



## **THE GREAT PENNSYLVANIA GOVERNMENT PORN CAPER**

BY **DAVID GAMBACORTA** FEB 24, 2016

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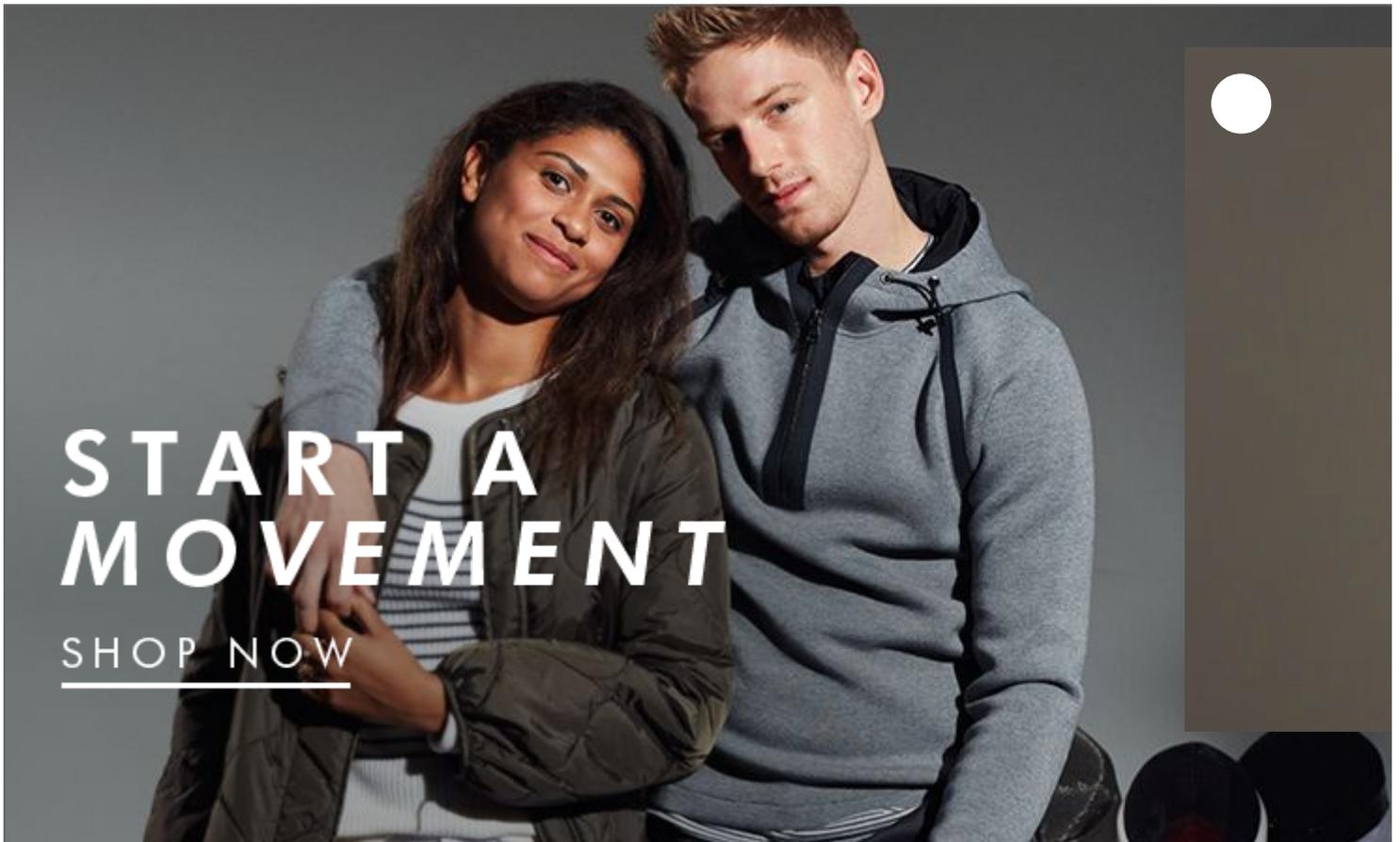


