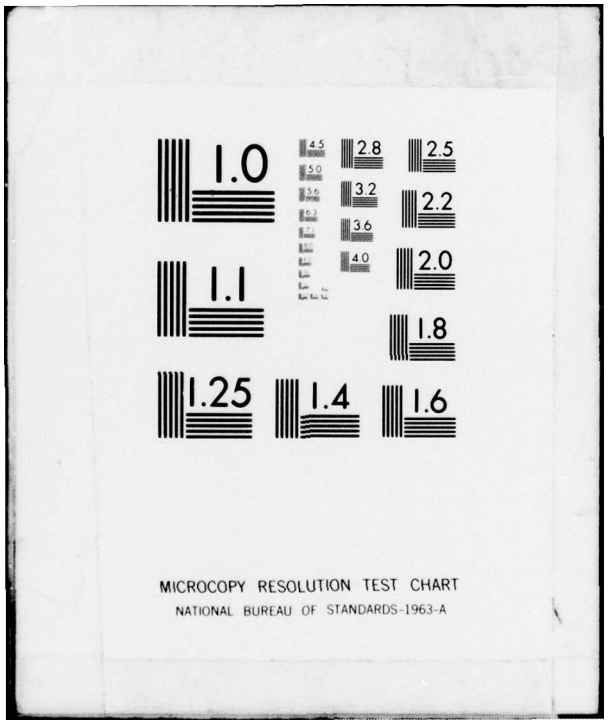
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CONTEMPORARY ITALIAN TERRORISM: ANALYSIS AND COUNTERMEASURES

Prepared by Dr. Vittorfranco S. Pisano

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CONTEMPORARY ITALIAN TERRORISM:
ANALYSIS AND COUNTERMEASURES

Table of Contents

INTRODUCTION 1

CHAPTER I. ITALIAN INTELLIGENCE PRIOR TO THE REFORM OF 1977

SIFAR and SID: Organization and Functions 3

Scope of Italian Intelligence Operations. 7

Counterespionage Operations 10

Security Operations Involving Arab Activities in Italy 23

Security Operations Involving South Tyrolese Secessionists. 25

Intelligence Collection Abroad. 25

Other Clandestine Operations Abroad 26

Intelligence Collection on Domestic Terrorism 26

CHAPTER II. TERRORISM OF THE LEFT: THE INTENSIFICATION OF THE PROBLEM

Incidence of Contemporary Terrorism 29

Considerations on the Background and Causes 33

Overview of Operational Patterns. 41

1. Rigid clandestinity and systematic action. 42
2. Simultaneous political action and "armed struggle" 43
3. Spontaneous and sporadic terrorist actions 43

Red Brigades (Brigate Rosse - BR) 45

1. Origin 45
2. Operations: Phase I 48
3. Operations: Phase II 49
4. Operations: Phase III 52
5. Operations: Phase IV 57
6. Composition 66
7. Structure 68
8. Security 69
9. Ideology 70

Partisan Action Groups (Gruppi di Azione Partigiana - GAP) 72

October XXII Circle (Circolo XXII Ottobre) 74

Armed Proletarian Nuclei (Nuclei Armati Proletari - NAP) 76

Front Line (Prima Linea) 82

Domestic and Foreign Links 86

1. Organizational autonomy theory 87
2. The PCI link hypothesis 89
3. Foreign links hypotheses 93
4. The "forces of reaction" theory 100

CHAPTER III. TERRORISM OF THE RIGHT: A COMPLEMENTARY PROBLEM

Rightist Extremism 103

Alleged Right-Wing Coup Attempts 109

Observations on Rightist Extremism 116

CHAPTER IV. THE ITALIAN INTELLIGENCE REFORM OF 1977

The Intelligence and Security Services Under the New Law 119

1. More stringent oversight 120
2. Separation of intelligence and security functions 122
3. Separation from judicial police functions 125
4. New regulations on state secrecy. 126

General Observations on the Reform Law 127

Implementing Regulations 133

1. CESIS 134
2. SISMI 135
3. SISDE 136
4. State secrecy 136

Speculation over a Possible Reform Amendment 137

CHAPTER V. COUNTERING TERRORISM: MEASURES AND PROBLEMS

Legislation 141

Intelligence Collection 145

Infiltration 148

Wiretap Measures 153

Police Escorts 157

Coordination 160

Concluding Observations 165

SELECTED BIBLIOGRAPHY

I. Books, monographs, pamphlets 177

II. Articles 180

III. Documents 184

IV. Codes and statutes 184

Introduction

From the start of the century through the mid-1960's, Italy has been a stage for sporadic acts of political violence and terrorism. In the course of the last decade, however, the intensity of such acts has escalated to the point of their becoming virtually daily occurrences. Although the problem of terrorism is shared by the rest of the "ten most industrialized nations," the Italian case might be more critical because of the country's unstable political condition and its strategic location vis-a-vis Europe and the Middle East.

Current Italian terrorism, whose most menacing manifestations derive from groups that profess to be acting in the name of communism, has been attributed to diverse roots. To some, it is a phenomenon that is self-contained and self-supporting. To others, it is sponsored by the "forces of reaction," that include not only local neo-Fascists but agents of Western powers as well. To yet others, East European patron states are behind Italy's terrorist bands. This last hypothesis is partially built upon recurring evidence of clandestine operations conducted in Italy since 1945 by the intelligence services of the Soviet Union and its East European satellites.* → over

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* Evidence to that effect has also been received by the Committee on the Judiciary of the United States Senate, see "Communist Bloc Intelligence Activities in the United States." Hearing before the [Senate Judiciary] Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws. 94th Cong., Pt. 2. 2d Sess. (Washington, U.S. Govt. Print. Off., 1976).

The mounting intensification of Italy's various terrorist actions has heightened the demand for more effective enforcement of existing legislative, judicial, and police countermeasures and for adequate intelligence collection on all matters relating to terrorism. Of currently available technical measures, intelligence collection is perceived as being the least efficient because of operational drawbacks resulting from the 1977 reform of the intelligence and security services and because of continuing political exploitation of certain deviations within those services prior to the reform.

The following study, therefore, endeavors to examine contemporary Italian terrorism through the end of 1978 and dedicates particular attention to the role of Italian intelligence before and after the reform of 1977.

Chapter I

ITALIAN INTELLIGENCE PRIOR TO THE REFORM OF 1977

SIFAR and SID: Origins, Organization and Functions

The intelligence and security services, instituted by Law No. 801 of October 24, 1977, as well as their immediate predecessors, trace their origin to the Military Information Service (Servizio Informazioni Militari - SIM), which was organized in 1927 during the Fascist regime.

SIM was subordinate to the Deputy Chief of Staff of the Army for the performance of strictly military functions and to the Undersecretary of War for the performance of non-military duties, although its sphere of action had generally been limited to military objectives. This service was dissolved in 1944 and was replaced for a few years by a small intelligence office within the General Staff. The Fascist regime also ran a secret police--separate from SIM--called OVRA, which was abolished with the fall of Fascism.

From 1949 until the passage of the above-mentioned Law of 1977, two intelligence services succeeded each other.

The first of these, instituted on September 1, 1949, was the Armed Forces Information Service (Servizio Informazioni Forze Armate - SIFAR), organized under the Ministry of Defense

as a military intelligence service for the army, navy, and air force. However, three additional intelligence services connected to SIFAR were established within the army, navy, and air force for intelligence collection and analysis for the respective service. Each of these was termed SIOS (Servizio Informazioni Operativo Situazione).

In the mid-1960's, SIFAR became the object of sharp criticism because of actual or alleged deviations from institutional functions. Some commentators have attributed such deviations to undemocratic rightist designs involving certain political figures, the intelligence service as a whole, and part of the armed forces. Other observers stressed the misuse of institutional functions by individual high-ranking officials of the intelligence service in the pursuit of their personal interest, as well as the influence and exploitation exercised over the intelligence service by outsiders also for personal ends.

As a result of mismanagement of the intelligence function and of the ensuing climate of uneasiness among the political forces, several officers were transferred out of the more sensitive offices of SIFAR and the service itself was renamed Defense Information Service (Servizio Informazioni Difesa - SID) in 1965.

Although the basic organization and functions of SID appear to have remained the same as those of its predecessor, two directives having legislative and regulatory force, respectively, were issued.

The first was article 2, letter g, of President of the Republic Decree No. 1477 of November 18, 1965, pursuant to which SID was:

> ... to carry out, through its offices and units, intelligence duties relating to the protection of military secrecy and to every other activity of national interest for the defense and security of the country; and to take appropriate measures for the prevention of actions harmful to the defense potential of the country.

The second, a Ministry of Defense Circular of June 25, 1966, assigned to SID the following operational duties:

--to collect at home and abroad all useful information for defense and national security;

--to organize and conduct operations against foreign intelligence activities and against every other activity that might be dangerous or damaging to national defense and security;

--to follow and keep abreast of the political, economic-industrial, military, and scientific condition of foreign countries of interest;

--to insure the protection of military secrecy and other state secrets.

The SID structure included three basic branches: section "R" was responsible for intelligence collection abroad and political and military espionage; section "S" was responsible for processing and analysis of data provided by section "R"; and section "D" was responsible for counterespionage, including all operations in Italy. Moreover, section "D" was territorially subdivided into 23 counterespionage detachments commanded by a field-grade officer of the Carabinieri. Section "D" was apparently made up almost exclusively of Carabinieri personnel. The other sections included primarily military personnel from other arms and services.

The organization and functions of SIOS within the army, navy, and air force remained unchanged after SIFAR was transformed into SID. SIOS was apparently responsible for at least a part of the intelligence information acquired abroad.

Prior to the intelligence reform brought about by Law No. 801 of 1977, those vested with the status of "judicial police"

retained this status even while assigned to SIFAR or SID. Personnel designated thus were enabled to conduct law enforcement functions directed at the repression of crimes. Carabinieri assigned to SIFAR and later to SID were therefore intelligence and law enforcement officers at the same time.

The history of SID is also characterized by accusations similar to those brought against SIFAR. Such accusations range from planning and/or participation in activities aimed at a coup d'etat, abetting conspirators, and inducement of political violence to absorption of the service by U.S. intelligence. The dissolution of SID, called for by the new intelligence law of 1977, came about under the adverse publicity generated by pending criminal proceedings flanked by hostile coverage in the media.

The actual and alleged abuses perpetrated by individuals connected with SIFAR and SID will be discussed in Chapter III.[1/]

Scope of Italian Intelligence Operations

There appears to be continuity to the nature of intelligence operations conducted by SIFAR and later by SID. Italian intelligence since the end of World War II has been primarily

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1/ The information under this heading is extracted or adopted from V. S. Pisano, A Study of the Restructured Italian Intelligence and Security Services (Washington, D.C., 1978).

defense-oriented. Consequently, its operational stress was on counterespionage and internal security.

Various factors account for these operational tendencies. The primary factor was the Cold War atmosphere in which SIFAR was born. Soviet expansionist and subversive designs, coupled with the traditional presence in Italy of the largest Communist party of the West, caused Italian intelligence to direct its immediate attention to covert external and internal threats motivated by the then dominant Stalinist brand of Marxist-Leninist ideology. In responding to these aspects of the international and domestic scene, SIFAR's concern over internal security caused it to initiate political surveillance, to extend its sphere of action to areas previously within the specific competence of the police, and to direct considerable attention to the Italian Left. (In the late 1940's and early 1950's, Italy's Communists and Socialists were united in a popular front alliance.) These preoccupations were inherited by SID in the 1960's when the extraparliamentary Left also became a source of concern.

The presence of sensitive NATO installations on Italian territory has further contributed to the defensive orientation of the intelligence services. Of influence have also been the frequent sojourns in Italy of foreign students and refugees from dictatorial regimes of the Right. These individuals have often

participated in political demonstrations and have maintained contacts with Italian extra-parliamentary groups. Other problems which have necessitated the intervention of Italian intelligence entail the actions of Arab terrorists operating on Italian soil. The actions of the South Tyrolese secessionists through the 1960's have also been reasons for stressing internal security. Finally, terrorism whose most menacing manifestations have taken place since the mid-1970's--possibly under the influence and/or partial support of patron states--has perpetuated Italy's defensive intelligence posture.

Only limited information is available from "open sources" on espionage and foreign clandestine operations conducted by SIFAR and SID. However, it is generally believed that these services have frequently and successfully gathered intelligence information on certain Eastern European countries primarily through ordinary civilian channels to which these services have had access. SIFAR and SID are also reputed to have contributed to NATO intelligence gathering efforts in various parts of the world. It would finally appear that at least part of such missions are creditable to the three SIOS.

Counterespionage Operations

1. Aleksej Solovov (USSR) - Solovov arrived in Rome with his wife and children in the fall of 1953 and was officially assigned to the Soviet military attaché as a chauffeur. His position and family status were considered suspect by the police because the hiring of a local driver would have been less expensive for the Soviet Embassy. Police surveillance determined that Solovov frequently visited areas of military interest. SIFAR's intervention was consequently requested. In the early months of 1958, Solovov was observed having frequent meetings with a radar technician in the suburbs of Rome. During one of these meetings, Solov picked up documents relative to national defense. On May 16, 1958, he was expelled from Italy.[2/]

2. Kir Lemzenko (USSR) - Lemzenko, an accredited Soviet commercial attaché, was frequently observed travelling in areas of southern Italy where NATO installations are located. At one point he attempted to persuade an Italian NCO assigned to AFSOUTH to provide him with data on U.S. armaments. He pointed out to the NCO that Italy would not be betrayed since no Italian military secrets

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2/ V. Araldi, Guerra segreta in tempo di pace 291 (Milano, 1969). This case is also recounted by E. Altavilla, La battaglia degli stregoni 123-142 (Milano, 1965); however, because of the often adventure-oriented approach of the author, details contained in this latter book may not always be reliable.

were involved. The NCO outwardly agreed, but then informed Italian intelligence, which provided him with false documents to pass on to Lemzenko and requested him to continue meeting the Russian. All subsequent encounters were photographed and the conversations between the two were recorded. On November 2, 1966, while documentation was being traded for Lit. 100,000 on a road that leads to Benevento, the car was surrounded by SID agents. The next day Lemzenko was expelled.[3/]

3. The Rinaldi case (USSR) - During an air show held in 1956, Giorgio Rinaldi Ghislieri, a civilian parachutist whose limited income came from commercial advertisements, complained of his meager earnings to Col. Balan Evdokimovic, Soviet military attaché. The Colonel, besides praising Rinaldi for his parachutist feats, gave him Lit. 300,000 as a "gesture of solidarity." However, in 1962, Rinaldi received concrete espionage proposals, which he accepted with the proviso that Italian national security would not be impaired. Rinaldi was subsequently sent four times to the Soviet Union with a false passport in the name of "Giorgio Rossi" to receive GRU training. On his final trip in 1966, he was accompanied by his wife, Angela Maria Antoniola. By this time Rinaldi was responsible for an espionage ring operating out of Turin and encompassing various countries with special emphasis on Spain,

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3/ Araldi, id. at 291-292.

France, and Switzerland. Since his supervisory position required frequent travel, he was assisted by one Armando Girard, who operated under the cover of being Rinaldi's driver. Rinaldi's contacts with the Soviet military attaché and his improved standard of living had come to the attention of SIFAR as far back as 1956. However, because of the geographical complexity of the ring's operations, Italian intelligence did not move in on the Rinaldi group until March 15, 1967. On this date Girard was arrested as he was crossing the French-Italian frontier on his way back from Spain. A search of his car turned up hidden microfilm and ordinary film of U.S. installations in Spain. On the same day Rinaldi and his wife were arrested, and, in the ensuing search of their apartment, elaborate espionage equipment was also seized together with photographs and film of various NATO installations in Europe. Under interrogation Rinaldi confessed that he was working for the Soviet Union and provided the investigators with details on the operations of the ring. He indicated that upon completion of each mission a "confirmation message" would be sent to an Athens address and the "merchandise" would be picked up at a pre-arranged point. In the specific instance involving Girard's arrest, the material was to be dropped in a dead-letter box located along the Via Braccianense, some 30 kilometers out of Rome. SID transmitted the "confirmation message" and placed the dead-

letter box under observation. On the evening of March 20 the material was picked up by a couple which SID immediately apprehended. The two identified themselves as Jurij Pavlenko, a Soviet Embassy attaché, and Natalia, his wife. They were both expelled on March 22. As a result of the proceedings against the Rinaldi's and Girard, which led to their conviction, it was determined that in addition to information on military installations in Spain, data on Italian waterworks and on the Aviano air base had also been transmitted to the Soviet Union. It would appear that, on the basis of the discovery of addresses and other information seized in the Rinaldi dwelling, counterespionage operations were subsequently undertaken by allied and other non-Communist intelligence services in Austria, Switzerland, Greece, Cyprus, Norway, Holland, and Belgium. These operations led to the expulsion of several Soviet diplomats and correspondents and to the arrest of a number of domestic collaborators.[4/]

4. Genadij Rojko (USSR) - In September 1967 in Rome, Rojko, a Soviet commercial expert, met Lucio Quantarelli, an Italian businessman anxious to acquire foreign markets for his firm. In the course of the conversation, Rojko pointed out in turn

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4/ Id. at 292-298.

his interest in obtaining a type of electronic equipment not easily exportable to Eastern Europe because of NATO restrictions placed on Italy. Quantarelli, together with an associate named Alfredo Catena, managed to provide this equipment, and a profitable business relationship was thus established with Rojko. (The material in question was exported by falsifying the destination on the customs papers.) Some time thereafter, Rojko threatened that further business would be contingent upon receipt of certain economic information. In order to prevent business losses, Quantarelli and Catena availed themselves of a contact in the Ministry of Foreign Affairs for the acquisition of the desired information. This contact was a clerical employee by the name of Ardens Polastri whose duties conveniently entailed duplication of documents. Through Polastri, a Ministry filing clerk named Aurelio Pasquali was brought into the operation. Following a routine statistical check conducted on May 3, 1968, the Ministry determined that more copies than required had been made of certain documentation. SID was consequently informed and Polastri was placed under surveillance. On October 3, Polastri and Quantarelli were arrested while meeting near the Ministry.

Catena and Pasquali were also arrested shortly thereafter. Rojko was expelled.[5/]

5. The Trieste case (Yugoslavia) - On January 5, 1957, the following individuals were arrested in Trieste: restaurateur Giuseppe Jurca, Trieste police officer Mario Pecorari, businessman Luigi Nanu, Public Security patrolman Bartolomeo Fabaro, and another restaurateur from Gorizia by the name of Giovanni Devinar. These arrests followed the seizure of correspondence in the possession of Jurca reflecting contacts with Yugoslav intelligence. Jurca confessed that he had provided Italian order of battle information to Yugoslav agents in the towns of Sesana and Salcano. Nanu, who also confessed, stated that he had been pressured into espionage by Yugoslav police threats regarding the destruction of real estate owned by him on the border between the two countries.[6/]

6. Francesco Arduino (Yugoslavia) - For similar crimes the Court of Assizes of Venice convicted Arduino, a former postal employee, on September 28, 1961. Together with Arduino, six Yugoslav citizens were also convicted by the same court: Giovanni

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5/ Id. at 298-300.

6/ Id. at 300-301.

Kos, Bozo Marnikovic, Marin Kastraplej, Marijan Pajalic, Nedjelko Zorin, and Velibar Nicolic.[7/]

7. Luigi Spada (Albania) - A former Italian army captain who had fought in the Balkans, Spada went to work as a civilian in 1959 for the corps of engineers in Rome. In order to obtain a visa for his Albanian-born wife, who wanted to visit her relatives, Spada contacted Koco Kallco, a first secretary in the Albanian Legation. Kallco was very obliging, but subsequently requested defense information. Spada approached Vito Divona, a sergeant on duty with the operations office of the Army General Staff, and tried to obtain order of battle information and missile data relative to the Apulia region. Spada claimed that he needed this information to prepare a technical study for publication in a military journal. Divona reported this request to his superiors, who advised SIFAR. At SIFAR's request, Sgt. Divona remained in touch with Spada and provided him with information supplied by SIFAR. On January 12, 1962, as Spada was turning over to Kallco "defense information" and Kallco was passing on to Spada a coded request, Spada was arrested and Kallco was expelled the following day. A coding device was also found in Spada's dwelling.[8/]

7/ Id. at 301.

8/ Id. at 301-302. This case is also cited by Altavilla, supra note 2, at 112.

8. The Mig 19 incident (Bulgaria) - On January 20, 1962, a Bulgarian Mig 19 piloted by Second Lieutenant Milius Solakov crash-landed in the proximity of Acquaviva delle Fonti (Bari), after having circled around NATO missile installations in the area. According to the flight journal recovered in the plane, the pilot, who survived, was assigned to the 11th Reconnaissance Squadron with duty station in Bergovitza. A large sum of rubles was also found on his person. At first the Bulgarian Legation denied any knowledge of the incident and refuted the hypotheses formulated by the Italian press regarding an escape for political asylum or an espionage mission. The Bulgarian Legation later attributed the incident to navigational error. A communique issued by the Italian Ministry of Defense on January 25 discounted the political asylum version--as claimed by the pilot--and favored the espionage theory, although the communique itself pointed out that the incident was still being investigated. On February 1, following a Carabinieri investigation report, Solakov was arrested on espionage charges and spent nearly one year in jail. On January 3, 1963, however, the investigating judge unexpectedly acquitted the Bulgarian officer, who then requested to be repatriated. Only sketchy and contradictory information is available as to Solakov's fate. It would appear,

however, that the medical doctor who treated him after the crash was refused a visa by the Bulgarian Government to visit his former patient.[9/]

9. The Doria group case (Czechoslovakia) - Eugenio Doria, a young mechanic from Turin, went to Prague in 1952 hoping to improve his financial condition in what he considered to be a socialist country. His mechanic's income did not increase. At the same time, Czech intelligence made various efforts to recruit him for espionage in Italy. Because of his deteriorating economic status, Doria finally gave in. He was sent back to Turin to acquire TOE data on certain Italian army units and aircraft designs. For the accomplishment of his mission, he enlisted the help of a group of poor Italian friends: Guido Brusotto, a designer, Armando Ferrero and Luciano Vaschetti, both mechanics, Giorgio Bozzalla, a soccer player, Claudio Signorino, a metal worker, and Giulio Caldari, a postal employee. Doria coordinated the ring's work and reported to Prague. Upon crossing the frontier by train at Tarvisio in October 1953, he accidentally dropped a sheet of paper on which he had noted the position of some regiments stationed in Piedmont. This sheet was picked up by a

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9/ Araldi, supra note 2, at 302-305.

finance guard who became suspicious and informed the Carabinieri. As a result, the entire ring was arrested.[10/]

10. Davide Fiscarelli (Czechoslovakia) - Fiscarelli, a young Communist militant, migrated to Czechoslovakia in 1947 from the impoverished region of Apulia. While in Prague he initially attended ideological courses during non-work hours, but was later trained in clandestine operations in order to be sent back to Italy in the service of Czechoslovakia and the Communist cause. Upon his return to the city of Foggia, he recruited six Communist workers: Giuseppe Cantarini, Michele Di Perna, Giuseppe Melchionda, Osvaldo Castiglioni, Carlo Vertelli, and Francesco Avello. As the ring was ready to operate in 1954, it became the object of SIFAR's attention primarily because of Fiscarelli's improved economic status. By March 18 all ring members were arrested.[11/]

11. Jozsef Banka and Andor Ajtai (Hungary) - Because of their frequent trips to northern Italy, Col. Banka and Ajtai, Hungarian assistant military attaché and press attaché, respectively, were put under surveillance by SIFAR. On September 3, 1963, they were apprehended by the Carabinieri on the road between

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10/ Id. at 305-306.

11/ Id. at 306-307.

