

Removal of Illinois governor leaves unanswered questions

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The swift removal of Illinois Governor Rod Blagojevich from office, only 51 days after his arrest in Chicago on corruption charges, raises many questions, both political and legal. He is the second governor of a major state—following fellow Democrat Elliot Spitzer of New York 10 months ago—to be forced out of office after a media fusillade sparked by electronic surveillance conducted by federal authorities.

There is no doubt that Blagojevich is a corrupt and venal politician, like the vast majority of the governors, senators, congressmen and state and big-city politicians in the United States, including the Illinois state senators, Democratic and Republican, who voted by 59-0 to remove him from office Thursday.

The case against Blagojevich, however, both as presented to the Illinois legislature and as outlined by prosecutor Patrick Fitzgerald in a lengthy criminal complaint filed last December 9, is neither coherent nor convincing, and lacks key supporting evidence.

What, for example, was the crime for which Blagojevich was removed from office? The alleged sale of Barack Obama's seat in the US Senate, the focus of most media attention, was never consummated. No exchange of favors or money for the appointment ever took place, in large part because Fitzgerald staged the highly publicized arrest in what was apparently an effort to preempt the alleged action.

Blagojevich's discussions with various aides and political cronies, however embarrassing to his fellow politicians—given that it reveals the money-grubbing mindset that dominates capitalist politics—were not in themselves criminal acts. More than mere appetite is required: There has to be specific intent and overt actions in support of that intent, which Fitzgerald's intervention forestalled.

Several of the charges brought by the Illinois state senate were not criminal at all, but overtly political, and of a reactionary character. For instance, Blagojevich is charged with exceeding his authority as governor by expanding state-subsidized medical care for the poor, buying flu vaccines from Canada for statewide distribution, and taking other actions of a similar character not specifically approved and financed by the legislature.

The most serious charges involve Blagojevich's "pay-to-play" schemes, in which the governor exchanged administrative appointments and state contracts for campaign contributions. The only evidence presented to back up these counts, however, consisted of four excerpts of recorded conversations, totaling six minutes, culled from tens of thousands of hours of surveillance tapes.

There is no question that Blagojevich, like every Illinois governor of the past century, used his control over state government to generate campaign contributions. He admitted as much in his lengthy closing argument at Thursday's final session of the state Senate trial, seeming to taunt the senators, saying: "You heard those four tapes. I don't have to tell you what they say. You guys are in politics. You know what we have to do to go out and run elections."

The legal proceedings against Blagojevich are highly dubious. Fitzgerald ordered the arrest and made inflammatory public statements against the governor, denouncing what he called "a corruption crime spree," but failed to bring an indictment within the required time, an indication that the evidentiary basis of the charges was weak. The prosecutor was compelled to request an unusual three-month extension from the federal court, which was duly granted.

At the same time, Fitzgerald told the legislature that it

should not summon witnesses for the impeachment and trial of Blagojevich who might be required for a criminal prosecution. The state House and Senate, while not legally bound to do so, bent over backwards to honor Fitzgerald's request, in the name of avoiding any action that might "spoil" the subsequent criminal case.

The result was a legal Catch 22. Without an indictment on specific charges, it could not be determined which witnesses would be required, so nearly all witnesses were excluded from the Senate trial. The governor was effectively denied the right to present witnesses who might give exculpatory testimony, such as Obama's chief of staff and former Illinois congressman, Rahm Emanuel. In his closing argument, Blagojevich complained that he had been denied the presumption of innocence and the right to cross-examine witnesses.

The timing of the arrest raises the most important political questions. Fitzgerald accomplished two things on December 9. First, he prevented any actual sale of the Obama seat, which would have implicated not only Blagojevich, but the purchaser of the appointment as well. (The normal practice in such a white-collar crime would be to allow the transaction to take place and then arrest both parties, having been caught in the act).

Secondly, Fitzgerald made a highly publicized exoneration of Obama himself, releasing transcripts of Blagojevich cursing the president-elect and his aides for not offering him anything in return for the Senate appointment, which he had apparently dangled in front of Obama confidante Valerie Jarrett.

It thus appears that the principal concern of Fitzgerald, as well as of the corporate-controlled media, may have been to insure that Obama himself and his circle of top aides were cleared of any association with the mushrooming Blagojevich scandal.

One commentator, Bill Briscoe at *Congressional Quarterly*, characterized the impeachment trial of Blagojevich as "an unconstitutional exercise conducted by a political leadership that decided on an outcome and then went in search of an argument to justify it."

He noted that from the time of Fitzgerald's press conference on December 9, leading Democrats in Illinois had decided that the governor had to go and embarked on a series of legal and political maneuvers to accomplish that goal: first pressuring Blagojevich to

resign, then asking the state Supreme Court to declare him "unfit" for office, then awaiting Fitzgerald's expected indictment, and when that did not materialize, moving to impeachment.



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