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SECTION

2

Cicero workers warned on probe

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Facing a newly disclosed federal grand jury investigation in Cicero, Town President Larry Dominick has ordered all employees to contact a town-hired private attorney before talking to investigators.

The Sept. 26 memo—a copy of which was obtained by the Tribune—did not say what federal authorities are investigating but noted the probe was “in its early stages.” It directs employees to notify Anthony J. Onesto, a Chicago-based criminal attorney, of any contact by federal authorities, and advises them not to talk to investigators before consulting with him.

Onesto, who has close ties to the lawyers in Cicero’s legal department, has been authorized to serve as Cicero’s sole conduit between the town and federal authorities.

He said in an interview that his job was “not to obstruct the investigation. My job is to facilitate the information to the government. . . . I’m the expeditor.”

Cicero town spokesman Dan Proft said the memo was written to protect employees’ legal rights. “It’s in the employees’ interest to be advised of their legal rights before talking to the feds,” he said.

But legal experts said the memo raises questions about whether Cicero officials might be trying to discourage employees from cooperating with the federal investigation.

“This is keep-your-mouth-shut dressed up in a cheap tuxedo,” said Beth Daley, spokeswoman for the Project on Government Oversight, a nonpartisan Washington-based watchdog group.

“I don’t know whether it’s obstruction, but it raises questions,” said Ronald Safer, a former assistant U.S. attorney. “There is a big difference between saying, ‘Here is an attorney we have hired to put at your disposal,’ and saying to employees, ‘You may not speak with the government

PLEASE SEE CICERO, PAGE 4

CICERO: Critics knock town memo as coercive

CONTINUED FROM PAGE 1

without talking to this attorney.' There is a world of difference between those two things."

Obstruction of justice is the crime of interfering with law enforcement officers by intimidating witnesses or concealing evidence.

U.S. attorney's office spokesman Randall Samborn declined to comment on the memo or confirm whether a grand jury was investigating Cicero.

Onesto on Monday said he was hired by the town about three months ago and has advised about 20 Cicero employees on how to answer federal subpoenas and informal requests for information.

Onesto declined to say what federal authorities are investigating. But he and Proft both said the inquiry involves records from earlier town administrations. Dominick has been in office since May.

In the memo, distributed to employees just days after a similar letter forbidding town workers from talking with the media, Dominick wrote that Onesto's hiring was meant to ensure the town provides accurate information to federal authorities in as speedy a way as possible.

"The Town, therefore, directs you to immediately notify Mr. Onesto of any request for information you receive from any prosecutor, law enforcement officer or agent and that you direct any request for such information to Mr. Onesto," Dominick wrote. "He will take appropriate steps to respond to any such request for information."

Proft defended Onesto's role and advice about speaking with investigators. "That's not obstruction, that's legal consultation," he said.

The memo doesn't make it clear that employees are free to choose their own private attorney over Onesto—an omission that experts said was troubling.

"I think [the memo] should also inform the employees that they have the right to obtain separate counsel and to act on the advice of that counsel in dealing with Cicero and the federal investigation," said Tom Scorza, a former federal prosecutor. Onesto's central role raises other possible legal conflicts of interest, experts said. For instance, Onesto may be gathering information from town employees who have incriminating evidence about their colleagues. In such a case, experts asked, which of the employees, if any, would Onesto represent?

"This is not the language you'd expect from a government municipality," said former federal prosecutor Scott Mendeloff, who supervised the Chicago U.S. Attorney's Office Criminal and Special Prosecutions Divisions until 1995. "The language of this letter looks like it was carefully crafted by a criminal defense attorney to control information going to the government, and not written to advance the interests of justice and the weeding out of corruption," Mendeloff said.

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