Lodi and Pavia as they were recovering a package from a dead-letter drop. The package contained photographs of NATO installations in northeastern Italy and data on the disposition of military units written in sympathetic ink. The following, day both men left Italy on "temporary duty" even before they could be expelled.[12/]

12. Domizio Villa (Hungary) - At the Verona agricultural fair of 1965, Villa, an employee of a Milan firm dealing in agricultural products, met Ferenc Budaj, the head of a visiting Hungarian economic delegation. One year later, Budaj returned to Italy, without diplomatic status, to substitute for a Hungarian commercial representative in Milan. Upon his arrival Budaj learned that Villa had lost his job and "out of compassion" commissioned him to do a market study on behalf of the Hungarian Government. In exchange for greater financial remuneration, Villa was later induced to survey and sketch the Villafranca and Aviano military airfields and to gather data on the Vicenza and Verona allied installations. Villa's frequent trips came to the attention of SID. On November 3, 1966, Villa and Budaj were arrested in Milan while the Italian was passing on to the Hungarian two rolls of film, some sketches, and a written report regarding

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12/ Id. at 307-308.

military bases. Both were convicted of espionage on February 6, 1967, by the Court of Assizes of Milan. Budaj was nonetheless released on May 2 in exchange for Italian Professor Giovanni Gambelli, head of the Italian Cultural Institute in Budapest, who had been arrested in retaliation by the Hungarians even though he had been in no way involved in espionage.[13/]

13. Henriette Hingyi (Hungary) - In 1964 a librarian employed by the Italian Air War College reported to Italian intelligence in Florence that a Hungarian tourist named Hingyi had asked her unusual questions regarding the War College. As directed, the librarian continued to see Hingyi. On October 8, 1967, the Hungarian was arrested in the proximity of the Santa Maria Novella railroad station. She was carrying in a comb case microfilm acquired from her "informer." Conviction by the Court of Assizes ensued.[14/]

14. Leonardo Salerno (Czechoslovakia and East Germany) - In October 1976, the Finance Guard uncovered contraband Czechoslovak weapons unloaded from a vessel off Punta Ala along the Grosseto coast. A subsequent investigation conducted by the Carabinieri led to the discovery of an espionage ring in the service of East

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13/ Id. at 308-309.

14/ Id. at 310.

European countries, primarily Czechoslovakia and East Germany. Salerno, an activist belonging to an extra-parliamentary group of the Left, Lotta Continua ("Ongoing Struggle"), was arrested on espionage charges.[15/]

15. In addition to the ones already mentioned in the preceding accounts of Italian counterespionage operations, the following East European diplomats were expelled from Italy during the period 1949-1969 because of substantiated espionage charges: Miroslav Jansky and Josef Vjtrhilik (Czechoslovakia); press attaché Teodor Verche (Romania); second secretaries Evgenij Korochin and Nikolaj Tavin, military attaché Ivan Spassov, third secretary Jurij Danilovic Mozzenko, deputy naval attaché Viktor Krylov, attachés Aleksej Ivanovic Avdecev and Nikolaj Alekseevic Ryzikov, commercial attaché Stepan Georgiev, and assistants to the military attaché Evgenij Raskopol, Vladimir Machljonev, Sergej Ermolaev, and Evgenij Jovnirenko (USSR).[16/]

16. Further expulsions of East European diplomats on charges of espionage occurred in the early 1970's. Between August 6, 1970, and January 15, 1972, (while Emilio Colombo was the President of the Council of Minister and Aldo Moro was Minister

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15/ Il Settimanale, Nov. 30, 1977 (Roma), p. 14.

16/ Araldi, supra note 2, at 290.

of Foreign Affairs) numerous Soviet, Czech, and Bulgarian agents vested with diplomatic status were expelled from Italy.[17] On May 9, 1972 (at this point the Colombo government [cabinet] had been replaced by Giulio Andreotti), SID forwarded to the then Minister of Defense Restivo a memorandum recommending the expulsion of 22 Soviet agents because of espionage and other subversive activities. SID's proposal was vetoed by the President of the Council of Ministers.[18]

Security Operations Involving Arab Activities in Italy

Arab terrorists arrested while operating on Italian territory against foreign targets were released or allowed to escape through SID acting as intermediary. In other cases they were purposely not even apprehended. Such actions were motivated by the intent not to damage Italy's relations with North Africa and the Middle East.[19] (In fact there have been no cases of highjacking of Italian planes by international terrorists.)

17/ Atti Parlamentari, Camera dei Deputati, VII Legislatura, Discussioni, Seduta del 25 Ottobre 1978, p. 22811.

18/ Id., Seduta del 19 Maggio 1978, Edizione Non Definitiva, p. 7.

19/ D. Bartoli, Gli italiani nella terra di nessuno 180-181 (Milano, 1976).

At least four cases reflecting the above Italian policy with respect to Arab terrorists have surfaced in the media. SID accompanied all the way back to Beiruth two Arabs who had given a portable cassette player filled with explosives as a "gift" to two English girls boarding an El Al plane for Tel Aviv out of Rome's international airport in August of 1972. Basically the same modus operandi was resorted to with regard to other Arab terrorists whose Mercedes loaded with TNT had exploded in the center of Rome in June of 1973. A similar SID operation took place in September of the same year when some fedayeen were arrested in Ostia while planning an attack with a Soviet-made rocket launcher on an Israeli plane. Finally, the same general procedures were applied in March of 1976 to a group of Libyans armed with pistols and grenades, who were apprehended at Rome's international airport while trying to board a plane for Paris.[20/] In compliance with this good-neighbor policy, SID had previously foiled a plan, organized in Rome by foreign mercenaries in 1971, to depose Qadhafi. In those days, Italy was negotiating an important oil agreement with Libya.[21/]

20/ R. Trionfera, "Dal Petrolio al Tritolo" Il Giornale Nuovo, Aug. 26, 1976 (Milano), p. 3.

21/ Il Settimanale, Oct. 25, 1978 (Roma), p. 14.

Security Operations Involving South Tyrolese Secessionists

Both SIFAR and SID conducted internal security operations in the South Tyrol (Trentino-Alto Adige) against German-speaking terrorist groups motivated by secessionist designs. In addition to domestic security surveillance, Italian intelligence is also credited with retaliatory actions in Vienna and Innsbruck, where bombs were exploded when elements in Austria were arming and supporting South Tyrolese extremists. It would also appear that the intelligence service arranged for the killing of South Tyrolese guerrilla leader Amplatz as he was hiding in the farmhouse of a comrade.[22/]

Intelligence Collection Abroad

1. Eastern Europe. One author credits SIFAR with having planted Italian agents in East European countries. This has reportedly been accomplished by first infiltrating the Italian Communist Party (PCI) and subsequently having some of these infiltrators request the PCI to send them to East European countries as workers or students. According to the same source, SIFAR has occasionally availed itself of double agents, primarily Italian

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22/ F. Orlando, P 38 11 (Milano, 1978).

sailors and tourists blackmailed into espionage by the Soviets, while in ports and cities such as Odessa, and later recouped by SIFAR.[23/]

2. Middle East. An excerpt from an efficiency report written on General Giovanni de Lorenzo when he headed SIFAR states as follows: "The intelligence service has clearly demonstrated its efficiency on the occasion of the Middle East crisis [and won] esteem even within NATO because of the copiousness, rapidity, and correctness of [its intelligence] collection."[24/]

Other Clandestine Operations Abroad

Italian intelligence--presumably SIFAR given the time frame--is credited by at least one source with the conduct of a retaliatory operation in Cairo against a Congolese national who had tortured, killed, and then abused the corpses of Italian air force personnel killed during the Kindu rescue operations.[25/]

Intelligence Collection on Domestic Terrorism

According to Gen. Vito Miceli, former head of SID and a Member of Parliament since June of 1976, SID collected intelligence

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23/ Altavilla, supra note 2, at 107 and 109-110.

24/ R. Orfei, L'occupazione del potere 178-179 (Milano, 1976).

25/ Orlando, supra note 22, at 11.

as far back as 1972 regarding linkage between Italian terrorist groups and the Soviet Union.[26/] This matter will be examined in Chapter II in connection with the discussion of linkage between Italian terrorist groups and patron states.

26/ Atti Parlamentari, supra note 18, at 7-8.

Chapter II

TERRORISM OF THE LEFT: THE INTENSIFICATION OF THE PROBLEM

Incidence of Contemporary Terrorism

Political violence is not an entirely new phenomenon in Italy. This century began with the assassination of King Umberto I at the hands of an anarchist. Fascists and Socio-Communists engaged in violent clashes during the immediate aftermath of World War I. Benito Mussolini himself escaped a number of attempts on his life before the Fascist regime finally crumbled under the onslaught of World War II. Before and during the 1960's, Germanic ethnics under Italian rule in South Tyrol (Trentino-Alto Adige) resorted to the use of firearms and dynamite in the hope of achieving unification with Austria. Sardinian separatists have occasionally made their aspirations known through terrorist acts. Extremist fringes of the Italian Right have not hesitated to detonate explosives indiscriminately in the early part of this decade. Thus, the terrorism Italy is currently undergoing as the 1970's are drawing to a close is not without precedent. Among the presently active groups, those armed bands of the extra-parliamentary Left which call themselves the Red Brigades and the Front Line are the most visible.

Italy has experienced terrorism in virtually every form and from widely divergent sources, ranging from anarchists to

separatists and from Fascists (or neo-Fascists) to proponents of varying brands of Marxist-Leninist ideology. What currently constitutes an element of novelty in the Italian arena is not political violence per se, but its intensity and escalation as well as the increased overall operational efficiency of certain terrorist groups that assert to be acting in the name of Communism.

On October 24, 1978, the Minister of the Interior reported to Parliament that 147 separate terrorist groups had claimed responsibility for various types of violence in 1977. According to the Minister, 135 of these belong to the extra-parliamentary Left and the remainder to its rightist counterpart. In the Minister's report, the Red Brigades rank first in number and seriousness of perpetrated terrorist acts.[1/] Earlier statistics on Italian terrorism cited by Time on January 23, 1978, reflected the existence of "115 identifiable extremist political movements, splinter groups, and urban guerrilla commandos, 94 belonging to the far left and 21 to the neo-Fascist right." The total number of terrorist groups is consequently on the rise. Proportionally, terrorism of the Left has also increased.

1/ Atti Parlamentari, Camera dei Deputati, VII Legislatura, Discussioni, Seduta del 24 Ottobre 1978, p. 22693-22723.

According to a study prepared last year by the Italian Communist Party (PCI), there are in Italy approximately 700 to 800 terrorists living clandestinely and approximately 10,000 other individuals who are often armed and given to arson, pillage, and other violent actions.[2/] Another document supposedly issuing from a member of the leftist terrorist group Front Line and published by the weekly Panorama states that there are approximately 3,000 "combatants."[3/] Such estimates should not come as a surprise, since as far back as December 22, 1970, the Prefect of Milan reported to his superiors at the Ministry of the Interior that there were 20,000 potential terrorists in his jurisdiction belonging to extremist factions of the Left and of the Right.[4/] However, considerations of a political nature apparently caused the Prefect's warning to go unheeded. Moreover, L'Unita, the official daily of the PCI, termed the Prefect's report "provocatory" and called for his resignation.[5/]

2/ Corriere della Sera, Feb. 17, 1978 (Milano), p. 1.

3/ Cited in A. Ronchey, Libro bianco sull'ultima generazione, 67 (Milano, 1978).

4/ Documenti Arces 4, Il PCI e la violenza 8-11 (Milano, 1978).

5/ Id. at 12-13.

As opposed to 164 incidents of terrorism that took place in Italy in 1968,[6] 482 acts of political violence were perpetrated in 1974,[7] 702 in 1975, 1,198 in 1976, and 2,128 in 1977.[8] In his October 1978 report, the Minister of the Interior also stated that since 1974 terrorism has claimed 67 lives and caused 259 injuries. In addition, 24 individuals died from other forms of political violence. The Minister further pointed out that 35% of all attempts conducted in 1978 were directed at persons or private property, 16% against offices of political parties or movements, and 19% against Italian firms or foreign business establishments in Italy.[9] Subsequent figures provided by the press for all of 1978 establish the statistics at approximately 3,000.[10]

The latest official figures compiled on October 3, 1978, show that Italian prisons are currently holding 158 individuals belonging to the Red Brigades, 141 to the Armed Proletarian Nuclei,

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6/ Il Settimanale, Jan. 18, 1978 (Roma), p. 14-18.

7/ Supra note 1.

8/ For statistics of these years, see supra note 3, at 66-67.

9/ Supra note 1.

10/ Il Tempo, Dec. 29, 1978 (Roma), p. 11.

19 to Front Line, 7 to Revolutionary Unity, and 218 to various organizations and movements of the extreme Right.[11/]

Considerations on the Background and Causes

Terrorism in Italy and in other industrialized societies is often explained as the product of psychological alienation resulting from rapid technological progress not accompanied by a simultaneous development in parallel social structures and physical accommodations. This theory is easily applicable to Italy insofar as Italy has quickly passed from post-war reconstruction to the so-called economic miracle of the late 1950's and early 1960's. This process has entailed mass migration from southern to northern Italy, as well as from the rural provinces to the industrial cities, which were not equipped in the long run to absorb and to provide for the new population, especially with respect to housing, schools, and hospitals.

Today the era of the "economic miracle" is therefore frequently criticized as the unenlightened work of the centrist governments--the parliamentary and cabinet coalitions made up of Christian Democrats, Social Democrats, Liberals, and Republicans, which governed Italy from 1948 to 1962. During these years, the

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11/ Supra note 1.

Christian Democratic Party did in fact set up a system of patronage accompanied by inefficiency and corruption.[12/] The greater emphasis given to industrial reconstruction and expansion over the social structures and facilities referred to above has also been the object of criticism. At the same time, however, it should not be forgotten that the centrist administrations were working under Italy's considerable domestic and foreign constraints and were also responding to the ideological preference expressed by the Italian electorate.

Italy came out of World War II badly defeated both spiritually and materially. This defeat, moreover, followed twenty years of dictatorial Fascist rule, which had not only curtailed basic democratic liberties, but had also imposed upon the country archaic economic structures, including autarky and colonial possessions. A country such as Italy, whose natural resources are limited and whose population is out of proportion to its territorial size, cannot adopt principles of economic self-sufficiency, not even in the presence of colonial possessions because the latter by definition require a considerable input before becoming productive.

12/ For Christian Democratic self-criticism, see B. Zaccagnini, Una proposta al paese (Firenze, 1976). The author has been Secretary General of the Party since July of 1975.

The policies of the centrist coalition cabinets were formed in response to the desires of the vast majority of the Italian people, who wanted to put the evils of Fascism, autarky, and the war behind them and, at the same time, to reject a collectivist orientation. Centrism was, therefore, characterized by economic reconstruction and foreign trade. Italy, because of her socio-economic conditions, could hope to achieve industrial reconstruction and expansion only by importing raw materials and exporting the finished products. Labor and know-how were practically her only assets during these years; her best course of action, given these premises, was to meet the economic demand of the international market.

At the same time, the Italian people's desire for a Western style of life was certainly there. The unprecedented world prestige of the United States made the American life style a popular source of emulation, including certain aspects of her consumer society. The Italian rejection of Stalinism and the Italian pro-West posture during the Cold War years were made clear by the returns of the 1948 parliamentary elections and those that followed up through the centrist period ending in 1962. Participation in NATO and the EEC also met with public approval. (Today even the PCI and the Socialist Party, which were the major opponents of these

institutions for several years, have ostensibly reversed their position.)

Without these centrist choices there could have been no "economic miracle," nor can social structures and institutions be developed without adequate industrial and economic potential. Moreover, the years of centrism had given relative stability to the country, notwithstanding internal differences among the coalition partners, and had been free of mass-scale terrorism. But if, in the long run, the centrist administrations and the Italian electoral majority who kept them in power were mistaken in their drive to rush Italy into achieving industrial-economic advances at a rate faster than her society could adjust to, one must note that the greatest increase in social upheaval, especially mass-scale terrorism, began in the years that followed the end of centrism and which marked the first "opening to the Left."[13/]

At the beginning of the 1960's, after a high point in industrial reconstruction, it was felt that by bringing the Socialists into the parliamentary and governmental majority the majority itself would be broadened, and greater attention could be devoted at

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13/ For a critical comparison of centrism and the subsequent political formula, see D. Bartoli, Gli italiani nella terra di nessuno (Milano, 1976). For an analysis of centrism, see G.C. Re, Fine di una politica (Bologna, 1971).

this time to the social structures and institutions in which shortages or other insufficiencies were being felt. This move was accomplished after some hesitation in 1962-63 upon the withdrawal of the rigidly centrist Liberals and the actual inclusion of the Socialists, who had by this time renounced their opposition to NATO and any formal alliance with the PCI at the national level. In return, as a gesture of goodwill toward the Socialists, all electric power plants were nationalized.

The years 1963-1968, which saw the institutionalization of the opening to the Left, did not bring about the desired results. The period may be essentially characterized as one of governmental immobility. Moreover, the nationalization of electric energy production turned out to be economically unsound for both the national administration and the consumer. The Socialists on their part appear to have learned during this time how to exploit the spoils system at the national level.

In 1968, Italy experienced her "cultural revolution" among the youth, first among university students and later among high school students. This challenge was directed at the entire establishment, but its major victims were, at least initially, the institution of traditional family discipline--which virtually disintegrated--and the academic structure, which was in many ways obsolete, but nonetheless a structure. Students' demands included

"group exams," choice of texts and examination questions, and the establishment of political collectives in the schools, as well as guaranteed passing grades, diplomas, and degrees. Many of these demands are still being made today, and schools and universities continue to be seized from time to time by politicized students, some of whom are given to violence.

The 1968 "cultural revolution" had its spillover effect on the workers the following year. Up to this time labor had generally been relatively inexpensive, and union activities and demands had generally been considered responsible and moderate. The workers' "hot autumn" of 1969, however, gave way to a drastic reversal. Labor union unrest ranged from demonstrations to unbridled strikes, from industrial sabotage to civil disorders and common crimes. The renewal of the collective bargaining agreements did not placate the unions, notwithstanding an improvement in labor conditions. Unions have been criticized for turning what began as often justifiable protests into an unreasonable and violent way of life aimed at obtaining short-term benefits without considering the limited long-term possibilities of the Italian economy. Such abuses were often aided by labor court judges who, instead of applying the rule of law to labor disputes, rendered their decisions on the basis of a Marxist-oriented "sociological jurisprudence." The loss of productivity since the "hot autumn" not only started trends that persist

to date, but also aggravated the effects of the oil crisis of 1973, which inflicted a particularly hard blow on Italy because of her reliance on imports for 80% of her energy needs.

The fragile nature of the center-left alliance became evident at this time. In the years 1969-1975, while the behavior of the Socialist Party was often more radical than that of the entire parliamentary Left, the Parliament and the Government responded to what has been termed the "state of siege" against the institutions with the passage of social legislation that is criticized for downgrading the educational system, slanting labor relations too heavily in favor of the employees and the labor unions to the detriment of the national economy, lessening the severity of criminal laws and procedures, and reducing the efficiency of the armed forces and police forces, while virtually neutralizing the intelligence services in the mid-1970's.

Throughout this period, the position of the Socialist Party was becoming more and more contradictory. Although it continued to be part of the parliamentary majority and frequently of the cabinet coalition, it would often assume positions adverse to the Government. At the same time, notwithstanding the issuance in 1970 of the "Forlani Preamble," which called for coalitions also at the local level between Christian Democrats and Socialists, the latter frequently coalesced with the PCI, the major opposition

party, even where it was numericallly possible to govern with the Christian Democrats.[14/]

The birth of contemporary Italian terrorism took place in this climate of political contradictions and governmental weakness and permissiveness. Moreover, the malaise apparent under the center-left governments seems to be increasing under what is often termed the "second opening to the Left." This new development in Italian politics entails PCI formal participation in the parliamentary majority and substantial--albeit unofficial--participation in the national decision-making process. These forms of PCI participation are the result of unprecedented PCI gains in the local, regional, and national elections of 1975 and 1976. Such PCI successes are to a large extent attributable to the new democratic and moderate image which it casts or which large sectors of the electorate perceive. In order to reflect such an image, the PCI--as well as its affiliated major labor union, CGIL--has had to tone down its traditional Marxist-Leninist line, much to the dismay of those elements of the political spectrum who had been reared or

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14/ For detailed data and an analytical treatment of Italian internal affairs since 1968, see Bartoli, id.; L. Preti, Il compromesso storico (Milano, 1975); A. Ronchey, Accadde in Italia 1968-1977 (Milano, 1977). For an additional analysis of the student and worker malaise, see supra note 3, at 7-60.

otherwise influenced by Communist orthodoxy. The softening of the PCI's approach toward Western ideals and solidarity has conversely intensified the tactics of the extra-parliamentary Left and its extremist fringes. At the same time, the ongoing accommodation between the Christian Democratic Party and the PCI, who are traditionally ideological adversaries, seems to be further contributing to the disorientation of the population, especially the youth. 15/

Overview of Operational Patterns

An analysis of the various Italian terrorist organizations that have acquired notoriety during the last decade is indicative of three basic patterns.

1. Rigid clandestinity and systematic action. This is the basic pattern of the Red Brigades (BR) and, to a lesser extent, of the Armed Proletarian Nuclei (NAP), both of which appear to be influenced by the brand of guerrilla warfare waged in South America. The BR and the NAP are totally clandestine and stress the "determinant and exclusive role of the armed vanguards." Their selective

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15/ The disorientation and dissent caused by PCI policies that have been or are perceived as unorthodox are examined, from different ideological perspectives, by U. Finetti, Il dissenso nel PCI (Milano, 1978); Soccorso Rosso, Brigate Rosse 3-25 (Milano, 1976); E. Sterpa, Dialogo con Giorgio Bocca sui fantasmi di una generazione 83-96 (Milano, 1978).

operations are most often directed at objectives which represent either the "heart of the State" or "organs" of the State, imperialism, and capitalist society that are perceived as particularly repressive. All attempts are consequently aimed not only at destroying such targets, but also at the accomplishment of demonstrative actions. It therefore frequently suffices that a target be symbolic. Although the BR in particular promote the spreading of the armed struggle, they hold a centralized and hierarchical view of what they term the "combatant party." For operational purposes, however, the maneuver elements of the BR retain sufficient autonomy and flexibility.

Whereas the BR and the NAP generally abide by the same operational pattern, the BR are stricter in the application of the rules of clandestinity and compartmentation, and in the refusal to cooperate with the police and the judiciary when captured. BR members have invariably proclaimed themselves "political prisoners" upon apprehension. Another distinction between the two, at least at the outset, was in their sources of recruitment. The BR have primarily recruited students, intellectuals, and disaffected industrial workers. The NAP, on the other hand, have basically drawn on prison inmates, common criminals, and poor southern workers. The Marxist-Leninist indoctrination of the NAP has also

traditionally been inferior to that of the BR. So has their discipline.

2. Simultaneous political action and "armed struggle." This approach is derived from the conviction that the "armed struggle" cannot be successful if not accompanied by political action. Although the primary user of this pattern is Front Line, it has also been adopted by such minor terrorist bands of the Left as the Armed Proletarian Squads, Armed Proletarian Groups, Armed Watch, and Territorial Armed Nuclei. All of these groups wish to spread the use of the "armed struggle" ultimately to set up an actual revolutionary army. Because of this intermediate aim, the above-mentioned organizations oppose full clandestinity on the part of their militants, since it would prevent them from fostering contacts with the masses. It would appear that these groups operate primarily in the factories.

3. Spontaneous and sporadic terrorist actions. Such acts are the sort of terrorist violence perpetrated by previously unheard of extra-parliamentary groups that after making their entry on the scene are often not heard from again. Examples of groups that have perpetrated only one or very few terrorist acts in 1977 are Communist Brigades, Armed Communist Front, and Red Brigades for Communism. The members of such groups are particularly difficult to

identify. Operations conducted by these groups serve various purposes, including propaganda (e.g., the spreading of the "armed struggle"); security (e.g., when a new unit of an already existing terrorist organization is being instituted in a different area of the country, but is not as yet fully organized or supported by extra-parliamentary fringes); and training of new recruits.

Apart from actual or hypothesized support deriving from foreign terrorist organizations or patron states, the more systematically established Italian terrorist bands (e.g., BR, NAP, Front Line) have drawn or still draw some material support from those fringes of the extra-parliamentary Left that share their ideology. The type of support obtainable from these fringes, which comprise the so-called Autonomy, is in the fields of logistics, cover, intelligence, recruitment, and medical and legal assistance. Elements of the "Autonomy" or even of the broader "Movement" often wittingly or unwittingly abet the work of the terrorists through their own violence and agitation. Such elements are often seen as being auxiliaries of terrorism.[16/]

16/ For an analysis of the "Movement" and the "Autonomy," see F. Orlando, P 38 at 49-112 (Milano, 1978); G. Bocca, Il terrorismo italiano 1970/1978 87-98 (Milano, 1978). For a survey of the extra-parliamentary Left as a whole, see M. Monicelli, L'ultrasinistra in Italia (Roma-Bari, 1978).

Finally, a number of recent terrorist attempts would indicate that different groups have acted in concert in the course of single operations or connected operations.

