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Final Edition

**Promise to Blago; Burris recorded in November saying he could donate check to then-gov**

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Staff reporters

In a Nov. 13 conversation recorded by the FBI, Roland Burris told Rod Blagojevich's brother he feared donating money to the governor would make it look as if he was "trying to buy an appointment," but Burris ends the call saying he would kick in to the fund.

Burris says on tape that he's trying to figure out "how to deal with this and still be in the consideration for the appointment."

Burris ends the call saying: "I will personally do something OK? And it will come to you before the 15th of December."

Rod Blagojevich was arrested Dec. 9 on charges that included trying to sell President Obama's vacant Senate seat to the highest bidder.

Such a promise of money is something Burris did not disclose to an Illinois House impeachment panel in sworn testimony or in a supplemental affidavit after Rod Blagojevich appointed him to the U.S. Senate seat in late December.

The revelation comes as a transcript of a conversation between Burris and Robert Blagojevich was unsealed by Chief U.S. District Judge James Holderman Tuesday at the request of a U.S. Senate ethics panel investigating Burris.

Neither Burris' lawyer, Timothy Wright, nor Robert Blagojevich's lawyer, Michael Ettinger, opposed publicizing the tapes.

"I have no objection to these tapes being released or played to the public," Ettinger said.

Burris, a Chicago Democrat, can be heard repeatedly expressing worry that holding a fund-raiser or making a donation to the governor would look like he's trying to buy the seat.

"If I do get appointed that means I bought it," Burris says. "If I don't get appointed then my people who I'm trying to raise money from are gonna look at me, yeah, what, what's that all about Roland."

During the conversation, Burris talks about fund-raising and brings up his attorney's name.

"I might be able to do this in the name of Tim Wright." . . . Okay, 'cause Tim is not looking for an appointment, OK?"

Wright is a lawyer now representing Burris. Wright said Burris did not attempt a third-party donation. It is illegal in Illinois to make a donation using someone else's name.

"He asked me if I would do a fund-raiser and I told him absolutely not, and I said he shouldn't do it either," Wright said. "That's what that's about."

Burris also discusses the possibility of having his lobbying partner, Fred Lebed, write a check to Friends of Blagojevich.

Robert Blagojevich said, "Do what you think is fair from your standpoint."

The Sun-Times reported in March that Burris appeared to have an unmet fund-raising commitment with Blagojevich. An internal list of potential donors kept by Friends of Blagojevich and obtained by the Sun-Times, dated Dec. 3, contains an entry targeting Burris for up to $10,000 and indicates Burris intended to "call back with a date."

But Wright said Burris pledged only $1,500 and didn't go through with sending a check Dec. 15.

Wright said it had nothing to do with Blagojevich's Dec. 9 arrest because Burris made his decision before the arrest.

"Sen. Burris, as he said, decided he couldn't send a check because it wouldn't look good," Wright said. Wright said he doesn't believe Burris called Robert Blagojevich again to tell him he had a change of heart.

While Wright said the tape vindicates his client, members of the House impeachment panel said it only raises more questions.

Burris did not mention a promise of a campaign contribution in a Feb. 4 affidavit that Burris submitted to an Illinois House panel investigating Rod Blagojevich's impeachment.

That affidavit sought to supplement Burris' testimony before a House panel, where Burris only mentioned having contact with former Blagojevich chief of staff Lon Monk with regard to the appointment.

Rep. Jim Durkin (R-Western Springs) said Burris' offer to write a check to Blagojevich by Dec. 15 is "absolutely" something the state's junior U.S. senator should have told the panel.

Rep. Jack Franks (D-Woodstock), added: "I don't think there's any vindication here at all. It underscores what we found at our committee: He wasn't truthful."

Wright scoffed at the notion that a promise of a check was part of any pay-to-play scheme.

"Fifteen hundred dollars? Come on," Wright said. "Burris had been a fund-raiser in years past. This had nothing to do with pay-to-play."

Burris came under fire in February after the Sun-Times disclosed the Feb. 4 affidavit, which was not previously made public. The Senate Ethics Committee is investigating whether Burris misled the public in different affidavits and testimony to that impeachment panel.

U.S. Sen. Dick Durbin said he wasn't surprised by the release of the tape -- and said he's likely on a recording with the ex-governor himself. Durbin said the two had a five-to-10 minute conversation about Senate seat possibilities.

"This sounds self-serving but my relationship with the former governor was a little different than some -- I wasn't in on the deal," Durbin said. "I don't think he paid much attention to what I told him."

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