDO and arranged for HDO to cause her suspension to be expunged so that she could be eligible for the promotion. Upon information and belief, Holiday’s suspension was expunged, and she was promoted shortly thereafter.

50. A similar event occurred after an occasion on which King got into an argument with a co-employee, Harriet McPherson, who had called King a “wetback.” King submitted a complaint against the employee and was told by a supervisor that he would terminate the offending employee. During a meeting with King about the proposed discipline, the supervisor received a call from George Escobar, a City employee who was also an influential person in HDO, who asked that the offending employee’s termination be reduced to a suspension. In Kings’ presence, the supervisor agreed to reduce the punishment to a 29 days’ suspension. Shortly thereafter King was again present while the same supervisor was speaking on a speaker phone with Escobar. In that conversation, Escobar said that the offending employee was working politically and the suspension should, therefore, be reduced. The following day King met with a City supervisory employee, and was told Escobar “stepped up for Harriet” and the suspension was reduced to two weeks.

51. In September 2005, King was assigned to a work group under a supervisor whose clout was the 45<sup>th</sup> Ward Democratic organization. While she and others were at work, the direct supervisor went to sleep in his car. Another supervisor arrived and took a photo of the sleeping supervisor, woke him up and treated it all as a joke. No action was taken against the supervisor who was asleep. King reported it to the City's Inspector General.

52. King also learned that several City employees who had worked at the Chicago Skyway prior to its recent sale to private ownership benefitted from HDO clout. These former Skyway employees include Jose L. Reyes, Jose Rodriguez, Maria Rivera, Monica Mims, Jesus Aguilera, Freddie McFerren, Darlene Murphy, Nestor Riviera, Patricia Hernandez and Jonathan Lew. Upon information and belief, these employees were members of or otherwise favored by HDO for political reasons. Because of that clout, when they lost their Skyway jobs as a result of the sale of the Skyway, in or about February and April 2005 they were placed in other City jobs without any bidding or other process to make the jobs available to others without HDO clout.

53. King was unaware of the Shakman Decree for most of her tenure with the City. Indeed, she believed "no one was aware of the Shakman Decree."

Plaintiff Stuart Majerczyk

54. Plaintiff Stuart Majerczyk has worked as a laborer in the agency now known as the City of Chicago Department of Water Management, and formerly known as the Water Department. He is the only, or one of very few, laborers who is also a state licensed plumber. He has been unable to advance from the position of laborer to the more desirable position of caulker because he does not have clout.

55. Wayne Garrity is an 11<sup>th</sup> Ward precinct captain in John Daley's organization. He has received promotions and desirable assignments as a result. Garrity has said to Majerczyk "when you are in, you are in" referring to his position with the 11<sup>th</sup> Ward.

56. After repeatedly applying for promotion and being passed over, Majerczyk stopped applying, although he would apply again if clout were removed as a basis for promotion.

57. Because of the patronage system in effect in the City's Department of Water Management, qualified applicants like Majerczyk have been discouraged from applying for promotions, which are allocated on the basis of clout.

Plaintiff Independent Voters of Illinois – Independent Precinct Organization

58. Plaintiff Independent Voters of Illinois – Independent Precinct Organization ("IVI-IPO"), is an Illinois political organization that endorses and supports candidates for public office both in party primary and general elections, especially in Chicago and Cook County, Illinois. Nearly all members of IVI-IPO are members of the plaintiff class of independent voters in this case.

59. IVI-IPO frequently endorses and supports candidates in Party primary elections, including the Democratic Party primary elections, and in elections which are formally non-partisan in nature, who are opposed by the Patronage Front Organizations, such as the Regular Democratic Organization ("RDO") and affiliated entities such as the Hispanic Democratic Organization or Citizens for a Better West Side.

60. To advance its political activities, IVI-IPO depends on volunteer campaign work and financial contributions. IVI-IPO has no patronage jobs to dispense to its supporters.

61. Many members and supporters of IVI-IPO are excluded from being hired or even considered for most City of Chicago jobs for which they otherwise would be hired because they are not supporters of the RDO or Patronage Front Organizations and their candidates.

62. IVI-IPO members and supporters have each also been denied the opportunity to apply for City of Chicago jobs for which they would be qualified because in some instances defendants have kept the availability of such jobs secret except from the RDO or Patronage Front Organizations.

63. The practices described in this Count deprive members and supporters of IVI-IPO of City of Chicago jobs solely because of their political affiliation, support and beliefs.

64. IVI-IPO brings this Count X on behalf of its members and supporters whose constitutional rights to affiliate with and support IVI-IPO and to support or refrain from supporting the RDO, and Patronage Front Organizations, continue to be violated as a result of the practices described in this Count.

65. IVI-IPO also brings this Count on its own behalf as a political membership organization. The practices described in this count seriously injure IVI-IPO by making it more difficult for it to attract members, by reducing the amount of membership dues and other political support it can attract and by reducing its political effectiveness. This is one of the purposes of the defendants' patronage system described in this Count.