Red Brigades (Brigate Rosse - BR)

1. Origin. The Red Brigades[17/] were born in Italy's student and labor unrest of the late 1960's. Renato Curcio, formerly a practicing Catholic and a student of sociology at the University of Trent, is generally considered to be the principal founder of the Red Brigades. Together with his wife, Margherita Cagol ("Mara"), who shared the same background, Curcio moved to Milan in the fall of 1969. At that time, he joined an extra-parliamentary group of the Left called the Metropolitan Political Collective (Collettivo Politico Metropolitano - CPM).

The avowed objective of the CPM was to move beyond the "struggles" of the "autonomous committees" operating within the factories and the universities. The CPM intended to launch the offensive against the entire establishment and to contribute to the "European revolutionary struggle." Under the pretense of holding a "Catholic laymen's conference," several members of the CPM met

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17/ General surveys of the BR are offered by R. Cantore et al., Dall'interno della guerriglia (Milano, 1978); Soccorso Rosso, supra note 15; V. Tessandori, Br imputazione: banda armata (Milano, 1977).

secretly in an ecclesiastical institute located in the northern province town of Chiavari in December 1969. At this meeting, Curcio proposed to the CPM the taking up of the "armed struggle" and outlined practical and organizational considerations.

In the year that followed the "conference," divergent views arose between those who favored the softer, but not necessarily peaceful approach of challenging the system through "social clashes" and those who saw in the "armed struggle" the only way to achieve "equality and Communism." As these two different tendencies were alimenting internal debate, the CPM began to publish a journal called "Proletarian Left" (Sinistra Proletaria - SP), and in fact, the CPM later became known as SP.

In the course of a subsequent secret meeting held in October 1970--nearly one year after the Chiavari "conference"--the two opposing factions began to travel on different roads. Those who espoused the hard line founded the Red Brigades (BR). The news was announced in an issue of Sinistra Proletaria.

In addition to Renato Curcio, the leading ideologue, and his wife Mara, whose organizational ability soon came to light, the following individuals formed what is now called the "historic nucleus" of the BR: Giorgio Semeria, who had also studied sociology at Trent and had been a practicing Catholic; Mario Moretti, an employee of Sit-Siemens in Milan and a member of the ultra-leftist "study

group" operating within the plant; Pier Luigi Zuffada, Paola Besuschio, and Corrado Alunni, who had followed their Sit-Siemens co-worker; Alberto Franceschini, a former PCI member from Reggio Emilia who had repeatedly visited Czechoslovakia; Roberto Ognibene, 16 years old, also from Reggio Emilia, but never a PCI member; Prospero Gallinari, Tonino Loris Paroli, and Lauro Azzolini three other PCI sympathizers from the heavily Communist Emilia region; Paolo Maurizio Ferrari, a "dissenting" Catholic who had worked as a bricklayer in Padua and Turin and later, as an employee of Pirelli in Milan, had been a member of the extra-parliamentary "rank-and-file unitary committees" (CUB); Massimo Maraschi, Piero Bassi, and Pietro Bertolozzi, who had belonged to the hard-line "political collective 'La Comune'" in Lodi; Milan-born Pietro Morlacchi, a former PCI member and later a co-founder of one of the first groups of the Stalinist extra-parliamentary Left; Franco Simeoni, a former employee of Mondadori; and Franco Trojano, a practicing Catholic and a leader of the "workers-students' movement." Trojano, a blue-collar worker at Pirelli, had been the editor of the extra-parliamentary sheet "New Resistance" (Nuova Resistenza), the publication that replaced the above-mentioned Sinistra Proletaria in 1971. Of particular importance among the "historic nucleus" members were Semeria and Moretti. The former is regarded as the inventor of the complex logistical structure of the BR. The

latter was responsible for liaison with other groups connected with domestic and international terrorism.[18/]

2. Operations: Phase I. The "political-military operations" of the BR can be classified into four major phases. The first phase, which lasted from the end of 1970 through the early part of 1972, encompassed primarily the city of Milan as the theater of operations. BR actions were generally limited to the clandestine distribution of revolutionary leaflets of a Marxist-Leninist nature within local plants, primarily Sit-Siemens and Pirelli. At the same time, vehicles and other private property belonging to industrial executives, well-known conservatives, and rightist activists were destroyed or damaged. Three Pirelli trucks were also simultaneously destroyed. In all of these cases, arson was the basic technique.

In 1971, a few terrorist attempts were also made in Rome against the offices of the Italian Social Movement (MSI)--a party often termed neo-Fascist--and other rightist organizations. BR activity in Rome was, however, destined to wait several years before it could escalate to the level of being truly menacing. The 1971 BR attempts in Rome were essentially exploratory, but the

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18/ Biographical data pertaining to BR members is available in Cantore, id.; A. Silj, "Mai piu senza fucile" 3-96 (Firenze, 1977); Tessandori, id. at 327-371.

organization found no stable outside support at that time. In Milan, instead, the BR could rely on contacts and logistical support developed during the days of the CPM, primarily among disaffected industrial workers.

3. Operations: Phase II. In 1972, as the second phase was underway, the BR sphere of action extended from the Milan area to the industrial triangle of Milan-Turin-Genoa, and BR tactics graduated from the sporadic to the systematic. During this phase, which lasted through the first semester of 1974, the BR undertook and perfected political kidnappings.

Six such abductions were perpetrated by the BR from March 1972 through April 1974: Idalgo Macchiarini, personnel manager of Sit-Siemens, in Milan on March 3, 1972; Bartolomeo Di Mino, deputy-secretary of the Cesano Boscone MSI section, also in Milan on March 13, 1972; Bruno Labate, provincial secretary of the CISNAL metalworkers--a labor union connected to the MSI--in Turin on February 12, 1973; Michele Mincuzzi, an Alfa Romeo production manager, in Milan on June 28, 1973; Ettore Amerio, personnel manager of FIAT, in Turin on December 10, 1973; and Mario Sossi, an assistant attorney-general, in Genoa on April 18, 1974. Whereas in all six cases,

the motivation and aims were purely political, an increasing sophistication in the modus operandi is clearly discernible.

The first two kidnappings (Macchiarini and Di Mino) lasted long enough for the BR to propagandize against capitalism and fascism. Both men were released in a matter of minutes. Their abduction was essentially symbolic. In the third case (Labate), the victim was held for five hours during which he was interrogated on the FIAT hiring practices and on the numerical strength of CISNAL in the area. Shortly after Labate's release, the BR circulated the transcript of the interrogation.

The captivity of the fourth victim (Mincuzzi) lasted one hour and a half and entailed an ideological dialogue between captors and victim. As in the previous cases, when Mincuzzi was released, he was accompanied by a pile of BR political leaflets. The fifth victim (Amerio) was detained for eight days and was also subjected to interrogation. Because of the length of the abduction period, the BR learned how to exploit publicity derivable from prolonged media coverage. By means of communiqués, the BR publicized the various stages of the Amerio "trial" and even provided the media with a picture. (The interrogation of Amerio further probed into the FIAT hiring policies in part already disclosed by Labate "under confession.")

The sixth case involving Assistant Attorney General Mario Sossi, who had prosecuted some members of the October XXII terrorist circle, entailed the first direct challenge to the authority of the State. Not only was Sossi "tried" by the "people's court," but the release of the eight convicted terrorists of the October XXII band was demanded in exchange for Sossi's release. During the 35 days of Sossi's captivity, eight communiqués were issued by the BR. Although the jurisdictionally competent court of appeals decided to grant a provisional release to the terrorists in question, the attorney general assigned to that court appealed to the Supreme Court of Cassation and thus prevented the provisional release. The BR, however, in the belief that the authority of the State had been sufficiently shaken, decided to release Sossi. This move was also motivated by the desire to avoid adverse publicity.[19/]

During the second phase of their operational history, the BR also carried out secondary missions involving damage to property and seizure of files. These actions were directed against such symbolic targets as the Catholic Association of Entrepreneurs and Executives (UCID), the "neo-Fascist" CISNAL, and the conservative

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19/ For accounts and statistics pertaining to kidnappings in Italy since 1960, see O. Rossani, L'industria dei sequestri (Milano, 1978).

Democratic Resistance Center (CRD) headed by Ambassador Edgardo Sogno, who had been a non-Communist partisan leader during the resistance movement against the Nazis.

In addition, the BR succeeded in organizing a new "column" in Turin modeled after the Milan one. "Mara" became the "political-military commander" of the new unit. Several of the brigadists associated with the Turin column were recruited in Borgomanero, a small town near Novara which had been a major anti-Fascist resistance center during the second part of World War II and which has since attracted leftist extremists. The best known members of the Turin column are Alfredo Buonavita, of proletarian origin, and Enrico Levati, a young medical doctor and a card-carrying member of the PCI.

During this period, a BR commando, while breaking into the offices of a MSI section in Padua, killed two party members on June 17, 1974. This was apparently the work of a novice column in the Veneto area trying to make a name for itself. The ultra-leftist publication Controinformazione called this double murder a "work accident."

4. Operations: Phase III. From September 1974 through January 1976, the BR moved through a third phase marked by greater violence and by heavy losses as the result of successful or otherwise fortunate police operations. On September 8, 1974, the BR

suffered their first serious setback when Curcio and Franceschini were captured by the Carabinieri, who had enlisted the assistance of an infiltrator, Massimo Girotto, at one time a Franciscan and later a South American revolutionary. Through Girotto, also known as "Brother Machinegun," the Carabinieri on the following day in Como also arrested former Communist partisan leader Giambattista Lazagna, who was by this time connected with the BR.

An additional setback occurred on October 15, 1974, when Ognibene and two other brigadists were arrested after a fire engagement with the Carabinieri at the Robbiano di Medaglia hideout during which a Carabiniere lost his life. Shortly thereafter Buonavita and Gallinari were captured.

Because of personnel and logistical losses, BR operations were comparatively minor throughout the remainder of 1974: a few raids on industrial establishments such as Snia Viscosa and SIDA, and some assaults on Singer executive personnel. On February 15, 1975, however, "Mara" successfully led a BR commando into the Casale Monferrato prison and freed her husband Curcio. (The director of the facility, Gaetano Barbato, had previously reported to his superiors that the security features of this prison were not suitable to hold inmates such as Curcio, but his observations apparently were not taken seriously.) In a communique exalting the operation, the BR attacked the Christian Democrats

with unprecedented vigor, but also conceded that the time was not as yet ripe for "open civil war."

Not long after, brigadists Paroli and Lintrami were apprehended. On May 15, as a BR commando unit was breaking into the Christian Democratic offices in Mestre, other brigadists in Milan simultaneously set on fire various "Fascist-owned" vehicles. Still on the same day, another BR commando group burst into the Milan law offices of Christian Democratic councilman (later Member of Parliament) Massimo de Carolis, "tried" him, and shot him in the leg. Although this action was skillfully organized from an operational standpoint (seven persons present in the office had to be immobilized), it was an initial sign of the deteriorating intellectual caliber of the "new generation" of brigadists that was beginning to emerge during this phase. The shallow level of questioning to which de Carolis was subjected is indicative of the lesser theoretical preparation of the group. The leg shooting was also to become the trademark of the "new generation" of the BR.

On June 4, 1975, while the Carabinieri were investigating the unclaimed abduction of vermouth producer Vittorio Vallarino Gancia, a skirmish took place at Spiatta di Arzello between the Carabinieri patrol and a group of brigadists. At the end of the shooting, one Carabiniere was dead, one was seriously disabled, but

"Mara" had also been killed. The death of "Mara," which had been preceded by the fortuitous capture of Maraschi, led the way to the neutralization of the "historic nucleus" of the BR. The uncovering of the Spiatta di Arzello "base" was followed by the apprehension of Zuffada and Casaletti by the police during a shoot-out in Milan. (Both these brigadists had been part of the commando action to "liberate" Curcio.) Besuschio was then captured in Tuscany after a chase and a shooting, and another brigadist, Picchiura, after shooting a patrolman, was also captured. In November, Farioli was apprehended in Turin. Finally, Christmas Eve of 1975 marked the date of one of the most crippling arrests for the BR: that of Fabrizio Pelli. With Pelli's arrest, the police uncovered another operational "base," but brigadists Alunni and Ronconi, who were also present, managed to escape.

This progression of arrests and the police discovery of additional terrorist hideouts throughout the third phase of the brigadist operations led the BR, as an offsetting measure, openly to claim responsibility for a number of bank robberies and abductions perpetrated for the purpose of self-financing. Heretofore, self-financing had never been publicized. The most important "proletarian expropriations" took place in Lonigo on July 15 and in Genoa on October 6, 1975, when two banks were held up and Lit. 42 million and Lit. 118 million were carried away respectively.

The above-mentioned Gancia abduction was to serve the same financial purpose, but the Carabinieri interfered before the ransom demand could be made.

On the other hand, the most important symbolic operations that marked this period were the abduction of Enrico Boffa, head of a Singer plant, on October 8 in Milan, and that of Vincenzo Casabona, on the following day in Genoa. Both men were released after a brief interrogation and "trial," but the former was also shot in the leg, while the latter was beaten and subjected to a haircut. Moreover, the BR broke into the Milan offices of the entrepreneurial union Confindustria on October 28; assaulted a Milan Carabinieri barracks and destroyed a military vehicle on December 10; shot Dr. Vittorio Solera, a FIAT medical employee, in the leg on December 17; and launched additional attacks in Milan and Genoa against three Carabinieri barracks on January 13 and 14, 1976, destroying a total of six military vehicles in the process.

A few days later, on January 18, Curcio was recaptured by the Carabinieri, and four other brigadists were also apprehended at the same time. Curcio's second arrest marks the end of the third phase. With the conclusion of this phase, practically the entire "historic nucleus" had been imprisoned or killed in action.

5. Operations: Phase IV. The fourth and current phase of the BR brand of terrorism is and has been the bloodiest. It has also been dominated by a "new generation" of brigadists lacking the somewhat intellectual sophistication of their predecessors. During this phase, murders have become deliberate and shootings in the legs are the order of the day.

On June 7, 1976, a BR commando gunned down the Genoa Attorney General Francesco Coco and the two members of his escort. (Three years earlier Coco had prevented the release of the terrorists demanded by the BR in exchange for Assistant Attorney General Sossi). As a result of this triple murder and of the concomitant threats on the jurors, the Turin trial against Curcio and his fellow terrorists had to be postponed.

For approximately seven months following the Coco murder, BR activities were confined primarily to attempts against industrial plants. A notable exception was the abduction for ransom of Pietro Costa, a shipping entrepreneur, on January 12, 1977. He was released after 81 days of captivity and in exchange for a ransom of Lit. 1,500,000,000.

But, in mid-February, BR shootings in the legs resumed with three attacks directed within a 24-hour span against an executive, a unit chief, and a medical doctor employed by FIAT in Milan. Five days later another FIAT employee, chief mechanic Antonio

Munari, was also shot in the legs. On the morning of March 12, Giuseppe Ciotta, a police NCO formerly assigned to political intelligence and responsible for the arrest of brigadist Anna Garizio, was assassinated by three BR members as he was leaving his house and waving good-bye to his wife.

On April 28, Fulvio Croce, the President of the Turin Bar Association, was also murdered by three brigadists as he was entering his office building. As a consequence of Croce's murder, 36 out of 42 potential jurors preliminarily selected for the Curcio trial in Turin asked to be excused for "medical" reasons. The trial was once again postponed. Between June 1 and 3, 1977, three journalists were shot in the legs at the rate of one per day: Socialist-leaning Vittorio Bruno of Secolo XIX, a Genoa paper; conservative Indro Montanelli, founder and editor of Milan's Il Giornale Nuovo; and Christian Democrat Emilio Rossi, head of TG1 of Rome (one of the television news services). All three were accused by the BR of subservience to the "imperialist design." On November 16, 1977, yet another major journalist, Carlo Casalegno, deputy-editor of Turin's La Stampa, was shot in the head and died a few days later.

BR violence through the end of 1977 was primarily directed against industrial personnel and, increasingly so, against Christian Democrats. The victims of BR shooting attacks during that period include the following: Mario Trimarchi, First President of the Court

of Appeals of Milan, on June 12; Giuseppe D'Ambrosio, Sit-Siemens head foreman in Milan, on June 20; Prof. Remo Cacciafesta, Dean of Faculty of Economics of the University of Rome, the following day; Sergio Brandi, an engineer with Ansaldo in Genoa, on June 28; Franco Visca, a FIAT manager in Turin, two days later; Luciano Maracconi, a FIAT-OM employee in Milan, also on June 30; Mario Perlini, a member of the Catholic organization Comunione e Liberazione, in Rome on July 11; Angelo Sibilla, a Christian Democratic regional secretary in Genoa, on the same day; Maurizio Puddu, another Christian Democrat and deputy regional secretary in Turin, two days later; Rinaldo Camaione, a FIAT employee assigned to personnel matters in Turin, on October 11; Carlo Arienti, a Christian Democratic municipal councillor in Milan, on October 23; Antonio Cocozzello, another Christian Democratic councillor in Turin, two days later; Publio Fiore, still another Christian Democrat and a regional councillor in Turin, on November 2; Aldo Grassini, an Alfa Romeo manager in Milan, on November 8; Pietro Osella, a FIAT manager in Turin, on November 10; and Carlo Castellano, an Ansaldo manager in Genoa, seven days later.

The following month--on December 15--after lengthy surveillance, the Milan police together with the anti-terrorism squad moved in on brigadist Walter Alasia, who on December 1 had raided the offices of New Democracy, a group headed by Christian Democrat

Massimo de Carolis, who had been wounded by the BR in 1975. As the police tried to proceed with the arrest, Alasia killed two police officials. He was in turn shot to death.

The statistics of 1978,[20/] still part of the current phase, are indicative of further escalation with respect to both the intensity of BR operations and the importance of their targets. On January 10, Giuseppe Ghirotta, a unit chief assigned to the FIAT Mirafiori plant in Turin was wounded; on January 17, Fillippo Peschiera, a Christian Democratic university professor was "tried" and shot in the legs in Milan; on February 14, Judge Riccardo Palma, on duty with the Ministry of Justice, was murdered in Rome; and on March 10, police NCO Rosario Berardi, assigned to an anti-terrorism unit, was also murdered in Turin.

But the most astounding BR operation took place in Rome on March 16, when Aldo Moro, former Premier and incumbent Christian Democratic Party President, was abducted on his way to Parliament to participate in the vote of confidence for the new cabinet. In the attack, all five members of his police escort were murdered in a matter of seconds. This urban guerrilla operation was conducted with such precision and attention to detail that even the telephone

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20/ For a detailed chronological tabulation of terrorist acts perpetrated in Italy in 1978, see Il Tempo, supra note 10.

lines in the immediate vicinity were cut in advance. Moreover, the night before, a florist's pick-up truck--usually parked during the day time by the Via Fani intersection where the abduction took place--had all four of its tires slashed where it was parked by the owner's home in another part of the city in order to eliminate this encumbrance from the projected site of the abduction.

Moro himself was held in captivity for 54 days and was finally "executed" on May 9, following the Government's refusal to release 13 terrorists who were standing trial, including Curcio.[21/] During Moro's captivity, the BR used the techniques they had already perfected during previous political kidnappings. Not only did they "try" Moro, but in the course of the captivity, they issued nine communiqúes (an additional one was subsequently repudiated by them), and on two separate occasions they even provided photographs of the victim. In addition, the BR "allowed" the "prisoner" to write to a number of political figures, friends, and family members. The body was returned on May 9 in the trunk of a stolen Renault, which they parked on the Via Caetani half way between the headquarters of the Christian Democratic Party and the PCI.

21/ A detailed narration of the events throughout the duration of the "Moro affair" is provided by G. Selva et al., Il martirio di Aldo Moro (Bologna, 1978). For an analysis of Italian press coverage of the "Moro affair" and a detailed chronology, see A. Silj, Brigate Rosse - Stato (Firenze, 1978).

Throughout the Moro captivity, the BR conducted a series of complementary operations, including two murders and six shootings in the legs. Prison Guard Lorenzo Cotugno was murdered on April 11 in Turin, but before dying he was able to wound brigadist Cristoforo Piancone, who was later apprehended. Prison Guard NCO Francesco di Cataldo also lost his life on April 26 in Milan. Victims of leg shootings during this 54-day period were the former Christian Democratic mayor of Genoa, Giovanni Picco; Felice Schiavetti, president of the Genoa industrialists; former Christian Democratic vice-president of the Latium regional council Girolamo Mechetti; Sergio Palmieri, head of analytical research at FIAT in Milan, who had escaped an abortive BR attempt in October 1977; Sit-Siemens executive Umberto degli Innocenti in Milan; and Alberto Lamberti, an employee of Italsinder assigned to the union-matters office in Genoa.

While public sentiment was still reeling from the shock caused by the "Moro affair," the BR carried out their terrorist program through the end of 1978: on May 12, Christian Democratic section secretary Tito Bernardini was shot in the legs in Milan; on May 15 in Bologna, responsibility for the wounding of Antonio Mazzotti, personnel manager of Merannini S.p.A., was claimed by both the BR and Front Line (a probable joint action); on June 6, the murder of Antonio Santoro, the Udine Prison Guard commander, was

also claimed by the BR and by Armed Proletarians for Communism (probably another joint action); on June 21, Antonio Esposito, a police official who was reportedly investigating the BR, was assassinated on a Genoa bus; on July 5, Pirelli executive Gavino Manca was shot in the legs in Milan; the following day the same fate befell Aldo Ravaioli, head of the Turin Small Industry Association; on July 3, for the third consecutive day, still another shooting in the legs: that of Fausto Gasparino, former regional vice-secretary of the Christian Democratic Party and Intersind's deputy manager in Genoa.

In August, the BR apparently went on vacation with the rest of the Italian population, but on September 28 Piero Gargiolla, Lancia's chief mechanic in Turin, was murdered; on the following day, Alfa Romeo's mechanical works manager was shot in the legs; on October 1, Judge Girolamo Tartaglione was assassinated in Rome on his doorstep. The murder of Tartaglione, who was detailed to the Ministry of Justice, was probably in response to a series of successful Carabinieri operations. On October 24, a BR commando ambushed a Public Security police vehicle and wounded a patrolman, an attempt that was also probably meant to be symbolic in that it occurred on the same day that the Minister of the Interior made his report on Italian terrorism to the Parliament. On November 8, prosecutor Fedele Calvosa was murdered in Patrica, together with his two-man

escort under circumstances reminiscent of the Coco and Moro operations. In this operation, however, brigadist Roberto Capone was also killed.

The BR ended the year with two final commando actions. On December 15, Salvatore Porceddu and Salvatore Lanza, both Public Security patrolmen, were murdered in Turin while assigned to the surveillance of Le Nuove prison. And on December 21, the two men assigned to escorting Giovanni Galloni--Christian Democratic whip in the Chamber of Deputies--were seriously wounded by automatic fire.

Notwithstanding the intensification of BR terrorism, this current phase has also been marked by a number of perhaps unexpected successes on the part of the law enforcement agencies. This has been particularly true after Carabinieri General Carlo Alberto Dalla Chiesa was appointed at the end of the summer of 1978 to coordinate the efforts of the police forces and their intelligence channels in repressing terrorism.

On March 21, 1978, the Government (Council of Ministers) belatedly responded to the terrorist threat by issuing Law Decree No. 59, which imposes severer penalties on the perpetrators of crimes connected with political violence. Within two months, this measure was converted into law--with some amendments--by the Parliament. On June 23, the Turin trial against Curcio and fellow

terrorists was finally concluded with 29 convictions. Additional terrorists, including brigadists, were convicted by other courts. Still other proceedings are before the courts.

The more important police operations were conducted by the Carabinieri--under the leadership of General Dalla Chiesa--who by early October of 1978 rounded up nine brigadists. The Carabinieri obviously did not lose sight of Nadia Mantovani, who had gone into hiding following the granting of a provisional release. The Mantovani trail not only led to her capture, but also to the arrest of Lauro Azzolini, Franco Bonisoli, and Antonio Savino. Moreover, in Milan alone, the Carabinieri uncovered four BR operational "bases." Of these, the one located on the Via Montenevoso was of particular importance, since it contained the "archives" of the BR. A copy of the Moro "interrogation record" was also found.

Through the end of 1978, other successful police operations ensued entailing the capture of additional brigadists and supporters, and the seizure of still other "bases." In Pisa, for example, a "station" for the monitoring of police radio communications was uncovered.

Despite these law enforcement successes, the vitality of the BR does not seem to have been crushed, as evidenced by their year-end crimes and those already perpetrated in January 1979

at the time of this writing. Nor has any headway been made with respect to possible behind-the-scene leaders or principals. The brigadists apprehended during the last few months are representative of whatever little is left of the "historic nucleus" or of mere rank-and-file members of the "new generation." Finally, no apparent progress has been made in uncovering suspected sources of BR intelligence within such key administrations as the Ministry of Justice.

