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Final Edition

**Senate may block Burris, stall for time; Dems may wait for gov's ouster**

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Staff reporters

Gov. Blagojevich has tried filling Illinois' vacant U.S. Senate seat, but there are strong indications his appointee, Roland Burris, may never get to sit in the chair.

Top Senate Democrats are contemplating a strategy of running out the clock on Blagojevich. They seem primed to let Illinois lawmakers drive Blagojevich from office, then choose between two competing U.S. Senate nominees: Burris and whomever Lt. Gov. Pat Quinn might pick if the impeachment drive is successful.

"Anyone appointed by Gov. Blagojevich cannot be an effective representative of the people of Illinois and, as we have said, will not be seated by the Democratic Caucus," Senate Majority Leader Harry Reid (D-Nev.) said in a statement.

While there hasn't been a case like this, there is precedent for the Senate to decide between two candidates.

In 1974, a Senate race in New Hampshire was too close to call, so the governor there certified both candidates as winners and left the Senate to decide between the two. The Senate deadlocked and declared the seat vacant for eight months until a new election could be held.

Those pushing for Burris, a former state comptroller and attorney general, have pointed to a 1969 U.S. Supreme Court case involving former Rep. Adam Clayton Powell Jr. (D-N.Y.). The high court ruled the House had no authority to block him from his seat despite corruption allegations because Powell had been recently elected and met the basic constitutional requirements to hold office.

But Reid spokesman Jim Manley said this is different than what the Powell decision covered.

"We are not making a judgment about qualifications of an appointee but about whether the appointment itself is tainted by fraud, which we believe we are entitled to do," Manley said. "This is like judging the integrity of an election, free from fraud or corruption. It's the process that led to the appointment, not the appointee's fitness."

Another potential roadblock is Secretary of State Jesse White's refusal to certify him as a Senate nominee.

That is a shakier proposition, though, because White can find no constitutional or statutory authority giving him power to sign off on a governor's Senate appointment.