

1 (Proceedings had not herein transcribed.)

2 (In open court; defendant present.)

3 THE COURT: Mr. Green, anything else you wish to say?

4 MR. GREEN: No, sir, not at this time.

5 THE COURT: Anything else from the government?

6 MR. BLOCK: No, your Honor.

7 THE COURT: All right. You can all have a seat.

8 First thing I intend to do is impose conditions of
9 supervised release. And I'm going to go through those
10 conditions, make sure the defendant understands them and make
11 sure that the -- if there is an objection from either side, I
12 hear what those objections are and I'll rule on them.

13 I'm going to impose a period of supervised release of
14 two years. I'll deal with the issue of custody in a moment.

15 Within 72 hours of any release from custody of the
16 Bureau of Prisons, the defendant shall report in person to the
17 probation office in the district in which he is released.

18 He should comply with the following mandatory
19 conditions of supervised release:

20 He should not commit another federal, state, or local
21 crime; not unlawfully possess a controlled substance; and
22 cooperate in the collection of a DNA sample if the collection
23 of such a sample is required by law.

24 These are mandatory conditions that the law requires,
25 and no further explanation is needed.

1 The defendant is also required to comply with the
2 following discretionary conditions of supervised release:

3 Defendant shall refrain from knowingly meeting or
4 communicating with any person whom the defendant knows to be
5 engaged or plan to be engaged in criminal activity and from
6 knowingly meeting or communicating with the following persons:
7 Individual A, Individual B, Individual C, and Mr. Cross.

8 He shall refrain -- and that's necessary because these
9 were victims of the defendant, and he should not contact them.
10 If they want to reach out to him, that's their prerogative, but
11 he should never contact them himself. And that's necessary to
12 protect the victims.

13 Should refrain from possessing a firearm, destructive
14 device, or other dangerous weapon because he's a convicted
15 felon, and possession of such items is itself a crime.

16 He should remain within the jurisdiction where the
17 defendant is being supervised, with a map being provided to the
18 defendant by the probation officer at the inception of the
19 supervised release period, unless granted permission to leave
20 by the Court or probation officer.

21 This is necessary so they know where he is, so they
22 can report on his activities while he's on supervised release.

23 He should report to a probation officer as directed by
24 the Court or a probation officer.

25 He should permit a probation officer to visit him at

1 any reasonable time at home or any other reasonable location
2 specified by the probation officer and permit confiscation of
3 any contraband observed in plain view of the probation officer.

4 This is necessary, again, to allow the probation
5 officer to keep track of what the defendant is doing.

6 Should notify a probation officer promptly, within
7 72 hours, of any change in residence, employer, or workplace
8 and, absent constitutional or other legal privilege, answer
9 inquiries by a probation officer, and he should also notify the
10 probation officer promptly, within 72 hours, if arrested or
11 questioned by a law enforcement officer.

12 These are the general conditions of supervised
13 release. Are there any objections from the defendant to those?

14 MR. GREEN: No, sir.

15 THE COURT: All right. I'm also going to impose the
16 following special conditions of supervised release, and these
17 are necessary because of the defendant's history of sexual
18 misconduct.

19 He shall participate in a sex offender treatment
20 program. The specific program and provider will be determined
21 by a probation officer. The defendant shall comply with all
22 recommended treatment, which may include psychological and
23 physiological testing.

24 Is there any objection to that condition by the
25 defense?

1 MR. GREEN: No, sir.

2 THE COURT: All right.

3 And, finally, if the probation officer determines that
4 the defendant poses a risk to another person, including an
5 organization or members of the community, the probation officer
6 may require you to tell the person about the risk. You must
7 comply with that instruction. Such notification could include
8 advising the person about your record of arrests and
9 convictions, and the probation officer may contact the person
10 and confirm that you have told the person about the risk.

11 Any objection to that condition?

12 MR. GREEN: No, sir.

13 THE COURT: All right.

14 Are there any other conditions of supervised release
15 that the government is recommending that I have not imposed?

16 MR. BLOCK: No, your Honor.

17 THE COURT: Any that the probation officer is aware of
18 that I should -- that you recommend I impose?

19 MS. KIECKHAFFER: No, your Honor.

20 THE COURT: All right. Those will be the conditions
21 of supervised release.

22 The Supreme Court in an opinion issued exactly one
23 week ago today, in the case *Molina-Martinez v. United States*,
24 said that the sentencing guidelines are to be the sentencing
25 court's starting point and initial benchmark. The district

1 court must begin its analysis with the guidelines and remain
2 cognizant of them throughout the sentencing process. The
3 guidelines are the framework for sentencing and anchor the
4 district court's discretion.

5 Even if the sentencing judge sees a reason to vary
6 from the guidelines, I need to use the sentencing range as the
7 beginning point to explain the decision to deviate from it.
8 The guidelines in a real sense are the basis for any sentence.

9 The Supreme Court said the guidelines are not only the
10 starting point for most sentencing proceedings but also the
11 lodestar. Court noted that in less than 20 percent of the
12 cases since 2007 have district courts imposed sentences above
13 or below guideline sentences absent a government motion
14 relating to cooperation.

15 In the three and a half years I've been a federal
16 judge, I've sentenced about 45 defendants. I can think of only
17 two instances where I've gone above the government's
18 recommendation and a number of times where I have gone below
19 the government's recommendation. But the facts of each case
20 are, of course, different.

21 I have the discretion to vary the sentence either
22 above or below the guideline range because the guideline range
23 is advisory and not mandatory.

24 I'm required to consider the Section 3553(a) factors I
25 set forth earlier and impose a sentence that's sufficient, but

1 not greater than necessary, to comply with the purposes of
2 sentencing.

3 There may be some question as to why allegations and
4 admissions of sexual molestation of children have any basis and
5 any business being considered in a federal sentencing
6 proceeding relating to a structuring offense.

7 When a defendant is sentenced, Congress provided that
8 "no limitation shall be placed on the information concerning
9 the background, character, and conduct of a person convicted of
10 an offense which a court of the United States may receive and
11 consider for the purpose of imposing an appropriate sentence."

12 The only limits on this are expressly enumerated.
13 Characteristics like race, national origin, and religion may
14 not be considered at sentencing, and whatever information is
15 considered, it must be accurate.