66. The two departments for which the individual Additional Plaintiffs work, the Department of Streets and Sanitation and the Department of Water, in 2005 employed 5,467 workers out of the City's total work force of 35,117, according to the City of Chicago 2006 Budget, p. 84. The employment practices of those two departments alone, therefore, represent a substantial portion of the employment practices of the City of Chicago. The Department of Streets and Sanitation is allocated the largest share of the City's total corporate appropriation, after the Fire and Police Departments, for 2006. The City projects approximately \$356 million in expenditures by the Department of Streets and Sanitation in 2006. City of Chicago 2006 Budget, p. 67.

67. The patronage employment practices described by the Additional Plaintiffs are typical of the experiences described by a much larger number of persons who have contacted original plaintiff Shakman in the last several months. Many of those individuals have stated that they work for City of Chicago departments other than the Departments of Streets and Sanitation and Water, including the Department of Aviation, the Personnel Department, the Department of Human Services, the Department of Revenue, the Department of Emergency Services and the Police Department. Many of these individuals report patronage practices in their departments consistent with the allegations made by the Additional Plaintiffs. A number of the persons reporting such practices have insisted that they remain anonymous or have declined to join as Additional Plaintiffs because they fear reprisals.

68. The practices described in this Supplement infringe on the rights of the Additional Plaintiffs, as well as the rights of the Original Plaintiffs, under the First and Fourteenth Amendments to the Constitution of the United States to freedom of speech and association, to due process and to equal protection of the law.

**Illustration of How Patronage Hiring and Firing  
Corrupts Elections and Prejudices Opposition Candidates.**

69. The experiences of Additional Plaintiff Ann King while working on behalf of HDO illustrate how the illegal and contemptuous patronage practices complained of herein not only injure the Additional Plaintiffs, but injure candidates and voters through the use of City resources to buy votes and influence elections.

70. As alleged in paragraph 44 above, Ms. King was directed by HDO to work on several political campaigns, including that of George Cardenas in 2003 against two-term incumbent Alderman Ray Frias of the 12th Ward.

71. In that campaign, Ms. King was assigned to work under the direction of HDO member Gil Valdez, who directed her and the campaign activities of about twenty other individuals. Some were City employees. Many were not. Ms. King was told that the HDO workers who were not City employees were working on the campaign because HDO had promised them City jobs in exchange for their campaign work.

72. At the time he was directing Ms. King for HDO, Valdez was an employee of the Chicago Transit Authority. Upon information and belief, he had previously been employed as a bridge operator for the City, but was fired. HDO promptly secured him a job at the CTA, and he bragged to Ms. King about how HDO was able to protect him and place him in another public job after he lost the first one.

73. Valdez's political workers were only one of several HDO teams campaigning on behalf of Cardenas, each directed by a different HDO operative. Upon information and belief, Ms. King's experiences in the Cardenas campaign are typical of HDO's efforts on behalf of Cardenas and other candidates it supported in other campaigns.

74. Valdez was very persistent in demanding that Ms. King and other HDO members work extremely hard on the Cardenas campaign. He repeatedly said, "We gotta win this one," "We gotta get him [Ald. Frias] out of there," because Al Sanchez and Victor Reyes were upset that Frias had "turned his back on HDO."

75. Ms. King was ordered to campaign for Cardenas every day after work for a month, and on weekend days, which she did, despite the fact that she spent many evenings separated from her children, because HDO had promised her that she would be hired into a permanent City position as a result of working hard for HDO. She believed that if she did not obey Valdez and HDO she would not be hired into a permanent City position. She did not personally have an interest in this

election and would not have worked for either candidate if she had not been directed by HDO to do so.

76. Among the activities Ms. King was ordered to perform were the following:
  - a. She went door-to-door to solicit signatures on nominating petitions for Cardenas. Valdez ordered her not to sign the attestation at the bottom of the petitions, but instead to leave them blank. Ms. King believes that Valdez signed the petitions himself.
  - b. She went door-to-door to residences and businesses to solicit votes for Cardenas. She and other HDO workers were instructed to offer residents and business owners City services in exchange for their campaign support (such as by display of Cardenas signs) and votes for Cardenas. Many voters accepted the offer. She personally filled out at least 15 requisition forms, provided to her by HDO, asking the Department of Streets and Sanitation, then headed by HDO boss Al Sanchez, to provide particular City services to residents or businesses to carry out the foregoing *quid pro quo*. These included tree trimming, streetlight installation, and provision of garbage cans. In each case, Ms. King observed that the requested City services were provided promptly, within a matter of days. Upon information and belief, many other HDO campaigners were filling out similar forms through which City services were requisitioned and promptly delivered to prospective voters in exchange for campaign support (e.g., agreements to place Cardenas signs on lawns or in windows) and/or votes for Cardenas. Thus, through its conspiracy with the City, control of the Department of Streets and Sanitation and control of City hiring, promotion, overtime,

discipline and firing, HDO was able to, and did, bribe voters for their votes in exchange for these City services.

- c. Ms. King and others were directed to badmouth Ald. Frias during their campaigning. They were told to inform voters that Frias was doing nothing for the community, while Cardenas could deliver services promptly.

77. Ms. King also witnessed HDO workers tearing down Frias campaign signs and replacing them with Cardenas signs.

78. Cardenas defeated Ald. Frias as a result of HDO's patronage army, which upon information and belief numbered over one hundred workers (perhaps several hundred) and overwhelmed Frias's volunteer support.

