

RAHM ALMOST CERTAINLY DIDN'T BUST BLAGOJEVICH

I know I reported the local Chicago Fox reporter's scoop that Rahm may have turned Blago into Fitz.

CONATY: We did receive a tip this morning that perhaps all of this came together so quickly because the Governor may have reached out to Rahm Emanuel, the president-elect's chief of staff, in attempting to leverage filling the Senate seat. And it may have been Rahm Emanuel who tipped the scale and made this move as quickly as it did.

Rahm now denies he was the one who tipped off the investigation. But it was already clear from the chronology that Rahm couldn't have been the one to tip off the entire wiretap.

My question now is whether Rahm's source's reference to "overzealous reporting" suggests Rahm was involved at all.

First, as to the chronology, Fitz's complaint gives a timeline in which Blago's discussions about the Senate replacement starting on November 3, the day before the election. While it is possible that Fitz is withholding earlier conversations about it (I'll return to this later), it's clear that Blago's thoughts about brokering the seat were still formulating on November 4, when he starting thinking about things he might ask for in exchange for the Senate appointment.

On November 4, 2008, ROD BLAGOJEVICH spoke with Deputy Governor A. This was the same day as the United States Presidential election. With respect to the Senate seat, Deputy Governor A suggested putting together a list of

things that ROD BLAGOJEVICH would accept in exchange for the Senate seat. ROD BLAGOJEVICH responded that the list "can't be in writing." Thereafter, ROD BLAGOJEVICH discussed whether he could obtain an ambassadorship in exchange for the Senate seat. [my emphasis]

In other words, even assuming Fitz isn't giving us everything, it's clear that Blago was just beginning to think about brokering the position.

But we know the first wiretaps went in much earlier than that—on October 22—and that they were based on information that came to light in early October.

... in early October 2008, the government obtained information that ROD BLAGOJEVICH was accelerating his corrupt fund raising activities to accumulate as much money as possible before the implementation of ethics legislation on January 1, 2009, that would severely curtail ROD BLAGOJEVICH's ability to raise money from individuals and entities conducting business with the State of Illinois.

[snip]

On October 21, 2008, Chief Judge James F. Holderman signed an order authorizing the interception of oral communications for a 30-day period in two rooms at the Friends of Blagojevich office: the personal office of ROD BLAGOJEVICH and the conference room. On the morning of October 22, 2008, the FBI began intercepting oral communications in those rooms.

In addition, Rahm's potential involvement doesn't correlate with the Tribune's understanding of the wiretaps, which seem to closely relate to John Wyma's decision to

cooperate with Fitz.

Federal investigators recently made covert tape recordings of Gov. Rod Blagojevich in the most dramatic step yet in their corruption investigation of him and his administration, the Tribune has learned.

As part of this undercover effort, one of the governor's closest confidants and former aides cooperated with investigators, and that assistance helped lead to recordings of the governor and others, sources said.

The cooperation of John Wyma, 42, one of the state's most influential lobbyists, is the most stunning evidence yet that Blagojevich's once-tight inner circle appears to be collapsing under the pressure of myriad pay-to-play inquiries.

Given the Trib's earlier reference to a subpoena delivered on roughly October 9 (two weeks prior to October 23), given Fitz's reference to discussions with the Trib occurring "about eight weeks ago" (making it around October 14)—at which point his office was already concerned about whether they would get to place the wiretap on Blago, the wiretaps placed on October 22 appear to be directly related to Blago's accelerated efforts to sell of Illinois' government in anticipation of the state's ethics law going into effect. It's possible that Rahm got a call about that fire sale—but if so, the conversation almost certainly didn't relate to the sale of the Senate seat.

But it is still possible (though unlikely) that Blago's attempts to sell the Senate seat may have been related to the wiretaps in some form. Fitz tells us that there was a later tap set on Blago's land line at his house.

On October 29, 2008, Chief Judge James Holderman entered an Order authorizing

the interception of wire communications to and from a landline telephone subscribed to ROD BLAGOJEVICH's home address and used by ROD BLAGOJEVICH and others. The interception of wire communications to and from ROD BLAGOJEVICH's home phone began on the evening of October 29, 2008.

Something made them go after that additional line. Granted, this was almost certainly after Wyma was deep into this (so it may be that he told them about the line). But it's possible that line was tapped because of new, marginally related evidence.

In any case, October 29 is close enough to the November 3 conversations that Fitz starts the selling the Senate seat with such that there may be a connection. I say "may"—it's just one possibility, not the most likely. (Note, given the report of Blago's wife targeting the Trib in the background of calls in early November, it appears likely that some of the Trib calls were tapped on that home line.)

So why wouldn't any earlier indication of this stuff show up in the Complaint? Fitz is clear—he did not give us all the wiretapped conversations pertaining to selling the Senate seat.

