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# On the Record w/ Greta

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## Blago: 'President Obama Could Help Prove My Innocence'

Tuesday, April 27, 2010 FOX NEWS

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This is a rush transcript from "On the Record," April 26, 2010. This copy may not be in its final form and may be updated.

GRETA VAN SUSTEREN, FOX NEWS HOST: Now, you are going to Chicago, to the private home of former governor Rod Blagojevich, where in the very early morning of December 9th, 2008, the FBI barged in and he was arrested. Former governor Blagojevich is accused of, in essence, trying to sell then Senator Obama's open Senate seat to the highest bidder. Governor Blagojevich goes "On the Record" about this upcoming trial.

(BEGIN VIDEOTAPE)

VAN SUSTEREN: Governor, nice to see you.

ROD BLAGOJEVICH, FORMER ILLINOIS GOVERNOR: Thanks for being here.

VAN SUSTEREN: All right, Governor, you're in a little bit of a fix. You've this trial coming up June 3rd, and a lot of pre-trial matters have come to light recently and I want to talk to you about - let's start first with the tapes. The prosecution has wiretapped you, has tapes of you, and there's a dispute over what's going to be played in court. What's the dispute?

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BLAGOJEVICH: Well, they taped my conversations for six weeks. Our government came in to the sanctity of this home, actually, and put the wiretaps on these telephones and a lot of other telephones.

I've taken the position from the very beginning that I'm innocent of everything and anything they're falsely accusing me of, and that a lot of the truth can be

found in those tapes. And from the beginning, I've said, Play all the tapes.

My lawyers were instructed by me to challenge the government. We waived the opportunity to challenge the tapes, happily did that, and challenged the government to say that, Allow both sides to play any tape they want. They should play anything they want to play in court and let us play any tape that we want to play in court. The government declined to comment, and then they've recently gone into court, the snuck into court to try to get the judge to rule that all the tapes should not be played.

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This case in so many ways is upside down. Mr. Fitzgerald, the prosecutor, invades the sanctity of my home. The government is in here looking at those private conversations. Those are his tapes and he's going to court to suppress his own tapes. And I'm the one saying play them all because I note the truth is on those tapes and will show I did nothing wrong.

VAN SUSTEREN: You say he snuck into court. You had no notice the prosecutor was going into court and say we only want to play these tapes and not all the tapes?

BLAGOJEVICH: The way the motion was written by the government with footnotes and buried in the body of a motion that was filled with a lot of other things was an incipient request to suggest that not all the tapes be heard. They even misled and said the judge ruled that all the tapes wouldn't be played which was not the case at the time they filed the motion.

VAN SUSTEREN: Has your lawyer heard all these tapes?

BLAGOJEVICH: We had tapes for months.

VAN SUSTEREN: You have copies of the tapes?

BLAGOJEVICH: Yes. Let me say this. I've been consistent from the beginning. From the moment I was falsely accused, I said long before we had access to the tapes, play all the tapes, because I know who I am and I would not do the things they are suggesting that I did.

And I know that notwithstanding some language on the tapes, the use of pro fan, which I have apologized for. I didn't know --

VAN SUSTEREN: That is not a crime. Do you have any idea how many hours of tapes the prosecution intends to play at your June 3rd trial?

BLAGOJEVICH: I don't know that. But what I do know is they have in a very dishonest way taken selective snippets of conversations out of context, purposely misleading the people and purposely providing false information.

VAN SUSTEREN: They've identified what tapes they are going to play? You know what they are going to play?

BLAGOJEVICH: No. They've quoted some of them. They've released a couple of them. And they've done it in a way where snippets of conversations were taken out of context.

And if you are allowed to listen to the breadth of the conversation -- again, I can't comment on what is on the tapes. The very government that taped me went into court to say I can't what is on them nor can I allow to you take a look at them.

VAN SUSTEREN: There's a gag order on this part of it, the contents of the tape?

BLAGOJEVICH: That's correct. And the government sought that gag order. They've been free to take snippets of conversation out whenever they choose to do it, and it is designed to mislead the public.

VAN SUSTEREN: Hasn't the judge said, OK Governor Blagojevich, you identify what tapes you want heard and I'll consider it so it is not a complete bar at this point?

BLAGOJEVICH: That's correct. The judge seems to be a fair and thoughtful man. He's obviously a very smart, intelligent man who understands and knows the law. So he has said two things. He said one publicly that if I testify that he will allow us to play the tapes we want to play.

VAN SUSTEREN: Just if you testify, not for a doctrine of complete? Let's say hypothetically, a tape is put on that has half a thought, and it is your position that half of thought falsely conveys a message. Are you allowed to play the entire thought without having to take the witness stand?