79. As alleged in paragraph 44 above, Ms. King worked on other campaigns at the direction of HDO. Similar tactics were used by HDO in those campaigns, including the offer and delivery of prompt City services in exchange for campaign support and votes.

### **Defendants**

80. Defendant Richard M. Daley is the Mayor of the City of Chicago and its chief executive officer. He is sued in this Count in his individual and official capacities.

81. Defendant City of Chicago is a municipal corporation organized under Illinois law.

82. By custom and practice, the City has delegated to Mayor Daley final authority to make policy regarding personnel matters, not merely authority to hire, fire, promote or set conditions. Although the 1972 and 1983 Orders may reflect on paper the policy of the City regarding hiring and employment criteria, the actual *de facto* policy of the City is reflected by the widespread custom and practice of systematically violating those Orders through the use of political clout as described herein.

83. Richard M. Daley is ultimately responsible, through his staff and department Commissioners who report to him, for the hirings, promotions and firings of approximately 35,000 employees of the City of Chicago. All but a few hundred of such 35,000 or more jobs are subject to this Courts 1972 and 1983 orders barring political considerations in hiring, promotion and other terms and conditions of City employment (“City Jobs”). All of the individual Additional Plaintiffs applied for and/or held City Jobs, as so defined.

84. The City of Chicago’s patronage practices, as described herein and in the Federal Criminal Cases, including the Katalinic Guilty Plea, are so widespread and customary as to constitute City policy and have the force of law. The City’s policy is to use public employment to reward political friends and punish political enemies, even though other law, including the 1972 and 1983 Orders and decisions of the United States Supreme Court in cases such as *Elrod v. Burns*, 427 U.S. 347 (1976), and *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), prohibit such practices.

85. The widespread political patronage system as described in this Count was and is operated with the assistance of certain Ward Committeemen, Ward Superintendents, high-ranking personnel of various City Departments (including Department Commissioners), personnel in the Mayor Daley’s office, and Patronage Front Organizations such as the 11<sup>th</sup> Ward Democratic Organization, the Hispanic Democratic Organization, and the Citizens for a Better West Side, all of which are closely allied with Mayor Daley and are run by people close to Mayor Daley personally and politically, such as John Daley, Timothy Degnan, and Robert Sorich. Collectively and individually, these persons have acted and conspired to violate this Court’s orders and to implement the illegal patronage system described in this Count and in the Federal Criminal Cases.

86. Many of the practices described herein involved Ward Committeemen who, in Chicago, control political affairs in their Wards, including the Alderman in the Wards. Many aldermen benefitted from the illegal practices described herein in that they received campaign and electoral support.

87. Former City employees Slattery and Sorich are personally known to Richard M. Daley. Sorich worked directly for Daley as *de facto* patronage administrator and as *de jure* head of intergovernmental relations. When Slattery and Sorich were charged in 2005 by the United States Attorney's office with federal crimes for the frauds committed in cheating job applicants out of a fair chance at City jobs, Daley publicly lamented that the charges had been brought and pointed out that they were "good family men." He said nothing about the applicants for City jobs who had been scammed, which created at least the appearance that loyalty to Daley and the 11<sup>th</sup> Ward Democratic organization was more important than the harm done to the City by Slattery and Sorich's criminal conduct. Daley has also repeatedly exaggerated in public statements the costs to the City of complying with this Court's orders and has directed and supported the City's legal efforts to cause this Court or the Court of Appeals to vacate the 1983 Order, while his high-ranking deputies and subordinates within his office were systematically violating that Order.

88. Richard M. Daley is liable in his individual capacity for the violations alleged herein. Upon information and belief, he acted knowingly or with reckless indifference regarding the patronage practices alleged herein: he either knew about the conduct and facilitated it, approved it, condoned it, or turned a blind eye toward it for fear of what he might see. He understood the general objectives of the patronage system described herein, accepted them, benefitted from their campaign assistance, and agreed, either explicitly or implicitly, to further them.

### **Violations Alleged**

89. The facts described above and in the Federal Criminal Cases, establish that the City has regularly and systematically hired employees for City Jobs in violation of the 1983 Order and of plaintiffs' rights of association and speech under the First Amendment and their rights to equal protection of the laws under the Fourteenth Amendment.

90. The facts described above and in the Federal Criminal Cases also establish that agents and representatives of the City at a very high level have regularly and systematically promoted, assigned, granted overtime to and otherwise favored some City employees based on political factors and considerations, and prejudiced, discriminated against, and punished many other holders of City Jobs on the basis of their lack of such political support or clout. This policy and custom violates the 1972 Order, plaintiffs' rights of association and speech under the First Amendment and their rights to equal protection of the laws under the Fourteenth Amendment.

91. The facts described above and in the Federal Criminal Cases establish a close relationship between the violations of the 1972 Order dealing with existing City employees and the 1983 Order requiring non-political hiring. The ability of defendants and the Patronage Front Organizations through which they operate to hire politically in violation of the 1983 Order has led to a widespread policy, custom and practice of misuse of job assignments, promotions and other employment conditions with respect to persons who are already City employees, in direct violation also of the 1972 Order. Persons hired in violation of the 1983 Order are routinely granted promotions, overtime or more favorable work assignments ahead of qualified employees with more seniority but lacking in clout. Such violations of the 1972 Order are integrally related to and part of a common pattern of political hiring in violation of the 1983 Order.

