

Power, Ambition, and Michael Capizzi

Why has Orange County's DA spent more than half a million tax dollars to criminalize a political maneuver of zero impact? Murderers and rapists get by with less scrutiny ... and so did Robert Citron.

Dana Rohrabacher



THERE IS no great mystery surrounding the candidacy of Democrat Laurie Campbell. We know the cast of characters, a group of young GOP activists out to save the party. And we know they assisted Campbell's candidacy by gathering the signatures needed to put her name on the ballot. It was a bad idea because it appeared underhanded, but their political stunt was totally legal. There's no crime in Republicans helping a Democrat get on the ballot in a special election. And with the passage of the so-called Open Primary Initiative the practice will likely become widespread.

The lingering question in Orange County involves District Attorney Michael Capizzi's all-out assault on these young Republicans. Capizzi has spent more than half a million tax dollars to criminalize a political maneuver that had zero impact on the election in question — a judge removed Campbell's name from the ballot long before voters went to the polls. Capizzi has dropped investigations into child and senior abuse and pulled staffers off of arson cases. Most murderers and rapists don't receive this kind of scrutiny, and neither did Orange County Treasurer Robert Citron.

DA Capizzi acted like a silent partner in the Orange County bankruptcy. The county's top legal watchdog didn't make a sound as the former County Treasurer gambled away more than a billion dollars in taxpayers' funds. And Capizzi ignored public warnings about Citron's misdeeds months in advance of the county's financial collapse. A little vigilance from Mr. Capizzi would have averted this municipal disaster.

Capizzi also brushed aside complaints of widespread classroom electioneering by public school teachers opposed to the school voucher initiative, Proposition 174,

and reports of widespread voter fraud by a voter project registering illegal aliens to vote prior to the vote on Proposition 187. So forgive me for being surprised and a little suspicious of Capizzi's zealous pursuit of these youthful Republican activists.

Why would DA Capizzi waste the resources of his department and put so much effort into criminalizing what is at worst a political mistake? No other DA in California would have charged anyone in this case with a felony, and the California Fair Political Practices Commission routinely handles campaign finance violations like those Scott Baugh has been charged with.

Recent news reports about a Capizzi bid for California Attorney General suggest a motive. With the cloud of Orange County's bankruptcy hovering overhead, Capizzi is a dead duck in a statewide election. Even the most inept candidate could eviscerate Capizzi as a silent partner in the bankruptcy debacle. He needed to do something dramatic to put the bankruptcy behind him. The *Los Angeles Times* served up the controversy Capizzi was looking for. A sexy scandal plastered all over the front page, the *Times* told a murky tale of Republican dirty tricks. Capizzi leapt at opportunity.

BUT THE *Times* misreported the story, their coverage designed to paint a distorted and untrue picture. Page after page, over and over again, week after week, the *Times* intentionally crafted stories to create the false impression of an illegal conspiracy. Only after I screamed foul did the *Times* stories add one phrase admitting everything that had been described was perfectly legal. This after elongated torrid accounts, dripping with connotations of illegal wrongdoing.

The worst of the dishonesty in the *Times* reporting was its attacks on Scott's own honesty. Readers were

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given the impression Scott lied about knowing Laurie Campbell. Only after lying about it, the public was told again and again, did he admit knowing Laurie Campbell. Little did the public, or Mr. Capizzi, know all of this supposed "lying" and "admitting" occurred in a single interview in which a *Times* reporter peppered Scott with questions. Scott either hedged his answer about knowing Laurie Campbell or was trying to answer three questions at once. What is important, and totally contrary to the impression the *Times* is giving to the public, Scott stopped the reporter before the end of the interview and clarified his position, stating plainly that, yes, he knew Laurie Campbell, but he was not responsible for putting her on the ballot. *That* was portrayed again and again as Scott lying about knowing Laurie and changing his story later. The *Times* story created a false impression with the public even though the reporter's copy may be technically accurate.

This false impression created by the *Times*, I believe, led Capizzi to miscalculate. Capizzi of course denies his decision to criminalize political activity was influenced by *Times* reporting. But Eileen Padberg, manager of Capizzi's campaign for district attorney, was recently quoted, "*The L.A. Times* was investigating it so aggressively that he had to take a look at it. Now he's not going to walk away."

When confronted with the fact that his own nomination papers had not been filled out in accordance with the law, District Attorney Capizzi shot back that Scott lied about knowing Laurie Campbell and changed his story later. Obviously a mind set was propelling the district attorney to make wrong decisions that have caused great harm to Scott Baugh and virtually destroyed the lives of some young people who had bad judgement but did not break the law.