6. Composition. Since the third phase of their existence, the BR have been recruiting a substantial number of yet unidentified new members. It is therefore difficult to assess accurately their present composition. More dependable information is available on the "historic nucleus" since most of its members have either been captured or killed in action. A study on that group was made last year by Corriere della Sera of Milan. This daily reported that by the end of 1977, 150 BR members were in custody, including 7 women. Moreover, 22 additional brigadists, who were fugitives from justice, had also been identified. On these samples, the Milan daily published the following findings: BR members hail from virtually every region of the country, but principally from the North; 7 are foreign-born Italians; the age group ranges from 22 to 57, however the majority falls within the 23-33 age bracket; with respect to formal education, 21 (including

2 women) have been university students; 5 (including 2 women) hold graduate degrees; 17 are high school graduates and 16 junior high school graduates; 8 hold secondary school diplomas; 2 (including 1 woman) have had teaching experience, and 1 has had journalism experience.[22/]

The individual record of known brigadists reflects, moreover, that most of them at one time belonged to the PCI, to its youth organization, and/or to extra-parliamentary parties or movements of the Left. Curcio himself, whose Catholic background has been emphasized by several observers, had belonged to the extra-parliamentary Maoist-oriented Communist Party of Italy.

Information on the more recent recruits of the BR is generally fragmentary. It would appear that the relatively new Rome "column" came into being largely because it absorbed the Communist Armed Formations (Formazioni Armate Comuniste - FAC). The FAC, which splintered from the extra-parliamentary organization Worker Power (Potere Operaio) and from the "autonomous collectives," had been responsible for arson and raids in Rome from 1974 to 1976. The Rome column was also reinforced in 1977 by the Communist Combat Units (Unita Combattenti Comuniste - UCC). The UCC were the product

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22/ Corriere della Sera, Mar. 12, 1978 (Milano), p. 2.

of a schism within the generally loose leadership of the broader extra-parliamentary "Movement" in 1977.[23/]

In Rome, on June 14, 1976, the UCC abducted Giuseppe Ambrosio, a meat dealer, and demanded for his release the distribution of 710 quintals (one quintal equals 100 kilograms) of meat at below-market prices in certain areas of Rome. Ambrosio was rescued by the police, however, before the meat distribution could take place. This case represents an anomaly within the spectrum of Italian political kidnappings since it was neither for self-financing nor purely symbolic.

7. Structure. Knowledge of the complex BR structure has been acquired from the documentation seized by the police in "operational bases" and from the statements made by captured brigadist Cristoforo Piancone and by anonymous informers to the media.[24/]

Apparently, the organization of the BR follows "a pyramidal structure with closed compartments, each headed by a person who acts as a filter and insures access to the higher compartment." The historical unit of the BR is the "column," which coordinates subordinate units within its pyramidal structure. The basic units are the

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23/ Cantore, supra note 17.

24/ See in particular, Il Settimanale, May 3, 1978 (Roma), p. 17-21; L'Espresso, May 21, 1978 (Roma), p. 18-19; Panorama, May 23, 1978 (Milano), p. 64-66.

cells consisting of perhaps three or five members each. Columns have been established in Milan, Turin, Genoa, and Rome. A fifth one may be operating out of Naples. According to Piancone, each column consists of 1,500 members and is operationally autonomous from the others. In their documents, the BR also refer to the "strategic directorate" and to a series of logistical and administrative services called "fronts" (e.g., "logistical front").

8. Security. The BR "security norms" specify all clandestine measures to be adopted with respect to dwellings, vehicles, documents, rendez-vous, relations with public authorities, personal appearance, and procedures in case of arrest.[25/] These measures correspond in essence to those historically adopted by all organizations involved in clandestine operations--whether legal or not.

Apparently the "new generation" brigadists, whose aptitudes are judged to be more technical and less articulate, directly manufacture counterfeit documents, licenses, etc., for clandestine purposes, as opposed to the custom of the "historic nucleus" of stealing genuine documents and then falsifing them.

With respect to operational "bases," there is evidence that the required realty is either purchased (in some cases by

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25/ See in particular, Tessandori, supra note 17, at 395-400.

immediate cash payment) or rented under assumed identity. The BR also consider realty located in urban areas to be more secure.

9. Ideology. The BR see Italy--or more specifically Italy's Communists in a broad sense, her proletarians, workers, and the "exploited" in general--as being dominated and abused by a vaguely defined "imperialist state of the multinationals." To them the Christian Democratic Party constitutes the "foremost representative" of the imperialist state, the force behind a "corrupt regime," and a merely "pro forma democracy." The BR also accuse the PCI of collaboration, but do not refer to it by its official name or at least not unqualifiedly so. They generally use such terms as "Berlinguer's party" or "the Berlinguerians." In addition to repeating much of the Marxist-Leninist rhetoric, generally couched in Stalinist terms, the BR claim that the "counterrevolution" is not generated by them, but by the State itself, since "counterrevolution" is the "substance" of the State. In their analysis of the international situation, they point to reactionary exploitation as being the objective and practice of the United States of America and the Federal Republic of Germany. Within Italy they also see the presence of the "American party."

The manifest objective of the BR is "to mobilize, to extend and to deepen the armed initiative against the political, economic, and military centers of the imperialist state of the

multinationals." This aim is reaffirmed in all of their writings through a variety of synonymous expressions. In order to accomplish this goal, the BR indicate that it is necessary "to develop and unify the Offensive Proletarian Resistance Movement." (It is the practice of the BR to capitalize those words to which they attribute ideological meaning, even if such words do not represent an existing or organized body or movement.) They often refer to that "Movement" simply as the MPRO, and distinguish between the MPRO and the "Communist Combatant Party." According to the BR, a "dialectical relationship" exists between them, but the two are not "identical." Allegedly, the MPRO provides the "impulse" and the "Party" acts as the "vanguard."

The BR, moreover, frequently express their solidarity with "proletarian internationalism." It is interesting to note, furthermore, that as early as 1972, when the BR frequently used the expressions "Bite and flee" and "Strike one to educate one hundred," they found it necessary to proclaim publicly--especially for the benefit of those who challenged the relationship between these expressions and the workers' movement--that the former expression had been coined by Che Guevara and Fidel Castro, while the latter had been written by Lenin himself.

Possibly because of their increasing activism in the prisons--following the setbacks suffered by the Proletarian Armed

Nuclei (NAP)--the BR have recently begun to include in their communiqués more references to the prisons and have launched such exhortations as "Fight for the liberation of all imprisoned Communists."[26/] It should be remembered, however, that the BR have traditionally demonstrated in a concrete manner their solidarity with "political prisoners." One of the aims of the Sossi abduction was to obtain the release of 8 terrorists of the October XII group. More recently, in exchange for Moro they had demanded the release of 13 terrorists, including non-BR members.

Partisan Action Groups (Gruppi di Azione Partigiana - GAP)

The Partisan Action Groups (GAP)[27/] came into being at approximately the same time as the BR. According to some commentators, they were founded in Milan in 1970 by millionaire publisher and editor Giangiacomo Feltrinelli with the assistance of former Communist partisans. Other members were later recruited by Feltrinelli among Sardinian bandits and Italian immigrants in Germany. Other observers state, instead, that Feltrinelli became associated with the GAP after they were already in existence.

26/ For an extensive collection of BR documents, see Tessandori, supra note 17. All BR communiqués issued during the "Moro affair" are appended in Selva, supra note 21.

27/ General surveys of the GAP are provided by Bocca, supra note 16, at 23-34 and Cantore, supra note 17, at 48-62.

The GAP came to the attention of the public on April 16, 1970, when they interfered with the broadcasting of a television channel in Genoa. An unexpected voice was heard on the air as it announced the GAP program. The first GAP units operated in both the Milan and Genoa areas; however, their major successes were recorded in Genoa, where they made attempts against the Unified Socialist Party and the U.S. Consulate on April 24 and May 3, 1970, respectively. On February 6 and 18 of the following year, they set an Ignis warehouse on fire and attempted to ignite the Erg-Garrone oil refinery, also located in the Genoa area. Their most important targets in Milan were three shipyards. The GAP also carried out a number of terrorist attacks in other areas of northern Italy, but generally under different names.

The existence--albeit brief--of the GAP is probably due in great measure to Feltrinelli's financing. In Milan alone, he supplied them with four operational "bases." Feltrinelli was convinced--to the point of being obsessed--that a rightist coup was imminent in Italy. He felt that the only way to preempt or at least to neutralize this menace was to establish a clandestine organization whose operations would be patterned after partisan field and mountain warfare. This fundamental difference in the choice of tactics prevented a proposed merger with the BR as discussed by Feltrinelli with Curcio in 1971. Moreover, the GAP's efforts to involve the PCI

in this scheme appear to have received a favorable response only among former Communist partisans.

The GAP practically ceased to exist as an independent organization on March 14, 1972, when Feltrinelli accidentally blew himself up as he was applying explosives to an electric power pole on one of his properties in Segrate. The remaining members of the organization either disbanded or joined the BR in the course of the summer. Documentation relative to the GAP and to Feltrinelli himself were later uncovered in a BR "base."

October XXII Circle (Circolo XXII Ottobre)

This organization came into being on October 22, 1969, in Genoa.[28/] Its founders were former Communists and partisans, such as Rinaldo Fiorani, Silvio Malagoli (known as "Stalin's orphan"), and Mario Rossi, all dissatisfied with the PCI's "soft" approach to power. The group also attracted younger members of different extractions: Augusto Viel, and extra-parliamentarian of the Left; Giuseppe Battaglia, a former Catholic; and Gino Piccardo, Cesare Maino, and Aldo De Scisciolo, unaffiliated proletarians. Three other individuals--Adolfo Sanguinetti, Gianfranco Astara, and Diego Vandelli--

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28/ For a brief history of the October XXII Circle, see Cantore, supra note 17, at 76-88; Rossani, supra note 19, at 17-22.

lacked political convictions and were primarily interested in financial remuneration.

On October 5, 1970, the group abducted Sergio Gadolla, a member of a wealthy Genoa family, and, with the Lit. 200 million obtained in ransom money, dedicated itself to paramilitary training. Approximately at this time, the October XXII Circle came into contact with the GAP in Genoa. Joint operations apparently ensued in the early months of 1971. The group also imitated the GAP technique of interference with public broadcasting.

On March 26, 1971, during a bank robbery conducted in Genoa by members of the original nucleus, Rossi killed Alessandro Floris, a messenger boy who tried to block his escape route. An amateur photographer happened to film the scene, and all those involved in the robbery were arrested shortly thereafter. (Viel was apprehended while hiding in one of Feltrinelli's residences.) Conviction soon followed, and after imprisonment some of the former October XXII Circle members became active in the revolutionary movement within the prisons. Rossi, for example, wrote a guerrilla manual on prison toilet paper. Other former members joined the GAP and then the BR.

Armed Proletarian Nuclei (Nuclei Armati Proletari - NAP)

Not unlike the BR, the Armed Proletarian Nuclei (NAP)[29/] drew their inspiration from Italy's social unrest of the late 1960's. The wave of demands generated by students and workers soon spread to the prisons and two major uprisings erupted in the Turin and Milan confinement facilities in April of 1969. Thereafter, until the mid-1970's, other penitentiaries throughout Italy, including those in Genoa, Rome, and Naples, experienced uprisings, protests, and strikes. In some instances (e.g., Alessandria on May 10, 1974), hostages were taken and police as well as inmates were killed or seriously wounded.

Thus the NAP--the natural offspring of the "movement of proletarian prisoners," which had been particularly active in 1972 and 1973 and had unsuccessfully sought a merger with the extra-parliamentary party of the Left Ongoing Struggle (Lotta Continua)--were born in the spring of 1974 as a revolutionary organization within the prisons. At the same time, however, the NAP became concerned with organizing the "armed struggle" on the outside as well.

29/ General surveys of the NAP are provided by Bocca, supra note 16, at 67-76; Cantore, supra note 17, at 107-113; Soccorso Rosso Napoletano, I NAP. Storia politica dei Nuclei Armati Proletari e requisitoria del Tribunale di Napoli (Milano, 1976).

The initial NAP operations entailed attempts against two MSI sections in Naples. But, on October 1, 1974, the NAP proceeded to detonate explosives in front of the Milan, Rome, and Naples penitentiaries, and by means of a tape recorder connected to a loudspeaker, they announced their revolutionary program and incited the inmates to riot. A few days later the NAP raided the Naples offices of the Catholic Association of Entrepreneurs and Executives (UCID). Similar raids, accompanied by the "confiscation" of documents, were conducted against other Christian Democratic and MSI targets in November of 1974.

As early as July 25 of the same year, the NAP had already resorted to criminal actions for the purpose of self-financing. On that date, they abducted Antonio Gargiulo--son of a prestigious Naples physician--and released him upon receipt of Lit. 70 million from the family. On December 18, they also kidnapped Giuseppe Moccia, a Naples liquor producer, and obtained Lit. 1 billion in ransom money prior to his release. Neither operation was claimed by the NAP, since the policy of the terrorist groups in those days--as already noted in the case of the BR--was not to claim credit for self-financing operations. Whereas the proceeds from the Gargiulo kidnapping were barely sufficient to strengthen their Naples units, the proceeds from the Moccia abduction enabled the NAP to extend their presence to Rome and other areas.

Another attempt falling within the scope of "proletarian expropriations" caused, instead, the death of Luca Mantini and Giuseppe Romeo and the arrest of two others on October 29, 1974, as all four attempted to hold up a bank in Florence.

The early months of 1975 saw NAP successes alternate with setbacks. Judges, MSI activists, and police headquarters were the passive object of frequent NAP "punitive" actions. However, on March 11, the mishandling of explosives in a NAP hideout located on the Via Consalvo in Naples caused the death of Vitaliano Principe and seriously wounded Alfredo Papale. Both terrorists were students and former members of Ongoing Struggle. In the devastated hideout, the police found an arsenal, counterfeit documents, stolen license plates, and revolutionary propaganda material of the Marxist-Leninist brand, as well as a portion of the Moccia ransom.

Although the Via Consalvo explosion seriously damaged their Naples organization, the NAP managed to reconsolidate. An initial attempt--directed against Filippo de Jorio, MSI regional councilman for Latium--failed, but on May 6, the NAP were able to abduct in Rome Supreme Court Judge Giuseppe Di Gennaro, detailed to the Ministry of Justice. Three jailed NAP members, Pietro Sofia, Giorgio Panizzari, and Martino Zichitella, unsuccessfully attempted to escape from the Viterbo prison, but were able to take three hostages. On the same day, a NAP communiqué made Di Gennaro's

release contingent upon the safety of three NAP members. After 48 hours, the three were transferred to the jails of their choice and Di Gennaro was released.

While in captivity Di Gennaro was interrogated on the internal functioning of penitentiaries. The "trial" and its external publicity were reminiscent of the methods employed by the BR. It is worth noting that the NAP attributed their symbolic gesture to the fact that Di Gennaro, by virtue of his assignment to prisoner rehabilitation programs, was being instrumental in masquerading the "ongoing repression."

The Di Gennaro abduction was the first and last NAP operation to acquire notoriety at the national level. Subsequent NAP history is primarily characterized by setbacks. The first NAP casualty of this period was Giampiero Taras, who accidentally blew himself up on May 30, 1975, as he was setting an explosive charge to the loudspeaker system of the Anversa asylum for the criminally insane. Then, on June 10, various NAP operational "bases" were uncovered in Rome by the police. On July 9, 1975, Anna Maria Mantini (Luca's sister) was killed by Public Security NCO Tuzzolino as she resisted arrest.

In Milan on October 7, the NAP shot prison guard NCO Cosimo Vernich in the legs and repeated the same action in Rome in January of 1976 when they shot Judge Pietro Margheriti. In February, they

avenged Anna Maria Mantini by shooting Tuzzolino, who is now paralyzed. The following month, a series of joint BR-NAP actions were launched against police barracks and vehicles in Pisa, Rho, Genoa, Turin, Rome, Naples, and Florence.

Collaboration with the BR did not, however, revitalize the NAP. Between March and July of 1977, the historic remnants of the NAP[30/] were practically wiped out by the police in Rome. The first to fall under the police dragnet were Giovanni Gentile Schiavone and Pierdomenico Delli Veneri, both among the co-founders. Zichitella--who had in the interim escaped from the Lecce prison to which he had been transferred after his previous abortive escape--lost his life during a skirmish with the police. Finally, on July 1, 1977, Maria Pia Vianale and Franca Salerno, who had escaped from the Pozzuoli prison, were captured and Antonio Lo Muscio was killed.

By the time 1978 started, not only were the "founding fathers" of the NAP dead or in prison, but their remaining hideouts had been taken over by the BR. (For example, during the Moro captivity the police search led to the discovery of BR operational "bases" in Rome and Ostia that had previously been NAP hideouts.)

30/ Biographical data pertaining to the NAP members is available in Silj, supra note 18, at 99-154.

The autonomous acts of the NAP remnants were numerically negligible in 1978: on January 5, they killed Carmine de Rosa, responsible for the security of a FIAT plant in Cassino, and on the same day in Turin they wounded Giuseppe Porta, another FIAT executive. For all intents and purposes, whatever is left of the NAP appears to have been absorbed by the BR or to be experiencing a period of crisis.

The inability of the NAP to renew themselves--as opposed to the BR--is attributable to various factors. The most obvious ones are their lesser degree of discipline and security consciousness, as exemplified by the failure to recycle the Moccia ransom, which was instead haphazardly distributed, at least in part, among various NAP units; their lack of tight controls over explosives, which created serious material and psychological consequences; and, not least, their indiscriminate recruitment of members which has foreclosed the establishment of a solid cadre base and an operational compartmentation that could prevent cumulative identification by the police. A probably more important factor has been the lack of a sufficient degree of indoctrination and ideological fervor required to survive autonomously.

Front Line (Prima Linea)

Front Line[31] officially entered the Italian terrorist arena on November 29, 1976, the same year that a number of minor groups began to emulate the already well-established BR. On November 29, five terrorists broke into a FIAT office in Turin, tied up all the employees, "expropriated" the cash on hand, removed corporate documents, and before leaving sprayed the name "Front Line" all over the walls. Three days later, another Front Line commando set fire to the Monza offices of the Industrialists' Association, and two days later still another Front Line commando exploded a bomb in the offices of the Milan daily Corriere della Sera.

For the next five months, Front Line apparently remained dormant; however, some observers believe that it was in fact still operating under the names of Armed Proletarian Squads, Combatant Proletarian Nuclei, and Armed Communist Formations. In the months of May and June 1977, Front Line surfaced again by name and claimed a number of attempts in Milan, including blowing up subway tracks and burning down Sit-Siemens and Magneti Marelli warehouses.

On June 2, six Front Line militants, all students between 18 and 20 years of age, were caught by the police in the act of attempting to blow up the entire trolley system of the city of Turin. Of the six, Mario Fagiano escaped, while the rest were apprehended,

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31/ For a general survey of Front Line, see Cantore, supra 17, at 113-121.

including Cesare Rambaudi, Riccardo Borgogno, and Valeria Cora. Rambaudi turned out to be particularly talkative and recited the entire chronicle of his association with Front Line. On the basis of Rambaudi's account, it would appear that recruits had to prove themselves "on the field" before becoming members of the organization. In Rambaudi's case, his test of "worthiness" entailed setting fire to the offices of a firm that makes worker overalls. He also described the rather primitive facilities--an attic--used by the organization for training and storage. Moreover, Rambaudi's account revealed laxness in security practices and haphazard operational planning.

Possibly as a reaction to the Rambaudi incident, starting on June 20, Front Line overcame the problem of careless use of explosives by resorting to firearms. On that day, a commando in Milan--imitating BR techniques--shot Giuseppe D'Ambrosio, a Sit-Siemens loading supervisor, in the legs. Two days later in Pistoia, Front Line wounded Giancarlo Niccolai, a Christian Democratic activist employed by Breda. Again forty-eight hours later, Roberto Anzalone, the president of a Milan medical assistance association, was shot. The following day the same fate befell Vittorio Falk, an Alfa Sud executive in charge of labor relations in Naples.

As the Rambaudi incident was becoming past history, Front Line suffered two sudden setbacks. On July 13, 1977, Romano Tognini was killed in Tradate while holding up a gun shop, and on October 31, Rocco Sardone, an unemployed blue-collar worker, blew himself up as he was attempting to dynamite a Turin franchise of the German motor company Audi. This was to be the last of 147 attempts that occurred in Italy against German establishments following the Mogadishu and Stammheim affairs. Front Line was ostensibly endeavoring to demonstrate internationalist solidarity.

In the late months of 1977 and in early 1978, only relatively minor Front Line actions were recorded: the bombing of a Carabinieri barracks in Milan and single raids directed at the Turin offices of the Industrialists' Association and at a Naples commercial research center. However, Front Line operations reached another peak between May 8 and 12, 1978, when that terrorist group undertook three successful bombing attacks in Milan against the Honeywell facilities and two Alfa Romeo offices, as well as three shootings in the legs directed against Diego Fava, a medical doctor employed by the Health Insurance Administration, Franco Giacomazzi, a Montedison executive, and Maurizio Astarita, a Chemical Bank branch manager. In a communiqué taking credit for those attempts, Front Line also expressed its unity of intent with the BR.

A more tangible indication of the cooperation existing between the two organizations came to light on September 13 of last year when Corrado Alunni was captured in a Milan hideout on the Via Negroli. Alunni, a leading brigadist of the "historic nucleus," had later become active in Front Line and carried out liaison between the two organizations, as evidenced by his own notes seized by the police. The Via Negroli "base" included, in addition to other terrorist materials, records and documentation regarding both the BR and Front Line.

The last major operation carried out by Front Line in 1978 was the murder of criminal anthropology professor Alfredo Paolella in Naples on October 10. Professor Paolella had been assisting Judge Tartaglione, who had been assassinated by the BR on the previous day. The two crimes are apparently linked to each other and tend to indicate further cooperation between the two organizations.

Front Line was inflicted a blow by the Carabinieri and the Public Security police, who on December 19 conducted 27 simultaneous searches and seizures in Bologna leading to the arrest of 13 militants. The seizures included small arms, explosive devices, and written materials regarding the organization.

As opposed to BR practice, Front Line operates semi-clandestinely. Structurally, it is made up of "fire groups," rather than "columns," as in the case of the BR. The functions of

the "fire groups"--the best organized are said to operate out of Milan, Turin, Florence, Naples, and Cosenza--are nonetheless the same as those of the "columns." Leadership is not vested in any individual on a permanent basis but is exercised in the course of each operation by whoever is capable of doing so. Front Line militants attempt to lead a double life. The first is that of seemingly ordinary citizens who hold regular jobs and have a clean police record, while their second entails terrorist acts and other clandestine operations. Their overt activity enables them to stay in contact with the masses and to exercise political influence.

According to the recent revelations made to the weekly Panorama by an alleged Front Line terrorist, this organization is not even constrained by the rigid territorial boundaries peculiar to the BR structure. Moreover, each Front Line unit operates in a city other than the one in which its militants reside.

Domestic and Foreign Link Theories

Apart from the multiple efforts directed at analyzing the socio-psychological roots of Italian terrorism, the media have regularly reported and often supported widely divergent views as to individuals or entities that might be behind or guiding the terrorist organizations operating in Italy, especially those whose manifest commitment is to Communism.

Four recurring hypotheses could be called the dominant themes: 1) domestic terrorism is an exclusively autonomous phenomenon; 2) terrorism is an ongoing alternative to the PCI's social and parliamentary "march through the institutions"; 3) connections exist with international terrorism and/or patron states; and 4) terrorism involves subversive rightist designs connected to the "forces of reaction." These major themes are frequently subject to variants or combinations.[32/]

1. Organizational autonomy. On June 19, 1978, during the last stage of the Turin trial against the "historic nucleus" of the BR, the indicted brigadists issued a final statement in which they declared:

> The Red Brigades were not born in the Confidential Matters Office [a now defunct investigative organ of the Interior Ministry], nor in Moscow, nor in Washington, and not even in the University of Trent or in the PCI federation of Reggio Emilia. The Red Brigades simply sprang to life at the beginning of the 1970's from the advanced units of the working class.... More specifically, the Red Brigades were born in Milan in the Pirelli plant.

32/ All hypotheses and commentaries thereon have appeared primarily in periodicals. See in particular the weeklies Il Settimanale (Roma), L'Espresso (Roma), and Panorama (Milano).

