



Written by [Jack Kenny](#) on March 17, 2009

## Roland Burris Goes From the Frying Pan into the Fire

Then Sen. David Vitter of Louisiana called on Burris to step down, though Vitter has, for the better part of two years, ignored calls for his own resignation. In July of 2007, Vitter was identified in published reports as a client of “D.C. Madam” Deborah Jane Palfrey, whom federal prosecutors convicted of prostitution. Vitter responded to the reports by acknowledging “a very serious sin in my life,” while offering no details.



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Earlier this year Burris, a former Illinois attorney general, stated under oath in the Illinois House of Representatives that he had no contact with the governor or his representatives about the Senate seat prior to his appointment by Blagojevich in late December. He later amended his testimony to say he had discussed his interest in the seat with Rob Blagojevich, the governor’s brother, and with the governor’s chief of staff. Finally, he admitted to undertaking fundraising efforts for the governor during that time, though he said he could find no donors.

The Burris equivocations have cast yet another shadow over a selection tainted from the start by the charges against Blagojevich, who was later impeached and removed from office after his arrest on criminal charges that included allegations of attempts to sell the appointment for as much as \$500,000. “Don’t allow the allegation against me to taint this good and honorable man,” Blagojevich pleaded when he announced the appointment. At the same press conference, Burris insisted he had not been part of any “pay-for-play” scheme, adding whimsically, “I ain’t got no money to pay for play.”

### **Paying to Play**

But for someone with no money, Burris appears to have done rather well for himself — and not too badly for Blagojevich. According to the *Chicago Sun-Times*, “Burris, his lobbying firm, his clients and a law firm that includes him donated \$127,986 to Blagojevich since the governor took office.” Burris personally contributed \$4,500, including \$1,000 last June. Burris & Lebed Consulting donated \$10,796 in cash and services, and the law firm with which Burris is affiliated gave \$5,000 to the governor. Clients of the lobbying firm, who collectively were under contract with the state for \$3.09 million during the time Burris was representing them, donated a total of \$107,690 to Blagojevich. Burris & Lebed, meanwhile, has received \$294,546.30 in state contracts since Blagojevich came into office in 2003. Long before Blagojevich became a political force, however, Burris had established a track record of his



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own for rewarding campaign contributors. Early in his tenure as attorney general (1991-95), the *Springfield State-Journal* did a study correlating state-awarded contracts with contributions to elected officials. The report the paper published showed that more than half of the roughly \$4 million in contracts awarded by the attorney general in fiscal year 1992 went to individuals and law firms that had contributed to his 1990 campaign. The newspaper reports later became the basis for the 1997 book *Illinois for Sale*.

For the 71-year-old Burris, a native of the southern Illinois community of Centralia, the Senate seat is the latest in a lifetime of achievements, many of which are etched in granite under the title "Trailblazer" in the mausoleum he has had built for himself in Chicago's Oak Woods Cemetery. The senator's many "firsts" include his being the first African-American to swim in the Centralia community swimming pool after his father and the leader of the local NAACP fought to have it integrated. The list also chronicles his achievements as the state's first African-American comptroller, having won election to that office three times, and its first African-American attorney general. He later ran for mayor of Chicago, but lost in a landslide to Mayor Richard Daley. He also lost to then-Senator Paul Simon in the Democratic primary for U.S. Senate in 1984 and has run unsuccessfully three times for governor.

Throughout his triumphs and defeats, Burris has suffered no lack of confidence, nor excess of humility. He once mused that Illinois, the "Land of Lincoln," might someday be known as the "Land of Burris." During his inauguration as comptroller in 1979, he announced that on a visit to Lincoln's tomb that day, he heard the Great Emancipator speak to him, saying, "I know who you are and I am pleased at what is taking place in Illinois today."

Burris raised eyebrows as well in 1993, when as attorney general he organized Chicago's first "Gun Turn-in Day," persuading 142 owners of firearms to turn in handguns, rifles, and a double-barreled shotgun in return for free White Sox or Bulls tickets. The following year, while running for governor, he admitted to the *Chicago Tribune* that he still had a handgun of his own at home. Asked why he hadn't turned it in, he replied, "I just didn't get around to doing it." He turned it in the day after the *Tribune* story appeared.

"He simply had forgotten about it," his spokesman, Don Rashid, explained.

### **Crucifying Cruz**

But the most troubling aspect of his single term as attorney general, and the one with the most negative impact on what little chance he may have of winning the Senate seat he now holds in the 2010 election, is his battle to impose the death penalty on Rolando Cruz, a murder convict, while ignoring evidence of the man's innocence. As recounted by Rob Warden, executive director of the Center on Wrongful Convictions at Northwestern University, the case casts an even more troubling shadow over the career of Burris than does his "evolving memory" of conversations with Blagojevich's men.

In 1985, Cruz and co-defendant Alejandro Hernandez were convicted of the rape and murder of a 10-year-old girl. According to prosecutors, Cruz told them of a dream he'd had about the crime that amounted to a confession. It was enough to sway the jury, but eight months later, a serial killer named Brian Dugan confessed to the crime, supplying details that only the killer would have known.

Cruz and Hernandez won new trials when the Illinois Supreme Court ruled they should have been tried separately. Each man was convicted again, with Hernandez getting 80 years and Cruz receiving the death sentence. When Cruz appealed again, Burris assigned the case to prosecutor Mary Brigid Kenney. After reviewing the case, she became convinced that an innocent man had been railroaded. The trial



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judge, she discovered, did not allow the jury to hear much of the evidence that substantiated the details of Dugan's confession. She tried to bring the evidence to the attention of then-Attorney General Roland Burris, but he refused to hear her concerns, she told the *Sun-Times* after Burris was appointed to the Senate last December.

"I wrote very detailed memos," she said. "I was refused access to him. He said it was not his job to place his judgment over a jury." She finally resigned in protest.

"I cannot sit idly by as this office continues to pursue the unjust prosecution of Rolando Cruz," she told Burris in her letter of resignation. Nine months later the state Supreme Court upheld the conviction, seemingly ending all hope for Cruz. But Kenney had by that time brought so much attention to the case that the deans of six Illinois law schools and a number of retired prosecutors filed friend-of-the-court briefs on a petition for a new hearing. In 1994, the court reversed the conviction and ordered a new trial.

The following year the state put Cruz on trial a third time, despite the presence of DNA evidence by that time that proved Dugan was indeed the killer. The charge was finally dismissed, however, when a sheriff's lieutenant admitted that officers who had testified that they had informed him of Cruz's alleged "dream" confession could not have done so because he was on vacation at the time. As Warden described it in an essay in *Newsweek* early this year, "An incredulous judge acquitted Cruz, removing him from legal jeopardy after 11 years, 34 weeks and four days behind bars for a crime he did not commit."

Today, the attorney general who ignored the evidence in order to keep an innocent man on death row is the junior senator from Illinois, appointed by an indicted, then impeached and deposed, governor. "In accepting this appointment to the Senate," Kenney told the *Sun-Times*, "Mr. Burris has done what was good for him, paying no heed to what is right or wrong, just as he did with Rolando Cruz."

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