16 The burden of proof as to the accuracy at the
17 sentencing hearing is by the standard of a preponderance of the
18 evidence, and any findings I make today will be pursuant to
19 that standard, noting that as to some conduct, the defendant
20 himself has not challenged its accuracy.

21 The law requires I consider a number of factors when
22 sentencing any defendant. And among those factors are the
23 history and characteristics of the defendant and the nature and
24 circumstances of the offensive.

25 If I am going to consider the good history and

1 characteristics of the defendant, I must also consider the bad,
2 which is that the defendant is a serial child molester. And
3 the nature and circumstances of the offense include the child
4 molestation because it was unquestionably the motive for the
5 structuring and the lies that followed it.

6 The motive itself is an aggravating factor. One
7 reason the motive aggravates the underlying crime of conviction
8 is because the sex abuse was and is conduct that the public
9 should know about -- conduct about children under the
10 supervision and care of an adult -- and concealing it, no
11 matter how old, hides something important.

12 The first thing I must consider under Section 3553(a)
13 is the nature and circumstances of the offense. The
14 structuring offense, although obviously a federal felony is not
15 typically a charge that's brought when the funds that are the
16 subject of structuring are lawfully obtained and properly
17 taxed, which was the case here.

18 But I don't in any way criticize the FBI, the IRS, or
19 the U.S. Attorney's Office for conducting the investigation.
20 In this case, from June 2010 to April 2012, the former Speaker
21 of the House of Representatives made 15 \$50,000 cash
22 withdrawals from three different banks.

23 In April 2012, when the banks questioned him about the
24 withdrawals and explained that Currency Transaction Reports
25 were being filed, the defendant challenged the bank and lied by

1 saying he was using the cash to buy antique cars and buying
2 stocks and then said he just wanted to make sure his money was
3 fully insured.

4 All of these explanations were preposterous. When
5 told that cash transactions greater than \$10,000 had to have
6 paperwork filed relating to them, he decided to make his
7 withdrawals in amounts less than \$10,000.

8 From July 2012 to December 6, 2014, the defendant
9 withdrew \$952,000 in cash on 106 separate occasions, each time
10 withdrawing less than \$10,000. The sheer time and effort
11 required to accomplish these transactions is mind-boggling.

12 In total, from 2010 to 2014, a total of 1.7 million in
13 cash was withdrawn from various bank accounts and paid to
14 Victim A.

15 And I'm calling him Victim A because these people are
16 victims. They're not individuals; they're victims.

17 There should be no mistake that what the defendant did
18 regarding the structuring laws was a crime. It doesn't matter
19 that it was his money, that it was lawfully earned, and it was
20 properly taxed. The legislative history of the law, which I
21 have reviewed, makes clear that the Congress intended the law
22 to apply to your situation. There's no intent by Congress to
23 draw a distinction between structuring where the money was
24 derived from illegal transactions and schemes and money based
25 on legitimately earned funds.

1 The courts have held that intentional violations of
2 the reporting requirements constitute criminal conduct
3 regardless of the core legality of the money at issue. The
4 7th Circuit in *United States v. Davenport* said, "The statute
5 clearly condemns the act of evasive structuring, regardless of
6 whether the money involved is 'dirty' or not. It is hard to
7 imagine how the language could be clearer. If Congress had
8 intended that structuring for the purpose of evading reporting
9 requirements would be illegal only when connected to other
10 criminal conduct, it could easily have done so."

11 And to the extent the defendant didn't know this law,
12 which is of course, again, preposterous, he was given what was
13 called a CTR reference guide by his bank when they questioned
14 all of his \$50,000 cash withdrawals. It was written in plain,
15 simple English, not in complicated legalese. It was a one-page
16 document. And part of it read as follows.

17 "Q: Can I break up my currency transactions into multiple,
18 smaller amounts to avoid being reported to the government?

19 "A: No. This is called 'structuring.' Federal law makes
20 it a crime to break up transactions into smaller amounts
21 for the purpose of evading the CTR reporting requirement,
22 and this may lead to a required disclosure from the
23 financial institution to the government. Structuring
24 transactions to prevent a CTR from being reported can
25 result in imprisonment for not more than five years and/or

1 a fine of up to \$250,000."

2 The government very appropriately investigated this
3 case. What rational person takes out \$1.7 million in cash out
4 of a bank over four and a half years in a series of 50,000 and
5 \$9,000 withdrawals?

6 Add to it that the person who is doing it is the
7 former Speaker of the House, and you have a set of
8 circumstances that cry out for investigation.

9 I don't care whether the money was lawfully obtained,
10 which it was. I don't care whether the money was fully taxed,
11 which it was. I don't care if people think this regulation is
12 ill-advised and not meant for people who are dealing in
13 lawfully obtained and fully taxed cash. I don't care if people
14 think it ought to only be used against drug dealers.

15 The structuring law was known by the defendant. He
16 had some role in passing it. And to the extent he was ignorant
17 of it, the bank fully advised him what the law was, and then he
18 proceeded to find ways to work around the law. That law
19 applies to every citizen, and the prosecution of the defendant
20 for violating that law was entirely appropriate.

21 And the defendant was appropriately charged in this
22 case. In my 13 years as an Assistant U.S. Attorney and
23 20 years as a defense attorney and the three and a half years
24 I've been a judge, I have never seen a more obvious and
25 clear-cut violation of the criminal structuring laws.

1 Now, structuring, the offense the defendant has pled
2 guilty to, takes its character from the underlying conduct.
3 And the underlying conduct was the sordid secret that the
4 defendant was worried would be exposed, that the defendant was
5 a serial child molester.

6 So special agents of the FBI and the IRS spent the
7 time and effort to track down all of these transactions. At
8 this point the FBI knew nothing of Victim A. All the FBI knew
9 was that the former Speaker of the House had withdrawn
10 extraordinary amounts of cash from a number of banks in a
11 manner obviously intended to evade federal reporting
12 requirements.

13 But the effort to prevent the banks from filing proper
14 reports was almost beside the point. The FBI's immediate and
15 understandable question was, what on earth is going on? Is the
16 former Speaker of the House, and someone who is engaged in
17 international lobbying since his time in public service, the
18 victim of some extortion or blackmail plot by a foreign
19 government or foreign entity?

