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After aldermanic indictments, Chicago voters can only watch and wait. That should change.

by ERIC ZORN

The deadline looms for federal prosecutors to return an indictment against Ald. Edward Burke, 14th, who in January was charged in a criminal complaint with attempting to extort the owners of a fast-food franchise who were seeking renovation permits in his ward.

The feds were supposed to let us know either way by May 3, but on Thursday they applied for a 35-day extension that would push the deadline back to June 7.

Maybe they'll take a pass, and the legal cloud over the veteran alderman will lift. But an informed source has indicated that the news out of the office of local U.S. Attorney John Lausch could be much bigger — a filing that indicts not just Burke but also a number of other aldermen abusing their power.

By “informed source” here I mean Mayor-elect Lori Lightfoot, a former federal prosecutor. “There is no doubt in my mind that ... we're going to see a series of indictments from my former colleagues at the U.S. attorney's office,” Lightfoot said during a March 12 endorsement session before the Chicago Tribune Editorial Board. “And it is going to center around this issue of aldermanic prerogative.”

These indictments, Lightfoot indicated, would be connected to the ongoing FBI investigation in which City Council Zoning Committee Chairman Ald. Danny Solis, 25th, reportedly wore a wire for two years and recorded conversations with Burke and other members of the council.

Aldermanic prerogative is the controversial tradition in which aldermen have nearly unfettered power over zoning and permitting issues in their wards. Lightfoot and others maintain it is the cause of the city's appalling history of corruption.

The day a raft of such indictments comes down — I move to call it “Lauschmas” — would be big even by the debased standard of Chicago, where our hall of shame includes the names of 30 aldermen convicted since 1972 of crimes related to their official duties.

If it happens between now and June 7, we'd likely have a group of aldermen facing federal corruption charges before or just shortly after they've been sworn in on May 20 for their upcoming four-year terms.

What could voters or law-abiding aldermen do about it?

That question arises whenever a sitting alderman is indicted, but finding that answer just might feel more urgent than ever.

And the answer, as always, is not much: hope the compromised lawmaker has the common decency to resign; wait for a finding or plea of guilty that will automatically cost the alderman his or her seat; or hang on until the next election.

The City Council's Rules of Order and Procedure do not provide for impeachment and removal of those who have disgraced or compromised their offices. And the city's municipal code does not allow for recall elections — those increasingly popular “do-over” votes in which the electorate expels an officeholder who has been a disappointment.

“From 2011 to 2017, at least 740 public officials faced a recall vote,” said Joshua Spivak, a senior fellow at the Hugh L. Carey Institute for Government Reform at Wagner College in New York City who specializes in recall elections. Sixty percent of recall efforts succeed at the ballot box, he said, and simply the threat of being ousted by voters inspired at least 140 other officials to step down.

Illinois is among the 39 states that allow for municipal-level recall, Spivak said, but only one locality — Buffalo Grove — has ever taken advantage of it. In 2010, by a two-thirds majority, Illinois voters approved an amendment to the state constitution that provides for a complicated, multistage, bipartisan process to initiate the recall of a governor, an initiative prompted by the formal impeachment and removal the previous year of Gov. Rod Blagojevich.

A bill providing for recalling a Chicago mayor was filed in Springfield in late 2014 by state Rep. LaShawn Ford, a West Side Democrat (and 2019 mayoral hopeful) who was angered by Mayor Rahm Emanuel's handling of the police shooting of Laquan McDonald. The bill died.

I'm generally wary of recall elections. They create political instability and put another arrow in the bulging quivers of moneyed special interests. When recalls are special elections held at off times, they're expensive, generally low-turnout affairs that may not reflect actual public sentiment.

Recall should not be used to relitigate policy disputes or second-guess controversial decisions. But when it comes to officials under felony indictments, simply waiting around for the next election is not an acceptable option.

True, an indictment is not a conviction, and prosecutors have been known to overreach. Those facing trial are entitled to the presumption of innocence. But they're not entitled to the presumption of fitness to hold public office, and voters are entitled to the opportunity to dispense political justice more swiftly and surely than the actual justice meted out by our plodding court system.

Even if we don't have a holly-jolly Lauschmas this spring, Chicago should provide for recall elections of indicted elected officials. It'll come in handy sooner or later, for sure.