

# Politics by Denunciation

*Preliminary Version*

Giovanna M. Invernizzi \*

Andrea Ceron

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## **Abstract**

Political scandals are a fundamental component of today's politics. Yet, empirical evidence of the strategic determinants of scandals is intrinsically hard to gather, a problem that has significantly limited the study of this important phenomenon. This paper studies political scandals through their denunciation, using original data on 1125 episodes of misbehavior involving Italian MPs (1983-2019). This new dataset allows us to investigate the political nature of denunciations, comparing various types of scandals spanning from corruption to crimes of opinion. Results provide evidence in favor of a political use of denunciations for corruption crimes: when a party weakens, the likelihood that political enemies denounce past misbehavior of members of the weakened party increases, suggesting that the political use of denunciation is elastic to changes in the electoral odds. The timing of past misbehavior is also crucial: members of weakened parties are more likely to be accused of misbehavior that happened a long time before the accusation, which further supports the conjecture that accusations are political.

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\*Corresponding author. Invernizzi: Department of Political Science, Columbia University; [giovanna.invernizzi@columbia.edu](mailto:giovanna.invernizzi@columbia.edu). Ceron: Department of Social and Political Sciences, Università degli studi di Milano; [andrea.ceron@unimi.it](mailto:andrea.ceron@unimi.it).

# 1 Introduction

*“Apart from the Punic Wars, for which I was too young, I’ve been blamed for everything that’s happened in Italy but I never filed a lawsuit, for a simple reason, I have a sense of humor. There is another thing I have: a large archive, given I have not much use for fantasy, and everytime I speak about this archive, who must shut up, as if by magic, start to be silent.”*

– Giulio Andreotti, *Il Divo*

Political scandals — typically defined as “corruption revealed” (Lowi, 2018; Thompson, 2013) — are a fundamental component of today’s politics, shaping political events and voters’ opinions. The political consequences of revealing a corrupt political environment reach far: scholars have hypothesized that the deterioration of citizens’ political support observed in Western democracies during the past decades is connected with the increased number of political scandals (Bowler and Karp, 2004; Thompson, 2013). The end of the Italian “First Republic” was indeed triggered by *Tangentopoli*, one of the biggest corruption scandals of all times (Waters, 1994), which took place in 1992-1994 and involved major political parties and politicians. For instance, Giulio Andreotti — one of the most influential politicians of the Italian First Republic, whom the quote is attributed to — was involved in a decade-long judicial trial under charges of corruption and collaboration with the Mafia.<sup>1</sup> The trial generated a major scandal, and Andreotti’s acquittal is still questioned by many.

A recently growing literature has begun to scrutinize political scandals (for a summary, see Rottinghaus, 2015). Most of the existing empirical literature has focused on the political effects of scandals, measured with public revelations of corruption (e.g. Ferraz and Finan, 2008; Daniele, Galletta and Geys, 2020). Yet, as Dziuda and Howell (2020) observe, “the political incentives that undergird the production of scandal remain opaque”. Often scandals result from politicians’ strategic calculations: as noted by Nyhan (2017), “we cannot understand when and why [politicians] suffer from scandals without considering the role of strategic behavior”. While the literature has acknowledged this problem, to date there is still no empirical evidence of the political process leading to scandals. In particular, politicians might find advantageous to publicly denounce their cronies’ corruption for their personal political gain. In other words, scandals could just be the result of *politics by denunciation*.

Judicial prosecution of politicians constitutes a prominent source of political scandals. While the opinion that judicial investigations are initiated by political enemies is popular, empirical evidence is intrinsically hard to gather. Data on judicial investigations is often limited to whether an investigation took place or not, and whether it ended in a conviction. As for political enemies, typically what is observable is their reaction to

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<sup>1</sup> Andreotti has received the highest number of government assignments in the history of the Italian Republic.

the investigation, for example through public statements condemning the investigated politician. This paper takes advantage of a unique source of data on political corruption to study the political nature of scandals. We leverage new data on the judicial investigations of Italian MPs involved in different crimes (1983-2019) to study the politics behind trial court activity against deputies.

The measure of judicial investigation against MPs is the “request to proceed” (*Richiesta di Autorizzazione a Procedere*, hereafter RAP) sent by public prosecutor offices to the Chamber of Deputies. In these 36 years, public prosecutors have sent to the Parliament hundreds of requests to lift immunity of the involved deputies, all of which are publicly available. We are interested in the strategic use of these investigations for political purposes. While not all RAPs necessarily result in scandals, on average they hurt politicians’ reputation (Chang, Golden and Hill, 2010b). Thus, initiating a RAP represents *ex-ante* a powerful tool to hinder a MP’s career.

The Italian data represent an unparalleled opportunity due to the rich details included in the investigation documents. The uniqueness of our data consists in the revelation of the source (or whistle-blower) — often another political actor — behind the investigation, thanks to which we can provide evidence of a political use of denunciations. Our dataset is composed of RAPs involving 1125 MPs: 597 refer to allegations of corruption while 528 to opinion crimes. Among these RAPs, 398 specify in the official document that the whistle-blower is another politician or a member of a political organization or association.

The main question we ask is: how politically-driven are denunciations? We hypothesize that political denunciations are tied to the electoral performance of the accused MP’s party: when a party loses electoral support, this opens the door to attacks from politicians that might benefit from denouncing past misbehavior of members of the weakened party. To measure electoral security, we identify the vote share of the accused MP’s party in the electoral district where the MP was elected. By comparing how this vote share changes over time, we can identify when the party weakens. We include electoral results from all the elections in the period covered (1979-2019).<sup>2</sup>

Results provide evidence in favor of a political use of investigation of MPs for corruption charges. We find that, when parties weaken, the likelihood of political denunciation of past misbehavior increases. This happens independently of parties’ electoral strength — that is, the mechanism persists even if the weakened party is the strongest in the district. Yet, party strength matters: *ceteris paribus*, members of electorally strong parties seem less likely to suffer political attacks involving charges of corruption. This result suggests that the political use of denunciation is elastic to changes in the electoral odds: when a window of opportunity opens because of a

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<sup>2</sup>The only exception is the 1994 election in the aftermath of Tangentopoli. After the corruption scandal, traditional parties almost disappeared and new parties entered the electoral arena. This entirely different party system makes it impossible to compare parties’ vote share before and after 1994. Notice that the exclusion this year from our analysis stacks the deck against our hypothesis because we discard investigations related to parties that were heavily electorally damaged by Tangentopoli.

poor electoral performance, political opponents attack MPs belonging to the weakened party.

To provide further evidence that denunciations are politically driven, we investigate the timing of RAPs. We hypothesize that, when the leaker is a politician, the RAP is presented later (with respect to the crime) than when the denunciation does not come from a politician, and closer to elections. The rationale for this hypothesis is the observation that politicians share compromising information that can be used against each other (Tumber and Waisbord, 2004; Gambetta, 2018): under normal circumstances the threat of revealing this information is powerful enough to prevent politicians to blow the whistle, but when a favorable opportunity to bring down an opponent emerges, politicians reveal such dated information or dig dirt into the MP's past to find material for a public denunciation. The analysis of the timing of investigations corroborates this idea: results show that when the leaker is a politician, the request to proceed is presented on average one year after the alleged crime. The time lag is significantly higher than when the denunciation does not come from a politician. We argue that this time lag is due to the political nature of the denunciation: as our results on electoral security suggest, this opportunity might present itself when the accused MP's party weakens.