Set out below are summaries of certain of the conversations referenced above. This affidavit does not include all calls dealing with the corrupt efforts of ROD BLAGOJEVICH, JOHN HARRIS, and others to misuse the power of ROD BLAGOJEVICH to appoint a United States Senator for the personal gain of ROD BLAGOJEVICH and his family, nor does this affidavit set forth other calls where ROD BLAGOJEVICH and others discussed a possible appointment to the Senate seat based on considerations other than financial gain for ROD BLAGOJEVICH and his family, discussions which took place with greater frequency

after efforts to arrange for a private job for ROD BLAGOJEVICH in exchange for appointing a particular candidate to the open Senate seat did not meet with success. As set forth below, more recent discussions focused on an effort to obtain campaign contributions up front in consideration of an appointment to the Senate.

So it's possible Blago's calculations about the Senate seat started earlier, but for some reason Fitz doesn't want to give us those intercepts.

Still, I don't think that's the most likely suggestion. If Rahm did turn Blago in for advances about the Senate seat, I think he did so sometime around November 10 through 13.

From the details Fitz does give us, it appears that Blago's folks first specific discussion with anyone about quid pro quo for a Jarrett appointment was on November 7.

Later on November 7, 2008, ROD BLAGOJEVICH discussed the open Senate seat in a three-way call with JOHN HARRIS and Advisor B, a Washington D.C.-based consultant. ROD BLAGOJEVICH indicated in the call that if he was appointed as Secretary of Health and Human Services by the President-elect, then ROD BLAGOJEVICH would appoint Senate Candidate 1 to the open Senate seat.

Then, on November 10, Blago appeared to have gotten his first rebuff from the Obama team. On that day, Blago and his aides (and his wife), including Advisor B, had a two hour conference call with advisors in DC, brainstorming ways they could "monetize" the Senate seat. At one point, Blago said that he would appoint Jarrett, "but if they feel like they can do this and not fucking give me anything . . . then I'll fucking go [Senate Candidate 5]." At that point,

Blago's already incensed at Obama, saying, "motherfucker [Obama] his senator. Fuck him. For nothing? Fuck him." On November 10, By November 11, when Blago said, Blago said, "they're not willing to give me anything except appreciation. Fuck them," it seems Obama has clearly already rebuffed Blago's efforts. And by the 12th, public reports had Jarrett announcing she didn't want the seat. In other words, it seems that Obama's team gave Blago a soft "no" around November 10 (perhaps in response to Advisor B's efforts), and gave him a hard no by the 11th, and had Jarrett withdraw from consideration by the 12th.

In other words, if Rahm did get contacted by Blago's team about quid pro quos for the Senate seat, it appears to have been after any wiretap.

Now it's possible that Advisor B is someone with close ties to both Obama and Blago. But there appears to be a specific discussion that may pertain to Rahm himself.

On November 13, 2008, ROD BLAGOJEVICH talked with JOHN HARRIS. ROD BLAGOJEVICH said he wanted to be able to call "[President-elect Advisor]" and tell President-elect Advisor that "this has nothing to do with anything else we're working on but the Governor wants to put together a 501(c)(4)" and "can you guys help him. . . raise 10, 15 million." ROD BLAGOJEVICH said he wanted "[President-elect Advisor] to get the word today," and that when "he asks me for the Fifth CD thing I want it to be in his head." (The reference to the "Fifth CD thing" is believed to relate to a seat in the United States House of Representatives from Illinois' Fifth Congressional District. Prior intercepted phone conversations indicate that ROD BLAGOJEVICH and others were determining whether ROD BLAGOJEVICH has the power to appoint an interim replacement until a special election for the seat can be

held.).

[snip]

Also on November 13, 2008, ROD BLAGOJEVICH talked with Advisor A. ROD BLAGOJEVICH said he wants the idea of the 501(c)(4) in President-elect Advisor's head, but not in connection with the Senate appointment or the congressional seat. Advisor A asked whether the conversation about the 501(c)(4) with President-elect Advisor is connected with anything else. ROD BLAGOJEVICH replied that "it's unsaid. It's unsaid."

Rahm could qualify as President-elect Advisor (and would certainly be someone Blago could get to directly). And Rahm's district was the district in question: Illinois' 5th CD. Though if Blago honestly thought that Rahm—or anyone close to Obama—was not already clear about how Rahm would be replaced by November 13, a week after Rahm was named Chief of Staff, he's even more of an idiot than this Complaint suggests.

The takeaway from all of this is that Rahm almost certainly didn't bust Blago on the first wiretaps. And he probably didn't trigger the second, landline tape, either.

Now the quote actually says that "it may have been Rahm Emanuel who tipped the scale and made this move as quickly as it did," suggesting that Rahm simply contact Fitz more recently, and Fitz thought that Rahm's involvement necessitated he arrest Blago immediately. But I don't buy that either. Fitz provided several reasons why he triggered the arrest today: The Trib story on Friday, a pending bill Blago is about to sign, and the Senate appointment. But Rahm's involvement in the Senate appointment appears like it would have ended several weeks ago.

What it comes down to, I suspect, is Rahm's almost pathological love of leaks—and his determination to use leaks to his advantage.

Someone spread that leak this morning. And someone now—recognizing that there's almost no way Rahm had a critical role in the taps—has denied any involvement.