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Final Edition

**Feds might share tapes; Panel might get secretly recorded conversations**

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SPRINGFIELD-Chicago's top federal prosecutor left open the possibility that a House panel weighing whether to impeach Gov. Blagojevich might be given secretly recorded conversations the government taped as part of its criminal case against the governor.

In a potentially ominous development for Blagojevich, U.S. Attorney Patrick Fitzgerald told the House Special Investigative Committee in a letter Tuesday that its request for access to the government tapes is "still under active consideration."

Having access to those tapes would enable the committee to hear Blagojevich, in his own words, as he allegedly considered selling the state's vacant U.S. Senate seat to the highest bidder, shaking down the CEO of Children's Memorial Hospital for a contribution in exchange for promised state funding and scheming to trade approval of a state Wrigley Field buyout for more generous treatment on the Chicago Tribune's editorial page.

Fitzgerald's unexpected decision not to slam the door on the release of the tapes came as he ruled out other requests by the House panel to interview members of the governor's inner circle and to identify unnamed individuals in the 76-page federal criminal complaint against Blagojevich. Doing so, Fitzgerald said, could "significantly compromise the ongoing criminal investigation."

Rep. Jim Durkin (R-Western Springs), the Republican leader on the impeachment panel, said the tapes would represent an evidentiary coup for the committee.

"If we heard from the governor voice, it may shore up some members' decisions. I think that's good. We want to be exhaustive. More is better, and this goes directly to the major part of our inquiry: the allegation of criminal conduct," he said.

"If we're not successful, I still believe we have sufficient testimony and evidence for us to . . . chew on to make an informed decision. Without getting into specifics -- they're changing by the hour -- we want to be as complete as we can, and we are being fair how we're proceeding as well."

Fitzgerald, who promised the committee a final decision on the tapes by today, is considering whether to release redacted portions of the profanity-laced tapes that were recorded at the governor's campaign office and on his home telephone.

A top aide to House Speaker Michael Madigan (D-Chicago) said the tapes would build upon already introduced evidence of alleged wrongdoing compiled by the committee that includes the governor's campaign fund-raising, his awarding of state contracts to donors and his expansion of programs without legislative approval.

"You'd be able to gather some additional information on top of all the information that s already there, flesh out some details and hear people in their own words talking about the situation," Madigan spokesman Steve Brown said. "We've established a certain amount of information so far. Would more information be helpful? Probably."

If Fitzgerald grants access to the tapes, Brown said he was not sure how the development would alter the House committee's schedule. The panel plans to reconvene next Monday for what had been expected to be a day devoted to hearing from Blagojevich's defense lawyer, Ed Genson, on why the governor should not be impeached.

On an almost daily basis, Genson has contended that the government recordings were illegally obtained and therefore not admissible under federal law as evidence in the impeachment proceedings.

Told of Fitzgerald's letter, Genson struck a defiant tone, saying the tapes would enable him to show the governor was not committing a crime as Fitzgerald has alleged.

"I'd welcome it. I like to see the tapes," Genson said. "It'll put this stuff in context and [show] they don't say what he said they said."