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ANDY MARTIN on the Rod Blagojevich trial

By andymartinny

Former adjunct professor of law Andy Martin analyses the prosecution of impeached Illinois Governor Rod Blagojevich. Martin has 45 years of experience in the Chicago federal courthouse. Martin says the federal judge in the Blagojevich case is a crooked Republican Party fixer. Martin predicts the jury will acquit Blagojevich. Martin says that based on the prosecution's case, Blagojevich should be allowed to call President Obama as a defense witness.

Internet powerhouse Andy Martin blows the whistle on Chicago's crooked federal courts and says former Governor Rod Blagojevich will be acquitted

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"The Internet Powerhouse"

Andy Martin

Executive Editor

"Factually Correct, Not Politically Correct"

FOR IMMEDIATE RELEASE:

Andy Martin says federal prosecutors have botched the Blagojevich prosecution.

Martin says there is an excellent chance Blago will be found not guilty

Andy blows the whistle on the crooked federal judge who is trying to convict Blagojevich

(CHICAGO)(July 14, 2010) This is another column I would prefer not to write. Nothing that follows should be seen as a defense of the failed leadership of Governor Rod Blagojevich ("Blago"). Nevertheless, although Blago may be a thoroughly despicable man, he does not appear to be a criminal. There is a great gap between slimy politics and criminal activity.

My prediction: Blago will be acquitted. The feds have blown their case.

I first walked into the U. S. Courthouse at 219 S. Dearborn Street in Chicago 45 years ago. My girlfriend's dad invited us to lunch in the executive dining room. The girlfriend is long gone. But over the past 45 years I have been in and out of that building, winning some cases and losing others. The U. S. Circuit Court of Appeals in Chicago once said I would "not win a personality contest in this circuit" because of my relentless efforts to expose judicial arrogance and corruption in Chicago. In other words, the appeals court admitted federal judges would scheme to fix cases against me because I was too honest to litigate in Chicago's courts.

I think it is fair to say 45 years of experiences gives me an insight into federal justice in Chicago that few others can provide.

So here is my assessment of the Blagojevich trial. The good, the bad and the ugly.

First, the crooked judge. Then the prosecution case. Next, Blago the Magnificent. Finally, The Jury.

1. The crooked federal judge

In federal court, as in many courts, judges are assigned to civil and criminal cases by lottery. They call the assignment process the "wheel." But Judge James Zagel was not assigned to hear Blago's case by random assignment. Instead, prosecutors "fixed" the assignment of Zagel by pretending that the Blago prosecution was linked to a case already pending before Zagel and piggybacking the two "cases" together. In other words, the Blago prosecution was "steered" to Zagel. That "fixed" assignment was a naked example of crooked federal court justice in Chicago. Prosecutors knew they had a weak case to start, and they were trying to bolster their prosecution by steering it before a crooked judge.

Blago's defense team was disorganized at the outset, and missed a major opportunity to jam the case by attacking the rigged assignment process. Since the corrupt assignment, Zagel has done everything he can to rig the trial against Blago.

Who is Judge James Zagel? He is a Republican Party hack. Zagel was a stooge and errand boy for former Illinois Governor James Thompson. Zagel does what he is told.

Blago may be an unsavory character, but he still deserves a fair trial. Zagel is doing everything he can to deny Blago a fair process. Why? Because former Governor Thompson is the "King" of the "Combine" of bipartisan corruption in Illinois. Thompson and his cronies in both political parties want to wipe out Blago before he can wipe them out. Watch for Zagel to try to prevent Blago from presenting a complete defense.

II. The prosecution case

Federal prosecutors in Chicago are not dumb. The U. S. Attorney runs an exemplary office when he is pursuing the Mafia and common everyday crooks. But his assistants knew the case against Blago was watery. So they schemed to deny Blago a fair trial and a fair defense. They rigged the assignment of the case to a fixed judge who is a Thompson stooge and who could be counted on to manipulate the trial against Blago. And Judge Zagel has done just that.

Earlier this week, prosecutors were afraid to “close” their case by calling Tony Rezko as a witness. Rezko was the kingpin of Illinois corruption, the “fund raiser” for President Obama and Governor Blagojevich. Prosecutors were afraid of Rezko’s testimony. The biggest crooks in Illinois politics never testified in the Blago trial. Instead, the feds tried to rope-a-dope their case by calling minor players as prosecution witnesses. The big boys were too tainted. Where’s Rezko? Where, indeed.

At the end of the day, after promising a multi-month extravaganza, federal prosecutors folded their case Tuesday with only a few weeks presentation. “Not with a bang but a whimper.” Their case imploded.