92. The facts described above and in the Federal Criminal Cases also establish that agents and representatives of the City at a very high level have engaged in elaborate conspiracies and schemes to deceive the public and job applicants as to their true intentions with respect to political hiring and post-hiring employment practices, and as part of and in furtherance of such conspiracies to commit mail and wire fraud in violation of federal law to implement the illegal patronage hiring program.

93. The City of Chicago patronage system described in this Count is and has been intended by defendants to, and has had the effect of, putting illegal and unconstitutional pressure on persons holding or applying for City Jobs, or benefits in such jobs, to pledge political allegiance to a political organization or operation, such as the 11<sup>th</sup> Ward Democratic Organization, the Hispanic Democratic Organization, the Citizens for a Better West Side and similar Patronage Front Organizations that are loyal to Richard M. Daley, to take political instructions from him and his aides, and to work for the election of candidates he and such Organizations support.

94. The plaintiffs have no wish to associate with or to work for the election of candidates they do not support or to contribute money to be used to support candidates or organizations with whom they do not wish to associate, or to further policies with which they do not agree. The widespread and customary practices of the defendants and the Patronage Front Organizations also constrain employees and applicants from joining, working for or contributing to, or otherwise associating with, the political party, political organizations and candidates of their own choice.

95. The patronage employment system described in this Count works not only at the partisan election stage but also, and significantly, at the stage of the election process involving contests for party endorsement. Defendants and their Patronage Front Organizations use their control over patronage jobs to compel political support and contribution for candidates they and the

Patronage Front Organizations support for Democratic Party endorsement. Persons who seek to retain such sponsorship are not free to urge the adoption of political positions or the support of candidates contrary to those of the organizations. To the contrary, in order to obtain or maintain such sponsorship, employees and applicants are prohibited from supporting candidates for party endorsement who are opposed to the candidates or political positions taken by Patronage Front Organizations.

96. The acts and practices complained of in this Count were and are being performed, induced, aided, abetted, participated in and encouraged by the defendants, through and with the assistance of the Patronage Front Organizations, while acting under color of state law.

97. Defendants are liable under 42 U.S.C. § 1983 for the constitutional violations alleged herein.

98. Defendant Richard M. Daley is also liable under 42 U.S.C. § 1983 for having the power, but failing to prevent the numerous constitutional violations alleged herein.

99. Defendants are also liable for violating the 1972 and 1983 Decrees.

#### **Jurisdiction and Venue**

100. This Court has jurisdiction over the claims alleged herein under 28 U.S.C. §§ 1331 and 1343.

101. Venue is proper in this district under 28 U.S.C. §1391 because the defendants reside in this judicial district and the events complained of herein occurred in this district.

#### **Class Action Allegations**

102. Plaintiffs Michael L. Shakman and Paul M. Lurie, and the class of independent voters and candidates that they represent, are referred to herein as the Original Plaintiffs.

103. Plaintiffs Ayers, Jones, Richard and Connie Gramarossa, King, Majerczyk, Sullivan, and IVI-IPO are referred to as the Additional Plaintiffs.

104. Plaintiffs Ayers, Jones, Richard Gramarossa, King, Majerczyk, Sullivan and IVI-IPO bring this Count on behalf of a class consisting of all applicants or prospective applicants for non-exempt positions with the City of Chicago (the “Applicant Class”).

105. Plaintiffs Jones, King, Richard Gramarossa, Majerczyk and Sullivan bring this Count on behalf of a class consisting of all present and future non-exempt employees of the City of Chicago (the “Employee Class”).

106. Each of the Additional Plaintiffs is already a member of the plaintiff class of independent voters, and seeks leave to serve as additional class representatives of that class (the “Existing Voter Class”).

107. The Applicant Class and Employee Class are each so numerous that joinder of all members is impracticable.

108. There are questions of law or fact common to the Applicant Class and to the Employee Class.

109. The claims of the named plaintiffs in each Class are typical of the claims of each Class.

110. The named plaintiffs in each Class will fairly and adequately protect the interests of the Class in which he or she is member.

111. Certification of the Applicant Class and the Employee Class is appropriate under Fed. R. Civ. P. 23(b)(2) because the City has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to each Class as a whole.

112. Certification of the Applicant Class and the Employee Class is appropriate under Fed. R. Civ. P. 23(b)(3) because the questions of law or fact common to the members of each Class predominate over any questions affecting only individual Class members, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

**Relief Requested in Count X**

113. Plaintiffs are permanently and irreparably injured by defendants' continuing acts and practices and will continue to be permanently and irreparably injured unless those acts and practices are promptly enjoined by this Court. Plaintiffs have no adequate remedy at law for those injuries.

114. Defendants have conspired with the Patronage Front Organizations and others to establish and implement the patronage employment system described in this Count and in the Federal Criminal Cases.

115. Unless enjoined by the Court, the acts and practices complained of in this Count and the Federal Criminal Cases will continue to injure the Existing Class, the Applicant Class and the Employee Class in their exercise of rights of speech and association, and to deny all of them equal protection and due process of law.

116. Accordingly, plaintiffs ask the Court to enter the following relief in Count X:

A. A declaration that the acts and practices described herein violate plaintiffs' rights under the First and Fourteenth Amendments and the 1972 and 1983 Orders.