*Update: On October 24, Kane was sentenced to ten to twenty-three months in prison (plus eight months of probation) for leaking grand-jury secrets and then lying under oath about having done so. Judge Wendy Demchick-Alloy of the Montgomery County Court House said, "This case is about ego—the ego of a politician consumed with her*

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**K**athleen Kane was stuck in her not-so-happy place. She preferred to avoid Pennsylvania's capital, the nerve center of its incestuous, dysfunctional political system. It seemed to change people, she thought, throwing their moral compass askew. But here she sat in her Harrisburg office in early 2014, a year into her tenure as the state's attention-grabbing attorney general, feeling the flawlessly arranged bookcases and canary-blue walls closing in.

A staffer marched into the office and beelined to Kane's desk, pressed into the corner of the room. Kane's steely blue eyes fell to a disc that was resting in the staffer's hand. "We're putting this on your computer because the information is important," he said bluntly. "But I recommend that you not look at these."



office before Kane occupied it.

So of course she opened up the files. She wasn't some wilting flower; she'd seen dead bodies and worked rape cases, and she prided herself on not being treated like the girl in the room. But when she started clicking, she was at first shocked, then repulsed, then a little—just *a little*—curious.



Loads of pornography littered the exchanges between government officials like so much cow shit in an open field. Office-secretary porn. Sarah Palin-Photoshopped porn. Hardcore, objects-stuck-in-a-woman's-every-orifice porn. The more she clicked, the worse it got. Fat jokes. Gay jokes. Racist jokes. Domestic-violence jokes. The bulk of which were sent on state computers, on state time, from one state employee to another.

The emails on the disc were just the tip of the iceberg; the full scope wasn't immediately clear. In time, Kane and everyone else in the state would come to realize the emails were like strands of a spiderweb, stretching out in every possible direction, connecting small-town attorneys to big-name prosecutors to State Supreme Court Justices.

For now there were just the emails. They were an opportunity, a gift; digital dynamite, powerful and potentially destructive. And with them came an unspoken question: *How should they be used?*

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## **DIRTY DEEDS DONE ON STATE TIME**

**T**he answer was easy: They should be made public. Kane had run for office as a tough-as-nails outsider who wanted to shake up the male-dominated world of Pennsylvania politics. She earned a staggering three million votes in the 2012 general election—more than even President Obama managed to attract in the state that year—and was the first woman and first Democrat to become state attorney general since the position was made an elected office in 1980. Expectations were high.

She was also a political newcomer, having never held elected office or been in charge of an operation as large and politically volatile as the attorney general's office. But she flourished from the very beginning, making headlines from coast to coast for refusing to defend the state's ban on same-sex marriages. She was a rising star in the Democratic party. "For about a year there, she really was the darling," says former Pennsylvania governor Ed Rendell, who still wields enormous influence in the state's political circles. "There was talk that she'd run for governor or even president."

piece of correspondence shattered her respect for the legal community just a bit more. One photo collection titled "Blonde Banana Split" contained more than 30 images of two women stuffing bananas inside each other's every hole. Another photo of a busty woman wearing a black-and-white veil was subtitled "Nuns: They have tits too." "Some pictures might be close enough to make those taste buds tingle!" read the introduction to another thread, containing close-ups of women's genitals.

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## **KANE HAD RUN FOR OFFICE AS A TOUGH-AS-NAILS OUTSIDER WHO WANTED TO SHAKE UP THE MALE-DOMINATED WORLD OF PENNSYLVANIA POLITICS.**

The men—they were almost all men—exchanging these images were among the most prominent names in the state's judicial system. And they'd been doing it for years, with no fear of being reprimanded. *No*, Kane thought. *This is wrong. All wrong.* She had to blow the whistle, to show Pennsylvanians the true personas of men they could someday face inside a courtroom.

