



# Who Is Janet Napolitano?

*Not to mention Ricki Seidman, Wendy Sherman, and many other anti-Clarence Thomas alumni determined to work under Bill and Hillary. It won't come easy if Senate confirmation is required, as Napolitano is about to find out—even with Senator DeConcini as her sponsor.*

by David Brock

Shortly before last November's elections, Senator David Boren of Oklahoma made discreet inquiries with his Democratic colleagues on the Senate Judiciary Committee on behalf of the stalled nomination of Frank Keating, the former assistant attorney general and counsel to HUD Secretary Jack Kemp whom President Bush had nominated to be a judge on the Court of Appeals for the 10th Circuit, a district that includes Boren's home state.

The Keating nomination had been left in a typical pre-election confirmation limbo, as the Democrats hoped to capture the presidency and put their own people in. Boren, however, was somewhat startled to learn who one of these people might be. When Boren asked about the hold-up, Senator Howard Metzenbaum of Ohio, the committee's canny liberal operative, told Boren, "That's Anita Hill's seat."

For several months, it was impossible to tell how seriously Metzenbaum's comment was to be taken. Then, in March and April, other discreet inquiries were made; the Clinton administration was seeking to gauge the reaction of Judiciary Committee senators to the prospective nomination of Professor Hill to fill the Tenth Circuit vacancy.

But once again the seriousness of Hill's boosters was in question. Clearly some in the new administration—perhaps even Hillary Rodham Clinton, who had praised Hill lavishly in an appearance at the American Bar Association Convention the previous summer—favored recognizing and

rewarding the otherwise unaccomplished Hill for her role in the Clarence



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Thomas Supreme Court confirmation hearings. What better way to avenge the Thomas victory?

But many on Capitol Hill believed that the inquiries had been made by adept administration strategists, aware of the disastrous political consequences of such a move, solely as a way of pre-empting this very pressure from the party's left-wing activists both inside and outside the government. They could then be told in no uncertain terms that a Hill nomination wouldn't fly. The trial balloon thus would be floated and shot down simultaneously.

In any event, the response was, at best, less than promising for Anita Hill. Democrat Boren, always an unpredictable swing vote on a close issue, told one of the committee's Republicans that the conservative politics in Oklahoma—where the University of Oklahoma professor is about as popular as the BTU tax—would compel him to vote against Hill, just as it had compelled him to vote for Clarence Thomas during the original confrontation. (Later, appraising Thomas's first year and a half on the court, the notoriously protean Boren threw a bone to Thomas's opponents by saying that he regretted the vote.)

**T**he prospective nomination of Hill to a federal judgeship, or to any other post, for that matter, has subsequently gone nowhere—though others with close connections to the hate campaigns waged against both Robert Bork and Justice Thomas have fared better. An early signal of the influence of these liberal legal activists came when Ricki Seidman, an aide to Senator Ted Kennedy, via People for the American Way, joined the Clinton campaign as manager of its "war room" in Little Rock.

Seidman had been People For's legal director during the Bork fight and was responsible for, among other slanders, an infamous advertisement on the judge's judicial record that his supporters found to contain ninety-nine misstatements of fact. She learned to manage "war rooms," then, in the Russell Senate Office Building, and later bragged to colleagues that she had single-handedly defeated Bork.

In the Thomas nomination, Seidman would stoop lower. She joined the Kennedy staff as a Labor Committee investigator shortly after Thomas was named and promptly began digging for dirt on the nominee. Tipped off by the Alliance for Justice that an Oklahoma woman might be willing to charge Thomas with sexual harassment, Seidman placed two crucial telephone calls to Hill in early September 1991, designed to pressure her into first acknowledging the harassment rumor and then speaking to the Judiciary Committee about it.

After the plan to scuttle the nomination behind the scenes failed, Seidman played a role in the leaking of Hill's confidential allegations to the media. A close reading of the report of Senate special counsel Peter Fleming, who investigated the leak last year, suggests that Seidman helped broker the leak of Hill's committee statement by James Brudney, then a staffer to Metzenbaum, by playing intermediary with National Public Radio's Nina Totenberg. Questions remain about whether Seidman later lied to Fleming (and thereby violated the False Statements Act) in denying knowledge of, and complicity in, the leak.

