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The Power Couple at Scandal's Vortex

By Howard Kurtz
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Sources, investigators, commentators: Lawyers Joseph diGenova and Victoria Toensing have become hot properties in the media since the Monica Lewinsky scandal broke. (By Michael Williamson - The Washington Post)

Geraldo Rivera served up the softball pitch: "Joe, in the 30 seconds until the commercial break, are you another victim of the White House slander machine?"

Joe diGenova didn't discourage the notion that the Clintonites were targeting him for his televised criticism. He declared that he and his wife, Victoria Toensing, are "going to continue to appear on your show as long as you will have us."

A decade after he was the city's top federal prosecutor in a high-stakes pursuit of D.C. Mayor Marion Barry, diGenova has become a white-hot media presence, politically connected lawyer and all-around agent provocateur. He and Toensing, also a battle-tested former prosecutor, keep popping up wherever there is trouble -- as commentators, as investigators, as unnamed sources for reporters.

A classic Washington power couple, diGenova, 53, and Toensing, 56, occupy a strange, symbiotic nexus between the media and the law that boosts their stock in both worlds. They are clearly players, which gives them access to juicy information, which gets them on television, which generates legal business.

"Dozens of Washington lawyers are trying to get on these shows," diGenova says. "I think it's very healthy. We can destroy myths and shoot down misunderstandings." Toensing sees televised debate as a good way of sharpening the old legal skills. "It's something that gets the body juices going," she says.

The two law partners not only talk about the Monica Lewinsky investigation -- they've been quoted or on the tube more than 300 times in the month since the story broke -- but have been drawn into the vortex. Toensing was approached by an intermediary for a Secret Service agent who had supposedly seen something untoward involving President Clinton and the former intern. DiGenova was at

the heart of a quickly retracted Dallas Morning News account of that matter. What's more, diGenova took to the airwaves Sunday to charge -- based on nothing more than one reporter's inquiry -- that private investigators "with links to the White House" were digging up "dirt" on him and his wife.

Never exactly press-shy when he was U.S. attorney, diGenova is a trifle sensitive to the notion that he is a partisan publicity hound. Ensclosed in a burgundy armchair in the living room of his ranch-style home in Bethesda's Kenwood section, he glances stealthily at a blue card -- the kind TV people use to jot down their sound bites -- before delivering his point.

"I have never made a single telephone call to get on a television show, and neither has Victoria," he says. "We've never had an agent. . . I've never been paid a dime for any of it."

The couple (pronounced de-GEN-uva and TUN-sing) are so firmly entrenched in the media culture that he is a member of the Gridiron Club and she once had Rivera accompany them to the club's annual dinner.

"I love him and I love his wife," the talk host and fellow lawyer says. "They're the most honorable people inside the Beltway. . . . He's a strong, principled guy who doesn't back down. If I played any part in making him a media star, I gloat with pleasure."

A Wide Net

Name a high-profile investigation in this city and chances are the prosecutorial pair is involved.

Charges that Republican Rep. Dan Burton improperly demanded campaign contributions from a lobbyist for Pakistan? DiGenova and Toensing are the Indiana congressman's personal attorneys.

Newt Gingrich's ethics problems? Toensing represents the speaker's wife, Marianne, to ensure her compliance with House ethics rules.

A House committee investigation of the Teamsters and the union's links to improper Democratic fund-raising? DiGenova and Toensing are leading the probe as outside counsel.

(And don't shortchange Toensing's role. When the newspaper Roll Call ran an unflattering piece about conflict-of-interest charges related to the couple's hiring, Toensing denounced the reporter as a sexist for leaving her out of the first few paragraphs. "I'm just as big as he is!" she shouted at an editor. Toensing says now that "they pretended I didn't quite exist. They attributed my client to Joe. I've had to deal with this all my life as a woman.")

The couple's Teamsters probe for the House Committee on Education and the Workforce has made them a lightning rod for Democratic criticism. First there was grumbling that their official role would conflict with their work for other clients, such as the American Hospital Association, for whom they are registered lobbyists. Then the Democrats charged that diGenova and Toensing couldn't be doing much on their \$300,000-a-year contract -- which requires each lawyer to put in 80 hours a month -- since they spent so much time in television studios trashing President Clinton in the Lewinsky case.

Their television advocacy is hardly a state secret. As former prosecutors, both diGenova and Toensing have largely defended the aggressive tactics of independent counsel Kenneth Starr and repeatedly challenged the president's veracity.