In fact--apart from declarations of ideological commitment to other domestic and foreign terrorist bands of the Left and to the international Communist movement as a whole--the BR have always claimed to be fully autonomous. The same can be said for all other Italian terrorist formations of the Left. Moreover, captured BR member Cristoforo Piancone explicitly declared in April of 1978 that the BR do not even receive outside economic support, but finance themselves through "proletarian expropriations."

Those who subscribe to the organizational autonomy theory claim that there is sufficient evidence of ample sources for self-financing. The most obvious are bank robberies and abductions for ransom. (In addition to those crimes claimed by terrorist bands, many have taken place without any subsequent public discovery of the perpetrator's identity.) The terrorist groups have also held up or broken into gun shops and other sources of logistical support. In addition, common criminals have often undergone in recent years a process of politicization and are therefore willing to contribute to the terrorist cause.

Another supporting argument for this theory is drawn from the fact that the BR, Front Line, and minor terrorist organizations receive miscellaneous assistance from the more extremist fringes

of the extra-parliamentary Left, i.e., the "Movement" and, more so, the "Autonomy."

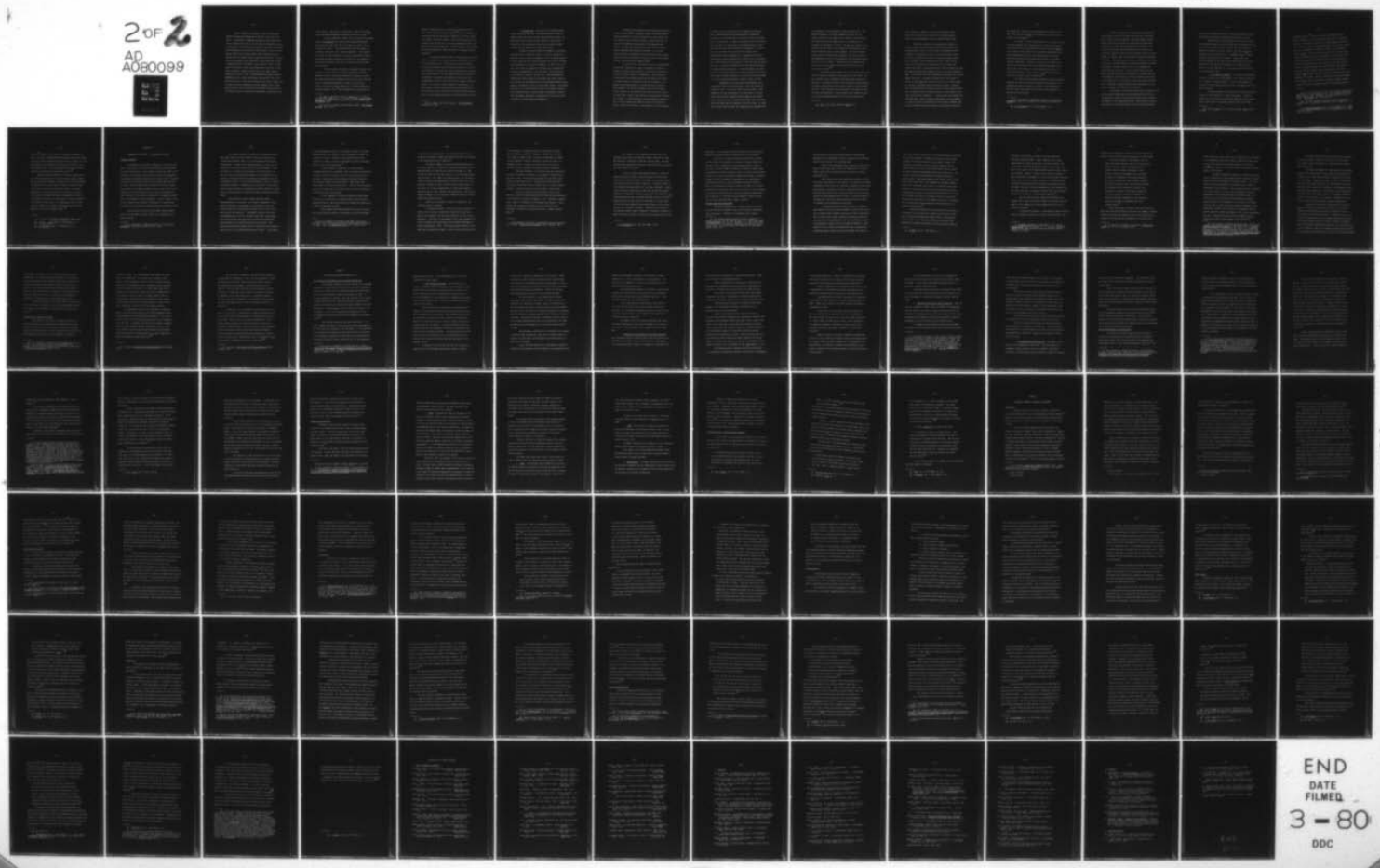
It has further been submitted that the types of actions carried out by Italian terrorists do not require a large number of personnel. A few sharpshooters and other technical experts (to handle explosives, forgeries, etc.) together with a larger number of accomplices are deemed sufficient for purposes of Italian political violence. Moreover, the frequent absorption of less successful terrorist groups into the better organized ones (e.g., GAP, NAP, and October XXII into the BR) has been seen as a means of capitalizing on available resources in a rational and efficient manner.

2. The PCI link. Few commentators have explicitly or directly linked the BR or the minor terrorist groups to the PCI, but indirect references and innuendo have been plentiful. The language of the BR, for example, is generally recognized as reflecting the hard-line Communist parlance. In fact, Rossana Rossanda, formerly of the PCI and now a member of the Manifesto (a political group to the left of the PCI) has stated that the language of the BR is that of the PCI of the 1950's. She went on to say that "it's like leafing through a family album."

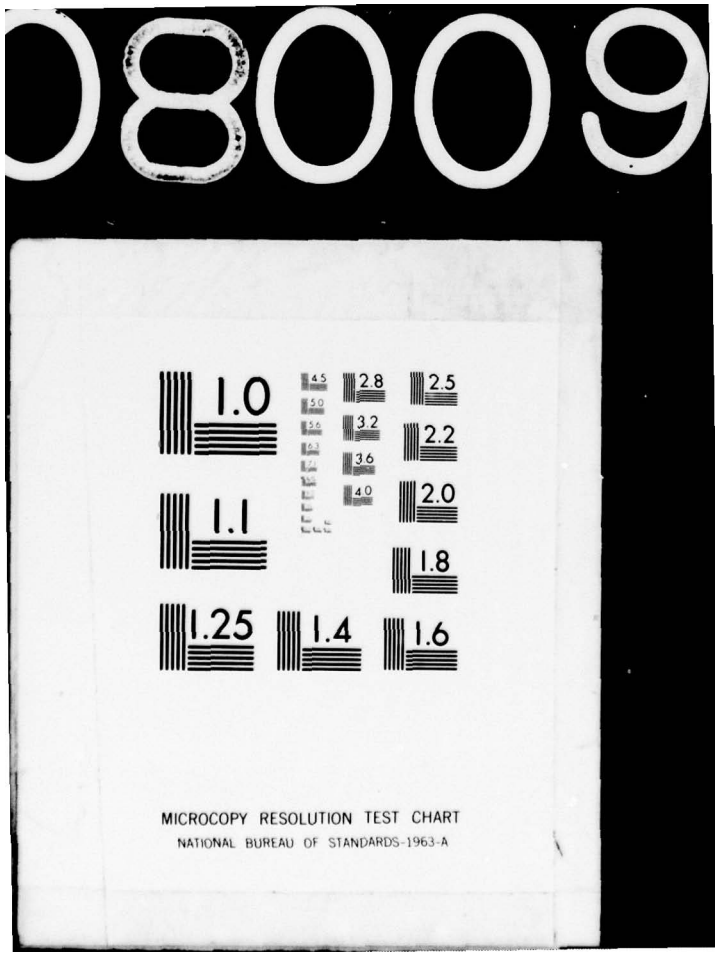
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CONTEMPORARY ITALIAN TERRORISM: ANALYSIS AND COUNTERMEASURES,(U)
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Beyond linguistic similarities, there are those who recall the behavioral ambiguities of the PCI in the 1940's and 1950's. In those days, Communist partisans who had expected the war of liberation not only to rid the country of Fascism, but also to bring about the "Italian soviet republic" gave birth to paramilitary formations such as Red Star (Stella Rossa) in Turin in 1944 and Red Strike Force (Volante Rossa), which remained active in various areas of northern Italy at least well into 1949. Other PCI card-carrying members were responsible for uprisings and violence in Ragusa and Schio (53 murders in Schio alone) in 1945, in other towns of the north in 1946, and through much of the rest of Italy after an abortive attempt had been made on PCI leader Palmiro Togliatti on July 14, 1948. Notwithstanding the documented party membership of the rioters and assassins and the PCI's use of the Red Strike Force to "keep order" during the VIth Party Congress and to escort the Soviet delegates and French Communist Party leader Maurice Thorez, the PCI termed these individuals--when arrested or in difficulty with the authorities--Trotskyites, provocateurs, and

reactionaries. This policy is reminiscent of the PCI's allegations regarding contemporary terrorism of the Left in Italy.[33/]

Another commentator, Massimo Tosti, writing for the Roman weekly Il Settimanale, has observed that whenever BR leaflets attack the PCI, they never call it by name, but refer to it as "Berlinguer's party." (Secretary General Enrico Berlinguer is generally considered to be a moderate Communist.) This observation leads the same commentator to another consideration: behind Berlinguer there may be another side of the PCI, one committed to Stalinism and opposed to any form of cooperation with the democratic parties.

In this context a statement by BR member Piancone is of interest: "In the event of a violent governmental repression against terrorism, the PCI will guarantee our physical survival. The legalitarian attitude adopted by the PCI will never allow the State to adopt measures against us [that are] too strong." Various Italian and foreign commentators, including the American columnist George F. Will,[34/] have remarked on the relatively few

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33/ See, in particular, Ronchey, supra note 2, at 95-117; Soccorso Rosso, supra note 15, at 11-25; W. Tobagi, La rivoluzione impossibile (Firenze, 1978); and the 1977 and 1978 issues of Il Settimanale (Roma).

34/ G.F. Will, "Toward Totalitarianism, Again," The Washington Post, May 14, 1978.

physical attacks made by the terrorists of the Left on the PCI. Another American, Michael Ledeen,[35/] who is a specialist on the Italian scene and who does not subscribe to the PCI connection theory, has stated, however, that the "Red Brigades do have a quarrel with the PCI, but it is quite different from their war against the Christian Democrats. The Red Brigades wish to destroy the Christian Democrats, while they want to rejuvenate Italian communism."

A question frequently asked in Italy regards the actual political beneficiary of terrorist actions carried out by the extra-parliamentary Left. Among others, journalist Federico Orlando and philosopher Sergio Cotta have pointed out that notwithstanding acts of political violence perpetrated by organizations and movements of the Left immediately prior to elections, referendums, or multiparty governmental decisions from 1974 through March of 1978, not once has the PCI suffered a political setback. As a result of these systematic "coincidences," it would appear to these observers that the actual beneficiary is the PCI, which in fact on the day of the Moro abduction became part of the parliamentary majority for the first time since 1947.

35/ M. Ledeen, "Aldo Moro's Legacy," The New Republic 24-25 (May 13, 1978).

3. Foreign links. Speculation over linkage between Italian terrorists and those of foreign countries, as well as between Italian terrorists and East European patron states, the Middle East, and/or Cuba, has been a matter of almost daily interest for the Italian media ever since Feltrinelli became involved with the GAP and the October XXII Circle.

A number of Christian Democratic Members of Parliament, including Piccoli, Mastella, Borruso, de Carolis, and Rossi di Montelera, were on record by November of 1977, as having expressed their conviction that Italian terrorism of the Left is neither fully spontaneous, nor totally autonomous. At least on the surface, their conviction appears to be based upon circumstantial evidence and argumentation. That same month, the then Minister of the Interior, Francesco Cossiga, also a Christian Democrat, unequivocably stated before the Parliament that actual links do exist between the Red Brigades and the German Baader-Meinhof gang; however, the Minister did not provide further details. The following month, on his way back from a visit to the People's Republic China, Raffaele Costa, a Liberal Member of Parliament, reported that Vice-Premier Wang Chen had expressed the view that the KGB is behind the Italian terrorist phenomenon.

Although various hypotheses had already been formulated before the "Moro affair" regarding linkage with Eastern Europe--primarily because of the BR's preference for Czech weapons and the record of trips to Eastern Europe by various terrorists of the Left--the abduction and killing of Moro generated more reports, writings, and speculation at every level of Italian society regarding East European involvement. On his part, Giancarlo Pajetta, spokesman for the PCI foreign office, categorically ruled out the existence in March of 1978 of links between Italian terrorism and East European states.

In concrete terms, the problem is one of distinguishing between what constitutes at least circumstantial evidence, as opposed to hearsay or mere personal convictions or intuition on the part of public figures or commentators. Some objects and recorded events which might concretely fall within the category of evidence--albeit circumstantial--are the following: 1) an agenda listing expenditures in conjunction with air travel to West Germany by one "Fritz" was seized in the BR Via Gradoli "base" in Rome; 2) two German license plates were also found in the same "base" (neither plate had been reported stolen in Germany or in Italy); 3) some witnesses to the Moro abduction reported that a foreign language was spoken by some of the terrorists (there is doubt as to whether it was German or a Slavic language);

4) among the items left behind by the commando that abducted Moro, a German-manufactured imitation-leather handbag was recovered (it is believed that it was used to carry the weapons prior to the attack); 5) some of the weapons used by the terrorists were part of a stock stolen in Switzerland (part of that stock had also been used by Schleyer's kidnappers); 6) terrorists who are known to have visited and/or spent time in Czechoslovakia (some repeatedly) are Giangiacomo Feltrinelli, Renato Curcio, Alberto Franceschini, Fabrizio Pelli, and Augusto Viel (reports have been circulating for some time that the Czechs have set up a center in Karlovy Vary for the training of agents in destabilization operations); 7) Czech-made keys were found in one of the several hideouts of the BR uncovered by the police; and 8) Swiss nationals suspected of contacts with the BR through a P.O. box in Rome were arrested in Cairo in April of 1978.

Commentators have placed particular emphasis on the hypothesized links with Czechoslovakia. There are historical reasons for this. In the late 1940's and early 1950's, those Communists who had participated in the activities of the Red Strike Force and had consequently been sought by the Italian police authorities fled to Czechoslovakia where they were given asylum and where some are reported to be still living. It seems that in those Cold War years PCI clearance was a requirement for

the acceptance of such "refugees" by East European hosts. Even Francesco Moranino, a notorious Communist partisan who had committed political and common crimes, resided in Czechoslovakia and worked there for the Prague Radio until pardoned by the President of the Republic of Italy. (He was later elected to the Senate on the PCI slate.) Radio Prague has traditionally transmitted broadcasts in the Italian language. Political scientist Giorgio Galli has observed that throughout the Cold War years it was commonplace to hear Italian Communists from the Emilia region refer to it as "our radio." Those were also the days when the PCI kept its files in Prague, a practice that lasted at least until Stalin's death.[36/]

The asylum granted Augusto Viel of the October XXII Circle does not therefore constitute a new practice for the Czechs. Nor does brigadist Pelli's employment with Radio Prague constitute a precedent. Feltrinelli is said to have travelled to Czechoslovakia by using his own passport and by using a false one when accompanying Viel. Czech visas have also been found in the passports used by Curcio and Franceshini. Press accounts have likewise reported--but official substantiation may not as yet be available--that

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36/ See, in particular, Ronchey, supra note 15.

Alvaro Lojacono, a member of the extra-parliamentary group called the "Via dei Volsci collective," and Roberto Mander, another extra-parliamentary activist, passed through Prague.

Within the context of the hypothesized connections between Italian terrorism and East European patron states, the statements made on May 14, 1978, during a parliamentary debate by Member of Parliament Vito Miceli, who had previously served with rank of general as the head of Italian intelligence (SID), are of interest. Miceli stated that on May 9, 1972, SID had reported to the Minister of Defense proof of existing links between Feltrinelli, subversive groups of Italy's extreme Left, and KGB agents working under diplomatic cover in the Soviet Embassy in Rome. At that time, SID also recommended the expulsion of 22 Soviet agents from Italy. According to General Miceli, SID wanted to strike at the Soviets while they were still in the initial stages of setting up espionage rings and subversive groups. Although both the Defense Minister (Restivo) and the Foreign Minister (Moro) were in agreement with the proposed measure, it was vetoed by the then Prime Minister (Andreotti). A second report was forwarded the following year. Still according to the General, he was summoned in January of 1974 by the Minister of the Interior (Taviani), who tried to persuade him that the threat to Italy did not come from

the Warsaw Pact countries, but from another West European nation. This nation was not specified in the General's account of those events to the Parliament.[37/]

On October 3, 1978, Renzo Rossellini, a journalist of the extra-parliamentary Left associated with a private radio station called Citta Futura, was interviewed by the Paris daily Le Matin. In the course of the interview, he reiterated information he had heard from Palestinian friends who maintained that ever since 1945 the Soviet Red Army had taken over a portion of the PCI's partisan organization. Moreover, at the end of the 1960's this paramilitary organization had been allegedly restructured by the Soviets, who also reinforced it with terrorists trained in an East European country. General Miceli is reported to have confirmed the accuracy of those allegations.[38/]

One patron state hypothesis regarding the Moro affair was developed by a group of private citizens who, as residents of the neighborhood where the abduction took place, claim familiarity with the area's layout and with the habits of the neighbors, including the late statesman.

37/ Atti Parlamentari, Camera dei Deputati, VII Legislatura, Discussioni, Seduta del 19 Maggio 1978, Edizione Non Definitiva, p. 6-9.

38/ Il Settimanale, Oct. 18, 1978 (Roma), p. 12.

The group disagrees with the official reconstruction of the escape route as it believes that this route would have been too long, narrow and winding. The group suggests instead another particular route that the escape vehicles might have followed that is more easily negotiable after 9:00 a.m., the time of the abduction, and which might have led them to the residential complex at 1040 Via Colli Farnesina, where the Czech Embassy is located. Both of the complex's entrances are manned by doormen. The manager of the complex is reported as not having been able to reach the Embassy by telephone throughout the abduction period. Moreover, unusual visits to the Embassy were reported during this time. On the morning of May 9, the day Moro's body was returned by the abductors, a reception was held at the Embassy, and the guests' vehicles blocked all entrances to the other units in the complex to the point that no one could exit. Allegedly, the group reported these observations to the police, but none of the group was interviewed.

With respect to the foreign links theory, coverage in the media of East European patron state hypotheses have been also accompanied by reports of past meetings between Curcio, Moretti, and members of the Baader-Meinhof gang. Much attention has also been given to the late Feltrinelli's trips to Cuba and Bolivia

and to the considerations raised by the fact that Bolivian Consul Quintamilla was murdered in Germany with Feltrinelli's pistol.

Theories have also been expressed that Italy has become a battleground between the United States and the Soviet Union and that it will continue to be so, at least until the problem of Yugoslav succession is solved. Views of this nature have been expressed even by authors such as F. Orlando and Bocca,[39/] whose political philosopies do not coincide. Finally, there are those who debate--in the event that the Soviet Union is actually behind terrorism--whether the objective is to weaken Italy's Western role and commitment or to preclude the PCI from pursuing the "Eurocommunist" path.

4. The "forces of reaction." The final major hypothesis links the Italian terrorist phenomenon to the "forces of reaction" or to subversive rightist designs. In fact, these forces were accused of the Moro abduction by the Soviet news agency TASS on the day it occurred.

The TASS allegation is in line with the PCI's traditional contention that terrorism is a rightist phenomenon. From 1972 through 1977, vast strata of the Italian media, which have progressively fallen under the influence of the PCI and its skillful

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39/ Sterpa, supra note 15, at 69-81; Orlando, supra note 16, at 8-10.

propaganda machine,[40] saw even the BR as an extension of neo-Fascist violence of the late 1960's and early 1970's. The PCI's reaction to the report on political violence prepared by the Prefect of Milan in 1970 has already been noted. The PCI also reacted similarly in February of 1973 when it learned of a subsequent report prepared in 1972 by Allitto Bonanno, Milan's police superintendent.[41] When Feltrinelli accidentally killed himself in 1972, PCI Secretary-General Berlinguer had also hinted at the work of obscure reactionary forces. This tendency to see the "forces of reaction" lurking everywhere was first officially criticized in late 1977 and early 1978 by Senator Ugo Pecchioli, the PCI's expert on public order, who also conceded the existence of leftist terrorism.[42] However, even more recently, PCI secretariat member Paolo Bufalini, while reporting to the party's Central Committee on April 18, 1978, once again referred to "reactionary forces or

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40/ For the influence of the PCI over the media, see Bartoli, supra note 13; Preti, supra note 14. For a treatment of the subject in English, see V.S. Pisano, "How Italo-Reds Wield the Blue Pencil," New America, Sep. 1978 (New York).

41/ The police report and the PCI's reaction through its official daily are appended to Documenti Arces 4, supra note 4, at 16-21.

42/ Corriere della Sera, Feb. 17, 1978 (Milano), p. 1. With respect to the PCI attitude on terrorism, see also Ronchey, supra note 3, at 88-89.

groups."[43/] Again, in the course of a television broadcast on May 11, 1978, PCI Secretary-General Berlinguer stated that "Communists follow this reasoning with respect to the accomplices of the Red Brigades: their objectives are the same [as those] of the reactionary forces. Police investigations and activities must therefore be directed also toward this sector."[44/]

Whereas concrete references to the exact composition of the "forces of reaction" are not easy to find, frequent indeed are the allusions to domestic conspiracies of the Right promoted or supported by the United States of America through the clandestine arm of the Central Intelligence Agency. An Italian commentator who does not subscribe to this theory, journalist Livio Caputo, has advanced a number of arguments to refute it, including the fact that, in his estimation, "the CIA, following the reforms of recent years, is an organization that not only lacks the capability to organize [operations such as the Moro abduction], but also to promote [them]."[45/]

43/ P. Bufalini, Terrorismo e democrazia (Roma, 1978).

44/ Il Giornale Nuovo, May 12, 1978 (Milano), p. 2.

45/ Il Settimanale, Apr. 5, 1978 (Roma), p. 22.

Chapter III

TERRORISM OF THE RIGHT: A COMPLEMENTARY PROBLEM

Rightist Extremism

By comparison to its leftist counterpart, terrorism of the Right is not seen at this time as constituting the primary threat to Italian institutions. In his report of October 24, 1978, to the Parliament, the Minister of the Interior took note of the decreasing incidence of rightist terrorism on the Italian scene.[1/] Moreover, the returns of municipal, provincial, and regional elections held at various times throughout 1978 consistently reflected a significant decrease in the number of ballots cast in favor of the PCI, in comparison to the 1976 national returns, and are interpreted as being indicative of the public's perception of contemporary terrorism as a predominantly leftist phenomenon. In fact, leaders of the PCI have lamented that the public's perception of terrorism has contributed to the electoral setbacks suffered by the party in 1978.

Italian political violence of the Right, which reached a peak in the late 1960's and early 1970's, is a conglomeration of various elements.

1/ Atti Parlamentari, Camera dei Deputati, VII Legislatura, Discussioni, Seduta del 24 Ottobre 1978, p. 22705.

One element consists of extremists who gravitated--and in some cases continue to do so--around local party sections of the Italian Social Movement (MSI) or its youth movement (Fronte della Giuventù-FdG). The MSI--often termed neo-Fascist--is the most conservative of the parties that hold seats in the Parliament. Until the death of its former Secretary-General, Arturo Michelini, on June 15, 1969, the MSI generally remained in the background, but on occasion, following discreet behind-the-scene arrangements with the non-Communist parties, it would lend parliamentary support to certain governmental measures. Although some of the rhetoric of the defunct Fascist regime continued to be employed by the MSI, Michelini's staff was particularly careful in holding off rightist extremists and adventurers.

Upon Michelini's death, Giorgio Almirante became Secretary-General of the party. His energetic temperament and his dream of fathering a strong Right as an alternative to both the Christian Democratic and Communist platforms kept him from screening activists and supporters. Consequently, groups of the extra-parliamentary Right, such as Pino Rauti's New Order (Ordine Nuovo), which had previously been kept away by Michelini's establishment, eased themselves into the MSI structures and activities. The timing was particularly harmful since it coincided with the disorders that grew out of the 1968-69 socio-political climate. In the absence

of firm governmental policies, the extremist fringes of the Right interjected their own brand of violence allegedly to contain the violence of the Left. Moreover, these rightist groups found Almirante's polemics against the Government a source of encouragement for their violent tendencies.[2/]

A second element is comprised of various would-be clandestine groups with no apparent links to the MSI; they are given not only to political violence, but also to more serious acts of terrorism. These groups include Phoenix (La Fenice), Mussolini Action Squads (Squadre d'Azione Mussolini - SAM), Black Order (Ordine Nero), and Year Zero (Anno Zero). They all seek the destruction of the institutions in the belief that this will bring about an authoritarian regime of the Right.