Our analysis distinguishes between RAPs for corruption and opinion crimes (e.g. slander), showing that the political incentives for tactical denunciation only play a role for the former type of allegation. When RAPs include allegations of corruption rather than opinion crimes, the likelihood of having a political whistle-blower is higher, as well as the time elapsed from the alleged crime. This result is consistent with the literature finding that revelation of corruption hurts politicians (Golden, 2006; Bågenholm, 2013; Fernández-Vázquez, Barberá and Rivero, 2016), despite its effect depending on various elements, such as social capital (Nannicini, Stella, Tabellini and Troiano, 2013), electoral and candidate selection rules (Ferraz and Finan, 2014; Ceron and Mainenti, 2015; Rudolph and Däubler, 2016), as well as voters' traits and party system features (Sberna and Vannucci, 2013; Charron and Bågenholm, 2016; Ecker, Glinitzer and Meyer, 2016; Fernández-Vázquez, Barberá and Rivero, 2016). The result is also consistent with the evidence that prosecutions of politicians for opinion crimes can actually benefit the party under attack (Van Spanje and de Vreese, 2015): attacking a political rival with opinion allegations could backfire because presumably voters share the same opinions.

While we provide evidence of the strategic use of denunciation by politicians, clearly there are other important mechanisms that play a role. The literature has shown evidence of *fumus persecutionis* — i.e. the presumption that legal proceedings are based on an intention to impede the politician's activity — initiating from biased prosecutors (Gordon, 2009). Judicial behavior can be affected by political pressures, particularly when judges' position depends on partisan elections and judges require the support of party leaders (Hall, 1992; A. Huber and Gordon, 2004). Judicial decisions can be affected by ideology even in contexts in which judges

are not elected and their careers are independent of political institutions (Ceron and Mainenti, 2015). By providing evidence of the initiation of the investigation process driven by hostile politicians we offer an additional channel through which investigations could be exploited for political reasons.

A few related studies have used RAPs as a measure of politicians' misbehavior, focusing on Italy's First Republic, from 1948 to 1994 (Chang, 2005; Chang, Golden and Hill, 2010*b*; Nannicini et al., 2013). Chang (2005) shows that intra-party competition and electoral uncertainty trigger political corruption. Consistently with our findings on RAPs for corruption crimes, Chang, Golden and Hill (2010*b*) find that being investigated for a potentially serious crime decreases the probability of reelection of a MP in a subsequent term. Moreover, using the same data Nannicini et al. (2013) show that this effect differs by electoral districts based on voters' traits: in district with higher social capital voters are more likely to hold politicians accountable for their alleged misbehavior. Our data advances this work by extending the existing evidence to RAPs for crimes presented after 1994, and including information about who initiates the process of investigation. Our findings suggest that the relationship between politicians' underlying corruption and RAPs is not necessarily monotone, as it varies with politicians' incentives to leak incriminating information. Thus, future work should take these incentives into account when using similar measures of corruption to make inferences about underlying transgressions.

Our paper relates to a growing literature on scandals. The existing empirical literature has focused on the effects of political scandals' revelation on different outcomes, such as accountability (Ferraz and Finan, 2008; Nannicini et al., 2013; Chong, De La O, Karlan and Wantchekon, 2015; Cavalcanti, Daniele and Galletta, 2018), candidates' selection (Chang, Golden and Hill, 2010*b*; Cavalcanti, Daniele and Galletta, 2018; Asquer, Golden and Hamel, 2019), politicians' behavior (Cho and Kruszewska, 2018; Daniele, Galletta and Geys, 2020) and the rise of populist parties (Foresta, 2020). A recently growing literature has also empirically scrutinized predictors of scandals' incidence such as divided governments, the number of topics covered by the media and low approval ratings (Nyhan, 2015, 2017), and dissent within the government (Balán, 2011). We provide to our knowledge the first existing dataset that investigates politically-driven denunciations where the identity of political whistleblowers is known. This allows to trace the political process underlying judicial investigations of politicians, which typically lead to scandals. As such, our paper relates to a recent theoretical literature that studies the political conditions facilitating scandals' emergence (Gratton, Holden and Kolotilin, 2017; Dziuda and Howell, 2020; Ogden and Medina, 2020; Invernizzi, 2020).

The remainder of the paper proceeds as follows. Section 2 describes the Italian Political and Judicial context. Section 3 lays out our hypotheses. Section 4 presents the empirical analysis. Section 5 discusses the results and concludes.

## 2 Italian Political Context and Data

Judicial activity investigating MPs is a salient issue in Italy, as public prosecutors have played a prominent role in the Italian political system. Their popularity and impact became particularly important after 1992, when the Mani Pulite (Clean Hands) judicial inquiry shed light on the illegal links between politics and business and revealed the political corruption permeating the political system, which resulted in the *Tangentopoli* corruption scandal. Our dataset encompasses both Italy’s “First Republic”, which defines the political period starting from World War II and ending with the elections of 1994, and the current “Second Republic”, which begins with the 1994 election under a new electoral system.

The time frame 1983-2019 was selected to have a balanced dataset covering both the First and Second Republic. We focus on a period in which the Italian political system started to face broad transformations. After decades of party system stability and dominance of the Christian Democracy, in the 1980s new cleavages transformed the political space, opening opportunities for green, ethno-regionalist as well as populist and radical parties which partially originated as a reaction to the “cartelization” that characterized the First Republic, and that were fueled by waves of corruption scandals (often linked with public funding of parties).

The dataset includes general elections held from 1979 until 2018, to match the time frame of investigations. More precisely, we match each MP affected by an investigation to the results of his/her party in the district where the MP was elected: in particular, we compare the last two elections before the RAP was sent in order to measure the electoral shift of the party in that district.<sup>3</sup>

Over this period, requests involving 1,655 MPs were submitted by public prosecutors to the Chamber of Deputies, to remove parliamentary immunity of deputies, in order to proceed with their investigation. We build our dataset based on these RAPs. For each legislative term, our unit of analysis is the MP affected by a RAP. Although a RAP could refer to multiple crimes, each single request was related to a single investigation; furthermore, while multiple alleged crimes could have been under investigations in the same document, all of them referred to the same type, i.e. all the crimes investigated were either corruption crimes or crimes of opinion. Conversely, when a RAP was directed to multiple MPs, each politician would represent a separate observation in our dataset.

We collect data based on three fundamental sources, related to the RAPs. First, the request itself, which includes the name of the investigated MP and other information, such as the type of crime, typically in a concise format. Second, the Chamber Committee’s report about the RAP (*Relazione della Giunta per le Autorizzazioni*

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<sup>3</sup>We cover national elections held in 1979, 1983, 1987, 1992, 1996, 2001, 2006, 2008, 2013 and 2018, leaving aside the 1994 for the reasons discussed above.

*a Procedere*), which summarizes the information included in the RAP and grants (or denies) the authorization to proceed with the investigation. Our final source is the minutes of the Committee meeting, which allow to retrieve more information regarding the investigation, when this was not included in the Committee's report. Information about the leaker or how the investigation initiated was provided either in the original request, in the Committee's final report<sup>4</sup> or in the minutes of the Committee meeting.