At first, Kane identified only a handful of top figures on then-Governor Tom Corbett's staff. Corbett condemned the exchanges and called on the participants to resign. But the list of the participants kept growing. And growing.

This should have been the beginning of a celebrated landmark achievement for the tenacious A.G. She was unraveling disgusting misbehavior at the very highest levels of Pennsylvania politics, proving that the good ol' boys network—"women haters," as Kane called them—truly did exist. She should have been the hero.

But Porngate, as the saga became known, was only getting started. By the time the scandal's scope was in full view, Kathleen Kane, the state's top legal official, no longer had the right to practice law in Pennsylvania by decree of the State Supreme Court.

**K**ane isn't now a household name nationally, and she wasn't particularly well known in Pennsylvania when she dove into a run for attorney general four years ago. But her backstory naturally appealed to voters: She could legitimately claim to know what it was like to struggle, having grown up poor in Scranton, a city in the northeast part of the state that saw its fortunes nosedive with the collapse of the local coal industry in the 1950s. Her parents worked desperately just to survive. Winters were tough, sometimes without heat. They didn't have much, but the hardscrabble upbringing gave Kane a seemingly endless well of perseverance.

Kane went to college, got a law degree, married, and worked as a prosecutor in nearby Lackawanna County, where she handled rape and child-sex-abuse cases. She put her career on hold in 2007 to raise her two sons. A year later, she worked as a regional coordinator on Hillary Clinton's ill-fated presidential-primary run, managing campaign volunteers and outreach efforts in the Scranton area. It wasn't long before Kane started kicking around the idea of serving in elective office herself. State attorney general seemed like an ambitious place to start, but Kane had charisma—and money. Lots of it. Her husband's family owned a successful trucking company, which allowed Kane to pour \$2 million into her campaign.



The money didn't change the fact that she was an outsider in a state whose political culture often resembles a glorified Elk's Lodge. Most party leaders initially backed her opponent, an Iraq-war veteran and well-liked former U.S. representative, for the Democratic nomination. She knew she needed to make a splash. So she tossed a Hail Mary, calling Bill Clinton's office to ask if the former president would consider campaigning for her. He agreed, and it helped immensely.

indicted by a grand jury on dozens of child-sex-abuse charges in 2011. Then-governor Corbett had been attorney general when the A.G.'s office was investigating Sandusky, whose charity, through which he met many of his prepubescent victims, had donated to Corbett's gubernatorial campaign. Kane claimed that Corbett unnecessarily dragged out Sandusky's prosecution, thereby keeping him out of the news while Corbett, a Republican, ran for governor.

It was an incendiary charge, one that Corbett vehemently denied. Kane knew her speculation, coupled with a vow to reexamine the investigation if elected, irked people within the attorney general's office. The case had been successfully prosecuted, after all; Sandusky is spending the rest of his life in prison. But Kane refused to back down, which both critics and supporters would come to see as her defining trait.

After winning the election, Kane was warned about the glad-handing, backslapping, overtly sexist good ol' boys network pervading the upper echelons of state politics: Her identical twin sister, Ellen Granahan, already worked as a prosecutor for the attorney general's office and told her about how poorly women were treated. There was an insider's club here, and if you weren't a part of it, you weren't going to get anywhere.

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## "THIS IS WAR."

**A** month after taking office in 2013, Kane delivered on her biggest campaign promise—to put her predecessor's Sandusky prosecution under a microscope—by hiring a special investigator. Sure, it was an unpopular move within the office she'd just won, but Kane swore she was acting out of genuine concern. "When I looked at the procedure they used"—referring to how the case was sent to a grand jury rather than being handled internally—"I just couldn't get over it," she says. "The length of time really bothered me."

More than a year later, the investigator announced his findings: Though critical of some elements of the state's investigation, he ultimately determined that political concerns

But the special investigator had dug up something even more valuable in Kane's crusade against the good ol' boys network: the scores of pornographic and racist emails that had zipped in and out of the attorney general's office between 2008 and 2012.

by what would become an all-consuming rivalry with a bald, bespectacled man named Frank Fina.

