

December 30, 2008 Tuesday

Final Edition

**Gov's lawyer: Tapes 'just talk, not action'; House leader says attorney 'throwing up fairy dust'**

By Dave McKinney

Springfield bureau chief

SPRINGFIELD-As sentiment for impeaching Gov. Blagojevich appeared to harden, his lawyer condemned a House panel Monday for building a wobbly case based on the governor's "unfortunate talk" on secret recordings that don't prove any law was broken.

Defense attorney Ed Genson blasted the governor's legislative accusers for having no clear standards to boot him from office and for depriving him of the ability to present who might corroborate that Blagojevich was merely all talk and no action.

"We are . . . fighting shadows, and that's not right," Genson told the panel.

But in a sign that the House impeachment panel appears to be moving increasingly against Blagojevich, the lawmaker heading up the historic inquiry ridiculed Genson's arguments.

"He was really throwing up whatever fairy dust he could in order to say to the members of the committee, 'There isn't anything here you could use as a ground for impeaching this governor,' " said House Majority Leader Barbara Flynn Currie (D-Chicago), who said she had not yet made up her mind on impeachment. "That's his job. I don't mind him saying it. It's just that I didn't find what he had to say particularly compelling."

The panel had been on course to wrap up its work possibly this week before U.S. Attorney Patrick Fitzgerald Monday sought federal court approval to provide some access to the profanity-laced undercover recordings that were the basis for Blagojevich's Dec. 9 arrest on corruption charges. Now, the panel won't reconvene until next week at the earliest.

Genson belittled the tapes and allegations by federal prosecutors that Blagojevich was attempting to enrich himself through the appointment of a U.S. Senate successor to President-elect Barack Obama.

"There is nothing in that tape that shows people were asked to give money or campaign contributions or anything," Genson told the panel. "It's just talk. That's what it is: unfortunate talk, talk that shouldn't have been made perhaps, but not action."