B. Such further injunctive relief as is necessary and appropriate to enforce the 1972 and 1983 Orders and remedy defendants' continuing violations of plaintiffs' First and Fourteenth Amendment rights, and otherwise to ensure that defendants, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them, be enjoined from:

- (1) using or considering in any way political reasons, factors, loyalties, affiliations or activities as a criterion
  - a. for hiring members of the Applicant Class for City Jobs;
  - b. for promoting members of the Employee Class;
  - c. for affecting the terms and conditions of employment of members of the Employee Class (including, without limitation, salary, overtime and work assignments);
  - d. for restricting the persons who receive notice or disclosure of the availability of City Jobs, promotions, overtime or work assignments.
- (2) conspiring, consulting or otherwise cooperating with the Patronage Front Organizations regarding the matters listed in subparagraph (1) above, or permitting such Organizations to control or influence in any way any decision regarding City Jobs.
- (3) retaliating in any way against any member of the Employee Class for not agreeing to join or work for any Patronage Front Organization or any political candidate, for complaining about violations of the Court's injunctive orders, or for asserting a claim or any rights under the Court's injunctive orders.

C. Continue the Court's prior appointment of a monitor ("Monitor"), to be compensated by the City, for a term of years to be determined by the Court, vested with such authority and powers as are needed to ensure that defendants comply with the 1972 and 1983 Orders and with any further injunctive relief entered by the Court and to report any violations of such relief to the Court.

D. Enjoin the City to provide full and reasonable cooperation with the Monitor.

E. Enjoin the City to create and implement a comprehensive education and training program, subject to review by the Monitor and the Court, that will, inter alia, notify and instruct City supervisors and employees as to the City's obligations under this Court's injunctive orders, and notify City employees of how to report violations of this Court's injunctive orders.

F. Award members of the Employee Class and Applicant Class (on such reasonable terms to be determined following discovery) appropriate damages, including, without limitation, back pay (for lost wages, raises or overtime) or damages for the violations of their constitutional rights and for the violations of the 1972 and 1983 Orders.

G. Enjoin the City to give priority (on such reasonable terms to be determined following discovery), when job openings arise, to members of the Employee Class and Applicant Class who have previously applied for and been denied City Jobs or promotions.

H. Award plaintiffs their costs and reasonable attorneys' fees.

I. Grant plaintiffs such other and further relief as the Court deems just and proper.

### **Count XI**

For Count XI, Michael L. Shakman and Paul M. Lurie, on behalf of the Plaintiff Class of Voters and Candidates for Public Office (the "Plaintiffs"), incorporate and restate their Application to Hold the City of Chicago and its Mayor in Civil Contempt for Violations of the Court Orders, filed July 26, 2005, which applies to the Court to hold the City of Chicago and its Mayor, Richard M. Daley, in civil contempt for systemic, widespread violations of this Court's judgments of May 5, 1972, and June 20, 1983, (collectively, the "Court Orders").

### **Summary of Relief Sought**

1. In recent weeks it has become clear that the City of Chicago and many high-ranking City officials have systematically and knowingly violated long-standing orders of this Court that

forbid political hiring and promotion and coerced political contributions. This Application, which Plaintiffs may supplement as appropriate, seeks relief in three areas:

A. Present and former City officials who knowingly violated this Court's orders, or who knew of such violations and failed to take action within their power to prevent such violations, should be identified and held in civil contempt. They should be required to pay substantial civil fines to make them and other City personnel aware that compliance with orders of this Court is not optional.

B. The hundreds and perhaps thousands of honest citizens who have applied or been considered for City employment or promotions but who have been deprived by such violations of a fair chance to obtain public employment, or promotions or advancement in positions with the City, should be identified and given priority consideration for an appropriate City job, and their applications should be evaluated under non-political standards.

C. The rights of candidates for public office and their supporters that have been adversely affected by the use of City employment to create political work forces to support favored candidates also warrants relief. The individuals who were hired or advanced in violation of this Court's orders, and any organizations, formal or informal, for whom they were required to do political work or provide financial contributions, should be identified. Responsible persons who directed coerced political work or financial contributions in violation of this Court's orders, or who otherwise participated in the City's violations of this Court's orders, should be subjected to civil contempt proceedings and appropriately sanctioned.

2. To accomplish the foregoing, the Court should appoint a Special Master pursuant to Federal Rule of Civil Procedure 53 from candidates proposed by the Plaintiffs. The Special Master should be authorized and directed to investigate the matters referred to in this Application and to identify the perpetrators and victims of the City's illegal activities. The Special Master should have all the powers of the Court to obtain documents and testimony and to conduct hearings for the purposes authorized. The Special Master should from time to time as appropriate report to the Court concerning (a) individuals who should be subject to civil contempt proceedings and the grounds therefore, (b) applicants for employment and employees eligible for advancement who were discriminated against by the City's illegal practices and methods to afford those individuals fair opportunities to be considered for the next available appropriate City position, (c) the identity of organizations and individuals who benefitted from the City's violations of this Court's orders, and individuals who should be subject to civil contempt proceedings as a result thereof.<sup>1</sup>

3. Plaintiffs' counsel should be authorized and directed to review all proposals for modifications to the City's existing hiring practices and procedures and to recommend appropriate modifications or alternative methods or protections to prevent a repetition of the violations described herein.