A final component of rightist extremism includes groups whose aim is to reconstitute the National Fascist Party (Partito Nazionale Fascista), which was banned by the Republican Constitution of 1947 and subsequent statutes.

These elements have been responsible not only for spontaneous and retaliatory attacks on individuals and offices belonging

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2/ For an overview of terrorism of the Right, with special reference to the relationship between neo-Fascist extremists and the MSI, see L. Preti, Il compromesso storico 67-73 (Milano, 1975).

to the PCI or to organizations of the extra-parliamentary Left--frequently resulting in deaths and injuries--but have also resorted to the indiscriminate use of explosives.

Neo-Fascist members of various organizations have been convicted, indicted, or suspected of setting off explosions in the Banca Nazionale dell'Agricoltura in Milan on December 12, 1969, causing 16 deaths and over 100 injuries; on the Turin-Rome express train on April 3, 1973 (where the charge was set to go off under a tunnel); during an MSI demonstration in Milan on April 23 of the same year, causing the death of Public Security agent Marino; in the course of a leftist demonstration in Piazza della Loggia in Brescia on May 24, 1974, killing 6 and wounding 90; on the Italicus Express on August 3 of the same year, causing the death of 12 passengers and wounding 80 more.

Moreover, with respect to rightist conspiracies, the following cases are revelant:

In February and March of 1978, the Courts of Assizes of Brescia and of Florence, respectively, handed down convictions against Carlo Fumagalli and Pierluigi Concutelli, as well as their associates. Previously, in the summer of 1970, Carlo Fumagalli set about to organize the Revolutionary Action Movement (Movimento di Azione Rivoluzionaria - MAR). This group operated primarily in the North and ran paramilitary camps. On one of these sites located at

Pian di Rascino, a Carabinieri patrol killed Giancarlo Esposti who had opened fire against the patrol. MAR was also involved in a series of common crimes, including the abduction for ransom of Aldo Cannavale, a San Siro architect and race car driver, in November of 1973. In addition to these crimes, the Court of Assizes of Brescia condemned the MAR for political conspiracy.

Pierluigi Concutelli, on the other hand, was convicted by the Court of Assizes of Florence for the murder of Judge Vittorio Occorsio in 1976. Occorsio was responsible for the forcible dissolution of New Order in 1973. This group has resurfaced under the name of Black Order and has claimed credit for various criminal attempts. Concutelli was the "military leader" of Black Order.

These two convictions were preceded by that of Luigi Martinesi, founder of Revolutionary Militia (Milizia Rivoluzionaria), by the Tribunal of Taranto on November 7, 1977. Martinesi, together with a number of accomplices, had kidnapped Luigi Mariano, a local notable and land owner for ransom in Lecce on July 23, 1975. Martinesi's accomplices included Mario Luceri, a member of Black Order.[3/]

3/ The Fumagalli, Concutelli, and Martinesi cases are discussed in O. Rossani, L'industria dei sequestri 139-141 (Milano, 1978).

With respect to the attempted reconstruction of the National Fascist Party, the Tribunal of Bari convicted six young MSI activists in February of 1978 and acquitted eight. The Court had previously ordered the closing of a Bari MSI section as well as the local chapter of the FdG.

In 1973, following some bombing incidents, the MSI had begun with partial success to remove from party facilities and activities the extreme fringes of the Right that had made inroads into the party after the death of Michelini. Almirante himself in 1974 proposed the death penalty for the crime of massacre. However, after the judicial dissolution of New Order and National Vanguard (Avanguardia Nazionale), extremist groups were still reported to be gravitating around some of the Rome and Milan sections of the MSI.[4/] Sandro Saccucci, who was elected to Parliament on the MSI ticket in 1976, was later expelled from the party because of his violent behavior and a criminal indictment. Nonetheless, the problem of the frequent presence--albeit undesired--of extremists continues to beset the MSI and to harm its credibility with large sectors of the

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4/ Il Settimanale, Oct. 19, 1977 (Roma), p. 14.

electorate. It is generally considered unlikely that the MSI could repeat the electoral success it achieved in the 1972 election.[5/]

Major acts of rightist political violence and terrorism in 1978 include the following. On January 3, Prospero Candura and Pierluigi Sciotto accidentally killed themselves while trying to set off an explosive charge in Catania; on January 8, Alberto Codan was stabbed and seriously wounded in Rome by a group of neo-Fascists; on March 24, a group of FdG members stabbed Danilo Russo, an Ongoing Struggle activist in Caserta; on September 28, the Armed Revolutionary Nuclei killed Ivo Zini and wounded Vincenzo De Blasio in front of the Alberone PCI section in Rome; on October 10, a group of neo-Fascists killed Claudio Miccoli in the course of a raid in Naples on a group of students who were reading the Ongoing Struggle paper; and on December 19, a Militant Fascism commando claimed the wounding of Finance Guard NCO Walter Caimero in Naples.

Alleged Right-Wing Coup Attemps

The above-discussed forms of rightist political violence and terrorism may be regarded as fact since sufficient substantiation is available. In addition to documented facts, however,

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5/ For a nearly complete listing of actual, suspected, or alleged cases involving neo-Fascist terrorism or conspiracies, see Il Giornale Nuovo, Oct. 31, 1974 (Milano), p. 5. The article also lists the names of all suspects, defendants, and those convicted as of that date. It is worth noting that basically the same persons appear in each case.

various political circles and broad strata of the media have advanced not only hypotheses, but also allegations that have been proven false or are yet to be substantiated.

Much of this speculation links terrorism to projected or abortive right-wing coups in which the armed forces, the police forces, and/or the intelligence services are seen as having a substantial role.

Apart from the fact that there is no tradition in Italy of military intervention in civil affairs, all judicial proceedings terminated to date reflect not only that no suspected coup has ever been planned or executed, but that all individuals who have been indicted--particularly those in any way connected to the military and police establishments--have not been in a position capable of bringing about the kind of armed intervention needed to destroy or undermine Italian democratic institutions.

Proceedings instituted before the Court of Assizes of Rome against Prince Junio Valerio Borghese (a former naval officer who was awarded Italy's highest decoration for valor during World War II and who later founded a rightist organization called the National Front (Fronte Nazionale)) and 75 co-defendants indicted for attempting a rightist coup on the night of December 7, 1970, ended on July 14, 1978, with 30 acquittals and 46 convictions. Proceedings against another group called Compass Card (Rosa dei

Venti) were joined in this trial. The Court held that not only had no coup been organized or attempted, but also that the alleged invasion of the Interior Ministry, the attempt to abduct the President of the Republic and the Interior Minister, and the "march on Rome" by a unit of the State Forestry Police to seize the radio-television broadcasting system did not take place. By the time the decision was handed down, Borghese had died of natural causes. Among those acquitted were General Miceli, former head of SID, Colonel Berti, the commander of the State Forestry Police unit in question, and De Jorio, a former MSI local representative. Those who were convicted include primarily civilian ultra-rightist activists, two generals already retired at the time of the alleged coup, and one lieutenant colonel on active duty. The latter was connected with the Compass Card group. The grounds for the convictions include conspiracy and participation in a subversive organization.[6/]

Whereas the Borghese case has generally been referred to in the media as the "black coup," another case called the "white coup" involved former Ambassador Edgardo Sogno, a non-Communist partisan leader of the Resistance movement, who had also been awarded Italy's highest decoration for valor and later became the

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6/ Il Tempo, July 15, 1978 (Roma), p. 1.

promoter of a conservative movement called the Democratic Resistance Committees (CRD). Sogno, together with a former Defense Minister, Randolfo Pacciardi, and lesser figures, were indicted for conspiring against the security of the State. On May 6, 1976, Sogno and his administrative assistant, Luigi Cavallo, were arrested. However, a decision of the Court of Assizes of Rome, handed down on September 12, 1978, acquitted Sogno, Pacciardi, Cavallo, and the rest of Sogno's associates, by holding that the group had neither projected nor attempted any conspiracy against the State. Moreover, the Court recognized that the defendants had exercised their right to democratic dissent, which in the words of the Court is "an aspect of constitutional legality."[7/]

One last case involving, among other defendants and charges, SID's links to subversive elements of the Left and of the Right is still pending in its final stages before the Court of Assizes of Catanzaro.

As indicated in Chapter I, both SIFAR and SID have been the object of frequent accusations, criticism, and speculation. The

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7/ Il Tempo, September 22, 1978 (Roma), p. 19. And Il Giornale Nuovo, same date (Milano), p. 7. It is an interesting commentary that Sogno's acquittal received extremely limited coverage in the media.

following quote summarizes virtually all the accusations made against the Italian intelligence organizations of those years.

> The security services, from SIFAR to SID, are [and] (have been) involved in all of the most obscure events of the last years: from massacres to CIA fundings; from anti-worker espionage to international industrial [espionage]; from trafficking in weapons to commissions on military spending to privileged relations with state industry; from the polluting of political life (with the entire arsenal of [personal] files, extortions, briberies, and violations [of private or privileged information]) to the[ir] presence, as actors or abettors, in subversive attempts complemented by the sabotage of judicial investigative proceedings into these criminal events.[8/]

Less sensationally, deviation from institutional purposes took place within SIFAR in 1955 under the command of General Giovanni De Lorenzo and thereafter under the two succeeding commanders he was instrumental in appointing. De Lorenzo's own

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8/ S. Amorosino, "I servizi di sicurezza," Politica del Diritto, No. 3-4, p. 383 (Bologna, 1976).

highly successful career, which also included service as commander of the Carabinieri and later as Chief of Staff of the Army, drew at one time or another the political support of the entire parliamentary Left, but at its end he was in the ranks of the MSI members of Parliament.

De Lorenzo exceeded the authority of SIFAR in collecting private information on various public figures and private citizens beyond the actual requirements of national security. It is estimated that files were prepared--occasionally with a slant--on approximately 150,000 persons. This information, which he apparently did not hesitate to use as a form of blackmail, served the enhancement of his private interests and personal career. De Lorenzo has also been accused of having planned and adopted special measures for the staging of a coup d'etat in the period June-July 1964, by which time he had become the commander of the Carabinieri. However, the findings of a parliamentary investigations committee revealed the absence of any activity aimed toward that end. A dissenting minority report was submitted by the Communists and other leftist members of the Committee.[9/]

9/ For an analysis of SIFAR's deviations, see D. Bartoli, Gli italiani nella terra di nessuno 163-203 (Milano, 1976). See also Camera dei Deputati, V Legislatura, Doc. XXIII, N. 1, Commissione Parlamentare D'Inchiesta Sugli Avvenimenti Del Giugno-Luglio 1964, Relazione, Roma, 1971 and Terracini et al., Sugli eventi del giugno-luglio 1964 e le deviazioni del SIFAR/Relazione di minoranza della commissione parlamentare d'inchiesta (Milano, 1971).

The abuses introduced by De Lorenzo and his successors led to the transfer of several officers out of the more sensitive offices and to the adoption of a new name for the intelligence service: SID.

Following the December 12, 1969, explosion at the Banca Nazionale dell' Agricoltura in Milan, separate proceedings were brought for this crime against suspected subversives of the Left and of the Right. Beginning on August 30, 1972, all ongoing and subsequent proceedings relating to the 1969 attempt were joined before the Court of Assizes of Catanzaro. The defendants include journalist Guido Giannettini, a SID informer, who was associated with Franco Freda and Giovanni Ventura, two rightist extremists indicted of participation in the attempt. Giannettini was also associated with rightist extra-parliamentary organizations.

Giannettini's functions--coupled with SID's delays in reporting findings through channels and SID's role in certain clandestine expatriations--have raised the question of SID's involvement in the 1969 bank explosion. Ultimately, the Court of Assizes of Catanzaro will have to determine whether SID had infiltrated these subversive groups to report on them--in consonance with its intelligence and security functions--or to participate in illicit activities. Many of the hearings to date have been concerned with whether SID had reported to the Council of Ministers through

the Minister of Defense that the service was availing itself of Giannettini. It is worth noting that the Court, in the course of ancillary proceedings, has condemned General Saverio Malizia, who at the time had been Defense Minister Tanassi's legal-military counselor. The Court refuted Malizia's testimony--as opposed to Miceli's--that SID had failed to inform the civil authorities and that SID, rather than the civil authorities, had cloaked SID's employment of Giannettini in a "political-military secret."

Given the complexity of this trial, which has also recorded the conflicting testimony of Italy's major governmental figures since 1969, further commentary should await the decision of the Court.[10/]

Observations on Rightist Extremism

With respect to the nature of rightist extremism, two major Italian political commentators have observed the following. Journalist Giorgio Bocca sees terrorism of the Right as originating at the end of World War II from the necessity on the part of the Anglo-American Allies to build up for themselves a network of

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10/ For an analysis of SID's activities, see Bartoli, id. at 163-203. For conspiratorial theories involving SIFAR, SID, military circles, political figures, and neo-Fascists, see W. Rubini, Il segreto della Repubblica (Milano, 1978).

informers in Italy. This international relationship, in Bocca's view, is a lasting one. At the same time, according to that author, Italian non-Fascist political forces--from the Christian Democrats to the Communists--derive advantages from the presence, within the political spectrum, of a "conditioned" Right which is allowed to be vociferous but which can also be blackmailed whenever necessary, since it draws its economic support from the ruling parties. Because of these considerations, Bocca reaches the conclusion that rightist terrorism amounts to "State terrorism," subordinate to the police and intelligence services.

The subordinate nature of this phenomenon is allegedly proven by the fact that terrorism of the Right disappears--except for spontaneous and minor manifestations--whenever it can lead to a loss of votes for the Christian Democrats and to the strengthening of the Left. In essence, this theory sees rightist extremism not as an actual threat to Italian institutions, but as a tool in the hands of Italy's ruling Christian Democrats and its NATO allies--particularly the United States as the major "imperialist" power--to maintain a certain status quo.[11/]

11/ G. Bocca, Il terrorismo italiano 1970/1978 49-56 (Milano, 1978).

The other major commentator, journalist Alberto Ronchey, distinguishes an "extremism of 'ends'" from an "extremism of 'means'" and associates the latter, within the Italian context, primarily with neo-Fascists and neo-Nazis since their actions are not aimed at "a societal model derivable from the uprooting of social relations." He therefore sees extremism of the Right as directed at immediate, rather than mediate goals. According to Ronchey, the fact itself that the symbols of the neo-Fascists and neo-Nazis are skulls and daggers reflects their "conceptual necessity" for terrorism.

In Ronchey's view, contemporary *Italian terrorism*--of the Right or of the Left--is predominantly a domestic phenomenon deriving its origin from the disintegration of Italian society over the last decade. While he does not exclude the possibility of occasional foreign influence over Italian terrorism, he rules out a systematic outside presence, since the Italian terrorist phenomenon exists on too large a scale to allow any foreign intelligence service to operate indiscriminately without exposing its identity to the terrorist group. Ronchey argues that it is possible to manipulate specific individuals, but not on a vast scale.[12/]

12/ A. Ronchey, Libro bianco sull'ultima generazione 63-92 (Milano, 1978).

Chapter IV

THE ITALIAN INTELLIGENCE REFORM OF 1977

The Intelligence and Security Services Under the New Law

As previously observed, the actual as well as the presumed deviations from legitimate national security functions by SIFAR and later by SID created a mood of uneasiness among the Italian political forces and consequently among the population at large. To partisan commentators, moreover, there was continuity to the abuses of SIFAR and those of SID. Principally because of these factors, measures restructuring the Italian intelligence community were adopted in 1977. The intelligence reform is contained in Law No. 801 of October 24, 1977, on the Formation and Organization of the Intelligence and Security Services and the Regulation of the State Secret.[1/]

This law has introduced four major innovations: (1) a more stringent supervision of these services by the Government and, for the first time, oversight by the Parliament; (2) the separation of intelligence and internal security functions into two services; (3) an additional separation of intelligence and internal security functions from judicial police functions; and (4) new regulations

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1/ This section is adopted or extracted from V.S. Pisano, A Study of the Restructured Italian Intelligence and Security Services (Washington, D.C., 1978). An English translation of the entire law appears in Appendix I of that study.

governing state secrecy. In the following there is a detailed explanation of these changes.

1. More stringent oversight. The President of the Council of Ministers (the Prime Minister) is now responsible under Law No. 801 for intelligence and security policy, as well as for the top supervision of the intelligence and security services. He is also empowered to issue directives on organization and operations to these services and to control the application and protection of state secrecy.

The Prime Minister is assisted by the Interministerial Committee on Intelligence and Security (Comitato Interministeriale per le Informazioni e la Sicurezza - CIIS) instituted by this law. The committee is chaired by the Prime Minister and includes the Ministers of Foreign Affairs, the Interior, Clemency and Justice, Defense, Industry, and Finance. It advises the Prime Minister on general directives and fundamental objectives of intelligence and security policy and makes proposals. The Prime Minister may invite other ministers, the directors of the intelligence and security services, and civilian and military officials and experts to the meetings of CIIS.

In addition to CIIS, Law No. 801 calls for an Executive Committee for the Intelligence and Security Services (Comitato

Esecutivo per i Servizi di Informazione e di Sicurezza - CESIS) and places it under the direct authority of the Prime Minister. CESIS provides the Prime Minister with all data needed to coordinate the intelligence and security services, as well as processed and analyzed intelligence information. Liaison with foreign intelligence/security services is also conducted by CESIS.

The Prime Minister, or an Undersecretary of State appointed by him, presides over CESIS. The Prime Minister also determines the composition of CESIS, except for the directors of the intelligence and security services who are ex officio members. Although the law calls only for a general secretariat, it authorizes the Prime Minister to organize whatever other offices are strictly necessary. The general secretariat is headed by a public official of the highest administrative rank, who is appointed by the Prime Minister and may be dismissed by him, after the opinion of CIIS is heard.

The government, consisting of the President of the Council of Ministers and the Ministers, must report in writing every six months to the Parliament on intelligence and security policy, as well as on its results.

Law No. 801 also provides for a parliamentary committee comprised of four deputies and four senators, to be appointed by the

Speaker of each Chamber according to the principle of proportionality (i.e., party representation in the Parliament). The purpose of this committee is to monitor the application of the principles set forth in this law.

The parliamentary committee is entitled to request basic information on the structure and activities of the intelligence and security services from the Prime Minister and CIIS. It can also make observations and recommendations.

If the Prime Minister avails himself of the power to claim the need for state secrecy, which he must briefly substantiate, the parliamentary committee may refer the matter, after an absolute majority vote, to each Chamber of Parliament for the necessary political evaluations.

The members of the parliamentary committee must respect classified information to which they are exposed in the course of their duties. The proceedings of the committee are also classified.

2. Separation of intelligence and security functions. The intelligence service, termed by Law No. 801 as the Service for Intelligence and Military Security (Servizio per le Informazioni e la Sicurezza Militare - SISMI), is assigned all intelligence and

security functions pertaining to Italian military defense. SISMI also carries out counterespionage duties.

SISMI is subordinate to the Minister of Defense, who is responsible for structuring this service and for supervising its activities in keeping with the directives of the Prime Minister.

The director of the service and the other functionaries indicated in the table of organization of SISMI are appointed by the Minister of Defense, subject to the concurring opinion of CIIS.

SISMI must keep the Minister of Defense and also CESIS abreast of all intelligence information and analyses in its possession and of all its operations.

Law No. 801 provides for the continued existence of those units and offices responsible for intelligence, security, and estimates, that now operate within each armed force or corps of the State. At the same time, the law explicitly restricts the functions of these units and offices to duties of a technical-military or military-police nature to be exercised within the specific confines of each armed force or corps. These activities must also be conducted in strict liaison with SISMI. Finally, the new law repeals the above-cited letter g) of article 2 of President of the Republic Decree No. 1477 of November 18, 1965 (see Chapter I, p. 5).

The security service, termed by the law as the Service for Intelligence and Democratic Security (Servizio per le Informazioni

e la Sicurezza Democratica - SISDE), is assigned all intelligence and security functions for the defense of the Italian democratic state and of the institutions established by the Constitution.

SISDE is subordinate to the Minister of the Interior, who is responsible for structuring this service and supervising its activities in keeping with the directives of the Prime Minister.

The SISDE director and other functionaries are appointed by the Minister of the Interior in the manner indicated above for SISMI. SISDE is also subject to the same reporting requirements established for SISMI.

The personnel of CESIS, SISMI, and SISDE include not only civilian and military employees who are to be transferred, with their consent, to these entities, but also those hired directly. CESIS, SISMI, and SISDE may not employ, either permanently or occasionally, members of Parliament; regional, provincial, or municipal councilors; magistrates; clergymen; or professional journalists.

Matters relating to personnel strength and organization, as well as to the juridical and economic status of personnel assigned to CESIS, SISMI, and SISDE, respectively, are regulated by the Prime Minister, the Minister of Defense, and the Minister of the Interior, subject to the concurring opinion of CIIS and the Minister of the Treasury.

Law No. 801 further provides for and regulates the utilization of public means and infrastructures by CESIS, SISMI, and SISDE. It also imposes upon SISMI and SISDE the duty to assist and cooperate with each other.

Individuals whose record does not guarantee their fidelity to democratic and constitutional principles are barred by the law from permanent or occasional employment in CESIS, SISMI and SIDSE.

3. Separation from judicial police functions. Under the new law, assignment to CESIS, SISMI, and SISDE is not compatible with the status of an officer or agent of the judicial police.[2/] Consequently, personnel who would hold that status in their parent organization are suspended from that status during the period of assignment to any of the three entities indicated above.

In derogation from standard directives and procedures, the members of the intelligence and security services must channel

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2/ As indicated in Chapter I, the status of officer or agent of the judicial police enables the holder thereof to conduct law enforcement functions directed as the repression of crimes. The judicial police is not a police organization, but a police function. For the organization of Italian police forces and their judicial police functions, see V.S. Pisano, "The Organization and Responsibilities of the Italian Judicial Police," Journal of Forensic Sciences 221-226 (Jan. 1979). See also Appendix III of Pisano, supra note 1.

their reports exclusively through their superiors to the directors of the pertinent services, who will in turn report to the Ministers of Defense and of the Interior, respectively, as well as to the Prime Minister.

The directors of the intelligence and security services must also provide the jurisdictionally competent organs of the judicial police with information and evidence on matters that could constitute criminal offenses. The performance of this duty may be delayed only with the explicit consent of the Prime Minister, when such delay is strictly necessary for performing institutional functions of the intelligence and security services.

All officers and agents of the judicial police are obliged to cooperate fully with the intelligence and security services.

Law No. 801 specifically repeals all regulations and/or internal directives contrary to its provisions. It also prohibits the performance of any intelligence or security activity outside the instrumentalities, procedures, competences, and objectives called for by this law.

4. New regulations on state secrecy. The matter of state secrecy is also regulated by Law No. 801. This law imposes the designation "state secret" on all acts, documents, information, activities, and other matters whose disclosure is capable of damaging

the State and its international agreements. The law excludes from the "state secret" those events directed at subverting the constitutional order.

Law No. 801 further imposes upon all public officials the duty to abstain from testifying on matters covered by state secrecy. If the prosecuting authority does not consider the pertinent matter subject to state secrecy, it questions the Prime Minister, who must reply within 60 days whenever he intends to uphold the "state secret" designation.

The Prime Minister must inform each Parliamentary Chamber and the Parliamentary Committee every time he imposes state secrecy and must briefly provide basic justification. If the absolute majority of the Parliamentary Committee does not consider the upholding of state secrecy warranted, the committee reports to each Chamber for the necessary political evaluations.

General Observations on the Reform Law

The report of the Special Committee that examined the various bills introduced in the Parliament before the passage of Law No. 801 reflects that Italy has relied on the experience and intelligence models of other allied and democratic countries.[3/] The

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3/ Atti Parlamentari, Camera dei Deputati, VII Legislatura, Documenti, Disegni di Legge e Relazioni, N. 696-385-1033-1086-1087-A, Relazione della commissione speciale concernente istituzione e ordinamento del servizio per la informazione e la sicurezza.

innovative measures incorporated into the new intelligence and security law will be conditioned, however, by the peculiarities of the Italian system of government and by the complex workings of Italian politics.