BLAGOJEVICH: I don't know that yet. The judge has said that if I testify, which will, by the way, he will allow us to play the tapes that we ask for. This is as I've been told by my [attorneys](#).

And the judge said in the last court day, and I was there because I challenged the prosecutor to be there too, to explain why he's preventing all the tapes from being heard except the tapes that he went out and got.

But the judge said that -- instructed my lawyers to submit to him the different tapes that we would

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be requesting to be heard in court. And so, I'm cautiously optimistic and hopeful he will say yes.

VAN SUSTEREN: What is the prosecution's opposition? Do they think you are going to waste a lot of time and play 400 inconsequential conversations and bore the jury to death or do they have a more sinister purpose to evade, confuse, or do something with the jury?

BLAGOJEVICH: I fervently believe the prosecution is trying to cover- up their misdeeds.

VAN SUSTEREN: Which misdeeds?

BLAGOJEVICH: That they arrested a sitting governor and falsely accused him of things he didn't do and did it in a super sensational press [conference](#) on December the ninth, 2008, this is what Mr. Fitzgerald did. And e used and quoted from the tapes from snippets of the tapes to suggest that was the basis for arresting a governor in a state like Illinois -- unprecedented.

And he did it, and he said, and I'm quoting, that he was doing to "stop a crime spree." The reality is when people hear the whole truth and hear what was on those conversations, the days and weeks leading up to those acts by the government, by the prosecutors, there was no crime spree. He lied.

VAN SUSTEREN: Why did he do that? Just for the sake of lying or something more sinister? Not that lying isn't sinister.

BLAGOJEVICH: I believe the effort to prevent all the tapes being played is designed to keep justice from being heard in court as it is to cover-up their wrongdoing and misdeeds.

To suggest you should -- to arrest a sitting governor, to state in a press conference where the whole world is listening that you have a governor trying to sell a Senate seat for money which the allegation he made at the press conversation that he had heard conversations over the telephone, had to come in at 6:00 in the morning in my home where my little girls are sleeping, invade the privacy of our home to say they had to stop the crime spree before it happened is just a flat out lie.

The tapes show what the truth is. I have said from the beginning play all the tapes. Why is my accuser is trying to prevent the full truth from being heard? I believe part of it is because he's covering up the fact that he told this big lie that foreseeably led to a chain of events that would remove a governor from office that would undo the will of a people, undo an election, and he doesn't ever want anybody to know that's what he did.

There's a smoking gun on these tapes, and that smoking gun is directed and pointed at the prosecutor.

(END VIDEOTAPE)

VAN SUSTEREN: Next the question we all want answered -- why does former governor Blagojevich want to call President Obama to the witness stand? More with governor Blagojevich, next.

(COMMERCIAL BREAK)

(NEWS BREAK)

VAN SUSTEREN: Continuing with former governor Rod Blagojevich. Now, why does governor Blagojevich want to put President Obama on the witness stand? We went to Chicago to find out.

(BEGIN VIDEOTAPE)

VAN SUSTEREN: You are in essence accused of selling the Senate seat vacated by President Obama. Everyone that you ever had a conversation with about that Senate seat, is there any way you could have spoken to someone and not have it tapped. Did you have a conversation in the car, for instance, with the other person?

BLAGOJEVICH: I had a conversation with Senator Dick Durbin.

VAN SUSTEREN: Where?

BLAGOJEVICH: In my office in Chicago.

VAN SUSTEREN: Was your office bugged?

BLAGOJEVICH: They say it wasn't. So Senator Durbin and I, we spoke about the Senate seat, and he offered to be a go between. I decided that my first choice I was going to try to appoint the daughter of my political nemesis, the House speaker was blocking a public works bill that would create 500,000 jobs he was blocking, [health care](#) for over 300,000 families, working people in writing.

And I wanted a guarantee in writing to not raise taxes on people.

VAN SUSTEREN: They say they didn't bug your office.

BLAGOJEVICH: The office downtown Chicago, that conversation with Senator Durbin, my recollection was there. Bu I spoke to Senator Harry Reid --

VAN SUSTEREN: On the phone?

BLAGOJEVICH: On the telephone from my campaign office. I spoke to Harry Reid about the Senate seat, enlisting his help. Senator Menendez, the head of the Senate campaign committee

for the Democrats, who expressed an interest --

VAN SUSTEREN: On the phone?

BLAGOJEVICH: On the telephone, working out what was going to be what I called the best political deal in the political history second to the Louisiana Purchase, because I was going to hold my nose and appoint someone who I thought was working against the people in many ways, but notwithstanding, her father was creating legislation gridlock.

VAN SUSTEREN: Who else did you talk to?

BLAGOJEVICH: I spoke to Rahm Emanuel. I spoke to several people.

VAN SUSTEREN: Who are the sort of the main players in this discussion of the Senate seat? Who did you talk to -- I'm trying to figure out who is going to be on tape and who is not.

