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MORE STATE HANDOUTS, EVEN AFTER INDICTMENT

By Dave McKinney

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SPRINGFIELD-Under federal indictment for bribery and facing the possibility of being booted out of the Illinois House, state Rep. Derrick Smith (D-Chicago) has awarded nearly $185,000 in legislative scholarships for next fall, state records show.

The West Side Democrat handed out his full slate of legislative scholarships on Friday.

Smith's actions came 10 weeks after his March arrest, nearly eight weeks after the Illinois House opened expulsion hearings that could lead to his ouster and after his lengthy absence from the House - where he missed a major vote to abolish the scandal-ridden legislative tuition-waiver program under which he gave away free rides to Illinois state universities to eight students.

On Monday, the House voted 79-32 to do away with the program. The legislation - already approved by the Senate - now goes to Gov. Pat Quinn, who plans to sign the measure.

By moving when he did on his legislative scholarships, Smith avoided the possibility of not being able to give out the tuition waivers for the upcoming fall and spring semesters.

The bill passed Monday kills the program as of Sept. 1. But scholarships that already have been awarded aren't affected.

The group of students whose names Smith initially submitted for tuition waivers for the 2011-2012 school year included two students who didn't live in his district - as state law requires for the scholarships.

The Illinois State Board of Education rejected those two because the students lived in the neighboring legislative district of Rep. La Shawn Ford (D-Chicago).

Smith's lawyer says the legislator had every right to dole out the scholarships. Attorney Victor Henderson notes that Smith has been accused of a crime, not convicted of one.

He also says that Smith is just trying to keep doing the job that Democratic voters nominated him to do when they gave him a victory in the March primary.

"It's ludicrous to think someone should not do their job as long as they have it," says Henderson. "There's a process you have to go through before you're determined to have violated the law. That process applies to everybody. If we don't want to follow the law, we might as well be living in communist China."

Still, the move drew criticism.

"When you have someone in Rep. Smith's position, I think most people would think there's something inherently wrong with someone who's being investigated and indicted giving them out - especially when you consider this is a program that, based on the conduct we've seen, borders on criminal," says Rep. Fred Crespo (D-Hoffman Estates), who was the lead sponsor of the measure to do away with the legislative scholarships program.

Henderson's response: "You'd especially think lawyers and lawmakers would be the people at the front of the line to make sure everyone receives due process. I think it's a travesty that anyone would be ready to not allow Rep. Smith or any other citizen to enjoy the presumption of innocence that the Constitution affords."

Smith faces a federal bribery charge after getting snared in an undercover FBI investigation in which he is accused of taking $7,000 in exchange for writing a letter of support for what turned out to be a fictitious day-care operator authorities say Smith believed was seeking a $50,000 grant from the state of Illinois.