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Final Edition

**A Supreme dilemma; Still no seat for Burris despite state high court ruling that White's signature not needed**

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Staff reporters

Casting new doubt on Roland Burris' nomination to the U.S. Senate, Sen. Dick Durbin on Friday said Senate rules still bar Burris from taking office despite an Illinois Supreme Court ruling that characterized Burris' appointment as "valid" under state law.

Declaring legal opinions on the matter at an "impasse," Durbin said it is best for the Illinois Senate to move forward with its impeachment trial of Gov. Blagojevich, wait for the governor to be removed and hope Lt. Gov. Pat Quinn can name a Senate appointee everybody can agree on.

Durbin did not rule out that Quinn's appointee could be Burris.

At a separate news conference, Quinn was asked repeatedly whether he would appoint his own U.S. Senate nominee if he takes office, but the lieutenant governor sidestepped the questions.

Burris' lawyer indicated the former attorney general has no plans to give up his fight. The Burris camp faxed a second round of Senate nomination paperwork to the Senate on Friday and plans to hand-deliver it Monday.

Burris is prepared to go back into court if those efforts fail.

"One of our options is going into U.S. District Court," lawyer Timothy Wright said. "We're not looking to do that."

In Friday's state Supreme Court ruling, the court unanimously decided Secretary of State Jesse White does not have to sign Senate paperwork that Burris needs to be seated as the state's junior U.S. senator, though it called his appointment "valid under Illinois law."

The 7-0 opinion muddies Burris' political future. Citing rules that date back to the late 1800s, the secretary of the Senate in Washington has held that Burris needs White's signature, along with the state seal and Blagojevich's signature, on a particular Senate form in order to be seated.

Attorney General Lisa Madigan, who represented White in the lawsuit Burris filed against him, said, "It is clear that Secretary White is not the roadblock to Mr. Burris' appointment to the U.S. Senate. It remains within the power of the U.S. Senate to seat Mr. Burris. They should do so immediately."

Durbin disagreed.

"It isn't just a question of whether Illinois law is met . . . but whether or not the actions taken are sufficient for a person to be appointed to fill a vacancy under the rules of the United States Senate," he said. "We have not received valid certification. If you look at the previous certifications for 125 years, they all include a signature that's missing from this appointment."