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<sup>1</sup> This Court is authorized to appoint a special master in these circumstances. See *CHA v. Austin*, 511 F.2d 82 at 83 (7th Cir. 1975)(authorizing special master to study and report on how enforcement of prior judgments of the court could be facilitated, and formulating a plan to implement prior judgments); *Williams v. Lane*, 851 F.2d 867, 884 (7th Cir. 1988)(authorizing special master where defendants have "demonstrated a 'continued and deliberate inattention to plaintiffs' constitutional rights' . . ." and where "non-compliance with the previous district court order was emphasized.")

4. The Special Master should be authorized to retain counsel and investigators, whose fees and costs, as well as those of the Special Master and those of the Plaintiffs' counsel in developing the above recommendations, should be paid by the City on a monthly basis.

5. The Special Master should consult with the Plaintiffs' counsel and City personnel, advise the office of the United States Attorney of the Special Master's activities, and when appropriate conduct public hearings. From time to time as appropriate the Special Master should issue interim reports. The City should be directed to fully cooperate with the Special Master.

6. The Special Master should be authorized to exercise all powers provided in Rule 53 with respect to matters referred to the Special Master. The Plaintiffs should be authorized to take discovery on an accelerated basis commencing immediately and continuing from time to time. Defendants should be directed to comply with accelerated discovery requests.

#### **Nature of the Application**

7. The City has engaged in systematic, widespread violations of the Court Orders by: (1) conditioning, basing, or knowingly prejudicing or affecting the hiring of any person as a governmental employee because of political reasons and factors; (2) conditioning, basing, or knowingly prejudicing or affecting terms and aspects of governmental employment of employees because of political reasons and factors; (3) causing or permitting employees to do partisan political work during the regular working hours of his or her governmental employment; and (4) coercing political payments.

8. Plaintiffs petition this Court to enforce its judgments of May 5, 1972 and June 20, 1983, by holding the City in contempt of court. The judgments entered by this Court prohibit the City from coercing political payments, requiring city employees to engage in political activity during normal working hours, rewarding or promoting employees based upon political work, or

hiring employees based upon political factors. The City has regularly and systematically violated the Court Orders by engaging in all of these activities.

9. Based on the City's extensive and continued violations of the Court Orders, this Court should hold the City in contempt and impose additional obligations upon the City both as a remedy for the City's past violations and to ensure future compliance with the Court Orders. The City's course of behavior makes it evident that this Court must impose additional obligations upon the City to force the City to comply with its judgments.

10. This Court has jurisdiction over this matter because it involves the enforcement of the Court Orders entered by this Court. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375 (1994).

11. Venue is appropriate pursuant to 28 U.S.C.A. § 1391 because this Application is brought in the judicial district where the Defendants reside and violations of the Court Orders occurred.

#### **Statement of Facts Applicable to Count XI**

12. On October 17, 1969, Michael L. Shakman and Paul M. Lurie brought a lawsuit against the City alleging that the City had engaged in unconstitutional patronage practices in its methods of hiring and firing employees.

13. On May 5, 1972, the City entered into a consent judgment with the Plaintiffs which prohibits "coerced political financial contributions by any governmental employee, contractor or supplier, to any individual or organization . . ." *Shakman* consent judgment entered May 5, 1972, ¶ D (the "1972 Court Order," located at Appendix "A.")<sup>2</sup>

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<sup>2</sup> A separate Appendix containing the documents cited and incorporated herein was filed concurrently with this Contempt Application in July 2005.

14. The 1972 Court Order also prohibits the City from:

(1) conditioning, basing, or knowingly prejudicing or affecting any term or aspect of governmental employment, with respect to one who is at the time already a governmental employee, upon or because of any political reason or factor;

(2) knowingly causing or permitting any employee to do any partisan political work during the regular working hours of his or her governmental employment, or during time paid for by public funds.

1972 Court Order, ¶ E.

15. In 1983, the City entered into a second consent judgment in the *Shakman* litigation. This consent judgment (the “1983 Court Order,” located at Appendix “B”) extended the 1972 Court Order to include a prohibition against hiring based on political factors. 1983 Court Order, ¶ E.

16. Specifically, the 1983 Court Order enjoins the City from:

(1) conditioning, basing or knowingly prejudicing or affecting the hiring of any person as a Governmental Employee (other than for Exempt Positions), upon or because of any political reason or factor including, without limitation, any prospective employee’s political affiliation, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or such prospective employee’s political sponsorship or recommendation.

*Id.*

17. As part of the 1983 Court Order, the City was required to submit a Plan of Compliance outlining the steps the City would take in hiring and promoting employees to ensure compliance with the Court Orders. The Plan of Compliance applies “to all hiring decisions concerning individuals who currently are not employed by the City as well as to transfer, demotion, promotion, and reclassification decisions involving current City employees.” Plan of Compliance, I-1 (located at Appendix “C”).

18. The City has an affirmative obligation to ensure that its employees comply with the Court Orders. When an employee of the City violates the Court Orders, the City is deemed to have violated the Court Orders. *Wzorek v. City of Chicago*, 906 F.2d 1180, 1183 (7th Cir. 1990)

(rejecting City's argument that it should not be held in civil contempt when its "lower level supervisors" violate the 1972 Court Order).