Fina had become a star lawyer under Corbett, not only leading the prosecution of Sandusky but also spearheading investigations into Bonusgate, a 2007 scandal that centered on illegal bonuses paid to Democratic house staffers for campaign work, and Computergate, which in 2008 caught Republican house members using taxpayer money to buy computer programs that helped form election strategies. Fina didn't have a damn bit of interest in working for a rookie politician who'd denigrated his and his colleagues' work. So he left the attorney general's office as soon as Kane came onboard and took a job with Philadelphia's district attorney.

In March 2014, a story appeared in *The Philadelphia Inquirer* detailing a bribery sting that had ensnared six black Philadelphia lawmakers. Kane had declined to prosecute the case, claiming the investigation had been tainted by racial bias. The case was portrayed as a would-be slam-dunk, making rookie Kane look like she didn't know what she was doing. She was livid over the embarrassment, according to Montgomery County court documents, and suspected Fina was behind the story's appearance. "I will not allow them to discredit me or our office," she wrote in an email to a media strategist, according to court documents. "This is war."

According to those same court documents, she allegedly struck back by leaking grand-jury information to the *Philadelphia Daily News* about a stalled investigation into a local NAACP leader. Fina had worked on the case. Tit for tat. Kane has admitted that she did release some information about the investigation, but claims it was not in a way that violated grand-jury secrecy laws.



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It was around this time that former-governor Rendell began to see beneath the early hype. "Kathleen made serious mistakes in judgment," he says now in a sandpapery rasp. "Revenge is the most wasted of all political emotions." He still winces over Kane's decision to visit the *Inquirer* with a libel attorney as criticism of her began to grow. At best, the move looked like a clumsy attempt at intimidating the newspaper—and that was at best. She also publicly fought with Philadelphia district attorney R. Seth Williams—

equipped to perform the job the citizens of Pennsylvania had voted her into office to do.

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## WELCOME TO KANEVILLE

In March 2015, a year after the story about the bribery case ran in the *Inquirer*, Kane was sitting in the back of a small, crowded courtroom inside of Philadelphia's sprawling 114-year-old City Hall building. Her political life had become so bizarre that it now had its own nickname: Kaneville.

An investigation had been launched into whether Kane had illegally leaked information to the *Daily News*, and the State Supreme Court was listening to arguments about whether the probe had unfolded on sound legal ground. When the hearing ended, a wall of reporters, photographers, and TV camera crews trailed her down a wide, empty hallway.

Kane was perfectly composed, as usual—smartly dressed, head held high, framed by her chestnut-brown hair. She was optimistic, she said, that everything would work out. She told reporters that she believed the whole investigation was a sham, secretly cooked up by Fina and other former state prosecutors who wanted to take her down. She figured the justice system would sort it all out.

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## HER POLITICAL LIFE HAD BECOME SO BIZARRE THAT IT NOW HAD ITS OWN NICKNAME: KANEVILLE.

She was wrong. In August 2015, five months after she danced away from the cameras in Philadelphia, a Montgomery County district attorney announced that Kane was being indicted on perjury and conspiracy charges. Kane's driver was also indicted, accused of snooping through office emails to gather intel about the investigation into his boss. Tom Wolf, Pennsylvania's new governor and, like Kane, a Democratic outsider, immediately called on her to resign. She refused, saying such a move would be an admission of guilt.

inspired Republican lawmakers across the state to push for her to be removed from office. How, they wondered, could the state's top law enforcement official operate without a law license?

Kane argued that managerial duties occupied most of her time as attorney general, tasks that did not require a law degree. People didn't buy it. Besides, her problems were only growing. In October, she was hit with a second perjury charge after investigators found a document that they say proved Kane had lied again to the grand jury that investigated her. All bloodthirsty eyes were on Kane, her enemies circling like vultures.

