

Berlusconi Back Again!

Judith Harris (October 28, 2012)



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ROME - He had no sooner bowed out the back door than former Premier Silvio Berlusconi came rushing back through the front door, and slammed it hard behind him. Only a few days ago Berlusconi had explained that he declined to run for premier again. Instead, he explained graciously, in the time freed up from politics, he would occupy himself with three primary and fulfilling tasks: promote his soccer club, mentor a university he has recently established, and devote his energies to charity, building hospitals for the needy in Africa.

But never mind. In a stunning about-face in grand style, speaking on his own Channel 5 TV network to a cheering throng of supporters, he threatened to bring down in coming days the emergency government headed by economist Mario Monti. He blamed his country's economic woes on Angela Merkel's German austerity enforcers, an argument that will not fail to find sympathetic listeners



here. And he vowed to continue the "modernization of Italy" left incomplete by his forced resignation last autumn. "I'm obliged to remain in the field in order to reform the justice planet," he explained. In an earlier phone interview with a TV Channel 5 interviewer he also said that he was compelled "to react against the barbarism." Behind the scenes he reportedly also whispered that it would be a good idea for Italy to be plunged into national general elections in January 2013; never mind that this would leave scant time for the primary elections that his own Partito della Liberta' (PdL) has been touting.

In short, Berlusconi, who has dominated Italian politics for over seventeen years, is not leaving the political scene just yet. What happened? Well, after his dramatic announcement this week that he would not run again as premier, a lower court in Milan convicted him on Oct. 26 to a four-year prison sentence for fiscal fraud involving his TV network Mediaset, convicted of having paid out kickbacks on over-priced entertainment acquisitions.

By all accounts the sentence after six years of stop-and-go trial hearings came as a shock to Berlusconi and his lawyers. Many here saw a connection between the two - that is, between Berlusconi's promise to "take a step backward" (this is the current phrase used to mean "bow out") one day and the court decision the next. Scuttlebutt would have it that his legal staff headed by Niccolo' Ghedini had talked an unwilling Berlusconi into announcing his withdrawal, in hopes that this would mollify the court sufficiently that the conviction would be toned down or dropped altogether. (This version presumes, of course, the unprovable: that Berlusconi's attorneys had received advance word of the conviction to come.)

In the event, the court, under the guidance of the dignified and media-shy Judge Edoardo D'Avossa, was not mollified. On the contrary, there was insult on top of injury: Berlusconi, the court decreed, demonstrates a "natural tendency toward crime" (*naturale capacita' a delinquere*), and was guilty of sponsoring a criminal system to defraud the Italian state from tax revenue via off-shore companies created ad hoc by Berlusconi and his "most trusted advisors." Although three years of prison sentence were wiped out on legal technicalities, the one-year sentence stands along with prohibition to hold public office for five years.

According to the court, his company managers at Fininvest/Mediaset inflated the costs of acquiring rights for foreign movies to be broadcast on Italian TV in order to create slush funds and dodge paying taxes on profits. Three thousand films in four years were purchased with something like 12,000 different contracts, in order to inflate the earnings between 2001 and 2003 by \$50 million, said the court. . Some sales were completely "fictitious," according to the court, which found that altogether some \$250 million remained in Fininvest coffers. An American producer accomplice named Frank Agrama was allegedly implicated, according to the prosecution.

Despite the sentence, it is unlikely that Berlusconi will actually sit inside a prison cell. His age is one reason. Needless to say his lawyers are filing appeals, and judgments by two higher courts lie ahead with predictable long delays. Berlusconi's legal staff are protesting that this "incredible sentence" failed to take into account earlier decisions by the Italian supreme court, the Corte di Cassazione, and a Roman judge, who - they say - had already acquitted Berlusconi of the same charges.

The news of Berlusconi's semi-resignation, his conviction and then his aggressive re-entry into active Italian politics went worldwide in a flash. BBC TV put the news ahead of a devastating report of mass murder by religious fanatics in a Burma village. And within minutes of the conviction an American commentator said jokingly that he hoped there would be a perp walk. Berlusconi himself called the sentence "intolerable" while PdL supporters called for the judges to be sent to jail. From Catholic centrist leader Pier Ferdinando Casini came the comment that Berlusconi, in his rapid about-face, risks finding himself alone because "there are a great number of moderate voters, decent people in the PdL, who won't be willing to put the country's future at risk."

In recent public opinion polls the PdL the party created by Berlusconi and - before their split - Gianfranco Fini claims under 17% of the electorate, less than half of its support at the last elections in 2008 (38.7%).



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