After the presidential campaign, Seidman, considered part of Hillary's circle, won a position as deputy to then-communications director George Stephanopoulos in the White House. Since then, the skilled operative has risen fast.

In the May re-shuffle that brought in David Gergen as counselor to the president, Seidman became an assistant to the president and counselor to chief of staff Mack McLarty.

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Foster's suicide, and, ironically, defending the administration's embattled nominees. "An eleventh-hour attempt to impeach a man of unimpeachable character" was how Seidman characterized concerns about assistant attorney general Webster Hubbell's membership in an all-white Little Rock country club. She ought to know: Seidman and People For had used this very issue to derail the nomination of Florida federal judge Kenneth Ryskamp during the Bush years.

But Seidman is likely to remain a staff-level operative, rather than get promoted into the policy-making ranks. Like Anita Hill herself, Seidman bears an ethical taint from the anti-Thomas campaign. Under oath for Senate confirmation and subject to an FBI background check, she would risk exposure of her nefarious plotting—and possible criminality.

**O**ther Anita Hill-ites have been similarly tucked away in and around the government. Georgetown University law professor Emma Jordan—a professional acquaintance of Hill's who assembled her legal team during the hearings, and was co-sponsor (with Hill) of last October's Georgetown conference on "Race, Gender and Power in America"—served as the Clinton transition adviser for the office of attorney general. Judith Lichtman of the Women's Legal Defense Fund, a friend and adviser of Hillary's, has yet to take a formal post. Lichtman lobbied a very reluctant Hill—using Georgetown University sexual

harassment expert Susan Deller Ross as an intermediary—to put the harassment charge in writing. Melanne Vermeer, another People for the American Way veteran, is in a top job on Hillary's staff; she worked very closely with Seidman on the Bork nomination, but unlike her compatriot, Vermeer was not involved in soliciting or publicizing Hill's charges.

The nomination of Yale law professor Drew Days as solicitor general raised the question of whether he could serve effectively as the government's chief litigator, having previously testified before the Senate that a judge he would be appearing before—Thomas—was unqualified for the job. But Days, who was easily confirmed, had opposed Thomas on political grounds (he didn't like Thomas's critique of affirmative action), and wisely stayed out of the Anita Hill mess. Likewise Walter Dellinger, the Duke University law professor who is now head of the Office of Legal Counsel at Justice. A sometime adviser to Judiciary Committee chairman Joseph Biden, Dellinger, who worked hand in glove with both Seidman and Vermeer against Bork, told the Senate that his role in the Thomas fight had been limited to analyzing Thomas's views on natural law.

Appellate Judge Jon Newman of Connecticut, the first choice of the activist groups to fill the Byron White vacancy on the Supreme Court, however, did get caught in the cross-hairs. It is widely thought that Newman was struck from the short list of contenders early on because the sitting judge had improperly inserted himself into the Thomas confirmation struggle. Newman raised questions about whether he had violated judicial ethics when he penned an openly partisan op-ed piece in the *New York Times* on the day Hill and Thomas were to appear before the Judiciary Committee. Imploring President Bush to withdraw the Thomas nomination, Newman wrote:

The president said Judge Thomas was the person best qualified in the entire country. No one seriously thought this was true. He has a mediocre educational record followed by some years of useful government service and 17 months of judicial experience undistinguished by any notable opinions.

Stepping in it further, Newman essentially called Thomas a liar by stating, on the basis of no evidence, that something untoward had likely happened between Thomas and Hill. When Newman's name surfaced in the press as a leading contender to replace White, Republicans were quick to circulate his unfortunate op-ed. (Another almost-nominee was Charles F. C. Ruff, a former U.S. attorney in Washington who was asked by Hill's lawyers to find an examiner to conduct Hill's secret polygraph. Ruff was derailed when it was revealed he had not paid Social Security taxes for domestic help.)

