

Smith's Initial Defense Suggests a Blagojevich-Like Circus

Written by Rich Miller
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Call it “Blagojevich Lite,” or whatever else you want, but it became pretty darned clear last week that the attorneys for state Representative Derrick Smith are planning the same sort of mockery of the system that Rod Blagojevich’s legal team did during those dark days after the former governor’s arrest.

“While I have been troubled to experience the shenanigans being played by the FBI, to lean on people around me and to get them to say bad things about me, I will not cower,” Smith (D-Chicago) told reporters after he pleaded not guilty to federal bribery charges. Never mind the fact that nowhere in the arrest report or indictment is there any reference to anybody saying “bad things” about him.

Smith also claimed that the people of his district “elected” him on March 20 because, he said, “they believed in me.” Yeah, right. Okay: The voters gave him the Democratic nomination despite the fact that he’d been arrested because party leaders warned them that Smith was up against a white, very conservative Republican activist posing as a Democrat. Many of those same Democratic leaders are now calling for Smith’s resignation.

Smith’s pledge to never “cower” in the face of the federal prosecution was right out of the former governor’s defiant playbook. Blagojevich loudly declared his complete innocence, vowed to fight to the end, said he’d been persecuted by the establishment, and once even challenged the U.S.

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attorney to a manliness contest. Right up until he checked himself into federal prison to serve a 14-year term, he said the coppers had the wrong guy. (Smith, by the way, is now looking at 10 years in a federal penitentiary.)

But it was one of Smith's attorneys, Victor Henderson, who really brought Blagojevich to mind. Henderson told reporters that Smith was entrapped, but the lawyer's evidence of this entrapment was an allegedly phony government Web site and a fictitious day-care-center operator. That's hardly proof of entrapment; actually, it's standard sting-operation stuff.

And, frankly, doesn't claiming Smith was entrapped into accepting a \$7,000 cash bribe mean he and his lawyers are all but admitting that he took the money? And if he did take the cash, isn't that enough right there to expel him from office? The House doesn't have to consider whether Smith is guilty under state or federal criminal statutes. This is not about criminality. It's about politics. According to the chamber's Rule 89, the House merely has to establish "disorderly behavior" by the offending member. That isn't a very high bar. Theoretically, the House could expel a member for spitting on the sidewalk if two-thirds of the members wanted to.

Henderson did make a good point about the FBI failing to tell a judge of its informant's extensive criminal record, but he gave the strongest indication yet that he planned to disrupt and distract the process from beginning to end when he quoted anti-Nazi Lutheran Pastor Martin Niemoller's immortal poem about moral cowardice during the Holocaust: "First they came for the communists, and I didn't speak out because I wasn't a communist. Then they came for the trade unionists, and I didn't speak out because I wasn't a trade unionist. Then they came for the Jews, and I didn't speak out because I wasn't a Jew. Then they came for me, and there was no one left to speak out for me."

"Today it's Derrick Smith," Henderson told reporters, according to Chicago Public Radio. "Who is it tomorrow?"

Needless to say, invoking the Holocaust to defend a client accused of taking a cash bribe is more than a bit much. But now that the House Special Investigating Committee has allowed Smith and his legal team more than enough time to get their feet underneath them by continually postponing the inevitable, we can probably expect a lot more crud like this.

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Henderson told *Illinois Issues* that his client plans to testify at future House hearings. The next one is scheduled for Thursday, May 10.

If Henderson was telling the truth about Smith testifying, we can all expect an embarrassing circus.

Rich Miller also publishes Capitol Fax (a daily political newsletter) and CapitolFax.com.