BLAGOJEVICH: I can't tell you that

VAN SUSTEREN: Who do you remember talking to, to give me some idea?

BLAGOJEVICH: Again, I spoke to Senator Reid, Senator Menendez, then Congressman Rahm Emanuel days after the election right here from this room, and several other people about potential scenarios on the Senate seat.

VAN SUSTEREN: A lot of the conversations about the Senate seat maybe some that aren't on tape but a lot are or should be because they are done by telephone?

BLAGOJEVICH: Most of the conversations I was engaged in during that six week period had been tape recorded.

VAN SUSTEREN: You mentioned President Obama. You have filed notice to the court that would you like to subpoena him. And you have enumerated a number of reasons. What is it that you think Senator Obama -- President Obama, then-Senate Obama, could offer you at trial on June 3rd that would be helpful to your case?

BLAGOJEVICH: I think President Obama can help prove my innocence.

VAN SUSTEREN: How?

BLAGOJEVICH: Let me say this, before anybody says I'm interested in bringing everybody down with me. That's completely not the case. I've done nothing wrong.

What I'm interested in is for the whole truth to come out that neither did I do anything wrong, President Obama didn't do anything wrong, the senators that I talked to didn't do anything wrong either. And so they should come into court and tell the truth as they know it. Swear on the Holy Bible as I'm looking forward to do --

VAN SUSTEREN: I got that, but what is it that -- the judge is going to say how is President Obama going to help your case? He is going to ask that flat out to your lawyer. Tell me how.

BLAGOJEVICH: Again, a lot of evidence and information that I'm prohibited by court order because it is under seal to tell you. So there's relevance connected to that.

VAN SUSTEREN: In the pleading your lawyers talked about a conversation in December '08, a conversation. President Obama called you?

BLAGOJEVICH: Again, I can't -- because of the court order and me following the law I can't comment specifically on those telephone conversations. My lawyers filed motions in court. They redacted, as far as I understand, they redacted the substance of those. There was a computer glitch apparently that made some of this stuff unwittingly public -- the media found it.

VAN SUSTEREN: You see that still as part of the seal?

BLAGOJEVICH: It is still part of seal.

VAN SUSTEREN: What is the breadth of the gag order? What can you or can't talk about?

BLAGOJEVICH: I can't talk about the evidence that we have and we know that is currently under seal, which is as far as I know everything. I can tell you independently what I recollect.

VAN SUSTEREN: Can you tell me independently what recollect about the conversation you had with President Obama in December of '08?

BLAGOJEVICH: Again, I don't think I can. I don't think I should in that particular case. President Obama and I, I can recall independently, spoke at the governor's event at the Independence Hall in Philadelphia days before I was arrested.

VAN SUSTEREN: In person?

BLAGOJEVICH: In person. And a lot of other governors --

VAN SUSTEREN: Was it about the Senate seat, just generally?

BLAGOJEVICH: I don't think I should say what we talked about. It will all eventually --

VAN SUSTEREN: If it is not about the Senate seat, I have a hard time figuring out why he would

be a witness that the court is going to allow you to call.

The court ought to let you play any tapes that in any way exculpate you or even tend to. They should let you call witnesses that will help you in your defense. The one thing the court won't do is let you call someone who doesn't have anything to benefit you.

BLAGOJEVICH: Again, there's information and there's evidence that is under seal. And I'm prohibited by a court order from specifically talking about those things --

VAN SUSTEREN: Even from what you recollect?

BLAGOJEVICH: I feel like if I start going into substance of conversations it is a slippery slope and I might inadvertently cross the line.

VAN SUSTEREN: What is the line? What does the gag order say you can and can't do?

BLAGOJEVICH: Again, the evidence that we have access to that we had the chance to review, the taped conversations.

VAN SUSTEREN: That's out, you can't talk about the content of those.

BLAGOJEVICH: The FBI interviews. The statements of potential witnesses, all those things are not something that would be appropriate for me to comment on.

Let me also say in the case of President Obama and me, and again, let me be very clear, I know absolutely no wrongdoing that the president was involved in. And I know I was involved in no wrongdoing. But there is a common political support of ours named Tony Rezko who is relevant to both me and President Obama.

Again he wrote a letter to a federal sentencing judge --

VAN SUSTEREN: Is Rezko helpful to you at your June 3rd trial?

BLAGOJEVICH: I can't comment about the specifics of the case.

VAN SUSTEREN: Is he on your witness list?

BLAGOJEVICH: I'll leave that for the lawyers to discuss.

VAN SUSTEREN: The president is not going to appear on some wiretap?

BLAGOJEVICH: I'm telling you from my reelection I don't recall talking to President Obama during that period on the telephone.

(END VIDEOTAPE)

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