Our data comprises two types of crimes: corruption and opinion. Of all the deputies charged, 597 were involved in corruption charges, and 528 in opinion ones. We do not consider requests (related to 530 MPs) linked with other crimes such as private violence, obscene acts, murder as well as crimes involving organised crime (Mafia or terrorism) because these charges follow specific procedures that provide additional resources and opportunities to courts (Ceron and Mainenti, 2015). The list of corruption crimes includes information regarding requests to lift immunity for MPs charged with public administration improprieties, such as corruption, misappropriation and abuse of power, in addition to illegal party funding, which is frequently related to other public administration crimes in Italy (Rhodes, 1997). Conversely, the list of crimes of opinions include slander, defamation, insult, contempt or incitement to disobey the laws.<sup>5</sup>

To shed light on whether investigations are politically driven, we gather information on the citizen whose contribution in the investigation is relevant to generate the RAP. Depending on the investigation, such crucial contribution might come from entrepreneurs, police officers, public administration workers or managers, private citizens, or political actors (MPs, local politicians, head or members of political associations, etc.). Out of 1125 MPs investigated for corruption or opinion crimes, in 398 cases (35.4%) the leaker is a political actor (175 times with respect to corruption and 223 times concerning crimes of opinion). Based on this, we build the variable Political Leaker, which is a dummy equal to one when the leaker of the investigation (or at least one leaker in case of multiple leakers) is a political actor, and zero when no leaker is a political actor, or when there is no clear leaker indicated in the RAP — the latter being usually the case when the investigation is independently initiated by the police or the judiciary.

Notice that our dataset includes requests sent both before and after 1993, when a constitutional reform changed the reasons to request the authorization from the Chamber of Deputies. Before the reform, prosecutors were required to present all the judicial documents to the Chamber, together with the request to lift immunity of the investigated MP. After the reform, enacted in the aftermath of the *Tangentopoli* scandal, prosecutors do not

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<sup>4</sup>We include in the Appendix an original example (in Italian) of the Committee's final report.

<sup>5</sup>We code as opinion crimes charges listed in the following articles of the Italian penal code: 278, 290, 336, 368, 414, 415, 594, 595, 612, 656, as well as infringements of laws on defamation via press/mass media: art. 13 and art. 21 law 47 (08/02/1948) or art. 30 law 223 (06/08/1990); we code as corruption crimes charges related to articles 314, 317, 318, 319, 320, 321, 322, 323, 324, 328, 333, 317-bis, 319-bis, 319-ter, and 319-quarter of the Italian penal code as well as infringements of laws on public funding of parties: art. 7 law 195 (02/05/1974) and art. 4 law 659 (18/11/1981)

need an authorization from the legislative body for criminal proceedings against deputies.<sup>6</sup> The authorization is still needed for warrant of arrest, personal search, or other measures such as wiretapping. Notwithstanding this, our results are not affected by such procedural changes. Indeed, when including in our model a dummy variable to account for requests sent after 1993 all the results remain the same.

### 3 The Strategic Determinants of Political Scandals

The view that judicial prosecutions of politicians can be initiated for political reasons is firmly entrenched in politics. In Italy, several investigations involving powerful politicians helped to foster this idea. The judicial trial that involved Giulio Andreotti from 1993 to 2004 under the accusation of corruption and collaboration with the Mafia left a controversial legacy.<sup>7</sup> In the aftermath of the process, which found Andreotti innocent, the President of the Anti-Mafia Commission Luciano Violante concluded that politics is “full of false conspiracies that are leaked for the only purpose of getting rid of political enemies”.<sup>8</sup> Investigations of crucial political figures (e.g. Berlusconi) helped to radicalize this idea in more recent years. The investigation of politicians is often accompanied by scandals covered by the media, and related public protests against corruption. These can (and do) compromise the involved politician’s career, even if declared innocent at the end of the judicial trial. Against this backdrop, it seems reasonable to expect opportunistic politicians to exploit investigations to achieve their political goals.

When should we expect scandals to emerge as a consequence of these political calculations? We hypothesize that *electoral security* is a crucial factor in politicians’ decision to engage in politics by denunciation: in particular, we expect political attacks through investigations to increase against politicians and political parties that have weakened electorally. This could happen via two different mechanisms that have been recently explored by the formal theory literature: scandal fabrication by political opponents, and intra-party sabotage initiated by opposing factions.

First, scandals can be triggered by a political opponent who benefits from the electoral replacement of a politician. Dziuda and Howell (2020) develop a theory of political scandal revelation according to which two parties might learn about the misbehavior of a politician, whom they are either allied or opposed to, and decide whether to publicly unleash a scandal against him or not. Upon receiving this information, a voter updates over her prior and decides whether to replace the politician or not. In equilibrium, scandals increase when the

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<sup>6</sup>Constitutional Law 3/1993, enacted on October 29th.

<sup>7</sup>The judicial trial against Andreotti is commonly referred to as *Processo del Secolo* (trial of the century), the outcome of which is still questioned by many (Jannuzzi and Ferrara, 2000).

<sup>8</sup>Chamber of the Deputies, May 11, 2003. Report: <http://documenti.camera.it/Leg14/BancheDati/ResocontiAssemblea/sed384/s470.htm>



implicated politician is more likely to be replaced by the opposing party, i.e. when electoral security decreases. Intuitively, a loss of electoral support makes political opponents more likely to fabricate scandals because of the increased benefit from the politician's replacement. This benefit can be direct — e.g. winning more votes as a consequence of a weaker incumbent — or indirect — e.g. giving the incumbent a coupe de grace in order to open new opportunities in the long run.

Second, scandals might emerge as a consequence of within-party fights, in a quest for internal power. Golden and Chang (2001) analyze corruption-related investigations against the Christian Democracy (DC) party in Italy during the First Republic, finding that political corruption is positively correlated with the level of intra-party competition within the party. Invernizzi (2020) provides a formal mechanism to understand when intra-party competition should lead to scandals, by studying a model of electoral competition where parties are internally divided into factions that can either help the party to win the election or sabotage each other to obtain internal power. In equilibrium, factions in the trailing party invest more resources than those in the leading party in sabotaging activities that might lead to political scandals. This happens because a lower probability of winning the election lowers the expected payoff from victory and raises the salience of the competition internal to the party. Similarly to Dziuda and Howell (2020), this result suggests that scandals are more likely to emerge when parties weaken, yet as the result of denunciations by same-party opponents rather than opposition parties. Based on these theoretical mechanisms, we derive the following hypothesis:

**HYPOTHESIS 1 (ELECTORAL SECURITY)** *The political use of investigations becomes more likely the more the party of the victim loses electoral support.*

Our second hypothesis investigates further the political nature of investigations. We start from the observation that politicians have access to compromising material against each other. In normal times, the incentive of sharing such information is weak because of the negative externalities that leaking misbehavior generates over the entire “cartel” of politicians. The threat of “sharing compromising information” as effective cooperation tool has been applied to various settings beyond politics, and it has been studied both observationally and experimentally (Gambetta, 2018; Gambetta and Przepiorka, 2019). We argue that the expected benefit of eliminating a political rival can exceed the expected costs of leaking misbehavior when a political opponent sufficiently weakens electorally. When a window of opportunity opens, politically motivated plaintiffs scrutinize their rivals' past behavior, going back in time to find evidence of misconduct to be revealed to judicial authorities. This in turn triggers an investigation which further hinders the opponent's reputation and electoral chances.

To empirically investigate this mechanism, we look at the time lag between the alleged misconduct and the investigation. We hypothesize that, if investigations are indeed triggered by political enemies, we should

observe a larger time lag between the alleged misconduct and the investigation. When a politician becomes aware of the misconduct of a political rival, he can decide whether to reveal such misbehavior immediately or to keep the information for the time in which the scandal could be more profitably revealed. Similarly, when a window of opportunity opens, political opponents might search into the MP's past to reveal evidence of corruption. This digging-dirt process is more likely to be initiated by motivated political enemies than by a (non-politicized) judiciary or by a plaintiff driven by non-political motives, who would presumably initiate an investigation at the time of the misconduct revelation.