Wendy Sherman, therefore, was the first Clinton nominee to pass through the Anita Hill gantlet. A former top aide to Senator Barbara Mikulski and former executive director of EMILY's List, Sherman was a member of Hill's public relations team, which convened along with her lawyers at a downtown Washington law firm on the day before Hill testified publicly. This spring, Sherman was named assistant secretary of state for legislative affairs. In introducing her former aide to the committee, Mikulski did not mention Sherman's role in the Thomas hearings, though she did note, "She's combat-ready."

Senator John Danforth of Missouri, still distraught over the savaging of Thomas, submitted a detailed list of written questions to Sherman, relating to her role in helping prepare Hill's testimony. Sherman's answers were not terribly enlightening, because the lawyers and public relations people worked separately that weekend in October 1991, and she was not therefore at the center of the chicanery. Despite some tough questioning in the hearing from North Carolina Senator Jesse Helms as well, Sherman breezed through.

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**T**he testimony of the next nominee to run the gantlet, however, could prove more interesting, for one of Hill's lawyers, Janet Napolitano, was nominated by the president on July 2 to be the U.S.

attorney—the top federal prosecutor—for the Arizona district. Napolitano orchestrated a highly controversial episode that bears on the truth of Hill's claims against Thomas and the veracity of Hill's star witness.

Who is Janet Napolitano? Before entering the Thomas-Hill fray, she was simply another well-connected feminist lawyer. A native of New Mexico, Napolitano, 35, attended the University of Santa Clara and the University of Virginia Law School. She then clerked for Judge Mary Schroeder of the 9th Circuit Court of Appeals, who is thought to have been considered for the recent high court vacancy. Before being named U.S. attorney, Napolitano had specialized in appellate and commercial litigation at the Phoenix law firm of Lewis & Roca.

Last March, Attorney General Janet Reno, in one of her first official acts, fired all ninety-three sitting U.S. attorneys; if political connections are paramount in such maneuvers, then Napolitano, who has no prosecutorial experience, fits an emerging pattern in this administration. Certainly Napolitano is as much a political activist as a lawyer. She has been a member of the Democratic National Committee and was the first woman to hold the number-two post in the Arizona Democratic Party. She has managed various state Senate races and worked on the Clinton campaign in Arizona.

Napolitano is also a full-fledged feminist. According to the *Phoenix Gazette*, she was the keynote speaker at a May

1991 pro-choice rally against the Supreme Court's decision barring the use of federal funds for abortion counseling. "This is a court that will violate its own procedures and precedents," Napolitano was quoted as saying. "It chose to interpret the regulations in the most anti-choice, anti-women, anti-poor-women way possible." This past April, Napolitano was the featured speaker at an American Association of University Women panel on—"what else?"—"Breaking the Glass Ceiling."

Napolitano's ideological and political godfather at Lewis & Roca is partner John Frank, the former Yale law professor who argued the landmark *Miranda* case before the Supreme Court in 1964. Like Ricki Seidman, Frank has Robert Bork's blood on his hands. He is credited with (or blamed for) leading the activist groups in generating media and grass-roots opposition in Arizona against Bork as though he were a political candidate. Caricaturing Bork as a "judicial activist," Frank also personally and successfully lobbied his friend Senator Dennis DeConcini, the Judiciary Committee Democrat and former prosecutor who often votes with the Republicans, to come out against the nominee—a turning point in the struggle.

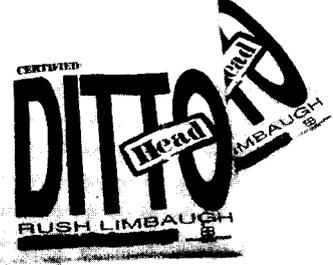
Frank and Napolitano have served together as lawyers for the state Democratic Party. Frank is also the lawyer Napolitano has to thank (or curse) for bringing her to Washington and onto the Anita Hill legal team. The team was hastily assembled by Emma Jordan and University of Southern California law professor Judith Resnik follow-

ing the reports of Hill's allegations on National Public Radio and in *Newsday* on October 5, 1991. It ended up including, most prominently, Charles Ogletree of Harvard University, Susan Deller Ross, Washington lawyer Warner Gardner, and Frank and Napolitano, who, according to an article in the *American Lawyer*, were assigned the handling of procedural matters with the Judiciary Committee.