19. Recently it has been discovered the City has routinely committed widespread, systematic violations of the Court Orders. These are described in paragraphs below and in Count X above, which is incorporated herein by reference.

**Holding the City in Contempt and Imposing Relief Is Necessary  
to Remedy Past Violations and to Ensure Compliance with the Court Orders**

20. This Court's ability to impose sanctions to punish disobedience of judicial orders is essential to ensure the judiciary's ability to uphold its judgments. This Court has broad discretion to fashion a remedy specific to the nature of the harm resulting from disobeying a court order and to take into consideration the effects of alternative remedies.

21. Civil sanctions for contempt are designed to compel or coerce obedience to a court order and to compensate the parties for losses resulting from the contemnors' non-compliance with a court order.

22. The Court Orders have for years set forth clear, unequivocal and well-known commands which the City has recently and repeatedly violated.

23. The coercive function of civil contempt is necessary to compel the City's compliance with the Court Orders. Although the two Court Orders have long been in place, the City continues to violate the constitutional rights of candidates, voters, employees, and job applicants on an ongoing and widespread basis.

24. A finding of contempt is necessary to hold the City accountable for its conduct and to send the City and its employees a message that the orders of this Court must be obeyed.

25. The prospective relief requested is necessary to ensure compliance and to protect the constitutional rights of the Plaintiff class members, as well as the rights of City employees and job applicants.

26. The actions described herein include repeated violations of Court Orders by City department heads and commissioners who report directly to Richard M. Daley, as Mayor of the City of Chicago. Richard M. Daley is a “hands-on” administrator who takes an active role in the activities pursued by subordinates. As the Mayor of the City of Chicago, Richard M. Daley has the responsibility for monitoring the activities of his department heads, commissioners and other ranking City officials. More importantly, he has the responsibility for setting the ethical standards and establishing a culture of compliance with the law for the entire City workforce. Because of the aforementioned extensive, continuing and deliberate violations of the Court Orders we are also seeking sanctions against the Mayor for civil contempt.

*Count XI-A*

**Violations of the 1972 Court Order  
Involving Coerced Political Contributions**

27. Plaintiffs reallege paragraphs 1 through 26 as if set forth here in full.

28. On February 24, 2005, the United States of America brought an indictment against a number of high ranking City employees including, Gerald Wesolowski, Roger McMahon, and Flenory Barnes, for criminal activity arising out of the City’s Hired Truck Program. *See* Superseding Indictment (located at Appendix “D”).

29. A number of defendants in those criminal cases have pleaded guilty to their roles in the Hired Truck Program. *See* Wesolowski Plea Agreement, McMahon Plea Agreement and Barnes Plea Agreement located at Appendix “E”, Appendix “F”, and Appendix “G”.

30. The allegations in the Superseding Indictment and the admissions in the Plea Agreements are incorporated herein by reference as though fully set forth herein.

31. The statements contained in the Plea Agreements are substantiated in whole or in part by several other guilty pleas by other defendants named in the Superseding Indictment. *See* Joseph Ignoffo Plea Agreement (located at Appendix “H”); Commelie Peters Plea Agreement (located at Appendix “I”); Leroy S. Peters Plea Agreement (located at Appendix “J”); Charles Romano Plea Agreement (located at Appendix “K”); Debra Coveliers Plea Agreement (located at Appendix “L”). The admissions in these Plea Agreements are incorporated herein by reference as though fully set forth herein.

32. The United States Attorney’s criminal investigation of the Hired Truck Program and the resulting indictments and guilty pleas allege that the City has regularly and systematically coerced political financial contributions, through threats of economic harm, in violation of the 1972 Court Order, ¶ D.

33. The City’s Hired Truck Program provided certain City operating departments with a mechanism to use privately provided trucking services on an as-needed basis to assist in the delivery of City services. Participating trucking companies were hired by the City and provided equipment and operators to the respective City operating departments to perform specific tasks. The principal operating departments using Hired Truck Program services were the Department of Water, the Department of Streets and Sanitation, the Department of Transportation and the Department of Sewers.

34. City employees routinely demanded payment of money in the form of political contributions from persons seeking contracts and trucking assignments through the Hired Truck Program. This process was used to raise campaign funds from the participating companies.

35. The City's conduct as alleged in the Superseding Indictment constitutes widespread, systematic violations of the Court Orders by high level City employees, and would establish that the City must be subjected to contempt sanctions.

36. The City has knowing and willfully violated the requirements of the Court Orders.

37. These facts further allege a culture of disobeying federal court orders within the City and, therefore, would demonstrate the necessity for contempt sanctions.

WHEREFORE, Plaintiffs respectfully pray that this Honorable Court enter judgment in their favor and against Defendants, as follows:

- a. Find the City and its Mayor in civil contempt for their repeated violations of the 1972 Court Order.
- b. Appoint a Special Master from candidates proposed by the Plaintiffs to investigate the matters referred to in this Application, identify the perpetrators, beneficiaries and victims of the City's illegal activities, and to report to the Court the Special Master's findings and recommendations. The Special Master should be given all powers provided by Rule 53 with respect to the matters referred to the Special Master.
- c. Authorize the Plaintiffs to monitor and ensure the continuing enforcement of the Court Orders and the Plan of Compliance and to present matters through counsel of their choice in connection with carrying out the Court Orders and Plan of Compliance.
- d. Impose a fine for the purposes permitted by the law of civil contempt upon any person found to be in contempt.
- e. Award the Plaintiffs their reasonable attorneys' fees and costs incurred in bringing this action.