"They've become a public spectacle, which means they can't be impartial" in the Teamsters probe, says Missouri Rep. William Clay, the committee's ranking Democrat. "It's a payoff from Newt Gingrich and the Republican Party to both Victoria Toensing and Joe diGenova. . . . They have been on television over 200 times and not once have they been talking about an issue we're paying them \$25,000 a month to handle for the Congress. It's a hell of a part-time job."

The committee's minority staff has even issued an official tally of comments and appearances by the attorneys since late January (34 in the Associated Press, 19 on CNBC's "Rivera Live," 15 in The Washington Post, 11 in the New York Post, 2 in the Montreal Gazette).

DiGenova and Toensing laugh off the attacks, saying it's hardly shocking that Republican committees hire Republican lawyers, or that former prosecutors appear on television. "A smear tactic," says diGenova. They insist they have documented their work but can't turn in their time sheets because, says Toensing, "they reveal witnesses that have to be protected."

Perhaps no recent incident has drawn as much interest and speculation as diGenova's role as an anonymous source for the Dallas Morning News. The melodrama began when Toensing was approached by an intermediary for a Secret Service agent who was said to be willing to testify that he saw Clinton and Lewinsky in a compromising situation. DiGenova passed this on to Morning News reporter David Jackson ("Joe and I exchanged a few words over that," Toensing says), and the paper published the story in its Internet edition, attributing the account to an unnamed lawyer "familiar with the negotiations." But by then the intermediary had told Toensing the agent was backing off.

Hours later, the Morning News retracted the report, saying the "longtime Washington lawyer" had said the information was "inaccurate."

The couple now say that Toensing, taking a call from Jackson hours before deadline, told the reporter: "If Joe is your source, it's wrong."

"The bottom line is, they were told not to print and they chose to print," diGenova says. "I don't know how much more helpful you can be to a newspaper than to tell them not to print."

Carl Leubsdorf, the paper's Washington bureau chief, says: "The reporter's recollection of that conversation is quite different. He was told that 'if Joe told you that, he shouldn't have.' If it had been the other way, the story of course would have been reassessed at that point."

The couple seem to have been at the periphery of the Monica Lewinsky case from the start. A go-between initially approached Toensing about representing Linda Tripp, the former Pentagon staffer who secretly taped Lewinsky. Toensing declined because the couple already had one high-profile case in the Teamsters probe. But the Tripp feeler, too, became a point of contention.

When Toensing appeared on Charles Grodin's CNBC talk show, Richard Ben-Veniste, a Democratic lawyer and former Watergate prosecutor, asked when she first learned about Tripp and her tapes. Toensing said she was not at liberty to divulge that. After the program, she told Ben-Veniste of the feeler from Tripp.

The next day, Toensing got several calls from reporters about her on-air remarks after they had been tipped to the possible controversy. She saw a Democratic plot. "I decided to go on offense, I was so mad," she says.

On NBC's "Today" the next morning, Toensing assailed what she called "the anatomy of a lie. . . . That's how it works here, folks. It ain't pretty. . . . They put out just enough of a kernel of truth and then spin it, because what they want to do is make it look like all Republicans got together to go after the president."

Says Ben-Veniste: "I'm not a Democratic spin-meister. I didn't even know she was going to be on the show. I feel put upon here. The only reason I turned to her is that she had interrupted me twice."

But that little dust-up paled compared with diGenova's performance Sunday on "Meet the Press."

"Last week," diGenova declared, wielding a blue card, "I got a telephone call from a correspondent for a national weekly telling me

that word had gotten around town that I and my wife, Victoria Toensing, were being investigated by a private investigator with links to the White House and the attorneys representing the president, and that investigator was either someone named Mr. Palladino or, perhaps, even from -- I've read in Time magazine -- Mr. Terry Lenzner. . . . Who is paying Mr. Palladino or Mr. Lenzner, and who is getting the dirt that they are digging up? Is the White House getting this stuff, are their lawyers?"

DiGenova later acknowledged he had no confirmation of any private-eye activity before making the charge on national television. White House spokesman Mike McCurry called diGenova's remarks "outrageous."

Martin Garbus, a First Amendment lawyer, criticized diGenova in his favorite forum, "Rivera Live." "I just thought it was irresponsible," Garbus says in an interview. "He's far too sophisticated a lawyer for that. I thought there must be some other motive involved, like self-promotion."

Friends have a different take. "Joe's understandably indignant reaction was driven by concern about his wife," says Charles Leeper, a former prosecutor who worked for diGenova. "He does have thick skin. If this was just about gathering information on him, he would have laughed about it. But when you're told someone is trying to silence you by gathering information about your spouse, you react differently."