One of these responsibilities, apparently, was to monitor the interviews of witnesses conducted by committee lawyers prior to their sworn testimony. Clarence Thomas had no such representation in these interviews. Why Hill's team was permitted to attend the interviews remains a mystery.

On the afternoon of Friday, October 11, the committee conducted an interview of Judge Susan Hoerchner, Hill's main witness. In attendance were four committee lawyers; Hoerchner and her husband, Fred Gray, a fellow worker's compensation judge in California; Ronald Allen, Hoerchner's New York lawyer; and Napolitano, representing Hill. That morning, Hill had testified that she had gone to work for Thomas in the fall of 1981 and that the harassment had commenced three months later, in December 1981 or January 1982. Hoerchner would testify on Sunday about one telephone call from Hill in which Hill allegedly complained of this harassment by Thomas.

During the course of the Friday interview, Hoerchner

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recalled several things about this one call: that it had occurred "sometime before September 1981"; that it was "at a time when we spoke fairly regularly by telephone;" and that "she told me she was undergoing sexual harassment at work by her boss." Questioned further as to how she placed the date, Hoerchner said she remembered the call as having taken place in Washington, and she had moved to California in September 1981. She also said she had "less than sporadic" contact with Hill thereafter. Indeed, her only recollection of a conversation with Hill after September 1981 was in December 1984, long after Hill herself had left Washington.

In other words, by the logic of Hoerchner's account, she and Hill had not spoken during the entire time that Hill had worked for Thomas, and thus any sexual harassment complaint by Hill could not have been directed at him. Indeed, in a prior telephone interview with Biden staffer Harriet Grant, Hoerchner, without hesitation, had placed the time of the call as "the spring of 1981," six months before Hill went to work for Thomas. Hoerchner also indicated that she had been unsure that Thomas was the harasser Hill had complained about until Hill confirmed this to her in a conversation on the day Thomas was nominated to the high court.

By a certain point in Hoerchner's interview with Judiciary Committee staffers, the lawyers present, including Napolitano, seemed to notice that Hoerchner's story did not jibe with Hill's. This was the final round of questioning about the date of the call, where Hoerchner herself seemed to realize that, if her chronology was right, Hill had complained of harassment *before* she went to work for Thomas:

Q. And, in an attempt to try to pin down the date a little bit more specifically as to your first phone conversation about the sexual harassment issue in 1981, the year you mentioned, you said the first time you moved out of Washington was September of 1981, is that correct?

A. Right.

Q. Okay. Were you living in Washington at the time you two had this phone conversation?

A. Yes.

Q. When she told you?

A. Yes.

Q. So it was prior to September of 1981?

A. Oh, I see what you are saying.

Q. I am just trying for the benefit of everybody to get to the truth, to pin down the—

A. I think I was. Yes. I'm sorry. That isn't something I can—

Q. Okay.

A. I was living in Washington prior to that time. I'm not sure that was the time of the phone call, but I really think it was.

Q. Okay. You were or were not living in Washington when you think you had this—do you think you were living in Washington or not?

A. I think I was.

Q. So that would make it prior to September of 1981.

A. Yes, if my memory is—

At that point, Napolitano interrupted. "Can I meet with the witness? Can we talk for just a minute?" The interview then went off the record. When the interview came back on the record, following the Napolitano gap, Hoerchner no longer recalled anything about the timing of the call or where she was living at the time—a posture she continued to maintain when questioned under oath on Sunday and subsequently. Hoerchner's recollection that the call took place prior to September 1981, when both she and Hill were living in Washington and Hill was working for the Wald, Harkrader & Ross law firm, vanished:

Q. When you had the initial phone conversation with Anita Hill and she spoke for the first time about sexual harassment, do you recall where you were living—what city?

A. I don't know for sure.

Q. That's all I have.

Hoerchner's amnesia about the call has overshadowed another clear shift in her account, again following the off-the-record consultation with Hill's lawyer. At first, Hoerchner stated that Hill had told her she was the only person Hill had ever told of the harassment:

Q. Did she ever relay to you that you were the only person who knew about these allegations or these problems she was having at work?