***Count XI-B***

**Violations of the Court Orders  
in the City's Employment Practices**

38. Plaintiffs reallege paragraphs 1 through 26 as if set forth here in full.

39. The investigation of the United States Attorney's office has also revealed violations of the Court Orders' prohibitions against conditioning any aspect of employment with the City on political factors or considerations.

40. In addition to the Superseding Indictment and Plea Agreements identified above, on July 17, 2005, the United States of America filed criminal complaints against Robert Sorich and Patrick Slattery, both high ranking City employees, alleging criminal activity in connection with the City's hiring procedures. Copies of these criminal complaints are located at Appendix "M" and Appendix "N" and are incorporated by reference as though fully set forth herein.

41. The facts in the Superseding Indictment, Plea Agreements, and the Sorich and Slattery criminal complaints allege that since 1993 and continuing:

- The City has regularly and systematically hired employees based upon political factors, in violation of the 1983 Court Order.
- The City has regularly and systematically promoted employees based upon political factors, in violation of the 1972 Court Order.
- The City has regularly and systematically rewarded City employees with raises and overtime pay based on political factors in violation of the 1972 Court Order.

42. The Sorich and Slattery complaints and the admissions by high-ranking City officials described therein, allege that City employees engaged in an elaborate conspiracy to commit and hide violations of the Court Orders by acts of fraud and deception. City employees routinely manipulated the interview and selection process for certain City employment positions by conducting sham interviews, falsely inflating interview scores, and otherwise guaranteeing that certain pre-selected candidates who were favored by top City officials would win the employment positions, often to the exclusion of equally or more qualified candidates. This pre-selected status was granted by City

officials at times because of the prospective employee's association with particular political organizations or contributions of labor to certain political organizations or candidates.

43. City employees routinely and consistently manipulated and falsified the ostensibly merit-based ratings given to prospective employees in order to improperly influence the hiring and promotions for *Shakman*-covered positions.

44. These facts allege recent widespread, systematic violations of the Court Orders by high level City employees justifying the imposition of contempt sanctions against the City.

45. The Superseding Indictment and Plea Agreements allege that City employees participated in political work on behalf of candidates the selection of which was determined by City officials. City officials notified high ranking City employees as to the particular field work each employee's organization was to conduct. The City employees then held meetings of other City employees in their department during the business day to notify them of the particular political campaigns they would be supporting and to discuss the intended work plan for carrying out the political activities.

46. Following these meetings, the City employees in attendance contacted additional employees to provide them with their field assignments for the upcoming election cycle. These employees in turn contact additional employees to obtain "volunteers" for the field activities.

47. During the field activities, sign up lists were maintained and the political work performed by City employees was tracked. City officials and employees met after each election cycle to review the individual political performances of City employees. The purpose of these meetings was to provide specific information to high ranking City employees in order to obtain work-related benefits for the City employees who had performed political work. City employees were given raises, promotions and overtime as a reward for their political work.

48. The City has knowing and willfully violated the requirements of the Court Orders.

49. These facts further allege a culture of disobeying Federal Court orders within the City of Chicago and would demonstrate the necessity for contempt sanctions.

WHEREFORE, Plaintiffs respectfully pray that this Honorable Court enter judgment in their favor and against Defendants, as follows:

- a. Find the City and its Mayor in civil contempt for their repeated violations of the 1972 Court Order.
- b. Appoint a Special Master from candidates proposed by the Plaintiffs to investigate the matters referred to in this Application, identify the perpetrators, beneficiaries and victims of the City's illegal activities, and to report to the Court the Special Master's findings and recommendations. The Special Master should be given all powers provided by Rule 53 with respect to the matters referred to the Special Master.
- c. Authorize the Plaintiffs to monitor and ensure the continuing enforcement of the Court Orders and the Plan of Compliance and to present matters through counsel of their choice in connection with carrying out the Court Orders and Plan of Compliance.
- d. Impose a fine for the purposes permitted by the law of civil contempt upon any person found to be in contempt.
- e. Award the Plaintiffs their reasonable attorneys' fees and costs incurred in bringing this action.

Dated: January 11, 2006

Respectfully Submitted,  
Michael L. Shakman, *et al.*

s/Edward W. Feldman  
One of the Attorneys for Plaintiffs

Michael L. Shakman  
Edward W. Feldman  
Frederick E. Vars  
Roger J. Perlstadt  
**MILLER SHAKMAN & HAMILTON LLP**  
180 N. LaSalle Street, Suite 3600  
Chicago, Illinois 60601  
312-263-3700

Roger R. Fross  
Brian I. Hays  
**LORD BISSELL & BROOK**  
115 S. LaSalle Street  
Chicago, Il. 60603  
312-443-0345

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on January 11, 2006 he served a copy of the foregoing **Second Amended Complaint** on the parties of record pursuant to ECF as to Filing Users and in accordance with LR 5.5 as to any party who is not a Filing User or represented by a Filing User.

Dated: January 11, 2006

/s/ Edward W. Feldman