*HYPOTHESIS 2 (DIGGING-DIRT PROCESS) When the investigation is initiated by a political leaker, the time lag between the alleged events and the investigation is longer than when the investigation is not political.*

So far we implicitly assumed that denunciations produce negative electoral effects for the party affected by the investigation. However, this is not always the case and depends on the type of crime. While there is evidence that voters punish corrupt politicians, this is not necessarily the case for politicians engaging in other crimes. For example, Van Spanje and de Vreese (2015) show that hate speech prosecution against the Freedom Party in The Netherlands actually enhanced that party's appeal with positive effects in terms of electoral performance. Similar results apply to Belgium, France, Germany, the Netherlands and Finland (Jacobs and Van Spanje, 2020; Askola, 2015). More generally, politicians charged with opinion crimes might actually enjoy higher reputation among their constituencies, because voters who share similar opinions could simply agree with the politician. Furthermore, prosecuted politicians can portray themselves as martyrs for freedom of speech (Van Spanje and de Vreese, 2015), thus increasing their popularity among voters who deem as illegitimate a trial based on opinions (Askola, 2015).

This evidence suggests that investigations related to corruption should be more dangerous than those based on opinion crimes for the reputation of the involved politicians. Chang, Golden and Hill (2010a) show that this is indeed the case for Italian MPs investigated in the period 1948-1994: in particular, they show that major crimes (often linked to corruption) reduce the likelihood of re-election for MPs hit by a RAP investigation, while soft accusations of opinion crimes do not — despite the fact that minor charges involving opinion crimes are especially likely to arise during the process of political campaigning. Thus, if only corruption crimes have the power to produce damages, we hypothesize that we should observe evidence of strategic politicization of investigations only with respect to corruption crimes.

*HYPOTHESIS 3 (POLITICIZATION OF CORRUPTION VS OPINION CRIMES) The political use of investigations (Hypothesis 1) and the digging-dirt process (Hypothesis 2) involve corruption crimes but not opinion crimes.*

### 3.1 Motives of Political Attacks

What brings political leakers to blow the whistle, thus initiating an investigation likely to hurt a MP? This section provides some descriptive evidence of the motives behind these political investigations. Because there is not enough information about political leakers to perform a statistical analysis aimed at inferring their underlying motives, we report examples of typologies that occur repeatedly in our data.

First, RAPs could be used as negative campaigning tools by political opponents. This frequently happens among competitors in the same electoral district before elections. One recurrent motive for initiating a RAP among political enemies is defamation towards accusing opponents. In particular, opponents frequently accuse each other of being close to the Mafia or being elected thanks to the Mafia. To mention an example, on September 13, 1993 a request to proceed with the investigation of the deputy Giovanni Fava, elected in the district of Catania (Sicily), was presented on behalf of the Socialist MP Antonio Salvatore (PSI), elected in the same district. In the request, Fava is accused of publishing in the newspaper “Avvenimenti” (June 19, 1993) an article implying that the MP Salvatore interfered with the investigation of a major Mafia boss, Nitto Santapaola, interceding for him with the prosecutor.<sup>9</sup>

Second, it could be that RAPs are an indication of intra-party sabotage. Competition among same-party factions was especially heavy in the Christian Democracy, where political corruption constituted a necessary evil to finance the exorbitant financial needs for the electoral campaign of opposing factions through illegal resources. Resorting to bribes was (and still is) extremely common in public procurement, which in our observations translates into several RAPs revealing a widespread financial network of kickbacks among firms and politicians. A well known — and representative — example of extortion and bribes directed to particular factions is the RAP initiated by Oscar Luigi Scalfaro (DC) against Vincenzo Scotti, another prominent member of an opposing faction within the DC.<sup>10</sup> The request reveals that — in the aftermath of an earthquake that hit Naples — the contractors tasked with the reconstruction of the infrastructures were forced to pay large sums of money to Scotti’s faction in order to have their projects approved. This money was then used to finance the Neapolitan faction’s expenses (and the electoral campaign above all). The MP denied all the accusations, and the case was widely covered by the media.<sup>11</sup>

Another possible driver of the political usage of RAPs is ideology. That is, it could be that the use of RAPs is

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<sup>9</sup>Link to original RAP: <http://legislature.camera.it/dati/leg11/lavori/stampati/pdf/38242.pdf>.

<sup>10</sup>More precisely, the information was gathered before the investigation by a special House committee (*Commissione Parlamentare di Inchiesta*) chaired by Scalfaro. Link to original RAP: <http://legislature.camera.it/dati/leg11/lavori/stampati/pdf/37782.pdf>.

<sup>11</sup>One of the main national newspapers, *La Repubblica*, closely followed the case pointing out the weakness of Scotti’s defense to the prosecutors. Link to original article here: <https://ricerca.repubblica.it/repubblica/archivio/repubblica/1993/04/22/scotti-si-difende-per-sei-ore-ma.html?ref=search>.

increasing in the ideological distance between the leaker and the accused MP. While ideological disagreement is certainly a plausible motive for initiating an investigation, our data is based only on initiated RAPs, and therefore we cannot shed light on this mechanism.<sup>12</sup>

Finally, notice that, while political RAPs represent a minority of the observations in our sample, we conjecture that at least some “non-political” RAPs are initiated on behalf of politicians. That is, it is reasonable to believe that politicians want to engage in politics by other means without shouldering the costs of leaking the information themselves, hence provide known incriminating information to a third party (or anonymously to the prosecutors). In this sense, Andreotti’s quote and personal experience are suggestive: despite having several political enemies, he was never involved in a RAP initiated *by another politician*.<sup>13</sup> Ultimately, there is no way to empirically identify the political roots of non-political RAPs, so it is possible (and we believe, likely) that the politicization of judicial investigation is even more pervasive than what our data shows.<sup>14</sup>

## 4 Results: What Drives Political Investigations?

We start by asking whether electoral concerns affect the likelihood that investigations are initiated by a political leaker. Following Hypothesis 1, we expect that political leakers are motivated by electoral concerns: when the MP’s party weakens electorally, this opens a window of opportunity for political opponents to attack the deputy.

To test this hypothesis, we employ a logistic regression where the dependent variable is the likelihood of observing a political leaker. Our main independent variable measures the electoral insecurity of a district: for each MP hit by a RAP,  $\Delta VOT_{ijt}$  is equal to the difference between the vote share of his/her party at time  $t - 1$  and the vote share at time  $t$  (i.e. the last election before the RAP is sent): higher (lower) values indicate that the party was losing (gaining) support in the electoral district in which the MP was elected. Our baseline specification is

$$POL_{ijt} = \alpha_t + \beta_j + \gamma \Delta VOT_{ijt} \cdot OPC_{ijt} + \delta Z_j + \epsilon_{ijt} \quad (1)$$

where  $\Delta VOT_{ijt}$  represents the electoral loss of MP  $i$ ’s party in district  $j$  at time  $t$ . We account for the moderating role of different types of crimes testing the interaction between  $\Delta VOT_{ijt}$  and the dummy variable  $OPC_{ijt}$ , which is equal to 1 when the RAP is related to an opinion crime, and 0 for a corruption crime.  $POL_{ijt}$  is a

<sup>12</sup>Yet, as a descriptive statistic, it might be possible to code the ideological stakes of the accuser side (as a function of the party they belong to, and that of the accused MP), to have a picture of whether political leakers are ideologically close or far from the accused MP.

<sup>13</sup>The RAP against Andreotti that gave rise to the “trial of the century” was based on the testimony of the Mafia informant (pentito) Tommaso Buscetta.