A. I think she told me that more recently.

[Later]

Q. I should have asked you this earlier, and I apologize. You said, going back to the you were the only person—Anita Hill told you you were the only person who knew about the allegations of sexual harassment, and you said that she reiterated that recently to you. Was this in one of those phone conversations?

A. No. She never told me until recently.

Q. That you were the only person that knew.

A. Right.

Q. When did she tell you that?

A. It may have been around the time that she wanted to know if I would talk to the FBI.

Q. So we're talking the last couple of weeks of September?

A. Very recent, yes.

Yet immediately after the Napolitano gap, Hoerchner—unprompted by any question—flatly changed her story. While she had previously said that Hill had told her she was the only witness, Hoerchner now claimed it had been the FBI who told her. As he began the next round of questioning, Biden aide Mark Schwartz seemed to suggest that this "off-the-record" consultation was unusual:

Q. Let's just say we took a break. I don't know what it was that happened. But that is correct, it was a break.

A. Okay. I recently came to the conclusion that I was the only one that she had told at the time. And I believe that the basis for the conclusion was that I was told by the FBI agent who interviewed me that there were only three names on—either in the affidavit or stemming from her FBI interview. I am not sure which, I think the affidavit and that my name was the only one she had listed as a corroborating witness.

Now the three names are, of course, herself, Thomas and myself. I don't know whether what he said to me was accurate or not.

This shift appears to have been made to cover up an embarrassing inconsistency in Hill's story. If Hill had told Hoerchner that she was the only witness, how could Hill have claimed—as she had that morning in sworn testimony—that she had told three others? But if the FBI had told Hoerchner, well, the FBI could have had incomplete information. In any case, it seems implausible that the FBI would divulge confidential information from Hill's FBI interview to a witness.

At another point, a Napolitano interruption derailed a critical line of questioning as to whether Hoerchner had dealings with Senate staffers prior to the time that Hill's charges were made public. This inquiry might have established how deeply Hoerchner was involved in pressuring Hill to come forward and promoting the charge on Capitol Hill:

Q. I mean prior to this time, have you talked to staff people other than Senator Biden's staff people?

A. Okay. I called—let me—

Q. You want to go off the record? Sure?

[Off the record]

A. [Terry Wooten, aide to Senator Strom Thurmond]: Let me just say this for the record. I am a little concerned when I ask you a question now—you know, I don't mind people consulting their lawyer, but to go out and talk about it and come back, I am concerned about how that may affect the answer I am trying to get.

Wooten's palpable frustration goes to the heart of the matter: Did Napolitano instruct or advise Hoerchner to change her answers to the committee's questions? If so, as a lawyer Napolitano can be held responsible for the changed testimony. While Hoerchner was not under oath during the committee interview, she was under oath on Sunday, when she repeated the altered story, telling the committee that she

could remember nothing about the timing or date of the phone call and that it was the FBI—not Hill—who told her she was the only witness. Napolitano may have coached Hoerchner on the changes Friday and allowed her to commit perjury on Sunday to protect Hill's case from unraveling.

If so, this would be a serious ethical violation by Napolitano, raising questions about her character and fitness to serve as a federal prosecutor. Napolitano's pending Senate confirmation for the four-year post of U.S. attorney is just the place to try to lay these concerns to rest, but this may mean essentially re-opening the Senate hearings, taking on the culture that has mythologized Anita Hill, and crossing a powerful senator who is Napolitano's unlikely sponsor.

In the aftermath of the hearings, Janet Napolitano's name was bandied about in the "Year of the Woman" as a challenger to Arizona's Republican Senator John McCain. "Ever heard of Janet Napolitano?" syndicated columnist Ellen Goodman opined after the hearings. "Meet the PCTC, a Post Clarence Thomas Candidate." Napolitano ultimately decided against making that race, though political observers speculated that she might challenge Senator Dennis DeConcini in the Democratic primary in 1994 on an "I believe Anita" platform.