20 Was this person who was privy at one time to the
21 nation's greatest secrets involved in some type of official
22 misconduct dating back to his years with the government? Was
23 there some type of national security problem involved in light
24 of the size of the withdrawals?

25 Remember, these weren't checks. They're not money

1 orders; they were not wire transfers. This is cash. Common
2 sense tells you you don't pull out cash out of a bank in these
3 amounts and with this frequency unless there's something
4 nefarious going on. That's why there are reporting
5 requirements for these transactions.

6 It's possible there will be an innocent explanation.
7 Cash is legal, of course. People can be eccentric, but that's
8 the exception, and no one ever thought the defendant as being
9 an eccentric person.

10 So it's perfectly understandable that law enforcement
11 would have been concerned by the defendant's cash withdrawals.
12 So once they learned of the scope of the cash withdrawals, the
13 FBI interviewed the defendant at his home. He didn't know they
14 were coming, but the FBI is not legally required to provide
15 advance notice of an interview to give a person time to lawyer
16 up.

17 And since the FBI believed the defendant might have
18 been compromised in some way, it would have been unwise to
19 inform him in advance of the visit, not knowing if making an
20 appointment itself would put the defendant in danger. Whatever
21 the government's intent, whether they knew he was obviously
22 engaged in structuring, which I believe they were, whether they
23 were trying to find out what the explanation for all this was,
24 which certainly was one of their purposes, they were acting
25 well within their rights as investigators.

1 The interview was taped without the knowledge of the
2 defendant, and that is perfectly legal and ensures there is no
3 ambiguity about what was said.

4 Every person has three choices when interviewed by the
5 FBI. The first, of course, is to tell the truth. Now, if the
6 truth is incriminating, embarrassing, shameful, or
7 uncomfortable, so be it. It's still the truth.

8 Your second option is to exercise your right to have a
9 lawyer present before you answer any questions. Even the most
10 unsophisticated individual is aware of this right. The
11 defendant is, of course, not unsophisticated. If you don't
12 want to talk to the FBI because of fear or shame in disclosing
13 the truth, then you say you want a lawyer and you don't want to
14 discuss things further.

15 I listened to the tape recording of that interview a
16 number of times. I relied on the tape and not on the
17 transcripts, so I know exactly what was said and, more
18 importantly, know the mood and tone of the interview.

19 There is no question in my mind the defendant knew he
20 was in trouble because he might have to disclose the secret he
21 didn't want to tell anyone. He knew about his dark side, but
22 the FBI didn't. This is apparent from the first question they
23 asked the defendant, which was "Are you and your family safe?"

24 The FBI was doing its job, investigating whether the
25 former Speaker of the House and current international lobbyist

1 had gotten himself in a bad or compromised position with a
2 foreign government or criminals. So the FBI is doing its job,
3 and the defendant chooses neither to tell the truth nor ask
4 that questioning stop until he gets a lawyer. Instead, he
5 takes the third option and lies.

6 One factor judges look at in a sentencing is to see if
7 the crime was a one-time lapse in an otherwise exemplary life.
8 This is one of many moments in this case where the defendant
9 had a choice, and he chose the wrong path.

10 Now, in the defendant's submissions to the Court, his
11 counsel has done a commendable job of trying to slice and dice
12 the defendant's conversations with the FBI to show that the
13 questions were not perfectly phrased, that it was a fluid
14 interchange, and that the defendant's answers were ambiguous.

15 Certainly interviews are not conducted in the same
16 type of formal atmosphere present in the courtroom where
17 questions are properly phrased, answers are precise, and a
18 judge referees the situation so there are no misunderstandings.
19 Instead, interviews are conducted in the real world.

20 As I said, I listened to the tape a number of times.
21 There is no question in my mind, and I specifically find the
22 defendant lied and intentionally misled the FBI as to the
23 reason he took the cash out of the banks. And in his plea
24 agreement, he admitted that he intentionally concealed from the
25 agents that he withdrew the \$1.7 million over the last four and

1 a half years to compensate Victim A and concealed the reason he
2 was compensating Victim A.

3 When he said he was keeping the cash in a safe place,
4 he made the statements to mislead the agents as to the actual
5 purpose of the withdrawals and what he had done with the money.
6 And lying is not an acceptable option. It's not an acceptable
7 option for the uneducated or poorly educated defendants that
8 come before me, and it's not an acceptable option for someone
9 as sophisticated and as intelligent as the former Speaker of
10 the House of Representatives of the United States Congress.

11 If you told the truth, I'm not sure we'd be here
12 today. Instead you lied, and here we are. You didn't take the
13 cash out of the bank because you didn't trust banks. You
14 didn't take the money out of the bank to buy antique cars. You
15 took the money out of the bank to pay a person you sexually
16 abused many years ago. I can understand why you didn't want to
17 admit that to the FBI, and in that case, you should have sought
18 the advice of a lawyer before you answered.

19 But when you decided to answer, you assumed the
20 obligation to tell the truth or else commit a federal felony.
21 You chose the latter. That conduct is more serious than your
22 decision to illegally structure withdrawals of legally earned
23 and fully taxed money.

24 And why is it serious? Lying to the FBI is not a new
25 law. Its origins date back to a statute enacted in 1863, and

1 the current version of the law has been in place since 1948.
2 There have been countless convictions across the country of
3 people who have lied to the FBI and thereby been found guilty
4 of a violation of 18 U.S.C. 1001. This is not some new
5 designer regulation that a naive and unsophisticated person
6 fell prey to. Congress made lying to the FBI a felony because
7 of the chaos that would ensue if people thought they could lie
8 and get away with it.

9 The FBI investigates serious crimes. They investigate
10 not only wrongdoing that has already occurred, but just as
11 importantly, they conduct investigations to prevent harm from
12 occurring in the future. There's only so many FBI agents
13 available, and they don't lack for assignments. It is an
14 enormous and dangerous waste of resources for the FBI to spend
15 time on a wild goose chase based on lies, and that is what the
16 defendant caused to happen in this case. It's even more
17 deplorable when it's caused by a person who knew better.

18 Were this only a case about structuring of funds which
19 were legally obtained and taxed, there is some question whether
20 the prosecution would have occurred. And even if the
21 prosecution had occurred, a sentence of probation would likely
22 be appropriate.

