

Sizzling Summer for Senate and for Silvio

judith Harris (July 24, 2014)



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ROME –Giorgio Napolitano has pitted the considerable weight of his presidency and his prestige against the delaying tactics that currently tie the Senate into knots. The belated introduction of 7,800 amendments to the government's proposals for constitutional reform, beginning with revision of the role of the Senate itself, is already causing "serious damage," said Napolitano Wednesday. Some proposals on the table may be serious, but others are plainly opportunistic. They range from reducing the status of overseas voting constituencies to giving each regional government its own patriotic song and changing the name of the Chamber of Deputies to "Duma." A single amendment discussed yesterday required 90 minutes of debate before it was voted.

In the Senate itself wits warn with genuine despair, "This way we'll finish by New Year's Eve of 2015." Even if somehow bundled together and reduced to a few hundred, as many hope, this



extraordinarily large number of amendments may keep the Senate in session daily through August 15, from early morning until midnight, and, after a summer break, into late September. This wildcat obstructionism, Premier Matteo Renzi warned this week, could even precipitate national general elections next Spring. If so, Renzi also warns, "Change is here and cannot be stopped: it's like a letter at the post office -- once in the mail it will not be returned to sender."

Taking a hefty share of the blame for the outsized number are Beppe Grillo's Movimento Cinque Stelle (M5S) and Nichi Vendola's Sinistra Ecologia Libertà' (SEL). A further complication is that over 900 are to be voted by secret ballot, meaning no accountability for those who officially support the government but are not above seizing the opportunity to torpedo it. For this reason Senate President Pietro Grasso has come under criticism from Renzi's Partito Democratico (PD) for sticking to the rules in allowing ballot secrecy.

Meanwhile, former Premier Silvio Berlusconi is once again a major player even though his reborn party Forza Italia (FI) has become a battlefield, and is reportedly seriously short of funds. Few could have predicted that, convicted for tax fraud by Italy's high court, Berlusconi would be acquitted last Friday from another important trial, this rotating around his generous payments to, and evenings with, an underage foreign girl known to the press as Ruby the Heart Stealer. Following Ruby's arrest for stealing money from her roommate, Berlusconi personally telephoned police to ask her release into the hands of a friend of his, Nicole Minetti. The charges brought him to trial and a seven-year sentence on charges that included prostitution with a minor and interfering with justice.

The full acquittal by the appeals court overturned the lower court's conviction of Berlusconi for his generous payments to, and evenings with, Ruby. Two versions exist of the political consequences of this acquittal. The first is Berlusconi's own crowing that the new decision shows that he was innocent all along. For the first time he found charitable words for the judiciary, and some of his supporters are insisting that, because the appeals court found him innocent, he has the right to a financial settlement to repay the high political and personal costs of his conviction by the lower court. Berlusconi himself crowed that post-decision polls show support for his party moving above 17% and growing "without my saying a word."

There is also a more diabolical version of the appeals court decision – that the justices threw out the case because they know that prosecutors will now demand a review by the higher, constitutional court, the Cassations. Without speaking on the merits of the case, the high court can then find, if they exist, technical flaws which would require retrial. It assumes that, at age 78, Berlusconi's political future is limited at any rate, and that his quarrelsome party has already been cut down to size.

If this is a correct reading, it would be less *habeus corpus* than *tempus fugit*. More importantly, for his apparent rehabilitation also relieves him of the need to threaten to pull out of his agreement on election law reform, which had been hammered out by Berlusconi and Premier Matteo Renzi last February. The current political scene being a three-way draw, it relieves Renzi of the need to come to terms with Beppe Grillo. If this is the correct reading, it is Machiavelli all over again.

Most seriously, it is worth recalling that in a sideshow of the Ruby affair last March the Cassations court found against the Berlusconi version. After the arrest, magistrate Annamaria Fiorillo had ordered Ruby, then age 17, to be accompanied to a home for wayward girls. But because of Berlusconi's phone call, Ruby was instead handed over to Berlusconi associate Minetti. When this caused a flap, the then Interior Minister Roberto Maroni of the Northern League (which at the time supported the government Berlusconi headed) declared that this had been the proper action. The high council of the magistracy (CSM) agreed with the minister and imposed sanctions against Fiorillo.

Fiorillo nevertheless courageously objected at the interference. Maroni responded by taking the case to the Cassations court and accusing her of defaming him. Maroni lost; a magistrate has a right to "defend herself from denigration and defamation," the Cassations court ruled at that time. In short, it ain't over until the fat lady in the Cassations court sings.



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