This conditioning is likely to be most pervasive in regard to governmental and parliamentary oversight. For one thing, the operational effectiveness of the newly restructured Italian intelligence and security services could become directly proportional to the stability of the government.[4/] A recurrence of the endemic governmental crises of the past could easily paralyze the functioning of these services. Malfunction or even paralysis could result from possible events ranging from too-frequent dismissals and new appointments of administrative heads of CESIS, SISMI, and SISDE, to changes in intelligence and security policy following the formation of new parliamentary majorities and/or the succession of each Prime Minister and cabinet.

4/ For a concise survey in English of the structure and operation of Italian government and politics, see Pisano, supra note 1, at 2-12. The present government is Italy's thirty-first under the Republican Constitution of 1947. At this writing, however, Italy is undergoing another governmental crisis which will lead to the formation of its thirty-second government and possibly to early parliamentary elections. Neither the composition of the next government nor the outcome of the elections--if called--can be predicted.

To date, the Prime Minister has always been a Christian Democrat. But even if this trend were to continue--and possibly serve as a stabilizing force--the position of the Prime Minister with regard to these services will still be conditioned by the Interministerial Committee on Intelligence and Security established by Law No. 801. The composition and powers of this committee could create difficulties for the proper functioning of the services, especially under coalition governments. Because of Italy's record of them, one can expect the Interministerial Committee to include, in most cases, ministers from different parties whose ideologies and platforms may be discordant. It is not inconceivable that the two most important members of the Interministerial Committee--the Minister of Defense and the Minister of the Interior--may belong in the future to parties as far apart as the Christian Democrats and the PCI.

Similar reservations may be expressed in regard to the newly established parliamentary committee, which exercises oversight. This committee consists of four deputies and four senators appointed by the speaker of each Chamber in proportion to party representation. In fact, the current committee membership

includes four Christian Democrats, three Communists, and one Socialist.[5/]

The extensive membership of the Interministerial Committee and the Parliamentary Committee and the diversified party affiliations of committee members also raise the possibility of unauthorized disclosure of classified information and proceedings. In this connection, many political experts and ordinary observers reject or cast doubt on the new image of the PCI, especially with respect to its recent NATO commitment.[6/]

Moreover, the fact that the government must also report semi-annually to the Parliament on intelligence and security policy

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5/ The parliamentary oversight committee was instituted on December 13, 1977. Membership is as follows: Deputies Ricci, D'Alessio (PCI), Gava, Pennacchini (Christian Democrats), Senators Coco, D. Lombardi (Christian Democrats), Pecchioli (PCI), and Cipellini (Socialist). Pennacchini is Chairman, Pecchioli Vice-Chairman, and Cipellini Secretary. As the committee membership has been fixed at eight by Law No. 801, the mathematics of proportional representation, also called for by that law, has excluded the remaining nine parties represented in the Parliament. See G. Arena, "Le attribuzioni del Parlamento in materia di servizi per le informazioni e la sicurezza in Italia e negli Stati Uniti," Rivista Trimestrale di Diritto Pubblico, N. 2, 1978.

6/ The position of the PCI on past and present issues is well recorded in A. Rizzo, La frontiera dell'eurocomunismo (Roma-Bari, 1977). For past and current PCI attitudes on NATO, see J.E. Dougherty and D.K. Pfaltzgraff, Eurocommunism and the Atlantic Alliance (1977); V.S. Pisano, Italy: "Historic Compromise" or Political Impasse? (London, 1978).

and its results, involves virtually the entire Council of Ministers and all of Parliament in sensitive matters falling under intelligence and security.

A recent comparative study between Italian parliamentary oversight and U.S. congressional oversight of the respective intelligence communities points out a fundamental difference. In the Italian case, oversight serves the sole purpose of providing parliamentary surveillance over national intelligence and security activities. In the American case, instead, the legislative branch is not only a controller, but also a user of the intelligence product. According to the author of that comparative study, the latter system engenders a full appreciation of the intelligence function and therefore a better relationship between the intelligence community and the legislator.[7/]

The second innovation introduced by Law No. 801--the separation of intelligence and security functions--brings Italy even closer to the system adopted in other countries. In Italy's case, the success of this innovation will depend on the degree of cooperation between SISMI and SISDE and between the Ministers of Defense and of the Interior. It will also depend on the overall

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7/ Arena, supra note 5, at 510, 516-518.

stability and homogeneity of the government. The functions of the two services are also likely to overlap each other, particularly because of the threat currently posed by domestic terrorism--which may have foreign links--and by agents of foreign terrorist organizations operating against foreign targets located on Italian territory.

The additional separation of the intelligence and security services from the judicial police is also in keeping with foreign models. This innovation of Law No. 801 may have two drawbacks, however. First, the change requires a high degree of cooperation between the services and the various national police forces. It could happen, instead, that this separation will create a form of bipolarization with SISMI and the Carabinieri on one side and SISDE and the Public Security Corps on the other. Moreover, a certain degree of flexibility will be lost, and occasions for security leaks will be increased.

The regulation of state secrecy by the new law may result in friction between the Prime Minister and the supporting parliamentary coalition or other sectors of the Parliament. This would contribute to upsetting the generally precarious equilibrium of Italian politics.

In conclusion, the major shortcoming may be that the new intelligence/security system and structure could impose political

rather than technical restrictions or courses of action on the Prime Minister. This would be detrimental to the institutional functions and efficiency of these services. Obviously, much will depend on the implementing regulations pursuant to Law No. 801, which may be able to insure standard operating procedures of an objective nature despite the workings of Italian politics.[8/]

Implementing Regulations

Although no single organic regulation has been issued to date for the implementation of Law No. 801, individual measures have been adopted. Their full contents have not been disclosed; however, references to these measures appear in the first semi-annual Report of the Prime Minister (President of the Council of Ministers) to the Parliament covering the period November 22, 1977, to May 22, 1978.[9/]

According to the Report, CIIS held several meetings during that semester. At these meetings, guidelines were provided on the tasks of CESIS, SISMI, and SISDE, on the functions of the Secretary

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8/ This section is an update of Pisano, supra note 1, at 29-34.

9/ Atti Parlamentari, Camera dei Deputati, VII Legislatura, Doc. LI n. 1, Relazione sulla politica informativa e della sicurezza e sui risultati ottenuti - semestre 22 novembre 1977-22 maggio 1978. Comunicato alla Presidenza il 21 luglio 1978.

General of CESIS and of the Directors of SISMI and SISDE, and on the enforcement of State secrecy. The Report provides a few details--albeit minimal--on the following.

1. CESIS. On January 30, 1978, the President of the Council of Ministers issued a decree regarding the composition of CESIS; it now includes the Chief of Staff of Defense, the Chief of Police, the Secretary General of the Ministry of Foreign Affairs, the Commanding General of the Arma dei Carabinieri, the Commanding General of the Finance Guard, the Directors of SISMI and SISDE, the Chef-de-Cabinet of the Council of Ministers, and the Secretary General of CESIS. Moreover, the same decree empowers each of the first five committee members listed above to designate a permanent representative. It also empowers the President of the Council of Ministers to summon the committee members as well as representatives of other ministries or public entities whenever the subject matter of the discussion requires their presence.

On May 30, 1978, the President of the Council of Ministers issued another decree regarding the structure and functions of CESIS. Pursuant thereto, CESIS evaluates intelligence information provided by SISMI and SISDE; makes recommendations to the President of the Council of Ministers regarding the coordination of SISMI and SISDE and of the former two with other administrations, as well as possible jurisdictional conflicts; determines foreign intelligence

and security services with which SISMI and SISDE may establish contact and coordinates the pertinent relations; submits to the President of the Council of Ministers proposals regarding the intelligence and security policy to be executed by SISMI and SISDE; and imparts directives for the utilization of intelligence information.

In accordance with the same decree, the Secretary General of CESIS is answerable before the President of the Council of Ministers for the actions of the committee; sees to the execution of the resolutions of the committee; and issues directives relating to the classification and storage of documents in the general archives which are subject to his authority.

Moreover, the Office for Internal Security (USI), formerly operating within SID, has been reestablished under the Secretary General of CESIS, but it is not clear from the Report whether this has been done pursuant to a third decree or to the January 30 decree referred to above.

The Report also states that on May 5, 1978, Prefect 1st Class Dr. Walter Pelosi was appointed Secretary General of CESIS.

2. SISMI. A provisional decree regarding the structure of SISMI was issued by the Minister of Defense on January 30, 1978, and was followed by a definitive decree on May 30, 1978. Although the Report is particularly laconic in this regard, it does state

that these decrees were issued in strict compliance with SISMI's institutional purpose, which the Report in paraphrasing Law No. 801 defines as the "defense of the independence and integrity of the State at the military level."

The Report also states that on January 31, 1978, Army Lieutenant General Giuseppe Santovito was appointed Director of SISMI.

3. SISDE. The structure of SISDE was established by decree of the Minister of the Interior of May 6, 1978. In this regard, the Report is equally brief, and it again stresses the relationship of SISDE's structure to its institutional purpose as defined by Law No. 801.

The Report indicates that on January 13, 1978, Carabinieri General Giulio Grassini was appointed Director of SISDE.

With respect to all three organizations--CESIS, SISMI, and SISDE--the Report treats in some detail the general administrative status of assigned personnel.

4. State secrecy. The Report indicates that each minister has been made responsible for the safeguarding of State secrecy within his specific jurisdiction on the basis of the directives imparted by the President of the Council of Ministers.

Although the Report was submitted to the Italian Parliament on July 21, 1978, public copies were not made available until recently. Meanwhile, the second semi-annual Report, covering the period May 22-November 22, 1978, was presented by the Prime Minister to the Parliament. At this writing, copies of the latter Report are not yet available. Abstracts of the Report published by the press[10/] do not reflect any additional measures for the implementation of Law No. 801. Press accounts refer, instead, to reported intelligence and security operations.

Speculation over a Possible Reform Amendment

In the course of an interview held on May 23, 1978, Defense Minister Attilio Ruffini was queried about the advisability of having two secret services, one for intelligence and the other for security. He replied that:

> ...[t]he Government would have preferred a single service, but Parliament decided on two autonomous services. It seems pointless to me to discuss that decision now. The important thing is to implement the law and to make the services

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10/ See Il Tempo, Jan. 12, 1979 (Roma), p. 8.

> work. If, after a few years, errors are observed, steps will be taken to change it.[11/]

In saying this, the Minister was not obviously disclosing any secret, since among the various intelligence reform bills the one submitted by the Government had ostensibly called for a single intelligence/security service.

Moreover, a careful reading of the first semi-annual report submitted by Prime Minister Andreotti to the Parliament might reveal a subtle criticism regarding the dichotomy between SISMI and SISDE, which has necessitated the creation of a third organ, CESIS, to coordinate the two.[12/] Andreotti also headed the previous Government, which had submitted the single agency proposal.

The media are in fact speculating over a possible return to the unitary intelligence and security system. A publication considered by some observers to be well informed on defense matters has stated that:

> ...thirteen months after the "reform" [the security services] continue to grope in the dark. One [of them], SISMI, lives one day at a time trying to justify its existence. The other, SISDE, is completely adrift. Between the two,

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11/ Corriere della Sera, May 23, 1978 (Milano), p. 1.

12/ Relazione, supra note 5.

the "coordinator," i.e., CESIS, struggles over the impossible task of "coordinating nothingness." But things will not go on this way much longer. If Andreotti manages to hold on to his saddle [a reference to his position as Prime Minister], even if by succeeding himself [becoming the head of yet another government], he intends to re-unify the two security services...[13/]

The weekly L'Espresso has further stated that:

...it is necessary to return to a single service. This thesis has always been favored by Andreotti and even by Cossiga before he became Interior Minister. Now the unification front is broadening because even Santovito [Director of SISMI] and many functionaries of the Ministry of the Interior think along this line. Therefore it is possible that 1979 might see on stage the reform of the secret services reform.[14/]

At this writing, however, no amendment has been introduced in either Chamber of Parliament.

13/ AIPE, Jan. 2, 1979 (Roma), p. 5-6.

14/ L'Espresso, Jan. 7, 1979 (Roma), p. 13.

Chapter V

COUNTERING TERRORISM: MEASURES AND PROBLEMS

Legislation

Neither terrorism nor political violence is defined in the Italian Criminal Code or in the complementary criminal statutes.[1/] However, several titles of Book II of the Code contain sufficiently detailed provisions to punish any act of terrorism or of political violence.

Title V on Felonies Against Public Order defines and punishes instigation to commit crimes, public instigation to disobey the laws, conspiracy, abetting conspirators, destruction and pillage, attempts against public utilities, and public intimidation.[2/] Title VI is likewise applicable to Felonies Against Public Safety, including massacre; arson; flooding; the causing of landslides, avalanches, shipwrecks, and air and railroad disasters; as well as attempts against transports, electrical and gas power stations, and public means of communication; the causing of epidemics; and the poisoning of water and food supplies.[3/] Title II on Felonies Against the Public

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1/ G. De Matteo, Codice per la polizia (Milano, 1978). Subsequent references to articles in this section relate to the Criminal Code herein, unless otherwise specified.

2/ Arts. 414-421.

3/ Arts. 422-441.

Administration includes violence or threats against public officials; resistance to or interference with the duties of public officials; and violence or threats against a political, administrative or judicial body.[4/] Titles XI and XII, entitled Felonies Against Persons and Felonies Against Property, cover practically all remaining possibilities ranging from homicide to kidnapping to robbery, regardless of political or common criminal motivation.[5/] Pursuant to Law No. 191 of May 18, 1978, an article has been introduced into the Criminal Code increasing the penalties for abductions motivated by "terrorism or subversion of the democratic order."

Again, although silent on terrorist or political motivation, the Criminal Code punishes acts that are instrumental to terrorist conspiracies and activities. Title VII, also part of Book II, on Felonies Against Public Faith, penalizes counterfeiting, falsification, and the unauthorized use of deeds exacting full faith and credit. Book II of the Code covers a number of misdemeanors which might easily be committed by terrorists in the course of their activities, such as refusal to furnish one's identity, unlicensed

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4/ Arts. 336-345.

5/ All felonies of this nature are governed by arts. 575-649.

printing activities, dissemination of clandestine literature, and unauthorized possession of weapons.[6/]

The provisions of Book II of the Criminal Code include Title I on Felonies Against the Personality of the State. Title I is applicable not only to terrorist acts committed by citizens or aliens under Italian jurisdiction, but also to activities entailing linkage with patron states. This Title covers crimes such as bearing arms against the State; entering into an understanding with a foreign power to move to war against the State; destruction or sabotage of military works; espionage; instigating the military to disobey the laws; subversive propaganda; attempts against the Constitution; armed insurrection; civil war; unauthorized recruitment or arming [of forces] on behalf of a foreign power; political conspiracy; and establishing an armed band.[7/]

With specific regard to aliens, the Consolidation Act on Public Security calls for their registration with the police authorities. The Act also requires employers, landlords, transferors of

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6/ All such felonies are dealt with in arts. 467-498. Arts. 650-734 govern misdemeanors.

7/ Arts. 241-312.

real estate, and hosts with alien guests to advise the police authorities of pertinent juridical relations with aliens.[8/]

The above-cited Law No. 191 has introduced a term of 48 hours within which landlords, transferors of real estate, and hosts must give the appropriate notice to the police authorities. This Law also requires that the police authorities be notified of all sales contracts and leases stipulated after June 30, 1977. The provisions of Law No. 191 apply to both citizens and aliens. These measures are obviously intended to contain terrorism. The same purpose is served by another provision of Law No. 191 empowering the police to detain anyone who refuses to identify himself. There is, however, a time limit of 24 hours.[9/]

Most observers have expressed the view that ordinary measures such as the ones indicated above are sufficient to combat common crime, political violence, and even terrorism, provided that they are properly applied. Extraordinary measures, however, are also available for cases of "urgent necessity." In such cases, the Council of Ministers is empowered to pass, on its own responsibility, decree laws. These, however, must be converted into law within 60 days by

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8/ Consolidation Act on Public Security Laws, arts. 261-266 in De Matteo, supra note 1.

9/ Le Leggi, Fascicolo 10-1978, at 532-534 (Edizioni Foro Italiano, Roma).

the Parliament to remain in force beyond that term.[10] Law No. 191 cited above was first adopted in this manner and was later converted into law with amendments.[11] The prefects, who represent both the Government and the Ministry of the Interior in the provinces, are also empowered to adopt special measures in cases of "public danger." The "state of public danger" is decreed by the Minister of the Interior with the consent of the head of the Government or by each prefect upon delegation of the Minister of the Interior.[12]

Intelligence Collection

The need for intelligence on the terrorist groups operating in Italy is obviously an undeferrable priority. At the same time, however, it would appear that intelligence collection has been rendered more difficult by the intelligence reform of 1977.

It was noted in the previous chapter that certain categories of persons have been barred from permanent or even occasional employment by the restructured Italian intelligence and security services: members of Parliament; regional, provincial, and municipal

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10/ Constitution of the Republic of Italy, art. 77, in De Matteo, supra note 1.

11/ Decree Law No. 59 of March 21, 1978, Gazzetta Ufficiale della Repubblica Italiana [G.U.] No. 80, March 23, 1978, p. 2141-2143.

12/ Consolidation Act on Public Security Laws, arts. 214-216 in De Matteo, supra note 1.

councilors; magistrates; clergymen; professional journalists; and individuals whose record does not guarantee fidelity to democratic and institutional principles. Given the scope and purpose of intelligence, the so-called secret services of all nations have traditionally relied on such well informed--albeit not always scrupulous--sources as those indicated above. The prohibition against the operational employment of these sources and the resultant decrease in information are likely to downgrade intelligence collection.

Another hinderance may have been created by article 10 of the reform law, which prohibits the performance of any intelligence or security activity outside the instrumentalities, procedures, competences, and objectives called for by the new law.

This obstacle is perceived to be twofold. In the first place, it is felt that the nature of the intelligence function often requires the pertinent services to operate in spheres that border on the "gray areas" of legality. If such maneuvering space is placed off limits, a further downgrading of intelligence collection may ensue.

Secondly, a rigid interpretation of article 10 could bar even the major police forces--Carabinieri, Public Security (Pubblica Sicurezza), and Finance Guard (Guardia di Finanza)--from the autonomous collection of intelligence. Many experts cannot understand how

any police force whose institutional functions entail the prevention and repression of criminal conduct could fulfill its duties without gathering pertinent intelligence relative to its sphere of action. A dearth of police intelligence would be particularly damaging at this time because of mounting terrorist activity, which entails both political and common crimes.

A more viable interpretation of article 10 is the one which would construe police intelligence gathering as complementary to intelligence collection by SISMI and SISDE. The resources available to, and methods employed by, the police forces would at any rate differ in most cases because of the distinction between the roles of the intelligence and police communities.

Another encumbrance to intelligence collection is thought to have been established by article 17 of Law No. 382 of July 11, 1978, on the Basic Norms of Military Discipline.[13/] The first paragraph of this article prohibits "the use of intelligence files for the purpose of political discrimination against servicemen." While the intent to bar political discrimination is deemed undoubtedly laudable, the term "political discrimination" may conceivably become the object of partisan interpretation to benefit subversive elements or their sympathizers or abettors. Moreover, the wording of the

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13/ G.U. No. 203, July 21, 1978, p. 5235-5239.

second paragraph, which relates to subversives, does not specify beyond a doubt whether such individuals are excluded from an intelligence-oriented background investigation or barred from having access to sensitive information. Logically, however, the only suitable interpretation to this paragraph would indicate that known subversives are not to be considered for positions entailing a security clearance. If this interpretation is accepted, then the second paragraph of article 17 mitigates the rigor of the first paragraph.

Infiltration

Infiltration of criminal organizations by the police is not regulated by statutes, nor are infiltration techniques discussed in Italian police manuals. It is a fact, however, that criminal as well as subversive groups have been infiltrated in the past by either the Italian police forces or the intelligence services.[14/] Infiltration operations are generally seen as falling under the

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14/ Corriere della Sera, Jan. 23, 1978 (Milano), p. 2. With respect to infiltration of the BR in particular, the Girotto case was covered in Chapter II. Another case could be that of Marco Pisetta; there is some doubt whether Pisetta was an infiltrator or a mere informer. See R. Cantore et al., Dall'interno della guerriglia 63-64 (Milano, 1978) and V. Tessandori, Br imputazione:banda armata 362-364 (Milano, 1977).

purview of state secrecy. Law No. 801, as previously observed, circumscribes the "state secret" which prior to the intelligence reform was referred to by the Code of Criminal Procedure as the "political-military secret."

It is believed, however, that no infiltration operations against terrorist groups are being conducted at the present time. Various explanations are offered for this. One problem appears to be that of recruitment. There is an alleged lack of individuals--especially within the police forces--who are educationally, culturally, and temperamentally suited to infiltrate groups such as the BR, which constitute almost a society within a society, because of their rhetoric, code of conduct, and objectives.[15/] Another dissuasive factor is reportedly constituted by the realization that the mechanics for the application of state secrecy by the executive branch of government to infiltration operations are too slow or inadequate to protect the identity and conduct of would-be infiltrators. A parallel problem is apparently generated by the uncertainty at this time as to the exact chain of command and the actual allocation of responsibility for the direction of operations

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15/ Emilio Santillo, formerly in charge of counterterrorist operations and later appointed Deputy Chief of Police (Ministry of the Interior), is reported to have confirmed the nonexistence of personnel capable of infiltrating the BR, Panorama, Apr. 19, 1978 (Milano), p. 55.

of this nature. Then too, organizations such as the BR are believed to require recruits to prove themselves by perpetrating criminal acts before being fully accepted into the organizational ranks.[16/] This would require the infiltrators to violate the law in order to acquire credibility.

Three members of the parliamentary committee for the oversight of the intelligence and security services were interviewed in January of 1978 regarding infiltration of terrorist groups.[17/] Their comments shed some light on committee attitudes concerning this problem.

Erminio Pennacchini, a Christian Democratic Deputy and Chairman of the committee, is reported to prefer "other espionage methods, such as recourse to electronic devices." In response to a query regarding justification for infiltrators who must commit a crime *in order to acquire credibility and information*, he replied:

> The law places the interest of the State above every other situation, even in those situations which entail involvement in certain crimes. The law must be applied, but it will be an extremely difficult task--primarily for

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16/ Corriere della Sera, supra note 14 and id.

17/ All interviews translated below are quoted from Corriere della Sera, supra note 14.

the operating services and then for the oversight committee--to establish where and when the interest of the State begins in certain difficult situations. If a vital State interest were connected to an action, a conflict would emerge between my conscience as a jurist and my responsibility as Chairman of the oversight committee. If I were certain, however, that the behavior of an agent was determined by the necessity--given no alternative--to save the life of the State, I would feel like approving the action of the services and therefore protect the secret agent and his action. Watch out, however, for licenses to kill.

The following position was taken by Communist Deputy Raimondo Ricci:

It is not admissible that the principles of our [legal] order be overstepped by the secret services. It is not possible to issue licenses to kill or, at any rate, to commit crimes. Certainly, the concrete necessity to safeguard vital State interests may arise with the concomitant necessity to resort to actions which ordinarily constitute a crime, but are no longer [a crime] at the moment when they become an undeferrable necessity.

Moreover, with respect to the protection to be afforded to an infiltrator, Ricci replied that:

> ...protection is provided by the same principles of the law according to which certain crimes are no longer such when the motivation is drawn from the preeminent criterion of safeguarding the State. This is part of the concepts of fulfilling a duty, of the state of necessity, and of legitimate defense. Obviously, the "crimes" of the infiltrator must be assessed on a case-by-case basis. There must be a ratio between the action he undertakes and the interest and the purpose which he defends. The agent who infiltrates a subversive organization would be defended both by the correct management of State secrecy and by the general principles of the [legal] order, should his action become known.

The last interviewee was Socialist Senator Alberto Cipellini, a veteran of the Resistance movement. He stated that:

> [it] was a type of warfare which did not allow hesitation in the interest of liberty. The secret services will use methods that are not always legitimate, but it would be an exaggeration to transform the agents into "P 38 wielders" [a weapon favored by violent fringes of the extra-parliamentary Left] just because they must obtain a license of credibility. It would be a method outside every moral norm

> and the consequences would have to be paid by those who adopt such methods, starting with those in charge of the [secret], services, to CESIS, all the way to the others who are higher up. No citizen must walk lame or be robbed in the supreme interest of the State. A respectable police force can defeat terrorism without infiltrators.

On the basis of the foregoing, one might conclude that there is an apparent absence of clear-cut guidelines regarding the employment of infiltrators and the legal consequences that might ensue from infiltration operations. If the situation is indeed such as it appears to be, the problem of recruiting infiltrators is not near any easy solution.