DeConcini had broken ranks with committee Democrats and announced his support of Thomas before Hill's charges surfaced. He maintained that position unwaveringly throughout the second round of hearings. DeConcini, who was implicated in the Keating Five influence-peddling scandal, has more to worry about than his vote for Clarence Thomas.

But DeConcini apparently saw the chance to atone for his sins against the feminists and, more importantly, eliminate a potential primary opponent. This was a man who, after all, had imported Barbara Mikulski to his state six months after the hearings to endorse his re-election. Mikulski was supposed to counter the efforts of a group called Democratic Women Against DeConcini, which had been formed after the Thomas-Hill hearings to identify a woman to challenge DeConcini in a primary.

The presidential polls hadn't been closed for long when DeConcini wrote to the president-elect recommending Napolitano as the candidate for U.S. attorney in Arizona. "It is my impression the Clinton administration is searching for



individuals who are intelligent, hard-working, and dedicated to public service. Janet clearly fits within that category," he wrote.

He then called a press conference to announce his choice publicly. Senators always play an important role in advising the White House on such nominations, but even so, DeConcini seemed to be in quite a hurry. The public announcement, before Clinton had even nominated an attorney general, put the administration in an awkward position. If it chose not to nominate Napolitano, for whatever reason, it would be flouting the wishes of the senior senator from Arizona, whose support would be needed to pass the president's ambitious domestic program. In effect, DeConcini rolled Clinton on Napolitano long before he rolled him on the budget.

Even so, the White House was not immediately prepared to accede to DeConcini's wishes. In April, Justice named Daniel Knauss, the deputy U.S. attorney in Phoenix, to fill the post on an interim basis after Reno cleaned house. According to an April report in the *Arizona Republic*, a White House personnel official, Kevin O'Keefe, told staffers to DeConcini that Napolitano was not named as the interim attorney general because of concerns about her role on Hill's legal team.

For her part, Napolitano downplayed her connection to Hill, saying her role was "a four-day representation in a ten-year legal career." And DeConcini was not pleased. "What Senator DeConcini is upset about is this foolishness about delaying her nomination because she was Anita Hill's lawyer," DeConcini's spokesman Bob Maynes told the newspaper.

Foolishness? DeConcini and Janet Reno may think so, but Republicans should not pass up the only opportunity they are likely to get to find out what went on during the Napolitano gap, and whether Napolitano helped cover up the commission of a crime. This could be the investigation that the American public never got, when the Senate decided that special counsel Peter Fleming would only look into the leak of Hill's allegations to the press rather than the central matter of who committed perjury.

A long *Washington Times* editorial in May warned of potential rough sledding for a Napolitano nomination, but it was sent forward regardless on July 2. A Senate hearing for a U.S. attorney nominee would be somewhat unusual, but the Senate committee may hold one if it wishes. The Napolitano case provides a circumstance sufficiently extenuating to warrant a hearing, particularly since the potential subornation of perjury occurred during a Judiciary Committee proceeding. Short of a hearing, any senator may have his staff investigators ask Napolitano about her role. Since Napolitano was Hill's lawyer, not Hoerchner's, it is unclear whether she would be able to claim attorney-client privilege if questioned under oath about changes in Hoerchner's testimony.

When Senator Orrin Hatch, the committee's ranking Republican, was apprised of the July nomination, alarm

bells went off. He is currently weighing the pros and cons of making an issue of Napolitano's role. Hatch is close to DeConcini, and the relationship has paid off for the Republicans over the years (unlike Hatch's friendship with Ted Kennedy). Hatch campaigned for DeConcini in 1988, outraging the GOP.

Moreover, his political advisers do not want Hatch—who is also up for re-election next year—to do anything to raise memories of *The Exorcist* and Long Dong Silver. Trolling for feminist votes in Utah, however, seems a waste of time. Why not score political points by defending his role in the hearings and investigating a key discrepancy thoroughly? Hatch might also allay the concerns of some in the GOP that the committee, under his leadership, has been too easy on Clinton nominees. (Hatch aides argue that they have chosen their targets carefully and point to Lani Guinier as Exhibit A.)