23 I asked the U.S. Sentencing Commission for data
24 regarding sentences imposed across the country on offenders
25 sentenced for structuring transactions. I specifically asked

1 for those sentences where the safe harbor applied where the
2 funds were not from an illegal source and were not used for
3 unlawful purposes.

4 Out of the 78 offenders sentenced between years 2010
5 and 2014, 65 of those offenders received probation, four
6 offenders received some type of split sentence involving
7 community confinement and imprisonment, and only nine of the 78
8 offenders were actually sentenced to a period of straight
9 incarceration.

10 I then asked them to run data -- the same data, only
11 calculating it for people who had no criminal history at all.
12 Of the 66 offenders in that category, only seven received a
13 period of incarceration, and even then, the average length of
14 imprisonment was four months.

15 This case is different from those cases. Accusing
16 Victim A of extorting you was unconscionable. You tried to set
17 him up. You tried to frame him. Because you told the FBI that
18 Victim A was falsely accusing you of child molestation, the
19 government pulled Victim A's bank records, put a pen register
20 on his phone lines, pulled toll records, pulled phone records,
21 surveilled him, and pulled bank records of his family.

22 The full weight of the federal government's
23 investigative resources were thrown at him. You caused that;
24 no one else did. And he didn't deserve it. He was a victim
25 once decades ago, and you tried to make him a victim again.

1 There are things we try to protect in our society, and
2 we try to protect people from being falsely accused of crimes.
3 You were willing to use your credibility and your stature as
4 the former Speaker of the House of Representatives to convince
5 the government you were being extorted. You manipulated the
6 FBI and the U.S. Attorney's Office, and that's a big problem
7 for you.

8 You also lied about not sexually abusing other members
9 of the wrestling team. Your admission to the accusations of
10 Victims B and D showed the lie. And you made those lies to
11 make your lie about Victim A more credible. The parties have
12 agreed that your statements to the government can be considered
13 by me, and I find this an extremely aggravating factor that
14 sets this case apart from garden-variety structuring cases.

15 Your attorney has suggested that somehow at the time
16 that was going on, you were somehow -- I don't know it would be
17 mentally compromised, but in a position where you didn't
18 understand what was going on and were making poor decisions.
19 At the time this was going on, sir, you were a lobbyist with
20 Dickstein & Shapiro, a large D.C. firm. And I'm simply going
21 to read what was reported in the presentence report at that
22 time.

23 You were paid \$75,000 a month. I don't believe you
24 were mentally compromised and didn't know what you were doing.
25 "The defendant reported he was employed as a senior adviser and

1 voluntarily ceased this employment subsequent to the filing of
2 the indictment in the instant case." So you worked there until
3 May of 2015.

4 According to the defendant's bond report prepared by
5 the U.S. Pretrial Services Office, "The defendant reported he
6 has traveled extensively for business between approximately
7 2005 and 2015. Specifically, he related he traveled to Japan
8 in May 2015. He has also traveled to Singapore, China, Korea,
9 Turkey, Luxembourg, Germany, England, Colombia, Brazil,
10 Lithuania, Canada, Panama, and Peru."

11 I believe the actions you took when you tried to set
12 up Victim A were intentional, were thought-out, were desperate,
13 but were not something you didn't -- where you didn't know what
14 you were doing.

15 I received many letters in this case, and I read every
16 one of them. But there was one that struck me as particularly
17 appropriate. It was from SNAP, Survivors Network of those
18 Abused by Priests, letter I received April 25th. And I'll read
19 one paragraph of it:

20 "Denny Hastert dramatically increased suffering to his
21 victims by his false allegations that one of his victims was
22 extorting money from him. The deliberate and calculated
23 deception might have ended differently. The one-time victim
24 who Hastert sexually violated and robbed of his innocence had
25 already suffered for decades but might have also ended up in

1 prison.

2 "Hastert tried to portray himself as the victim and
3 someone who needed law enforcement's help, falsely claiming
4 that someone was extorting money from him. As a powerful
5 politician, he may have succeeded and Victim A may have been
6 forced to endure horrific additional suffering, being indicted
7 and punished for a crime he didn't commit. Hastert was willing
8 to allow that to happen, even potentially sending an innocent
9 man to jail, in an effort to keep his dirty secrets hidden."

10 I agree with that letter.

11 Now, one of the other factors I must consider is the
12 history and characteristics of the defendant. Your lawyers
13 have presented your public side, which is a lifetime of good
14 works in service to the community. I don't take a cynical view
15 of people who serve in the legislature. The political side of
16 public service often obscures the good that elected officials
17 do.

18 There are public servants who often sacrifice what
19 could be an easier or more lucrative existence in the private
20 world in order to help their constituents. The best of them
21 know that the position is greater than the person and treat the
22 job with respect. We are a great nation because people do
23 that, and I admire people who are willing to make that
24 sacrifice. You made that sacrifice.

25 Those who are leaders among legislators are the most

1 admired and respected by members of the community. The Speaker
2 of the House is among the most respected positions that any
3 United States citizen can hold. Indeed, it's also one of the
4 most powerful by virtue of the number of circumstances,
5 including the laws of presidential succession.

6 The letters that I received in support of the
7 defendant were what I would have expected. I received one as
8 recently as this morning. They describe an exemplary person in
9 all his personal, professional, and political dealings. A
10 large number of people respect him, and he's done numerous
11 things that should be respected. There are many tales of good
12 deeds, both large and small. People described how their lives
13 were positively impacted by being in contact with Dennis
14 Hastert, even after his public service ended.

15 He cared deeply and worked effectively for his country
16 and his congressional constituents. Letters I received came
17 from all walks of life, and they're filled with examples of
18 good deeds, and they're often unsolicited good deeds performed
19 by the defendant. These are from people who worked with him,
20 people would worked for him, and people who simply knew him
21 from the community. It is unquestioned that he has done a lot
22 of good for people, and no rational, unbiased person who read
23 the many letters regarding him that I received would feel
24 differently.

25 The irony is that many of the letters came from people

1 that Mr. Hastert taught and coached in high school. Letters
2 described him having made a positive impact on their lives.
3 Many of the people who wrote were from his former staff, and
4 others had jobs in the capital. They all viewed him simply as
5 a "good man."

6 I received a poignant letter from the defendant's wife
7 and heartfelt, well-written letters by his sons. They describe
8 the defendant as a good husband and a good father.