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## A CRUSADE WITHOUT A HERO

**B**y December 2015, when the emails were spilling out like tainted water from a rusty spigot, Kane was no longer a trusted steward of government fairness; by now, she was widely viewed as more Niccolò Machiavelli than Daniel Ellsberg. Her critics argued that she was, and still is, sprinkling the records discriminatorily to take down her enemies. "I certainly feel like she's targeted a select number of individuals for a personal and political vendetta," says attorney Mark Tanner, who has sued Kane—and the Philadelphia Media Network, the parent company of the *Daily News* and *Inquirer*—

to identify just a handful of them."

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## **HER CRITICS ARGUED THAT SHE WAS, AND STILL IS, SPRINKLING THE RECORDS DISCRIMINATORILY TO TAKE DOWN HER ENEMIES.**

Kane wasn't helping her own cause. Shortly before Christmas, she acknowledged that her sister, Ellen, had received a number of the tawdry emails but was not disciplined like others in the same position. Kane's spokesman explains that a former chief of staff and several aides reviewed Ellen's emails and determined that they did not merit punishment. Kane may have claimed that the release schedule was dictated by nothing more than media requests, but accusations of targeted character assassinations seemed at least worth considering. "Kathleen Kane isn't doing service to the office or the people of Pennsylvania," says State Senate President Joe Scarnati, a Republican who led an unsuccessful effort to directly remove Kane from office through a long-forgotten constitutional provision. "I guarantee you her first thought in the morning isn't how to save an elderly person from a scam," he says. "It's her own survival."

Joseph Scarnati, President of the Pennsylvania State Senate

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Either because of tone-deafness or tenacity, Kane plowed forward and, in early December, marched across the honey-colored stage of an auditorium inside Philadelphia's National Constitution Center. Porngate images rotated on a large screen. "Irish Sunglasses," read the caption on a photo of a woman with a black eye. "Free pair when you forget dinner." One image showed a champagne bottle disappearing into a zoomed-in-on vagina, while another extended gratitude—"Thank you, Mr. Daniels.

Kane, dressed in a bright white jacket and skirt in some sort of twisted symbol of purity, labeled Porngate a "constitutional crisis" and announced that she'd hired a former Maryland attorney general to lead an independent investigation into the scandal. It was unclear why Kane hadn't made such a move sooner. But the investigator was being given carte blanche to dig through thousands and thousands of unreleased emails, and it wouldn't come cheap; it is expected to cost taxpayers more than \$1 million.

Kane wasn't fazed by the price tag. The last time she authorized spending public money on an internal investigation, Porngate was uncovered. Perhaps the special investigator's probe would provide her career with the vindication she so desperately needed.

So far, it hasn't.

Steve Brodner

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## THE GOOD OL' BOYS NETWORK CRUMBLES

**F**rank Fina, who Kane believes leaked information about her to the *Inquirer*, had initially lobbied a state judge to prevent his emails from being released, arguing that they contained sensitive information. The judge disagreed, but at least one

Hundreds of pages of emails that Fina had sent or received were finally made public in August of 2015. First up: a batch of raunchy and misogynistic motivational posters that Fina had forwarded to a pair of state special agents in 2009. Some encouraged women to do whatever it took to please their male bosses, such as providing oral and anal sex. "Take advantage of every opening," was the tagline to one. Fina forwarded an assistant district attorney another email that same year—"RE: Need Motivation for the Weekend?" read the subject line—that contained almost two dozen offensive images. "Halloween: Giving girls the excuse to dress like whores since 1983," read the caption of a photo of a busty woman in a skimpy nurse's costume. "Rainbows: Not as gay as you might think," was the caption of another, a shot from behind of a woman's legs spread wide, her limbs covered in striped stockings. "My favorite is Rainbows!" Fina wrote.

