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White House ducks from Blagojevich mud pies

By Kara Rowland

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The White House is doing its best to run away from Rod R. Blagojevich and the pay-to-play scandal surrounding the Senate seat once held by President Obama as the disgraced former governor tries to drag Mr. Obama into his federal corruption trial in Illinois.

The president's spokesman ducked questions about the trial this week, saying it's an ongoing criminal prosecution. But legal scholars following the trial say they don't see much potential damage to the president so far, aside from the risk of embarrassment from being tied in any way to the seedy political back and forth.

"Any problem would be political rather than legal, and whether it's a political problem I think is still premature," said David Yellen, dean of the Loyola University Chicago School of Law. "It's probably uncomfortable but not a big deal, given the context of things."

But Obama critics say testimony this week by a union official who said Mr. Obama called him on the eve of the 2008 presidential election to discuss his successor suggests the president took a deeper personal interest in his replacement than a transition team lawyer revealed in a December 2008 memo exonerating the White House of any wrongdoing.

"It speaks to two truths: That the White House that promised openness and transparency is incapable of investigating itself, and that these Chicago-style politics are not the change Obama promised. The best defense the president's own supporters can muster is that it's business as usual - that's not good enough and certainly not change anyone can believe in," said Doug Heye, spokesman for the Republican National Committee.

At issue is how far Mr. Obama went to support his close friend and adviser Valerie Jarrett, who was interested in the Senate seat from Illinois.

Tom Balanoff, a top official with the Service Employees International Union in Illinois, testified this week that the president called him to discuss Ms. Jarrett just before the election in November 2008. Mr. Balanoff said Mr. Obama told him he would prefer that Ms. Jarrett take a post in the White House, but said she fit the criteria he wanted for his successor and that he wouldn't stand in her way if she wanted to pursue the seat, though he also said he would not publicly come out in support of anyone. Mr. Balanoff testified that he told Mr. Obama he would discuss her with Mr. Blagojevich.

But a December 2008 report on communications by Mr. Obama and members of his staff regarding the Senate seat issued by transition team lawyer Gregory Craig did not mention a conversation between Mr. Obama and Mr. Balanoff. It did describe a conversation between Mr. Balanoff and Ms. Jarrett.

The memo, which Mr. Craig said exonerated the incoming administration, said Mr. Obama had "no contact or communication with Governor Blagojevich or members of his staff," but alluded to conversations with members of the transition team and "others" in which Mr. Obama said he would neither prevent Ms. Jarrett from pursuing his Senate seat "nor actively seek to have her or any other particular candidate appointed to the vacancy."

White House press secretary Robert Gibbs told reporters Tuesday that he would not address Mr. Balanoffs comments under oath.

"I'm just not going to get into commenting on an ongoing trial," Mr. Gibbs said.

Mr. Yellen cited several possible explanations for the apparent inconsistency between Mr. Balanoff's testimony and the White House memo, beginning with Mr. Balanoff being incorrect or Mr. Obama forgetting the conversation. He also noted that the careful wording of the memo means it could technically be consistent with Mr. Balanoff's testimony, as the union official was not a member of Mr. Blagojevich's staff.

A senior Democratic strategist said any potential political threat to the president is undercut by Mr. Blagojevich's bizarre public persona.

"In the mind of most folks he's become either an attention-seeking buffoon or a desperate character willing to say or do anything, which has not only caused him to lose all credibility, but allowed any attempts to tie him to anyone else to be easily be dismissed. It was a thin case to begin with, but as soon as the opening credits of 'Celebrity Apprentice' rolled, any hopes Republicans had of broadening it were killed," the strategist said.

Mr. Blagojevich, a Democrat who was ousted from the governor's mansion in January 2009 just as Mr. Obama took office, is charged with shopping around his power to appoint a senator in exchange for campaign donations, a Cabinet appointment or some other job. The ostentatious defendant - Mr. Blagojevich appeared on the reality TV show "Celebrity Apprentice" while he awaited the start of his trial - has maintained his innocence, even in the face of hundreds of hours of taped, expletive-laden conversations in which he declares he does not intend to give the seat away for "nothing."

Previous attempts by Mr. Blagojevich's defense team to involve Mr. Obama in the proceedings, including a request to subpoena the president to testify, have been rebuffed by federal judge overseeing the case.

On Wednesday in court, an angry Mr. Blagojevich is heard grumbling on FBI wiretap tapes that he is willing to appoint a favorite of Barack Obama's to the U.S. Senate, but the newly elected president is "all take and no give."

"The arrogance of these people," Mr. Blagojevich is heard saying on a tape of a conversation with a former deputy governor, Doug Scofield, a few days after Obama's November 2008 election to the White House.

When another adviser tells Mr. Blagojevich in a telephone call at about the same time that he would be wise to go ahead and appoint Mr. Obama's friend, the governor explodes, saying no one is willing to help him in his political troubles with Illinois House Speaker Michael Madigan.

"I'm left with gridlock, a pissed-off speaker, a potential impeachment and a president who is all take and no give," Mr. Blagojevich snaps.

The governor is heard saying he wants a reward such as being secretary of health and human services in the new administration in return for appointing Chicago businesswoman and civic leader Ms. Jarrett to the Senate seat that the president-elect was leaving.

Ronald J. Allen, a professor at Northwestern University School of Law who is following the trial, said he doubts there is any illicit involvement on Mr. Obama's behalf. If that were the case, such details would have been laid out in FBI reports and likely disclosed by the judge.

"I really don't think Obama had any role in this at all," Mr. Allen said.