III. Blago the magnificent

The prosecution case was flawed from the start. Blago was originally arrested and charged with trying to “sell” a U. S. Senate seat. The prejudicial publicity in Chicago and nationally was horrific. (At the time of his arrest I defended Blago.)

Does anyone remember how the Clintons feathered their interests in the White House? How favored contributors slept in the Lincoln bedroom? How Clinton was raising funds for his “library” while still president? How people who give to Clinton’s “library” get preferred access to the former president even today? Fund raising in this county is rotten to the core.

Blago’s shenanigans involving the appointment to Senator (President-elect) Obama’s seat in 2008 was simply not a crime.

Before the start of the trial Blago said he wanted to testify. The ham-handed federal case has probably increased the likelihood that he will take the stand. He would probably be a magnificent witness.

I could see Blago playing the “family man” card in a devastating manner. He testifies, “Yes, I was out of the office a lot because I have young children at home. I wanted to be home for them, to be their father. And so I trusted my staff (tears in the courtroom here) to carry on. And they betrayed me.” Blago’s own staff have repeatedly testified they lied to him, and took action in his absence. Being an incompetent or lackadaisical administrator may be bad leadership, and poor politics, but it is not a federal criminal offense. “My staff betrayed me” will be a strong defense.

Blago’s F-bombs? When has vulgarity and swearing been a criminal offense? Greed is not a federal criminal offense. Arrogance? Not a crime. Blago was frustrated because he passed out goodies to voters (e. g. free transit to senior citizens) and people still didn’t love him (they loved his Republican opponents even less). Where’s the crime?

With all due respect, the appointment of Obama’s successor as U. S. Senator was handled in the traditional “Chicago way.” Lots of people wanted to be appointed a senator. They cozied up to Blago. They offered to help him. He was looking for the best offer. Sleazy? Sure. But it happens in New York, and California and everywhere else that governors have unlimited power to appoint a replacement U. S. Senator.

Look at the way now-Senator Kirsten Gillibrand machine-gunned Caroline Kennedy. Compared to New York Governor Patterson,

Blago looks like a gentleman by comparison. Kennedy was destroyed and disgraced. Blago did not destroy anyone.

IV. The Jury

I have not been in the Blago courtroom (though I will stop into witness the Blago defense in person). But I know enough about Chicago jurors to make my prediction. Even though almost all of them are ordinary citizens, jurors can smell a fixed case. Judge Zagel's shenanigans have probably left a bad taste in the minds of the jury.

Blago's lawyers are not "federal" lawyers who work primarily in the federal courts. Instead, Blago chose state court criminal defenders, who often have a more visceral approach to a criminal defense.

My guess: the jury is going to agree Blago was nutty, and sloppy, and probably greedy. But being a relentless fund raiser is not a criminal offense. Not in Illinois, not anywhere else. Blago was much too brazen with his "quid pro quos" but bad manners is not a criminal offense.

Judge Zagel is probably going to be forced to allow enough of a Blago defense to sink the prosecution case. Based on the evidence admitted at trial, I believe President Obama is a proper defense witness. Zagel is engaged in a political protection racket by trying to protect Obama from testifying. But how can the big man be left out of the case? Expect to hear that challenge in closing arguments.

The bottom line: Chicago is America's capital of corruption. And the crooks are everywhere: federal and state courts, federal and state prosecutors, lawyers, law firms, politicians, public officials. The whole kit and caboodle. The "system" produced Blago, and voters elected him twice (which says something about the intelligence of Illinoisans and explains why the state is now bankrupt). But Blago won free and fair elections. The Republican candidates were even worse. Blago's predecessor is currently in federal prison.

Republicans could not defeat Blago at the ballot box. Now Republican influence peddlers are trying to convict him in court. Jurors will not only "smell" a rat, they'll see that the entire judicial process is rat-infested. And they will vote to acquit Blagojevich. Blagojevich may have been a terrible governor, but I do not believe that federal prosecutors have shown he was a crook. I could be wrong. But forty-five years of experience in that courthouse tells me Blago walks.

ABOUT ANDY: Andy Martin is the legendary New York and Chicago-based muckraker, author, Internet columnist, radio talk show host, broadcaster and media critic. He has over forty years of background in radio and television and is the dean of Illinois media and communications. He promotes his best-selling book, "Obama: The Man Behind The Mask" and his Internet movie "Obama: The Hawai'i years." Martin has been a leading corruption fighter in Illinois for over forty years. He is currently sponsoring www.AmericaisReadyforReform.com

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