<sup>14</sup>We also believe that this observation is consistent with the main argument of the paper, which is that scandals could be politicized and that the relationship between the emergence of scandals and the underlying corruption is not necessarily monotone. Of course scandals could be even more politicized (i.e. politicians could be behind other accusations as well), but we believe that our results provide a useful reference for a lower bound of the effect.

dummy which takes value 1 when the RAP against MP  $i$  in district  $j$  at time  $t$  is initiated by a political leaker. Finally  $\alpha_t$  refers to time fixed effects (by legislative term).

Table 1 summarizes the results. Column 1 refers to the most parsimonious specification, which only includes legislatures fixed effects.<sup>15</sup> The likelihood of observing a RAP related to an investigation driven by a political leaker, rather than not, is higher when the electoral performance of the MP's party is declining. Remarkably, the significant coefficient of the interaction term suggests that this effect is conditional on the type of crime and it holds only when dealing with corruption crimes. .

The sign and significance of the interaction term remains unaltered even when adding additional regressors. It could be that MPs belonging to the strongest party in a district are immune to political attacks, even conditioning of an electoral loss. Column 2 adds as controls the variable (i) Party Size, which is the percentage of votes in the last election before the RAP was sent to the Chamber, (ii) Government, which is a dummy equal to 1 when the politician hit by the RAP is a member of a party in office, and (iii) External Support, which is equal to 1 if that party was externally supporting the cabinet. Similarly, accounting for the salience of corruption scandals in the political system does not alter the impact of the MP's party electoral loss. This is shown in the third column, where we control for the variable Corruption Salience, which is based on the hand-coding of legislative speeches, and records the saliency of the corruption issue in parliamentary debates.<sup>16</sup> From column 3 we notice that a one standard deviation increase from the mean of Electoral Loss increases the likelihood of a RAP driven by a political leaker by 7.1% (which corresponds to a 20.3% increase in relative terms); conversely, this effect is no longer statistically significant for crimes of opinion.

The effect that (alleged) corruption crimes are exploited against MPs when their party is weakening, while opinion crimes are not, underscores an interesting component of the leaker's incentives. Intuitively, if the purpose is to weaken an electoral adversary, exposing a MP with a RAP (which is typically covered by the media) for corruption likely triggers a negative reaction from attentive voters. Displaying opinion crimes, on the other hand, could simply reinforce the MP's reputation among voters who likely share the same beliefs (Van Spanje and de Vreese, 2015; Jacobs and Van Spanje, 2020).

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<sup>15</sup>The results are also robust to using party fixed effects: see Table 5 in Appendix.

<sup>16</sup>More specifically, the variable Corruption Salience reports the average percentage of sentences pronounced during each investiture debates of Italian government (almost every year) emphasizing the need to eliminate corruption in political life. This variable varies across years, though on average the salience of corruption in investiture debates is overall rather similar in the First and Second Republic. We hand-coded this variable following a strategy similar to that of the Comparative Manifesto Project and applied this approach to analyzing speeches delivered by party leaders during the investiture debates.

Table 1: The Impact of Electoral Loss on Investigations Driven by a Political Leaker

	(1)	(2)	(3)
Electoral Loss	0.041** [0.020]	0.053** [0.022]	0.053** [0.022]
Opinion Crime	0.965*** [0.169]	0.868*** [0.192]	0.867*** [0.193]
Electoral Loss $\times$ Opinion Crime	-0.050* [0.028]	-0.055* [0.029]	-0.055* [0.029]
Party Size		-0.011* [0.006]	-0.011* [0.006]
Government		-0.027 [0.197]	-0.028 [0.197]
External Support		-0.438 [0.488]	-0.449 [0.496]
Corruption Salience			0.001 [0.049]
Constant	-1.301*** [0.216]	-1.040*** [0.285]	-1.043*** [0.353]
Legislative Terms FE	Yes	Yes	Yes
Observations	951	951	951

*Notes:* Logit estimations; coefficients reported. Dependent variable: dummy equal to one if the member of Parliament received a request for removal of parliamentary immunity initiated by another politician. Electoral Loss is measured as the difference in the vote share of the MP’s party with respect to the previous election. Standard errors are indicated in brackets. \*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$ .

#### 4.1 Additional evidence of politicization

In this section we investigate further the political use of judicial investigations. To do so, we draw evidence from the timing of the RAPs. A common feature of all our observations is the date of when the request is presented to the committee and that of the alleged crime.<sup>17</sup> In line with Hypothesis 2, we expect that politicians who want to get rid of their political enemies take advantage of judicial prosecutions by leaking incriminating evidence of old episodes of corruption.<sup>18</sup>

To test our “digging-dirt” hypothesis, in our baseline specification we regress the variable  $DAY S_{ijt}$  —

<sup>17</sup>Conversely, the exact date of the denunciation is not always available. Yet, we are interested in the timing of the RAP rather than that of the denunciation: while denunciations can be a first step and discarded early, RAPs are a public sign that an investigation is taking place. As such, RAPs are more likely to get wider media coverage and to potentially produce negative electoral effects.

<sup>18</sup>Another aspect of timing that could be exploited by politicians is how close to the election the RAP is presented. We discuss this mechanism in the next section.

i.e. the number of days elapsed from the crime to the date of the RAP — on our regressor of interest, i.e. the dummy indicating whether the leaker is political:

$$DAY S_{ijt} = \alpha_t + \beta_j + \gamma POL_{ijt} \cdot OPC_{ijt} + \delta Z_j + \epsilon_{ijt} \quad (2)$$

where  $Z_j$  are districts' characteristics such as Electoral Loss and Party Size,  $POL_{ijt}$  is a dummy which takes value 1 when the RAP against MP  $i$  in district  $j$  at time  $t$  is initiated by a political leaker.  $POL_{ijt}$  is interacted, as before, with the type of crime:  $OPC_{ijt}$  is a dummy for opinion crimes.

Results from an OLS estimation are reported in Table 2. The coefficient of Political Leaker clearly shows that political leakers do tend to dig back in time. The results are robust also when including the control variables discussed above or when using party fixed effects. When a RAP on corruption crimes is driven by a political leaker, the gap between the crime and the request is 433 days larger (column 3, taking into account all the control variables), in line with the dig dirty hypothesis (notice that the effect is positive, +43 days, but not statistically significant for opinion crimes).

## 4.2 Are political RAPs released closer to elections?

If investigations reflect political motives, then MPs' opponents could leak damaging information in the midst of the electoral campaign, when their damaging effect is arguably stronger. The literature has provided evidence of the importance of timing of information released during electoral campaigns, showing that scandals are indeed released closer to elections (e.g Grattan, Holden and Kolotilin, 2017); this suggests that in our setting we should expect RAPs initiated by political leakers to be presented closer to elections.

On the other hand, there are reasons to doubt recency effects in our settings. First, Italy is an outlier for the elevated number of early elections, which severely impede the strategic use of RAPs. Second, even if the date of the election was certain, it would still be difficult for a political opponent to forecast the amount of time needed for a scandal to outbreak. Because of these countervailing factors, we have no reason to expect that political RAPs should be presented closer to elections than non-political ones. Table 4 in the Appendix shows that having RAPs initiated by political leakers does not affect the timing of the requests; the effect is not statistically significant for both corruption and opinion crimes. As noted above, this might happen because the political leaker does not have complete control over the timing of the investigations (and obviously the timing of elections).