HAVING LEAPT at the *Times*' bait in a very public way, Capizzi is left in a precarious position. The case he builds is razor thin and based on one alleged breach of law. Forty signatures were gathered to place Laurie Campbell on the ballot. She signed the bottom of the petition claiming to have gathered the signatures herself. Capizzi asserts that is a felony and those involved with the effort were involved in a conspiracy to commit this felony. That is the charge against my campaign manager, Rhonda Carmony.

Only one person in the history of the state has been charged with the crime of improperly signing a candidate petition, that being a Communist in 1937, an obvious case of selective prosecution. No one has ever been charged with a conspiracy to commit this so-

called crime. Capizzi is totally out of line resurrecting ancient statutes and dreaming up new offenses to hurl at these young activists.

MAKING CAPIZZI's actions even harder to swallow, there is ample evidence that Linda Moulton-Patterson, the Democrat candidate, also signed petitions she did not circulate, exactly what Campbell supposedly did. But the DA did not ask Patterson about this when she appeared before the Grand Jury during its deliberation about Laurie Campbell's candidacy and he has shown little interest in investigating. That is consistent with what everyone expects in such cases. Over the years the circulator's section of candidate nominating petitions has not been looked at as important enough even to warrant attention, much less prosecution. When Mr. Capizzi admitted his own petitions were not filled out in accordance with the law, Attorney General Dan Lungren said it wasn't worth prosecuting. *That is the point.* Capizzi spends truckloads of tax dollars and destroys the lives of young people on the slender legal thread that paperwork had not been filled out in accordance with the law.

Finally, and perhaps most significant, Mr. Capizzi is charging a group of young Republican activists with committing felonies for activities *he himself engaged in* while a member of the DA's staff. In 1972 Mr. Capizzi, a young deputy DA, was deeply involved in the effort to gather the signatures necessary to put an initiative about the death penalty on the California ballot. He worked closely with Dr. Howard Garber of Anaheim Hills. According to Dr. Garber, Capizzi noticed that on many of the petitions that were filled out no one had signed as circulator. Dr. Garber asked the young deputy district attorney whether he should sign his own name even though he had not circulated the petitions. The deputy district attorney instructed him to go ahead and falsely sign as the circulator of 20 or 30 petitions. He watched as Dr. Garber signed. All of this is according to Dr. Garber, who is now upset that Mike Capizzi is wasting tax dollars and ruining young people's lives for something he himself did on a much grander scale. Capizzi, of course, denies Dr. Garber's account. But Dr. Garber's wife witnessed the whole thing, and Capizzi has no witnesses to support his story.

By Mike Capizzi's standard, he was guilty of criminal conspiracy. Those falsified petitions could not have been submitted, except for the perjury he instructed Dr. Garber to commit. Furthermore, Mr. Capizzi was an officer of the court at the time, not just some young

idealist rushing around at the last minute trying to accomplish the legal maneuver of putting a candidate on the ballot, but botching the paperwork.

Now, Capizzi ends up charging Maureen Werft, Scott Baugh's Administrative Assistant, with *felony voter fraud*. The public still is unaware that Maureen's alleged crime is registering to vote at a friend's house in her home town at a time she was working temporarily in Sacramento.

Capizzi is not only out of line, he's gone beyond the pale. We all know he sent seven armed investigators into Scott Baugh's home a few days before Christmas. Then he had the arrogance to seal from public view the affidavit justifying the search warrant. Then, as we've found out, Capizzi has had his investigators look into the sex life of everybody who has anything to do with this case. How is that related to voter registration and nominating petitions? This type of gutter intimidation

is not worthy of the Orange County District Attorney's Office and certainly not acceptable for a candidate for California Attorney General.

Instead of grandstanding in an effort to deflect attention from his shameful role in the Orange County bankruptcy and to launch his campaign for statewide office, Capizzi should have permitted this whole issue to go to the California Fair Political Practices Commission, just like every other DA in the state would have done.

UNFORTUNATELY, HE'S done great injustice to young people for a mistake in judgement that is no where near as bad as his judgement as a deputy DA when he was only slightly older than those he now accuses. Capizzi has been off base since the first day he put down his *L.A. Times* and decided to do something dramatic. **CPR**

ARTS & CULTURE



C R I T I C U S

Ghosts in the Machines

B Y G . B . T E N N Y S O N

WE KNOW that it takes at least one other member of a village than the nominal author to write a book by Hillary Clinton, the world's smartest woman. We also know it takes yet a third to suggest a title by example, which is to say that HRC's book title

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had already been used by another author the year before. What we do not often reflect upon is that it takes many villagers to write all the other celebrity books that increasingly occupy the spots on the best-seller lists. Indeed we do not often reflect upon the phenomenon of the celebrity book itself. Or upon the celebrity book tour and the celebrity book signing. Or upon the nature of readers of celebrity books. The