

THE METHOD TO BLAGOJEVICH'S SAM ADAM'S MADNESS

I just reviewed Burris' testimony before the impeachment committee. I was struck by Sam Adam Jr.'s efforts to orchestrate a wiretap that might exonerate Blago of any charges he attempted to sell the Senate seat for personal gain. Here's what happened.

December 26, afternoon: Sam Adam Jr., a Blago lawyer who may or may not be part of Blago's defense team, called Burris and told him he had something urgent to tell him. Burris was curious what he had to say, so—even though he was preparing for a black tie event, told him to come over. Presumably, even if Adam called from Blago's tapped phones, this conversation would be minimized bc of attorney client privilege.

December 26, 4PM: Adam shows up. They have a conversation. Since it occurs in a place presumably free of wiretaps, we only have Burris' version.

December 28, 4PM: Adam shows up to Burris' house again. Same thing: presumably this conversation wasn't tapped, so we only have Burris' version.

December 28, shortly thereafter: Blago calls Burris and offers him the seat. Blago goes on at some length (per Burris' description) listing Burris' qualifications. Gosh. It's as if Blago were performing an honest offer for the Senate seat, complete with listing all the reasons Burris is qualified. This conversation is on tape, and will make a nice trial exhibit to prove that Blago really was only trying to appoint someone qualified for the seat, and not seeking personal gain for it.

December 30: Blago announces the pick in a joint press conference. I find the delay interesting; something I'll come back to.

Isn't that all neat and tidy? What I find particularly interesting is how it matches up with what we know of the offer Blago made to Danny Davis before he made an offer to Burris.

December 24 morning; Davis and Sam Adam Jr. meet in Davis' Chicago office. This conversation would not only not be tapped, but would be protected by legislative privilege. Like Burris, Davis had previously said he would not accept the spot, but he heard Adam's offer anyway:

Davis said he was told "the governor would like to appoint me to the vacant spot." After Blagojevich was arrested Dec. 9, Davis, who sought the appointment from him when he thought Blagojevich was playing it straight, said he would not take the job if offered.

But he conferred with Adam anyway, out of "respect" for the office of the governor, Davis told me; besides, Blagojevich has not yet been indicted nor found guilty of anything.

December 26, 9AM: Davis and Adam meet (apparently again in person) again; Davis rejects the offer.

"I indicated I came to the conclusion there was too much discomfort on my part and the part of my family," Davis said. Anyway, he could not see how the governor could name anyone and make it stick.

But most important, Davis said he realized that if he took the job, "It would be difficult to generate the trust level people would have to have in me. I just decided there was too much turmoil, too much disagreement. It was something I wanted to do, but I said I would not take an appointment from the governor."

Of course, in Davis' case, Blago never got the chance to call and make the offer on tape, all nice and tidy like. But note that it only took Blago 7 hours to find a new potential candidate?

Incidentally, Burris' testimony ends (around 1:24:38) with Representative Rose asking Genson a question about Adam's role.

Rose: I hope at some point in time we're going to be able to ask some question as to what the status of Mr. Adam is.

Genson: Well, I'll give you the status but don't count on Mr. Adam answering.

Genson, of course, doesn't explain Adam's status. Awkward pause. End of Burris testimony.

Update: A reader who—as a lawyer—knows this much better than I, corrects me on my suggestion that an Adam-Burris call would in any way be protected, particularly by attorney client privilege. That said, I think Fitz is bending over backward on minimization here, so he may not look that closely at calls with retained lawyers involved. Besides, the "Burris appointment as exonerating act" will be so easy to refute, who needs it?