While we find no evidence that political RAPs affect the timing of the requests with respect to elections, the incentive to release *old* compromising information closer to an election should be stronger for political

Table 2: Political Investigations and Time Elapsed from Crime (Days)

	(1)	(2)	(3)
Political Leaker	438.534*** [83.711]	437.027*** [83.898]	433.114*** [83.912]
Opinion Crime	-1,001.306*** [86.864]	-1,015.158*** [95.220]	-1,012.175*** [95.204]
Political Leaker × Opinion Crime	-396.995*** [127.729]	-395.678*** [127.784]	-385.596*** [127.950]
Electoral Loss	-6.571 [6.527]	-6.250 [6.969]	-5.666 [6.979]
Party Size		-1.855 [2.679]	-1.747 [2.679]
Government		16.919 [91.750]	15.208 [91.718]
External Support		341.574* [199.521]	289.595 [203.187]
Corruption Salience			-28.740 [21.496]
Constant	1,719.578*** [90.879]	1,752.027*** [125.721]	1,880.280*** [158.094]
Legislative Terms FE	Yes	Yes	Yes
Observations	907	907	907

Notes: OLS estimations; coefficients reported. Dependent variable: time elapsed between (alleged) crime and RAP. Standard errors are indicated in brackets. \*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$ .

opponents than for non-political ones. Table 3 shows a three-way interaction involving Political Leaker, the type of crime (= 1 for Crime of Opinion) and Days to Election. The positive and significant interaction suggests that, when RAPs involve corruption crimes, political leakers dig back in time producing RAPs sent closer to oncoming elections.<sup>19</sup>

This could happen because leakers do not find enough rumors of misconduct during the election campaign by only looking at recent events. Conversely, by digging-dirt back in time, political leakers can exploit their rivals' past misbehavior to generate timely investigations against them closer to the election in order to damage their electoral performance. This is one explanation for observing political RAPs on corruption that refer to events far back in time *especially when these investigations are disclosed closer to the election day*.

The first panel of Figure 1 shows that RAPs related to corruption crimes that are (i) sent closer to an election

<sup>19</sup>See also the marginal effects reported in Figure 2, in the Appendix.



Table 3: Time Elapsed from Crime

	(1)	(2)	(3)
Political Leaker	675.451*** [151.454]	708.838*** [145.165]	700.575*** [145.400]
Days to Election	-0.051 [0.146]	-0.044 [0.148]	-0.011 [0.152]
Political Leaker × Days to Election	-0.600** [0.289]	-0.636** [0.277]	-0.624** [0.277]
Opinion Crime	-1,021.163*** [139.831]	-1,116.021*** [153.763]	-1,103.354*** [154.285]
Political Leaker × Opinion Crime	-674.005*** [218.516]	-636.482*** [231.674]	-617.722*** [232.434]
Opinion Crime × Days to Election	0.116 [0.172]	0.113 [0.183]	0.099 [0.183]
Political Leaker × Opinion Crime × Days to Election	0.590* [0.327]	0.604* [0.329]	0.584* [0.329]
Electoral Loss		-4.883 [7.433]	-4.577 [7.439]
Party Size		-2.016 [2.712]	-1.941 [2.713]
Government		26.482 [95.754]	30.142 [95.824]
External Support		413.980* [211.317]	385.003* [213.297]
Corruption Salience			-22.374 [22.388]
Constant	1,719.578*** [90.879]	1,752.027*** [125.721]	1,880.280*** [158.094]
Legislative Terms FE	Yes	Yes	Yes
Observations	1,021	892	892

Notes: OLS estimations; coefficients reported. Dependent variable: time elapsed between (alleged) crime and RAP. Standard errors are indicated in brackets. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1.

and (ii) initiated by a political leaker tend to refer to older crimes; the marginal effect of a political leaker on the gap between the crime and the RAP indicates that politically-initiated RAPs issued in the last month before election day date approximately 680-700 days back in time compared to politically-initiated RAP issued earlier during the legislature.<sup>20</sup>

<sup>20</sup>See Figure 2 in the Appendix for marginal effects.

## Time Elapsed from Crime (Predicted values)

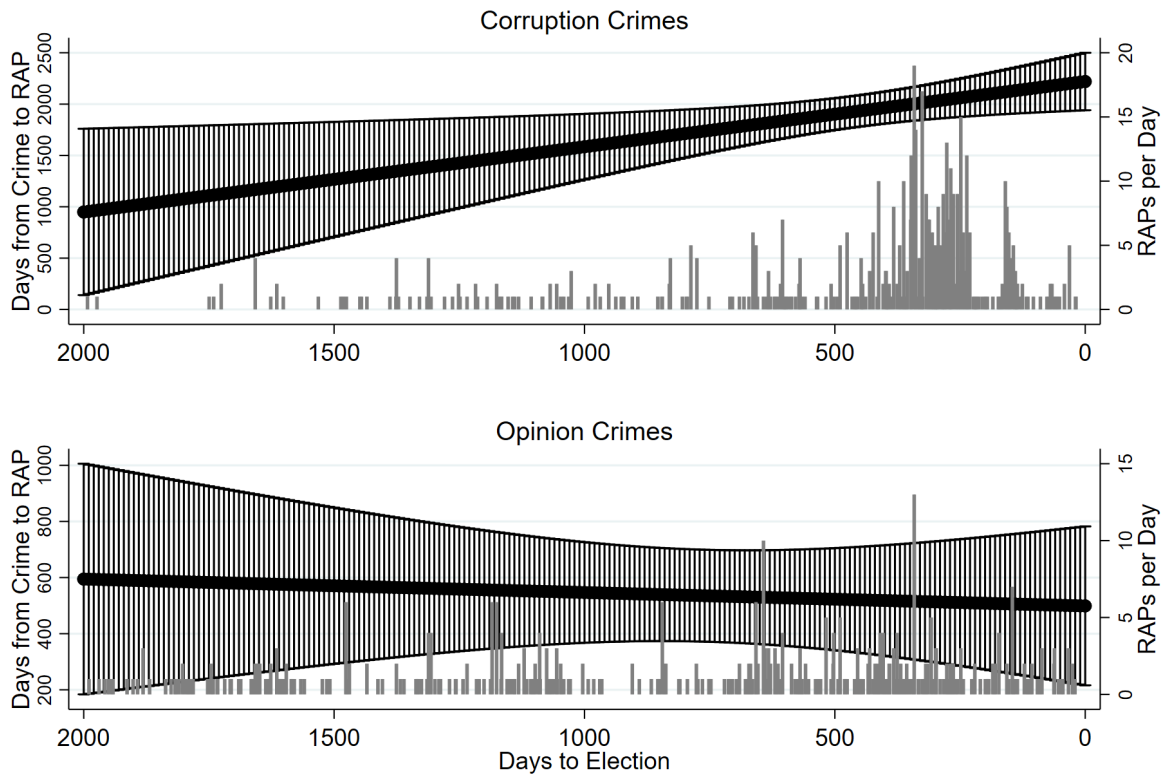


Figure 1: Predicted values of time elapsed from crime in days, for both corruption and opinion crimes.

For the latter, the marginal effect indicates no difference in the time elapsed from crime concerning RAP initiated by a political or non-political leader when we are far from the election. In other words, even if a political leader does not have a full control on the timing of the RAP (as discussed above), we find evidence in favor of the idea that leakers attempt to affect such process, digging dirty and releasing information especially when new elections are approaching.

Conversely, there is no effect for opinion crimes (the line is flat and the marginal effect is never statistically significant). Notice that this difference does not seem related to the time needed for the crime to be statute barred. For instance, both corruption and defamation (an opinion crime) are statute barred in the same amount of time (6 years). Similarly, existing work suggests that opinion crimes can arise due to the process of political campaigning (Chang, Golden and Hill, 2010a). Our findings differ as on average RAPs are sent closer to the election when they are related to corruption crimes (471 days) rather than opinion crimes (841 days).

## 5 Conclusion

This paper studies political scandals through their denunciation, using original data on investigations of Italian MPs from 1983 to 2019. Results provide evidence in favor of a political use of investigations for corruption charges: when parties weaken, the likelihood of political denunciation of past misbehavior by political rivals increases.