9 Just as I was besieged by letters about the good of
10 Dennis Hastert, I must also consider the bad.

11 Positions of power and respect do not insulate a
12 person from being held accountable for violations of the law.
13 A person should not be unduly prosecuted and penalized because
14 he was once powerful and influential. Similarly, a person is
15 not entitled to any greater deference or privileges than any
16 other citizen who commits criminal acts.

17 Some actions can obliterate a lifetime of good works.
18 Nothing is more stunning than having the words "serial child
19 molester" and "Speaker of the House" in the same sentence.
20 Nothing is more disturbing than having the words "child
21 molester" and "coach" and "teacher" in the same sentence. Both
22 sentences are true.

23 Your actions with the young people you abused violated
24 the trust that students put in their teachers, their coaches,
25 and their mentors. Your actions were cynical. You abused

1 those who either wouldn't or couldn't cry out for fear they
2 would not be believed and were trying to discredit a beloved
3 coach, or for fear they would be ostracized by their friends.

4 How many teenagers simply want to fit in? How many
5 teenagers simply don't want to be embarrassed, don't want to
6 have the light shined on them, and just want to be part of a
7 crowd? Can you imagine the whispers, the finger-pointing, the
8 sideways glances if you're a 14-year-old boy and you accuse the
9 town hero of molesting you?

10 Anyone who lived in the '70s knows it's different than
11 today. Today no one would let a coach sit in a chair in front
12 of the boys' shower. But in the '70s, when you were the coach
13 who brought the school a state wrestling championship, you
14 could get away with that stuff. Back then, people blindly put
15 their trust in kids' teachers and coaches. And your breaking
16 of that bond of trust is all the worse because of who you were.

17 Parents are going to think twice about the safety of
18 their children with teachers and coaches because if Denny
19 Hastert, Speaker of the House, everybody's friend, everyman,
20 could do it, then anyone could do it.

21 There's a suggestion in the defense submission that
22 the actions of the defendant relating to Victim A were
23 ambiguous. I reject that characterization.

24 The undisputed facts are these. In the late '70s, the
25 defendant took 10 to 14 boys from the Yorkville High School

1 wrestling team to a wrestling camp in Colorado. Victim A was
2 younger than many of the other boys on the trip. During the
3 trip, the team stayed two nights in a motel during the drive
4 back.

5 When they arrived at the motel, the other boys teased
6 Victim A, saying that he would have to spend the night in the
7 defendant's room. Victim A didn't know why the other boys were
8 teasing him, and he was not concerned about it because he had
9 known the defendant since he was seven years old and the
10 defendant was a friend of his family.

11 Later, the defendant did tell the boys that they would
12 all stay in a room together while Victim A would stay with him.
13 Victim A didn't understand why he was singled out to go to the
14 room with the defendant.

15 When it was time for bed, Victim A went to the
16 defendant's room. Earlier in the trip, Victim A had complained
17 about a groin pull. While in the hotel room, the defendant
18 asked about Victim A's injury and said he wanted to check on
19 it.

20 The defendant told Victim A to lie down on the bed and
21 take off his underwear. The defendant then began massaging
22 Victim A's groin area. It became clear to Victim A that the
23 defendant was not touching him in a therapeutic manner to
24 address a wrestling injury but instead was touching him in an
25 inappropriate sexual way.

1 A few moments later, this 14 years old jumped off the
2 bed, grabbed his underwear, ran across the room, and slunk into
3 a chair. He was confused and embarrassed about his physical
4 reaction to being touched, and he actually apologized to the
5 defendant.

6 The defendant then asked Victim A to get on the
7 defendant's back and give him a massage. Victim A was nervous
8 about what happened and what was going on and didn't know what
9 to do. The defendant lay on the bed in only his underwear, and
10 Victim A gave him a back massage. Then they went to sleep in
11 the same bed.

12 This occurred the summer before Victim A's freshman
13 year in high school. He had just left eighth grade. He was
14 14 years old. There is nothing ambiguous about this. This is
15 child molestation. It was sexual abuse.

16 And if there is anyone who thinks there is anything
17 ambiguous about that recitation, the ambiguity melts away when
18 the conduct of the other victims is factored in. The defendant
19 performed a sex act on Victim B. The defendant doesn't deny
20 it. The defendant performed a sex act on Mr. Cross. We heard
21 that today. There's nothing accidental or ambiguous about the
22 molestation of Victim A, period.

23 And if in your own mind you didn't abuse Victim A, why
24 pay him \$3.5 million? Because of fear he would reveal it and
25 ruin you? I don't buy it. If there's no truth to it, then

1 there is no ruin. It's just the unsupported allegations of
2 someone decades too late.

3 You weren't running for public office then when
4 Victim A approached you. I believe you weren't afraid of being
5 ruined because of unsupported allegations. You were afraid
6 that the rest of the victims would come forward if Victim A
7 did. And if the rest of the victims came forward, then the
8 secret is out, and the victims will finally be believed.

9 The obvious motive for your lies is not lost on me.
10 If you didn't hide this and keep it a secret, you never would
11 have been a state representative; you never would have been a
12 congressional representative; you never would have been Speaker
13 of the House.

14 I also find aggravating that a person with your
15 education and background engaged in the crimes here. I can't
16 tell you how many defendants come before me, standing right at
17 that podium, come from broken homes, no fathers around. Their
18 family life is -- pervades with poverty, drug addiction,
19 alcoholism, mental health issues, sexual abuse, physical abuse.
20 They live in horrible neighborhoods, have no role models, drop
21 out of school.

22 These are people that come in -- many of these people
23 come in; they never had a chance. They come before me having
24 been found guilty of a variety of drug and gun offenses that
25 are largely a product of their environment. They're capable of

1 free choice. They're guilty of crimes. And I have to give
2 them statutory mandatory minimums because of legislation
3 requiring it. And that's the law, and I accept the law.

4 But it breaks my heart because many of these
5 defendants didn't have a chance. They grew up in environments
6 where the only surprising thing is they weren't in front of me
7 sooner.

8 You had a good education. You didn't suffer poverty.
9 This is another aggravating factor because you had a good life
10 that didn't -- and you didn't have to make the choices you
11 made. The criminal conduct here was not inevitable.