Wiretap Measures

Wiretap measures are governed by article 226-bis and following of the Code of Criminal Procedure and article 5 of Law No. 98 of April 8, 1974, as amended by Decree Law No. 59 of March 21, 1978, as converted into law by Law No. 191 of May 18, 1978.

The interruption and the interception of telephone, cable, and other wire or electronic communications are the exclusive function

of the judicial police, pursuant to the authorization of the competent judicial authorities. Authorization is granted only in the case of:

1) crimes not involving negligence punishable by confinement extending beyond five years;

2) crimes relating to drugs;

3) crimes relating to weapons and explosives;

4) crimes relating to contraband;

5) crimes relating to insults, threats, molestation and harassment directed at persons through the use of the telephone.

The Code of Criminal Procedure does not authorize, however, the interception of conversations or communications of a defense counsel, of technical consultants, or of their assistants, in the course of proceedings in which they perform professional tasks.

A wiretap authorization must be granted by decree, containing a justification therefor, issued by the prosecutor or investigating judge having jurisdiction where the investigation is in progress. The authorization is contingent upon either probable cause or necessity to produce pertinent evidence not otherwise obtainable.

The decree must indicate the modalities and the duration of the wiretap operations, which cannot last beyond 15 days, unless judicially extended for subsequent periods of 15 days each. The

Code requires that the justification for the extension be incorporated in another judicial decree subject to the same conditions laid out for the granting of the original authorization.

The amending legislation has introduced the possibility of granting oral authorizations for wiretap operations, provided they be confirmed in writing as soon as possible.

Executed wiretap operations must be registered in a special ledger. Whenever the authorization is granted orally, a record thereof must be immediately entered into the above-mentioned ledger.

The Code further requires that wiretap operations be conducted from installations located within the offices of the prosecutor. Until such time as these installations are set up, the pertinent operations can be conducted from public utility installations. In cases of emergency, moreover, the Code allows wiretap operations from judicial police offices, pursuant to the authorization of the prosecutor or investigating judge.

A record must be drawn up of all details pertinent to the wiretap operations, and the recordings of the intercepted communications must be sealed in a container. Both of the above must then be transmitted to the prosecutor or investigating judge who authorized the operations. Both documents are subsequently filed with the secretariat of the prosecutor or the chancery of the investigating judge, and notice thereof is sent to the defense counsel of suspects or defendants.

Finally, the Code allows the prosecutor having jurisdiction in the area where wiretap operations are contemplated to authorize wiretapping at the request of the Minister of the Interior. The Minister may delegate requesting authority to the prefects, to the commanding officers of the Carabinieri groups and Finance Guard groups, and to other functionaries or officers in charge of a task or of an operational unit. The standard requirements and modalities discussed above must be complied with in this case as well. Evidence acquired under such circumstances can be used, however, only for the continuance of the investigation and thus has no relevance in judicial proceedings.

The wiretap legislation ostensibly assigns wiretap operations to the officers of the judicial police. It can therefore be assumed that personnel of the intelligence and security services are barred from conducting such operations independently. Moreover, the other requirements pertaining to judicial supervision apparently foreclose any operational latitude.

A press article of June 27, 1978, reported that by July 10 of the same year the office of the Rome prosecutor (Procuratore della Repubblica) was to be equipped with 30 wiretapping devices. Each device was expected to operate with tapes that could record up to four hours of conversation. The article also indicated that the

listening shifts to be set up in the office of the prosecutor would be manned by Carabinieri, Public Security, and Finance Guard personnel.[18/]

A subsequent article on November 8, 1978, reported that wiretapping as of that date is conducted by personnel whose assignment to these operations is only temporary and consequently lack familiarity with the overall investigations. According to the article, even the investigating magistrates do not have the possibility of coordinating their findings with other offices. Allegedly, members of the judiciary have therefore recommended the institution of a computerized central data bank and the merging of investigations on organized crime (BR, mafia, kidnapping rings, etc.) into unitary judicial offices, one for northern, one for central, and one for southern Italy.[19/]

Police Escorts

Following the massacre, on March 16, 1978, of the five-man escort assigned to the late Aldo Moro, polemics have erupted over the usefulness of police escorts. At the same time, however, requests for personal security measures have increased throughout Italy. In

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18/ Il Tempo, June 27, 1978 (Roma), p. 5.

19/ Il Settimanale, Nov. 8, 1978 (Roma), p. 24.

fact, a number of private companies are making booming profits by providing escorts, which in some cases are considered to be a status symbol.[20/]

In many circles, escorts are criticized as being useless. In point of fact, in addition to the Moro affair, one might recall the Coco case in 1976 and the Calvosa case in 1978. In the two latter instances, both personalities were shot to death together with their two-man escorts.

The Chairman of the Interior Committee (police matters) of the Chamber of Deputies, Republican Party member Oscar Mammi, stated at the end of 1978 that:

> ...escorts are useless.... They have become even more useless after the Moro affair, since I do not believe that political figures risk [any longer] the possibility of abduction. The BR, having failed to obtain negotiations over Moro, cannot hope that the State will negotiate over other political figures. Therefore the attack [pattern] against political figures may follow the technique used in Dallas against Kennedy and, with respect to this, escorts serve no purpose. Consequently escorts for political figures should be abolished, since they constitute an expenditure of energy and means, do

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20/ Il Giornale Nuovo, Apr. 1, 1978 (Milano), p. 20.

not protect what they are meant to protect, and place other lives in danger, as demonstrated by the attack against the patrolmen keeping the residence of the Hon. Galloni under surveillance [see Chapter II, supra]...[21/]

According to one press report, "a few thousand" men belonging to the various police forces are employed throughout Italy for escort and protection duties. The same source states that in Rome alone over 1,000 men are assigned around the clock to the protection of over 100 politicians, union leaders, magistrates, and journalists, as well as their offices and dwellings. Allegedly, 400 men carry out escort functions, 100 guard private dwellings, and the rest public buildings. Moreover, there are reportedly 120 bullet-proof limousines for VIP security throughout Italy, 40 of which are utilized in Rome.[22/]

The problem of assigning protection to thousands of probable or possible terrorist targets is obviously not a minor one. The variety of targets selected by the BR and by their emulators throughout the decade practically excludes the possibility of drawing up priority lists. It seems, moreover, that the shortage of police personnel results in a haphazard scheme for assignments to

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21/ Il Tempo, Dec. 24, 1978 (Roma), p. 7.

22/ Panorama, Jan. 9, 1979 (Milano), p. 45.

escort duty (similar to the practice in wiretapping), thus rendering specialized training and operational efficiency more difficult. An additional problem appears to be that of low morale among personnel assigned to this type of duty. The lack of hazardous duty allowances contributes to the overall problem.[23/]

Coordination

The necessity of defeating terrorism has emphatically raised the need for coordination of the various forces available for this purpose.

At the national level, Italy has five major police forces: 1) Arma dei Carabinieri - CC; 2) Corpo delle Guardie di Pubblica Sicurezza - PS (Public Security Police); 3) Guardia di Finanza - GF (Finance Guard); 4) Corpo degli Agenti di Custodia - AG (Confinement Police); and 5) Corpo Forestale dello Stato - CFS (Forestry Police). Throughout the national territory, all five perform judicial police functions under the supervision of the judiciary and public order functions under the direction of the Ministry of the Interior. Each force, moreover, has its own structure and individual functions. In this respect, each is subordinate to a different ministry

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23/ For various considerations over escort duties, see supra notes 20, 21, and 22. For personnel and equipment shortages in the Carabinieri, see Il Tempo, Dec. 20, 1978 (Roma), p. 5.

(department): CC - Ministry of Defense; PS - Ministry of the Interior; GF - Ministry of Finance; AC - Ministry of Justice; and CFS - Ministry of Agriculture and Forestry.[24/]

In cases of emergency, military units have been mobilized in support of the police forces. Two major instances which required this type of support include the anti-insurgency operations after the attempt on the life of the then PCI Secretary General, Palmiro Togliatti, on July 14, 1948,[25/] and the search operations after the abduction of Aldo Moro on March 16, 1978. Resort to this supporting role can be expected in the future should the need arise.

For purposes of public order, including riot control, public security, and crime prevention measures, the direction and coordination of the police forces--exceptionally implemented by

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24/ For a description of the structure and functions of the Ministry of the Interior and of the national police forces, see G. Landi et al., Manuale di diritto amministrativo 328-362 (Milano, 1971). For the structure and operations of the judicial police, see G. Leone, Manuale di diritto processuale penale 343-349 (Napoli, 1975). For an English treatment of the foregoing, see V.S. Pisano, A Study of the Restructured Italian Intelligence and Security Services Appendix III (Washington, D.C., 1978) and "The Organization and Responsibilities of the Italian Judicial Police," Journal of Forensic Sciences 221-226 (Jan. 1979).

25/ For the forms of employment of the military forces during the Communist-inspired disorders of July 1948, see W. Tobagi, La rivoluzione impossibile (Firenze, 1978).

military units--are institutionally exercised at the national level by the Ministry of the Interior. In each of the 94 provinces, these functions are the responsibility of the prefect, who is assisted by a questore (police superintendent). Both prefects and police superintendents are civilian officials of the Ministry of the Interior.

Counterterrorism operations have involved and can be expected to continue to involve all police forces. However, because current terrorism is a peculiar form of organized crime that extends throughout the Italian peninsula and possibly beyond because of suspected foreign links, it requires additional countermeasures outside the normal scope of public order and judicial procedures.

Specialized units within the CC and the PS have traditionally existed for the purpose of investigating and combatting subversion and other political crimes. These units or offices have frequently been subjected to changes in name, but have retained a basic continuity. The increased terrorist menace and the need for new methods and structures to counteract it may be among the contributing factors which have led the Ministry of the Interior to reorganize counterterrorist structures in January of 1978. In each questura (the police headquarters of each province) the former political crimes investigative offices have been replaced by the Divisione per le Investigazioni Generali e le Operazioni Speciali (Division for General Investigations and Special Operations - DIGOS)

under the supervision of the police superintendent. The operations of the DIGOS are coordinated by the Ufficio Centrale per le Indagini Generali e le Operazioni Speciali (Central Bureau for General Investigations and Special Operations - UCIGOS) of the Ministry of the Interior. Reports from the DIGOS are forwarded to UCIGOS. One press report indicates that among other duties, UCIGOS is responsible for operations in the event that hostages are taken in the course of a highjacking.[26/]

The media have occasionally made mention of specialized units of the Italian armed forces that could be assigned anti-terrorist roles during emergencies because of their training and expertise in unconventional types of warfare. Two units whose special capabilities have been singled out for this purpose are the saboteur battalion organic to the airborne brigade of the Army and the commando raiders of the Navy.

The final elements available for counterterrorist operations are SISMI and SISDE as coordinated by CESIS. Insofar as none of these intelligence/security services can perform judicial police functions, their operations are often likely to require cooperation from the major police forces and hence the additional need for coordination.

26/ Corriere della Sera, Feb. 21, 1978 (Milano), p. 1.

The recognized urgency for overall coordination of the police forces and intelligence/security services and for specific coordination of the investigation of the Moro affair led the President of the Council of Ministers (Andreotti) and the Minister of the Interior (Rognoni), in concert with the Minister of Defense (Ruffini) to assign this responsibility to Carabinieri Major General Carlo Alberto Dalla Chiesa in August of 1978. He has been entrusted with "special operational tasks for which he will be directly responsible to the Minister of the Interior."[27/]

The appointment of a coordinator should prove particularly useful at this time, since it appears that at least SISDE is not as yet fully operational, as reflected by the semi-annual reports of the President of the Council of Ministers to the Parliament on the intelligence/security services and by various press articles.[28/] General Dalla Chiesa's record has generated much praise. He is credited with having restored order in Italy's troubled prisons and with having captured the leaders of the "historic nucleus" of the BR. He is also reported to possess very efficient information sources of

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27/ For details and commentary on the appointment of Gen. Dalla Chiesa, see Il Giornale Nuovo, Aug. 12, 1978 (Milano), p. 13; Il Tempo, Aug. 12, and 24, 1978 (Roma), p. 13 of both issues; La stampa, Aug. 12, 1978 (Torino), p. 2.

28/ See semi-annual reports cited in Chapter IV. See also L'Espresso, Jan. 7, 1979 (Roma), p. 12-13.

his own, developed in the course of his varied law enforcement career.[29/] In fact, the blows inflicted upon the BR and Front Line during the latter part of 1978--as discussed in Chapter II--appear to be the work of the General.

Concern over the intensification of common and political violence has led the President of the Republic (Sandro Pertini, elected in July 1978) to create yet an additional position. In September he appointed General Arnaldo Ferrara, former Deputy Commanding General of the Arma dei Carabinieri, as "counselor of the President of the Republic for problems relating to democratic order and security." It is the first time that such an appointment has been made.[30/]

Concluding Observations

Despite the demonstrated proficiency of the Italian terrorist bands, especially those that identify themselves with communism, Italy's statutory and police mechanisms are deemed technically capable of repressing terrorist organizations and actions. Political/ideological considerations are frequently

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29/ For Gen. Dalla Chiesa's background, see Tessandori, supra note 14, p. 340-342 and Il Settimanale, Oct. 25, 1978 (Roma), p. 16-17.

30/ For details and commentary on the appointment of Gen. Ferrara, see Il Giornale Nuovo, Sep. 20, 1978 (Milano), p. 1 and Il Tempo, Sep. 20, 1978 (Roma), p. 13.

thought to be the stumbling blocks. The following are some of the major criticisms raised or reported by various observers and commentators.

The vacillating official attitude on terrorism displayed by the governing Christian Democratic Party and its coalition partners, which reflects the precarious Italian political and governmental equilibrium, has been blamed for influencing or interfering with the course of police investigations. Criticism of this nature is summarized by the following excerpt:

> ...[A]t one time there was only one violent extremism (of the Left), then two opposing extremisms (of the Left and of the Right), then only one (of the Right), finally one full extremism (of the Right) plus one-half (of the Left). Byzantine variations can continue until the victory or the defeat of one or the other.[31/]

Thus, each such change in official theory as to the source of terrorism would result in the police being constantly obliged to drop investigations in progress and to concentrate in the direction of the latest official theory.

31/ D. Bartoli, Gli italiani nella terra di nessuno 196 (Milano, 1976). See also p. 189-197.

Another problem entails the relationship between the police and the judiciary, as well as the politicization of part of the judiciary. Reportedly, the author of a confidential Ministry of the Interior memorandum has lamented:

> ...the occurrence of too many cases in which members of the judiciary, because of ideological affinity, indecisiveness, fear or specific incompetence vis-a-vis terrorism, allow investigations to remain at a standstill by failing to adopt measures or even by disavowing the conclusions of the judicial police.[32/]

An observer has cited several instances reflecting indulgence on the part of certain members of the judiciary toward violent extra-parliamentary groups of the Left. These cases include, among others, a judicial decision in which the extremist hide-out known as the "Via dei Volsci collective" was reportedly classified as a center for political education; an article appearing in the extra-parliamentry journal Lotta Continua undersigned by 20 magistrates belonging to "Democratic Judiciary" in which they condemned law enforcement measures; and a trial in which the prosecutor recommended the reopening of hide-outs of extremists reported by the police for constituting an armed band.[33/] The previously cited Decree Law No. 59 of

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32/ Panorama, May 30, 1978 (Milano), p. 57.

33/ F. Orlando, P 38 202-209 (Milano, 1978).

March 21, 1978, introducing additional measures for countering terrorism, has already been the object of criticism in a memorandum of April 15, 1978, drafted by "Democratic Judiciary" outside of judicial proceedings.[34/]

Elements of the press have been perceived as an additional hindrance in the conduct of counterterrorist operations. Prime Minister Andreotti, in the first semi-annual Report to the Parliament on intelligence and security, has lamented "the publicity systematically given to news whose generalized knowledge can only render futile the work accomplished and yet to be accomplished."[35/] Concern has also been voiced over partisan, sensational, and irresponsible articles that have appeared in the press.[36/] One journalist, Vittorio Martello, has given the following explanation for his manner of reporting on neo-Fascist violence and conspiracies:

> What Ballabeni used to tell me was fanciful. He would let me understand that he had [access to] mysterious sources

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34/ "Osservazioni sul decreto legge contro il terrorismo, trasmesse al Parlamento a cura di Magistratura democratica," 5 Foro Italiano 156-160 (1978).

35/ Atti Parlamentari, Camera dei Deputati, Doc. LI, n.1, Relazione sulla politica informativa e della sicurezza e sui risultati ottenuti - semestre 22 novembre 1977-22 maggio 1978. Comunicata alla Presidenza il 21 luglio 1978, p. 8.

36/ Various examples are provided by Orlando, supra note 33, at 195-248.

> on the black [Fascist] plots. It was clear that he was inventing everything, but I nonetheless published his information because it reflected a certain national mood.[37/]

With respect to the frequently hypothesized or rumored infiltrations by the terrorists, especially the BR, into ministerial offices, some observers have charged that the ministerial authorities are hesitant to take the necessary steps to investigate this matter in depth and are not even sensitive to the problem as allegedly evidenced by the fact that individuals who have been the object of polemics over terrorism are still allowed to maintain their key ministerial positions.[38/]

A recurrent criticism--possibly the most forceful--entails what several commentators consider the neutralization of the intelligence and security services in the mid-1970's, reportedly carried out for political reasons. To these observers, the intensification of the terrorist problem is closely connected to the downgrading of the intelligence effort. The following excerpts from the works of two major Italian journalists are representative of this criticism.

> The most clamor-inducing fact was the attitude of Giulio Andreotti [when he was] once again [appointed] to

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37/ Il Settimanale, Nov. 30, 1977 (Roma), p. 30-31.

38/ Id., Nov. 15, 1978, p. 19.

the Ministry of Defense during one of the last Rumor governments (1974). He started off by announcing that he had ordered the destruction of thousands of files collected by De Lorenzo and [subsequently] declared improper. [Andreotti] did not explain why he had not burned that improper documentation during the year and a half when he was President of the Council of Ministers (1972-1973). But he did not stop at this: the only one among the ministers of defense of the whole world, he spontaneously opened up the archives of the secret service to investigations and, [simultaneously] with the judicial inspection [of the files], he revealed the names of the officers and informers who had conducted the investigations, allowed [the release] and personally released to carefully selected journalists (from among the Left, of course) classified information, juicy revelations...[I]f SID had actually conspired against the State...Andreotti would have been obliged to report such a serious event to the Parliament and to the country and to inflict immediately severe disciplinary sanctions upon the guilty...If, instead, there was no evidence of treason...Andreotti's duty was to limit the

> scandal, keep SID's archives closed, and...punish those responsible.[39/]
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> ...Andreotti, in 1974, began to destroy SID (for democratic security reasons, according to some; for reasons pertaining to [his] political career, according to others).[40/]

Criticism of this nature has also been voiced by political figures. Member of Parliament and Republican Secretary General Oddo Biasini has stated that "there have been political forces that wanted the destruction of the secret services for ideological reasons."[41/] Constantino Belluschio, editor of Ordine Pubblico and former Social Democratic member of Parliament, has further stated:

> During the last ten years there was a race in the Parliament and among the radical-chic papers to demolish the secret services, accused of the most vile things. Sure, there were deviations that had to be eliminated, but the

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39/ Bartoli, supra note 31, at 183. Bartoli agrees to the existence of deviations from institutional functions, but excludes SIFAR or SID involvement in attempts to overthrow democratic order. See Chapter III.

40/ Orlando, supra note 33, at 216.

41/ Il Settimanale, Mar. 29, 1978 (Roma), p. 15.

> secret services must remain complete and active. What annoys me the most today is hearing Communist Senator Ugo Pecchioli say the things which we Social Democrats have been repeating for ten years, Pecchioli himself who has been one of the principal demolishers in the Senate of the secret services in their entirety. It will take years before they can go back to functioning the way the foreign services of the entire world operate, without so many being scandalized, on the borderlines of the law.[42/]

Along the same lines, Libero Mazza, former prefect of Milan, indicated in the course of an interview that "the services need informers; they have always thrived on them. If they are thrown overboard, if they are arrested, you can bet that [in the future] no even one will be willing [to be recruited]."[43/]

Even now, after the intelligence/security reform of 1977, these services are burdened by problems only part of which appear to be strictly technical.

Press reports indicate that some 600 former members of SID were returned to their parent units during the six-month period provided by Law No. 801 for the restructured services to become

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42/ Il Settimanale, Apr. 5, 1978 (Roma), p. 16.

43/ Id., May 3, 1978, p. 26.

operational.[44] One of several subsequent reports on this matter claims, however, that approximately 500 personnel transfer orders were later rescinded. According to this report, SISMI's strength, after the "rehiring," amounts to 2,300-2,500 men. SISDE, instead, has a strength of only 130 and must reportedly be brought up to 1,300. The same report decries the fact that

> ...too many key men (not just the most disreputable) who knew how to take action have disappeared from the services. The services have been turned inside out like a glove. Very little security has remained; it is said that at Catanzaro [the site of the trial for the 1969 bank explosion in Milan, discussed in Chapter III] SID gave the magistrates something like 6,000 confidential documents.[45]

In addition to polemics over recent recruitments, yet another article raises the problem of "disorganization" generated by the reported differential in pay between Carabinieri and P.S. personnel assigned to standard police duties and their colleagues assigned to the intelligence and security services. The latter are said to earn considerably more. According to the article, moreover, the special

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44/ Id., at 17-19.

45/ La Repubblica, Aug. 5, 1978 (Roma), p. 3. A later report (L'Espresso, supra note 28) states that SISDE, as of January 1979, had reached a strength of 200.

allowance for assignment to SISDE is greater than for assignment to SISMI.[46] To the extent that the police services and the intelligence/security services need and indeed are required to cooperate with one another, the pay differential may become a source of friction. This would be particularly true until such time as the intelligence/security services become fully operational and develop their own sources. For the time being it is likely that they may have to rely on police sources, at least with respect to matters concerning domestic terrorism.[47]

Apart from conceivable friction over financial disparities (and that caused by the traditional competitiveness among Italy's police forces), the effective coordination of counterterrorist measures and operations may be hindered by prolonged polemics over the appointment of General Dalla Chiesa. Whereas nobody appears to be challenging the General's professional qualifications, much debate has arisen as to the legality of his appointment. Consequently, both the Defense and Interior Ministers have repeatedly found the need to defend the legal propriety of this appointment.

46/ L'Espresso, Dec. 17, 1978 (Roma), p. 26.

47/ A recent article states that SISMI is functioning "sufficiently well." Two main reasons are given: 1) it has inherited the structure and the archives of its predecessor (SID); 2) it can rely on the SIOS. The latter do not appear to have been affected by the 1977 reform. L'Espresso, supra note 28.

In the second semi-annual report to the Parliament on intelligence and security, Prime Minister Andreotti has stressed the cooperation of the Italian services with allied and friendly foreign counterparts. Because of Italy's central geographic position and because of the extensive ramifications of terrorism in Europe and the Middle East, this form of international cooperation is likely to be beneficial to all countries concerned. It is also a positive endeavor in the light of reported strains in recent years over terrorism, particularly between Italy and the Federal Republic of Germany.[48/]

Not the least among the concerns expressed by commentators over Italy's counterterrorist efforts is that the latter are allegedly distracting SISMI from combatting enemy intelligence services which operate in Italy. On his part, the Prime Minister has indicated in

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48/ In the fall of 1977, the German intelligence service, BND, had reportedly refused to cooperate with what was left of SID with regard to BR activities. Allegedly, besides distrusting Italy's political climate, the German Government was reacting to a statement attributed to the then Interior Minister Cossiga: "Italy does not wish to become a police state. We have seen the conditions in which Germany finds itself." (Il Settimanale, Nov. 23, 1977 (Roma), p. 19.) A similar incident reportedly took place at about the same time. On October 13, 1977, a highjacked Lufthansa airplane was forced by its German terrorist captors to land in Rome. Notwithstanding the request of the German Interior Minister to hold up the aircraft as long as possible, Italy's Interior Minister did not oblige. The plane then took off for Mogadishu, where a German special unit later freed the hostages. Of the various countries geographically involved in the incident, Italy was apparently the only one not to receive any thanks from the Federal Republic of Germany. (Il Settimanale, April 5, 1978 (Roma), p. 15-16.)

the above-mentioned report that SISMI is "faced by the need to conduct attentive and daily vigilance" against "those intelligence services which carry out or support hostile and damaging activities in order to compromise the defense potential of the State or create vulnerable conditions in case of political-military attacks or pressures."[49/]

49/ Il Tempo, Jan. 12, 1978 (Roma), p. 8.

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