The literature has shown that, when allegations of corruption are covered by the press, voters tend to punish politicians. While requests of authorization to proceed with the investigation of MPs represent a useful measure of the MPs' underlying corruption, our results suggest that sometimes these requests can be the results of politics “by other means”— i.e., politicians might find advantageous to publicly denounce their cronies' corruption for their political gains. Voters are most likely to make errors of inference when the MPs' parties weaken, punishing alleged misbehavior that results from political opponents' attacks. This strategic use of investigations suggests to scale down the (partially) positive effect of accountability found by the literature, at least when incentives for political attacks are strong.

While we focus on Italian data for their richness, we believe that our findings are informative for other countries as well. The investigation of members of the legislature in most democracies is typically managed by the legislative institution itself. For example, the U.S. House of Representatives created the House of Ethics Committee in 1964 with the power to investigate and report evidence gathered to appropriate federal and state judicial authorities. Between 1972 and 2012, 5.1% of all representatives who served in the U.S. House of Representatives were subjected to a corruption investigation by the Ethics Committee, for a total of 93 investigations (Praino and Graycar, 2018). Our findings suggest that some of these investigations could be driven by political reasons.

While we do not systematically trace media coverage of each case of investigation, an overall search for these in news' archives suggests that they often results in scandals affecting the investigated MP. Recently, the former Minister of the Interior Matteo Salvini received a RAP for kidnapping that received massive coverage.<sup>21</sup> In the last years other investigations played a crucial role in everyday politics. For instance, Armando Siri, a junior minister belonging to Salvini's League, was forced to resign due to the pressure of the Five Star Movement (partner of the League in the Conte first cabinet) when Siri received a RAP concerning an investigation for money laundering. Similar examples can be found in other periods of Italian history, particularly (but not only) throughout the Tangentopoli scandal (when there was a daily media coverage of any investigation, even at early stages). In light of this, future research could further contribute to explaining the link between political

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<sup>21</sup>The RAP was related to the immigration crisis following Salvini's decision to shut ports to a migrant rescue ship.

leakers, judicial investigation and media coverage to shed light on the role that judges and (sometimes partisan) journalists can have in damaging the image of a politician and its party.

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## A Additional Tables & Figures

Table 4: Political Investigations and Timing of Elections

	(1)	(2)	(3)
Political Leaker	37.822 [28.175]	33.289 [27.511]	39.412 [26.846]
Opinion Crime	21.244 [29.330]	-44.056 [31.481]	-51.182* [30.721]
Political Leaker × Opinion Crime	6.554 [43.138]	6.839 [42.063]	-5.368 [41.062]
Electoral Loss	6.813*** [2.307]	6.149** [2.424]	5.020** [2.369]
Party Size		-0.165 [0.879]	-0.289 [0.858]
Government		-172.976*** [30.009]	-173.036*** [29.267]
External Support		-405.056*** [68.150]	-324.382*** [67.476]
Corruption Salience			47.511*** [6.847]
Legislative Terms FE	Yes	Yes	Yes
Observations	933	933	933

*Notes:* OLS estimations; coefficients reported. Dependent variable: time (days) elapsed between RAP and next election. Standard errors are indicated in brackets. \*\*\*  $p < 0.01$ , \*\*  $p < 0.05$ , \*  $p < 0.1$ .



Table 5: The Impact of Electoral Loss on Investigations Driven by a Political Leaker - with Party Fixed Effects

	(1)	(2)	(3)
Electoral Loss	0.050** [0.023]	0.049** [0.023]	0.049** [0.023]
Opinion Crime	0.977*** [0.201]	0.982*** [0.204]	0.980*** [0.204]
Electoral Loss × Opinion Crime	-0.059* [0.033]	-0.069** [0.034]	-0.069** [0.034]
Party Size	0.037	0.038 [0.047]	[0.047]
Government		-0.539 [0.555]	-0.542 [0.556]
External Support		-0.431 [0.549]	-0.410 [0.559]
Corruption Salience			0.010 [0.052]
Constant	-1.301*** [0.216]	-1.040*** [0.285]	-1.043*** [0.353]
Legislative Terms FE	Yes	Yes	Yes
Party FE	Yes	Yes	Yes
Observations	949	949	949

*Notes:* Logit estimations; coefficients reported. Dependent variable: dummy equal to one if the member of Parliament received a request for removal of parliamentary immunity initiated by another politician. Electoral Loss is measured as the difference in the vote share of the MP's party with respect to the previous election. Standard errors are indicated in brackets. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1.

Table 6: Political Investigations and Time Elapsed from Crime with Party Fixed Effects

	(1)	(2)	(3)
Political Leaker	435.678*** [84.586]	435.732*** [84.648]	433.441*** [84.634]
Opinion Crime	-1,020.582*** [98.214]	-1,012.189*** [98.894]	-1,012.211*** [98.856]
Political Leaker × Opinion Crime	-375.112*** [129.099]	-372.702*** [129.173]	-364.518*** [129.279]
Electoral Loss	-12.171 [8.301]	-13.124 [8.492]	-12.247 [8.516]
Party Size		2.330 [19.083]	0.582 [19.124]
Government		18.470 [217.498]	37.605 [217.918]
External Support		333.441 [220.054]	272.030 [225.043]
Corruption Salience			-28.302 [21.898]
Legislative Terms FE	Yes	Yes	Yes
Party FE	Yes	Yes	Yes
Observations	907	907	907

*Notes:* OLS estimations; coefficients reported. Dependent variable: time elapsed between (alleged) crime and RAP. Standard errors are indicated in brackets. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1.

Table 7: Time Elapsed from Crime with Party Fixed Effects

	(1)	(2)	(3)
Political Leaker	674.741*** [144.712]	704.691*** [146.506]	696.966*** [146.715]
Days to Election	-0.093 [0.142]	-0.005 [0.151]	0.026 [0.155]
Political Leaker × Days to Election	-0.569** [0.275]	-0.634** [0.279]	-0.621** [0.280]
Opinion Crime	-1,058.333*** [147.602]	-1,041.807*** [161.843]	-1,036.235*** [161.943]
Political Leaker × Opinion Crime	-658.026*** [209.989]	-674.655*** [233.996]	-652.442*** [235.074]
Opinion Crime × Days to Election	0.055 [0.176]	-0.028 [0.194]	-0.035 [0.194]
Political Leaker × Opinion Crime	0.604* [0.315]	0.683** [0.334]	0.657* [0.335]
Electoral Loss		-8.933 [8.740]	-8.465 [8.753]
Party Size		-3.593 [20.264]	-5.030 [20.316]
Government		-22.155 [237.265]	3.870 [238.722]
External Support		365.303 [236.173]	330.108 [238.841]
Corruption Salience			-22.538 [22.783]
Legislative Terms FE	Yes	Yes	Yes
Party FE	Yes	Yes	Yes
Observations	998	892	892

Notes: OLS estimations; coefficients reported. Dependent variable: time elapsed between (alleged) crime and RAP. Standard errors are indicated in brackets. \*\*\* p<0.01, \*\* p<0.05, \* p<0.1.