12 Had this conduct been uncovered near the time when it
13 occurred, a grand jury sitting in Kendall County would have
14 indicted you, a jury likely would have convicted you, and you
15 likely would have been sentenced to decades in a state prison.
16 Of course, your teaching and coaching career would have been
17 over, and all of your public service would never have occurred.
18 All the money you earned as a lobbyist would never have been
19 earned.

20 But because the statute of limitations for your child
21 molestation ran out many years ago, you can't be charged for
22 that. And I can't sentence you as a child molester. It's not
23 what you were charged with, it's not what you've pled guilty
24 to, and any sentence I give you today will pale in comparison
25 to what you would have faced in state court.

1 But this conduct is relevant to your history and
2 characteristics no matter how old it is. Some conduct is
3 unforgivable no matter how old it is. If the juvenile victim
4 of sex abuse can't forget decades later what happened, then
5 neither can I as a judge nor can we as a society. The abuse
6 was 40 years ago, but the damage lasts today. Mr. Cross made
7 that clear.

8 The statements of the victims that the victims have
9 given to the government and the statements of Ms. Burdge and
10 Mr. Cross make clear it's not just the victims who were harmed;
11 it's entire families who learn of the abuse and wonder how they
12 weren't able to prevent it, how they failed to protect their
13 child or their sibling. What could be worse for a parent,
14 knowing they entrusted their child to a coach, allowed them to
15 go on overnight trips to wrestling camps, little knowing their
16 child would be abused by the man they trusted. The shame and
17 the angst family members feel because they failed to protect
18 their child is palpable and adds to the damage here.

19 My sentence today can't legally or properly be a
20 sentence for child molestation, and I don't want it in any way
21 to be perceived that the sentence here measures the harm caused
22 by the child molestation. In the end, that would have to be a
23 state court judge sentencing you for a conviction of child
24 molestation, and the sentence in this case can never be as long
25 as the time the victims and their families have suffered.

1 To Mr. Cross, he showed incredible courage coming in
2 here today to testify. He didn't have to. The defendant is
3 not contesting what he said occurred. I believed everything
4 Mr. Cross said. It puts a face and a voice on the damage a
5 teacher and a coach can cause by sexually abusing a student.

6 It doesn't go away. It just doesn't. It's hard to
7 look at Mr. Cross, now in his late 50s, and know that this
8 happened when he was 17 and he is still damaged.

9 And, Ms. Burdge, people will now believe you. I
10 believe you. And through you, I believe your brother. He was
11 tragically sexually abused by the defendant just like
12 Victims A, B, C, and Mr. Cross. I hope this proceeding today
13 brought you some amount of solace, despite these incredibly sad
14 facts.

15 The rise of Dennis Hastert took decades, and it was a
16 result of dedication, hard work, and ostensibly standing by his
17 principles. The fall occurred in days and was as sharp and
18 precipitous as could ever be imagined.

19 Losing your good name is a significant punishment.
20 The defendant's good name is gone; it's obliterated. Cynics
21 will say, "So what? That's not real punishment." I disagree.
22 It's a level of punishment. Any person in this room who values
23 their good name would recognize that losing it is a form of
24 punishment. And it's undoubtedly deserved, but that doesn't
25 make it any less a form of punishment.

1 And if there is a public shaming of the defendant
2 because of the conduct he's engaged in, so be it. When you
3 hold yourself out as someone other than who you are, that
4 exposure inevitably will be devastating. Having your portrait
5 taken down from the Capitol is a significant public shaming,
6 but it's simply not comparable to the damage suffered by a
7 minor who has been sexually abused.

8 How difficult it must have been for years to hide
9 these secrets. The defendant must have known that someday
10 these victims would come forward. But that difficulty pales in
11 comparison to the difficulty of the abuse victims themselves
12 living with these secrets, knowing that people would not
13 believe them, that people would hold them up to public scorn,
14 that anyone who came forward would no longer just have the pain
15 of being sexually abused; they'd have the pain of knowing no
16 one believed them. Now people believe them.

17 I have to take into account a number of factors for
18 sentencing. One is your age. Your age is a consideration, but
19 it's not a critically compelling one to me. You're 74 years
20 old. While your sexual molestations occurred decades ago, the
21 structuring offenses occurred when you were in your early 70s,
22 and your lies to the FBI and your obstructive conduct by trying
23 to set up Victim A also occurred when you were in your early
24 70s.

25 You committed crimes when you were elderly, so your

1 age should not be an excuse to prevent giving you a custodial
2 sentence. In fact, many elderly people are in jail in the
3 federal prisons. As of January 2016, there were 4,601 federal
4 prisoners over the age of 65.

5 While we all have a certain number of days left in our
6 life, older people are obviously nearer to the end of their
7 lives, so sentencing an elderly person to jail can be
8 especially hard for that person because if you have limited
9 foreseeable days on earth, you don't want to spend them in
10 jail.

11 But as I said, if you're old when you commit crimes,
12 the punishment imposed for that conduct necessarily occurs when
13 you are old. Your age didn't prevent you from committing
14 crimes; your age should not prevent you from being punished for
15 those crimes.

16 I will also note, as I did earlier, that while the
17 defendant is obviously elderly and ill, he is not an infirm,
18 helpless, handicapped senior citizen who is not aware of what's
19 going on. He called Mr. Cross's brother, asking for a letter
20 of support for him to send to the Court.

21 The more important factor I must consider is the
22 defendant's health. He is unquestionably a sick, frail man
23 because of the health setbacks he suffered after his guilty
24 plea. His lawyers reported his condition to me when I
25 continued the sentencing that was originally scheduled to occur

1 earlier this year. His lawyers submitted a very detailed
2 letter from his doctor, Dr. Egly. Dr. Egly described serious
3 health issues, saying the defendant needed 24-hour care and
4 follow-up appointments with the specialists who treat him.

5 I wanted an independent expert to advise me on the
6 defendant's condition. Dr. Robert Golden of Northwestern
7 Hospital was a doctor who was jointly suggested by the
8 government and the defense and who I independently vetted
9 through a variety of sources.