R. Seth Williams, District Attorney of Philadelphia

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Philadelphia DA Williams was inundated with calls from women's-rights groups and black female politicians to fire Fina along with two other former state prosecutors, Marc Costanzo and Patrick Blessington, who'd received the emails and said nothing. Williams at first seemed to waffle, calling for the men to undergo a day of sensitivity training. The protests only grew louder. How could the office tolerate prosecutors whose in-boxes had once filled with material that mocked minorities, particularly in a city where minorities often feel like they're treated unfairly by the law?

traded porn. It was the kind of porn: degrading, humiliating." Williams ultimately decided to reassign the three prosecutors, giving them far less prominent roles; Fina was moved from the special-investigations unit to civil litigation.

Michael Eakin, a Republican Supreme Court Justice who voted to suspend Kane's law license, seemed stunned in the fall of 2015 when controversy engulfed him as well. Kane released dozens of raunchy emails that he'd received—and a few he sent—from a private email account. The emails, some of which made fun of domestic-violence victims, Muslims, and blacks, had been previously reviewed by the state's Judicial Conduct Board, who cleared Eakin of any wrongdoing. But then the *Daily News* reported that the board's chief counsel was actually a longtime friend of Eakin's. The emails were reviewed anew, and Eakin was suspended. Seamus McCaffery, a Democratic Supreme Court Justice, retired after it was revealed that he, too, had traded offensive emails.

But the repercussions have gone well beyond the individual boldfaced names who have seen their careers derailed. The justice system is supposed to be a noble pursuit, built upon objectivity and fairness. But the scandal has instead revealed an immature fraternity, a place where everyone is in on the joke—except for Pennsylvania's 12 million residents.

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## COULDA BEEN A CONTENDER

It's early January, and Kane is sitting in an office tucked away in downtown Scranton, 122 miles away from Harrisburg and the ever-growing list of lawmakers who still want to pry the attorney general's office from her hands. In a little over a month, she'll announce that she won't seek reelection, finally acknowledging that it would be utterly impossible to continue her political career.

Though she has less than a year left in office, a state House committee recently announced plans to consider whether Kane should be impeached. Even former governor Rendell, whom Kane had singled out as one of her chief supporters, backed a former Democratic state representative who wanted to run against Kane—that is, when she still

own criminal trial on perjury and conspiracy charges, which is expected to unfold this summer.

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Sunlight pours into the room through floor-to-ceiling windows, giving the cramped space a strange, ethereal glow. She is mulling the what-ifs and maybes. Was it really just three years ago that people were talking about her running for governor and maybe even president? She knew that the praise wouldn't last forever, but she never foresaw this.

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**THE SCANDAL HAS REVEALED AN IMMATURE FRATERNITY, A PLACE WHERE EVERYONE IS IN ON THE JOKE—EXCEPT FOR PENNSYLVANIA'S 12 MILLION RESIDENTS.**

On the wall to her left hangs a large black-and-white photo of Robert F. Kennedy, bullhorn in hand, addressing a crowd of people. "We like the Kennedys," she says. She

"There are days when I think, you know, what did I step into? What did I do? I had a nice, comfortable life. I didn't need a job. I didn't need any of this. I was happy. My kids were happy. Our family was happy," she says. "Sometimes I feel guilty for putting the kids through this. I chose this job. They didn't choose it. And now they're on this path with me that none of us can get off until it's over."

Her sons are twelve and fourteen, old enough to be aware of the drama that has invaded their lives. They want to know how this will all end. Kane sketches out different possibilities, but can't make any promises. "I look at the worst-case scenario and think, *Are we going to be okay?* And I know we will be. There's got to be a good reason for this. If I have to suffer along the line, so be it."

Part of her will admit that she's made some mistakes along the way, like insisting that she always be front and center on all things Porngate-related. But another part thinks her enemies are just trying to tear her down because they resent her for being an outsider, the woman who exposed their fondness for dirty jokes and raunchy photos.

"I don't like the 'rise-and-fall of Kathleen Kane' stories because there was no rise, there's no fall," she says. "It's me doing my job. It's what happens when you try to effectuate change. People fight back against that."

This is the mantra that she clings to in her corner of Kaneville, the words that greet her every morning when she rises and every night when she drifts off to sleep: *You're right, you've done nothing wrong, and you'll keep fighting.*

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