## Marginal Effect of Political Leaker on Time Elapsed from Crime to RAP

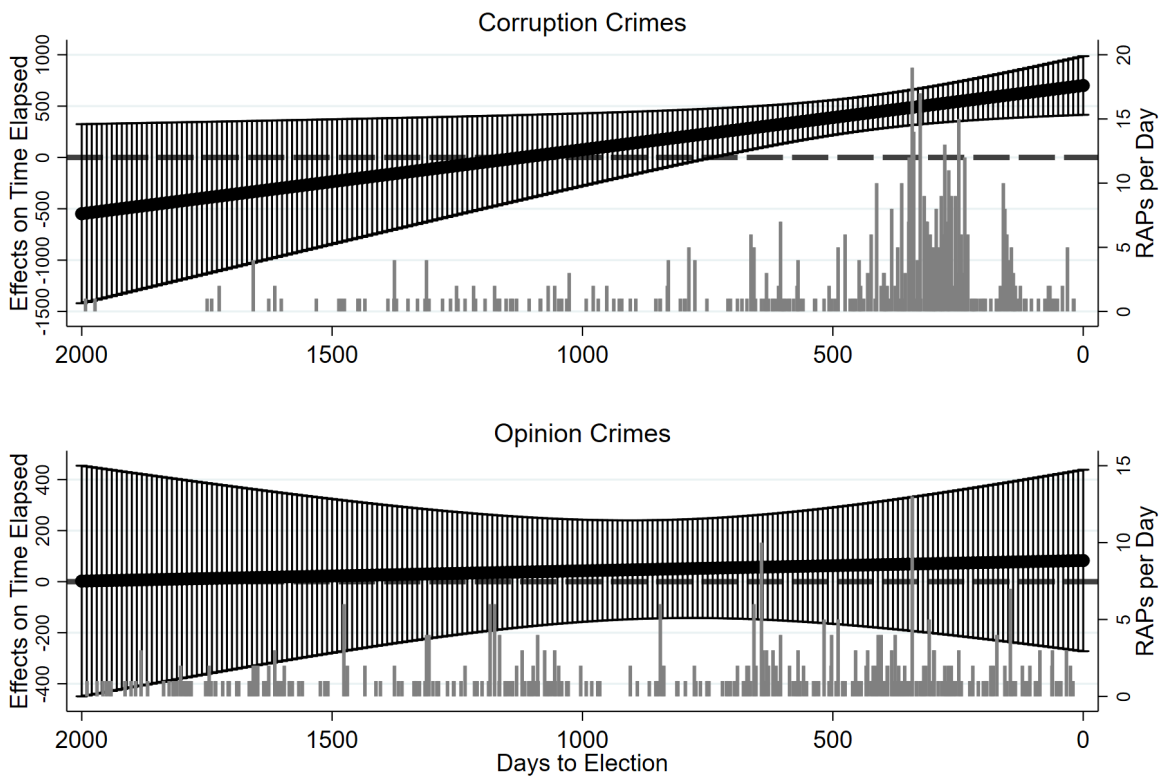


Figure 2: Marginal effects of time elapsed from crime in days, for both corruption and opinion crimes.

# CAMERA DEI DEPUTATI

Doc. IV  
N. 153-A

## RELAZIONE DELLA GIUNTA PER LE AUTORIZZAZIONI A PROCEDERE

(Relatore: **FERRARI SILVESTRO**)

SULLA

### DOMANDA DI AUTORIZZAZIONE A PROCEDERE IN GIUDIZIO

CONTRO IL DEPUTATO

#### **FERRARI GIORGIO**

PER I REATI DI CUI AGLI ARTICOLI 5, LETTERA *d*, E 6 DELLA LEGGE 30 APRILE 1962, N. 283 (VIOLAZIONI DELLE NORME PER LA DISCIPLINA IGIENICA DELLA PRODUZIONE E DELLA VENDITA DELLE SOSTANZE ALIMENTARI E DELLE BEVANDE) ED AGLI ARTICOLI 444 E 452 DEL CODICE PENALE (COMMERCIO COLPOSO DI SOSTANZE ALIMENTARI NOCIVE PER LA SALUTE PUBBLICA)

TRASMESSA DAL MINISTRO DI GRAZIA E GIUSTIZIA  
(**MARTINAZZOLI**)

*il 13 febbraio 1985*

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*Presentata alla Presidenza l'11 aprile 1985*

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ONOREVOLI COLLEGHI! — In data 13 febbraio 1985 è pervenuta alla Camera dei deputati, da parte del pretore di Padova, una domanda di autorizzazione a procedere in giudizio nei confronti del deputato Giorgio Ferrari per violazione delle norme sulla disciplina igienica della produzione e vendita di sostanze alimentari e bevande, nonché per commercio colposo di sostanze alimentari nocive alla salute pubblica.

La vicenda trae origine dalla denuncia sporta dal responsabile del settore igiene pubblica della USL n. 21 della regione Veneto, a seguito di alcuni accertamenti sanitari effettuati su un campione di pane toscano risultato avariato e che, ingerito dal signor Del Santo, gli aveva provocato sintomi da avvelenamento.

Il signor Del Santo dichiarava in un primo momento all'ufficio d'igiene di aver acquistato il pane presso un supermercato della società PAM, ma successivamente smentiva per telefono tale affermazione, precisando appunto di aver acquistato il pane presso altro negozio, il tutto come risulta dagli atti in calce alla richiesta di analisi dell'ispettore capo dell'ufficio di igiene.

Nonostante la rettifica, il pretore di Padova citava a giudizio l'onorevole Giorgio Ferrari, nella sua qualità di legale rappresentante della società PAM s.p.a., rinviando poi il dibattimento a nuovo ruolo per richiedere la prescritta autorizzazione a procedere, essendo risultato che l'onorevole Giorgio Ferrari è deputato al Parlamento.

La Giunta ha esaminato la domanda di autorizzazione a procedere nella seduta del 27 marzo 1985 ed ha proceduto anzitutto all'audizione — ai sensi dell'articolo 18 del regolamento — del deputato Giorgio Ferrari.

Questi, dopo aver ricordato di essere presidente del consiglio di amministrazione e legale rappresentante della società PAM a titolo professionale, senza detenerne le

azioni, ha confermato la totale estraneità della società medesima alla vicenda, come dichiarato dallo stesso denunciante.

Inoltre, date le dimensioni della società PAM, in alcun modo potrebbe essere ritenuto responsabile dei reati possibilmente commessi presso i singoli punti di vendita, per ciascuno dei quali, comunque, esiste un responsabile legale *ad hoc*. Questa situazione per altro è stata riconosciuta anche da una recente sentenza pronunciata in analogo processo a suo carico. Ha quindi, il Ferrari, lamentato le inutili ed erronee incriminazioni che per tale sua attività professionale lo vedrebbero coinvolto in numerose domande di autorizzazione a procedere.

La Giunta ha rilevato anzitutto che, nel caso di specie, dagli stessi atti processuali emerge l'erronea contestazione dei reati di cui ai capi d'imputazione, al legale rappresentante della società PAM, proprio per la rettifica effettuata dallo stesso denunciante che, scagionando tale società, fornisce la prova della sua estraneità alla vicenda.

In secondo luogo, la stessa impostazione aziendale di una società delle dimensioni della PAM esclude che la responsabilità penale per reati, come quelli in questione, possa farsi risalire al presidente del consiglio di amministrazione e legale rappresentante, onorevole Giorgio Ferrari, ma semmai ai dirigenti preposti ai singoli punti di vendita (oltre quattrocento), cui è stata delegata la responsabilità per il loro corretto funzionamento.

Il giudice pertanto — ad avviso della Giunta — avrebbe potuto evitare di promuovere il procedimento penale a carico dell'onorevole Giorgio Ferrari, laddove chiaramente appaiono infondate le imputazioni mosse nei suoi confronti e quindi l'assenza di ogni sua responsabilità penale.

Per questi motivi la Giunta ha deliberato di proporre che l'autorizzazione a procedere in giudizio non sia concessa.

Silvestro FERRARI, *Relatore*.