10 I want at this time to thank Dr. Golden for his
11 significant contributions to this case and the large amount of
12 time he dedicated to it. Dr. Golden is an extremely competent,
13 experienced, and careful doctor. He is a physician licensed to
14 practice in the state of Illinois and board-certified by the
15 American Board of Internal Medicine. He is an assistant
16 professor of clinical medicine at Northwestern's Feinberg
17 School of Medicine, and he has been practicing primary care
18 internal medicine for 22 years.

19 I told Dr. Golden to review any records and speak to
20 any people he needed to in his professional judgment in order
21 to assess the defendant's health. There were no limits placed
22 on Dr. Golden. He examined all of the defendant's medical
23 records, spoke to Dr. Egly and all the specialists, and
24 examined the defendant himself.

25 I also wanted Dr. Golden to determine the defendant's

1 ability to safely serve a custodial sentence should I decide to
2 impose one. Dr. Golden essentially confirmed Dr. Egly's
3 finding that the defendant needs continuous care for his many
4 health issues. Quite logically, he found that the defendant's
5 ability to safely serve a custodial sentence depends on the
6 defendant's current level of disability, his medical needs, and
7 the services that are available at a federal correctional
8 facility.

9 I had Dr. Paul Harvey, the regional medical director
10 for the Bureau of Prisons, review the defendant's medical
11 records, review a draft of Dr. Golden's report, and then issue
12 a report himself. Dr. Golden spoke to Dr. Harvey, and then
13 Dr. Golden issued his own final report.

14 Dr. Harvey wrote that based on the defendant's current
15 health, if he is sentenced to a period of incarceration, he'd
16 likely be designated to serve any such sentence in a Bureau of
17 Prisons Level 4 medical facility. According to Dr. Harvey,
18 Level 4 inmates are those who require services available at a
19 medical reference center and may require daily nursing.

20 Examples of such conditions are those with cancer in
21 active treatment, dialysis, quadriplegia, stroke or head injury
22 patients, major surgical patients, or acute psychiatric illness
23 requiring inpatient treatment.

24 Dr. Harvey wrote in his letter that the Bureau of
25 Prisons has six medical referral centers, five of which admit

1 men, located in Devens, Massachusetts; Butner, North Carolina;
2 Lexington, Kentucky; Springfield, Missouri; and Rochester,
3 Minnesota.

4 Any one of these medical referral centers -- at any
5 one of these medical referral centers, Mr. Hastert will be able
6 to continue his physical therapy regimen with in-house physical
7 therapists and receive assistance with his activities of daily
8 living from nursing staff or trained inmate companions.

9 Significantly, the MRC facilities have clinical staff
10 available in house 24 hours per day and have contracts with
11 community specialists for additional review and/or care if
12 clinically necessary.

13 Regarding concerns related to the management of
14 Mr. Hastert's diabetes, it's important to note that the BOP
15 cares for thousands of diabetic patients. While most
16 institutions have set times where diabetic inmates may check
17 their blood sugar and receive injections, some institutions
18 have experimented with providing diabetic inmates with their
19 own personal glucometers and insulin pumps.

20 He goes on to talk about the various ways in which
21 diabetic patients are treated in these facilities.

22 Regarding Mr. Hastert's medication, the BOP has a
23 national drug formulary similar to formulary lists used by
24 private medical insurance companies. The formulary is a list
25 of medications the bureau's medical staff consider to be

1 high-quality, cost-effective medications for the inmate
2 population. Medications are constantly reassessed and
3 extensively reviewed for inclusion, exclusion, or restriction
4 in the formulary based on evidence-based medical practice and
5 security concerns.

6 He goes on to talk about how the necessary medications
7 are provided to inmates and also how they provide medical
8 equipment to inmates, if necessary, whether it be a wheelchair,
9 CPAP machines, or a walker.

10 Once Dr. Golden reviewed Dr. Harvey's report and
11 interviewed Dr. Harvey, he reached the following conclusion:
12 "In recent months, Mr. Hastert suffered from a catastrophic and
13 life-threatening illness resulting in significant disability.
14 He also has medical conditions that put him at risk for
15 complications. I had concerns regarding the level of care and
16 attention that would be available to manage his risks and
17 disabilities via the federal Bureau of Prisons, but a careful
18 review of his needs and the array of services that would be
19 available to him in the Bureau of Prisons medical referral
20 centers has reassured me that his needs can be met."

21 The defense delivered a submission on Monday
22 expressing concerns that Dr. Harvey's evaluation and
23 derivatively Dr. Golden's conclusion is at best naive and
24 overly trusting of the ability of the Bureau of Prisons to care
25 for someone in the defendant's condition. I carefully reviewed

1 that submission. I spoke to Dr. Harvey about it late last
2 night. A BOP hospital is not Northwestern Memorial Hospital.
3 It's not even Copley Hospital where the defendant was treated.
4 It's still a jail, and the amenities of a private hospital are
5 not there.

6 But I am satisfied based on Dr. Harvey's report,
7 Dr. Golden's report, my discussion with Dr. Harvey, and,
8 finally, a discussion I had with the warden of the BOP facility
9 in Rochester yesterday that the defendant's vital health needs
10 will be met if he is incarcerated.

11 Mr. Wise expressed concerns that inmate populations
12 who help provide services to wheelchairbound patients are
13 poorly trained and may abuse Mr. Hastert because of the child
14 molestation facts that have arisen here. The warden assured me
15 that they carefully screen and train these companion inmates
16 and that if a prisoner needs specialized help, full-time aides
17 perform that task. They have a large contingent of medical
18 staff available 24/7, along with full-time correctional
19 officers and nurses who are always present.

20 Surprisingly, a significant percentage of the
21 prisoners at Rochester are sex offenders, so if this defendant
22 is designated there, he will not be singled out because of his
23 molestation background. He'll be joining others who have
24 similar backgrounds.

25 If the defendant needs an examination by a specialist,

1 the prison has a contract with Mayo Clinic, and the examination
2 will occur there. People travel all over the world to go to
3 Mayo Clinic. That's where Rochester Bureau of Prisons inmates
4 go if they need a specialist. If the defendant ends up at
5 another Level 4 medical jail, it will also be associated with a
6 fine hospital, usually a teaching hospital.

7 There are no guarantees the defendant won't get sicker
8 in jail, just as there are no guarantees he won't get sicker at
9 home. But the Bureau of Prisons holds prisoners older and
10 sicker than the defendant and provides them adequate health
11 care. They will do the same here if I sentence the defendant
12 to jail.