Of course even paranoids have enemies. The White House flatly denied that diGenova and Toensing were the subject of any inquiry. But two days later, Clinton lawyers David Kendall and Robert Bennett acknowledged that they had retained Lenzner's investigative firm. In a carefully worded statement, they said: "There is public information available, which, of course, it is our duty as counsel to research and gather; but we have not investigated, and are not investigating, the personal lives of Ms. Toensing [or] Mr. diGenova."

Does that mean there is a shadowy probe of the couple -- that, as Rivera put it, they might be on some Clintonian "enemies list"? "All I know is what we've been told by reporters," Toensing says. But she questions the nature of the "public information" the private eyes are gathering: "I got divorced. Are they going back into my divorce records?"

Says diGenova: "I'm not worried. All they'll find is that I like to cook, my wife and I are madly in love with each other and we both smoke cigars."

Private Lives

They launched their small law firm two years ago and seem to be reveling in their rapid success. One of Toensing's three children from her first marriage, Brady, is a senior associate. The couple retreat on weekends to their Fenwick Island, Del., beach house, hanging with such pals as Robert Novak and Bill Regardie. In town, diGenova likes to plant himself at his massive Wolf commercial stove, open a bottle of wine and cook veal chops in one of the cast-iron pans hanging from the ceiling.

Is there a downside to being married to your law partner? Toensing says she tends to carry on about their cases during evenings and weekends. "He had to teach me to shut up," she says.

Both pride themselves on being moderate Republicans who occasionally contribute to Democratic candidates. They met at a rally for the Equal Rights Amendment at the 1980 Republican National Convention; he bought all the elephant pins she was selling. DiGenova, a trained opera singer, proposed on the second date. Toensing, who raised three kids on her own after law school, said yes.

DiGenova was a top aide to then-Sen. Charles Mathias of Maryland. He helped his bride get a job with Senate intelligence committee investigator Fred Thompson. Soon the couple were rising stars in the Reagan administration: He was tapped as U.S. attorney, she became a deputy assistant attorney general. They worked on terrorism cases together.

DiGenova loved the limelight, and while there was some grumbling that he was grabbing credit for cases developed by his assistants, he racked up an impressive record. Digging into city corruption, diGenova's office won convictions of 11 D.C. officials, including two deputy mayors. But his biggest case by far was his four-year drug investigation of Marion Barry.

It's no surprise to hear diGenova defend Ken Starr against White House allegations of illegal leaks, for diGenova was accused of the same thing. Barry, claiming he was being "lynched," sued diGenova and the Justice Department on charges of disclosing secret grand jury information; the suit was dismissed for lack of evidence. DiGenova stepped down in 1988 to enter private practice; his successor, Jay Stephens, prosecuted Barry.

"I was eventually vindicated when the mayor was caught at the Vista Hotel and convicted of drug use," diGenova says.

Toensing, meanwhile, was no shrinking violet either. She posed for the cover of the New York Times Magazine for a story recounting her pursuit of a Palestinian terrorist: "Today, because of Victoria Toensing, Mohammed Rashid sits in Athens's Korydallos Prison

awaiting trial."

The two moved on to a couple of Washington law firms. DiGenova served as an independent counsel, finding no wrongdoing by Bush administration officials accused of pilfering Bill Clinton's passport files. When the O.J. Simpson case made telegenic lawyers a hot commodity, Toensing became a fixture on Rivera's show and others, and her husband followed suit.

DiGenova says they make most of their appearances at night, ferried by chauffeured cars. Even returning reporters' calls doesn't detract from their practice. "You've got to be out of your mind not to be helpful to people in the press," he says. Besides, the talk circuit pays tangible dividends.

"You do get business from it," diGenova says. "In addition, your existing clients like it. They like seeing their lawyers commenting intelligently on TV. We get calls: Saw you on 'This Week,' 'Face the Nation,' thought you did a great job."

Toensing is less sanguine about the calls generated by her appearances: "You get more kooks than you get reasonable people." Others will "call my office and ask who does my hair."

These days, on any channel, they can usually be counted on to defend Starr. Indeed, producers want them for their prosecutorial point of view. "White-collar criminal investigations are not beanbag," diGenova says. "It does get rough." And this is a couple who know how to punch back.

DiGenova says they don't mind a few scars. "This is a political town," he says. "People are going to take shots at you. If you can't take that, you shouldn't be in the business."

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