If Hatch demurs, Senator Arlen Specter of Pennsylvania, who won a close re-election race against feminist fundraiser and Hill supporter Lynn Yeakel, may be curious about the famous change in Hill's testimony, when she at first claimed that she had not been told by Senate staffers that Thomas might withdraw his nomination if she came forward, and then admitted that she had been told just that. Had she not corrected her testimony, Specter said, Hill might have faced a perjury charge. Specter is also the only senator who questioned Hoerchner publicly about the changes in her story.

Senator Hank Brown of Colorado, one of the committee's more earnest members, is said to be interested in questioning Napolitano further, and the two GOP newcomers to the committee, William Cohen of Maine and Larry Pressler of South Dakota, are also considered apt to voice concerns. They are less skittish about the "Anita Hill effect."

Cohen, in fact, recently referred to yet another unsettling change in Hoerchner's sworn testimony during Senate debate on the nomination of Roberta Achtenberg as an assistant secretary at HUD. Discussing a fishy aspect of Achtenberg's confirmation testimony, Cohen referred to Hoerchner's testimony during the Thomas hearings, when she said she had not filed a sexual harassment complaint against a fellow workmen's compensation judge. Then, when Senator Alan Simpson produced a record of the charge, Hoerchner said, "I cannot say that I didn't."

Reading the entire Simpson-Hoerchner exchange into the record, Cohen said, "What struck me about the testimony was that it was not forthright; it was not candid. It was, in fact, I think, designed to, if not deceive, at least to confuse, to be less than candid."

The changes in testimony by Hoerchner appear to be far clearer cases of perjury than any "lying to Congress" charges ever pursued against the Republicans in the Reagan-Bush years. At the very least, an explanation from Janet Napolitano ought to be the price of confirmation. □

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Michael Ledeen

# Italy's Great Purge

*The biggest bribery scandal this century has blown the Italian political class to pieces. Some lessons for our own corrupt elites.*



A year after François Mitterrand was elected president of France, I asked Italian Socialist leader Bettino Craxi what he thought of him. He scowled. "It's as if we had never existed," he shot back. "All the stupid things we did in twenty years he's repeated in twelve months."

Mitterrand was neither the first nor the last Western leader who could have avoided a lot of trouble by paying attention to Italy, the political laboratory of the Western world. In this century alone, the Italians have given us Fascism, Eurocommunism, and Euroterrorism. For the past year and a half the Italians have been conducting a particularly volatile experiment in revolutionary politics.

In February 1992, a Milanese businessman, who had been shaken down for payoffs by a local Socialist, filed charges. The investigating magistrates followed the money trail, and it led them into a vast network of commissions, bribes, and payoffs, largely in the hands of Socialist Party officials and their business associates. In short order, politicians and businessmen were slammed unceremoniously into prison, the investigation was expanded to cover the whole country, and the scandal spread to include leaders of all the parties and their business allies. The bell that tolled for Craxi and the Socialists tolled also for the Christian Democrats, the Communists, and most all of the smaller parties. It was The Great Purge, Italian-style.

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The political changes are revolutionary. The Socialist Party is shattered; in the June municipal elections, it virtually disappeared north of Rome, drawing slightly more than 1.5 percent of the vote in Milan, its previous stronghold. The other traditional parties, including the Communists (now split into a Stalinist rump and something called the "Party of the Democratic Left") are similarly afflicted. And the crisis of the traditional parties follows an April

18 referendum to abolish proportional representation in the Senate, which captured a fantastic 82 percent of the vote. A new electoral law has been passed, retaining some elements of the old proportional method while creating winner-take-all districts for the vast majority of officials. But the old guard salvaged some hope for tenure; the original Senate version contained a provision limiting representatives to fifteen years in Parliament. This was killed in the final act.

There have been lots of scandals in postwar Italy—why such a long wait for a serious investigation? Because this was the first investigation following the collapse of the Soviet Empire, and of the European Communist parties, including the PCI (Partito Comunista Italiano). It was therefore the first time that Italian investigators could go right to the bottom of the matter without fearing that Italy might fall into enemy hands.

From the end of the Second World War until the end of the Cold War, Italian politics were dominated by the presence of the largest Communist Party in the Western world,