13 Finally, if the defendant's health suffers
14 precipitously in jail, the warden told me they act aggressively
15 to process a compassionate care release for the prisoner so the
16 case returns to me for resentencing and release.

17 But for the age and, more importantly, the genuine
18 health issues of the defendant, the sentence I am about to
19 impose would be significantly greater. The defense wants me to
20 impose a sentence of probation. Any sentence of straight
21 probation would be inappropriate.

22 There is a symbolism society attaches to jail. It
23 means that the conduct is not permissible or accepted in
24 society.

25 I'll agree with you, Mr. Green, this is a tragic and

1 sad case. It gives me no pleasure to sentence someone like
2 Mr. Hastert to a period of incarceration. It's sad for our
3 country. He's the former Speaker of the House. It's sad for
4 the victims because it's his conduct that he did with them that
5 brought him here. This is tragic and sad from every level.

6 The government is recommending a guidelines sentence,
7 meaning between zero and six months in jail. I understand why
8 they agreed to make that recommendation. As a prosecutor, I
9 understand -- former prosecutor, I understand that you make
10 plea agreements such as that to help facilitate a plea and
11 respect the wishes of victim witnesses who would prefer not to
12 have to testify in court.

13 So I don't criticize the government for their
14 recommendation, but I believe it also is inappropriate. It's
15 not sufficient to comply with the purposes of sentencing. It
16 doesn't reflect the seriousness of the crime and the conduct
17 surrounding it. It will not promote respect for the law or
18 provide just punishment for the offense to give simply a
19 guidelines sentence.

20 I'm going to sentence the defendant to a period of
21 15 months' incarceration. I believe that sentence is
22 sufficient, but not greater than necessary, to comply with the
23 purposes of sentencing.

24 So it will be the sentence of the Court -- pursuant to
25 the Sentencing Reform Act of 1984, it's the judgment of the

1 Court that the defendant, John Dennis Hastert, is hereby
2 committed to the custody of the Bureau of Prisons, to be
3 imprisoned for a total term of 15 months on Count II.

4 It's ordered the defendant shall pay a fine to the
5 United States in the amount of \$250,000, which is due within
6 30 days of sentencing. The monies go into a crime victims
7 fund, which is entirely appropriate in this case.

8 The defendant is ordered to pay a special assessment
9 fee of \$100, which is due immediately.

10 To the extent costs of incarceration are imposed or
11 can be imposed by the Bureau of Prisons, they're not waived.

12 As I said earlier, the term of supervised release will
13 be two years, and I'm not going to repeat the period -- or the
14 different conditions of supervised release.

15 I should tell the defendant you can appeal your
16 conviction, which was a guilty plea, if you believe your guilty
17 plea was somehow unlawful or involuntary or if there's some
18 other fundamental defect in the proceedings that were not
19 waived by your guilty plea.

20 You also have a statutory right to appeal your
21 sentence under certain circumstances, particularly if you think
22 the sentence is contrary to law.

23 Any notice of appeal must be filed within 14 days of
24 the entry of judgment, or within 14 days of the filing of a
25 notice of appeal by the government.

1 If requested, the clerk will prepare and file a notice
2 of appeal on your behalf. And if you can't afford to pay the
3 costs of an appeal or for appellate counsel, you have the right
4 to apply for leave to appeal *in forma pauperis*, which means you
5 can apply to have the Court waive the filing fee.

6 On appeal, you may also apply for court-appointed
7 counsel.

8 Is there a dismissal of the other count of the
9 indictment by the government?

10 MR. BLOCK: Yes, your Honor. The government moves to
11 dismiss Count I of the indictment.

12 THE COURT: That motion is granted.

13 We need to set a surrender date. Mr. Green, do you
14 have a suggestion as to that?

15 MR. GREEN: Well, your Honor, I mean, I think any
16 surrender date should be linked to the availability of
17 placement at a Level 4 institution.

18 THE COURT: I agree completely. We can -- I believe
19 the designation process, Ms. Kieckhafer, can begin immediately.
20 Is that correct?

21 MS. KIECKHAFER: That's correct, Judge.

22 THE COURT: All right. Once the designation process
23 is completed and he has been designated to a particular
24 facility, I'd like you and the government to come back in --
25 the defendant's presence will be waived -- and we'll set a firm

1 surrender date at that time.

2 MR. GREEN: Very well.

3 THE COURT: I don't want him surrendering any place
4 other than a Level 4 facility. If the designation is not at a
5 Level 4 facility, I want you back because I'm going to ask you
6 to come back, along with a representative of the Bureau of
7 Prisons, to find out why not.

8 MR. GREEN: All right.

9 THE COURT: This is not meant to be a death sentence.
10 He has serious health issues. They can be addressed at a
11 Level 4 facility, and I want them addressed there.

12 So once the designation has occurred, you, Mr. Gallo,
13 and the government can come back, and we will set a firm
14 surrender date.

15 The Bureau of Prisons recommends the surrender date be
16 early in the week, and they also recommend it be early in the
17 day. I'll allow him to self-surrender.

18 Are there any other matters that need to be covered?
19 First I'll ask the government.

20 MR. BLOCK: Can I have one moment, your Honor?

21 THE COURT: You may.

22 (Counsel conferring.)

23 MR. BLOCK: Your Honor, we'd ask the same bond
24 conditions to stand while the defendant is out of custody.

25 THE COURT: They will.

1 Any other matters to cover from probation?

2 MS. KIECKHAFER: No, your Honor.

3 THE COURT: And from the defense?

4 MR. GREEN: No, sir.

5 THE COURT: Nothing today gave me any pleasure at all.

6 This is a horrible case, a horrible set of circumstances,
7 horrible for the defendant, horrible for the victims, horrible
8 for our country. I hope I never have to see a case like this
9 again.

10 We're adjourned.

11 THE CLERK: All rise.

12 (Concluded at 11:54 a.m.)

13 (Proceedings had not herein transcribed.)

14 C E R T I F I C A T E

15 I certify that the foregoing is a correct transcript of the
16 excerpt of proceedings in the above-entitled matter.

17

18 /s/ LAURA R. RENKE
19 LAURA R. RENKE, CSR, RDR, CRR
Official Court Reporter

April 27, 2016

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