

# Committee Against Repression In Italy

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## A Brief History of the April 7th Case

On April 7, 1979, police officers throughout Italy raided hundreds of homes and arrested about two dozen people in what said to be a major step forward in the investigation of the kidnapping and assassination of Aldo Moro a year before. Although the Moro action was carried out by the Red Brigades, those arrested April 7th turned out to be university teachers, writers, journalists, and others identified not with "terrorist" organizations but with the political movement to the left of the Communist Party. The best known among them was Prof. Antonio Negri, who had written widely on political philosophy and the theory of the state.

The prosecutors in the case soon charged Negri and the others with being the "secret brains" behind the Red Brigades and virtually all "terrorist" actions which had occurred in Italy in the previous decade. The defendants, who included a number of former leaders of the group Potere Operaio (Workers Power), which was dissolved in 1973, charged that the case was a frame-up created by the ruling Christian Democrats (to make up for their failure to capture the real assassins of Moro) and by the Communist Party (to attract support in the coming election by appearing as a tough "law and order" party).

In the initial pre-trial interrogations which were leaked to the press, it was apparent that the defendants were being tried for their political *ideas* and *writings*. The only piece of concrete evidence that the prosecutors offered was a tape recording of a phone call made to Mrs. Moro by the Red Brigades while her husband was being held. The prosecutors claimed Negri had made that call.

After long delays, a team of six Italian experts said there was no conclusive evidence that the voice on the tape was that of Negri. One expert consulted in the U.S., under irregular circumstances, did claim that it probably was Negri.

All of this became moot, however, early in 1980 when police captured Patrizio Peci, an important leader of the Red Brigades. Peci decided to collaborate with the authorities, but to their dismay he said that Negri and the other April 7th defendants had nothing to do with the Moro affair or the Red Brigades.

Although they were forced to publicly absolve Negri and the others of the Moro charge, the prosecutors simply proceeded to rewrite the allegations in more general terms, accusing Negri and company of organizing and promoting a grand but unspecified insurrection to bring down the state. The final statement of these revised charges is discussed in the current CARI bulletin.

Nearly two years after the first arrests in the April 7th case, the prosecution has released the final results of its pre-trial investigation. Despite the sensational way in which the case has continued to be presented by the press—including repeated assurances that "real proof" of the grave allegations existed—the report by the magistrate Giorgio Ciampani is far from overwhelming.

The 155-page document bears no resemblance to the arrest warrants and charges that had been heaped on the defendants in the preceding 21 months. The much-emphasized "secret link" between Autonomia and the Red Brigades (BR)—and Autonomia's supposed complicity in the kidnapping and assassination of Aldo Moro—was dropped, showing that the charges surrounding the 1979 arrests were complete fabrications. Numerous other charges, including more than a dozen homicides attributed to Prof. Antonio Negri, have also disappeared, while others have just as mysteriously emerged.

In fact, the Ciampani report was simply another step in a frequent reshuffling of accusations by the various prosecutors in Rome and Padova. Aside from the self-contradictory and improbable nature of many of the charges, the case unravelled further last year an admitted leader of the BR was captured in Turin. Patrizio Peci decided to collaborate and was promptly played up in the press as a "super witness" who would fill in all the pieces about the role of the April 7th defendants in the grand terrorist conspiracy. The only problem was that Peci did not tell the police what they wanted to hear; he insisted instead that it was ridiculous to think that intellectuals such as Negri were the "brains" of the BR. An earlier version of the report on the pre-trial investigation was hastily withdrawn, and Negri and the others were publicly absolved of the Moro affair. Of course, no explanation was given of what had happened to all the other evidence—including the analysis of a recording of a BR phone call to Mrs. Moro by U.S. voice expert Oscar Tosi—the prosecutors were supposed to have assembled.

There was also no explanation of why the defendants remained in custody after the main charges against them had crumbled. Instead, the prosecutors set to work cooking up new charges and using every excuse to keep the April 7th people behind bars—all in violation of normal Italian criminal procedure.

While numerous allegations of specific criminal actions have been withdrawn, the general charges contained in the Ciampani document remain vague but serious: the 78 defendants are accused in various combinations of "subversive association," "formation of an armed gang," and "armed insurrection against the powers of the state." The last charges—never before brought in Italy, not even against the BR—carries a possible sentence of life imprisonment. Autonomia is alleged to have joined with numerous other unidentified groups—all lumped together by Ciampani into "The Organization" or simply "O"—in plotting to overturn the established order, mainly between 1971 and 1975. When Ciampani is a bit more specific about what that conspiracy was, it turns out to be the instigation of nearly all the militant struggle which took place in Italy in the 1970's—ranging from squatting to building Street barricades during demonstrations to "self-reduction of prices" to assaults on factory foremen.

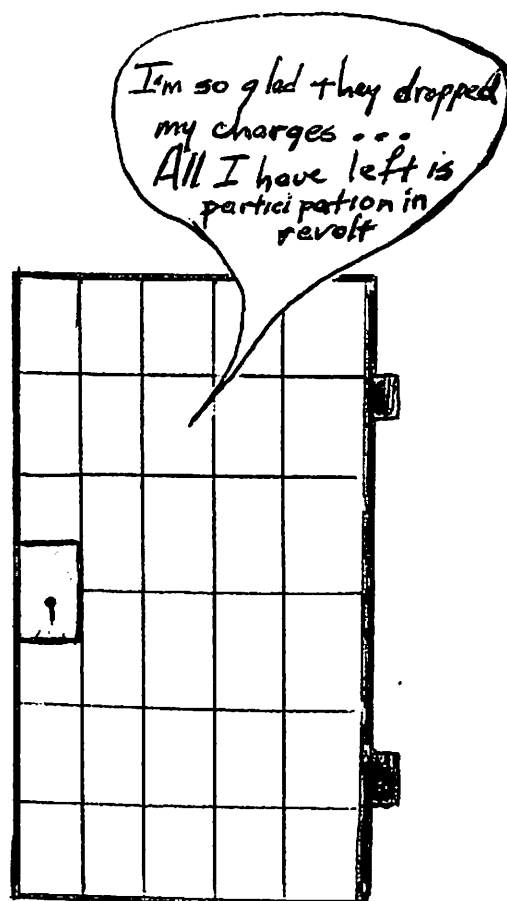
Despite the wide diffusion of such "criminality," the defendants include only 26 "participants" and 52 "promoters," thus indicating something of a management glut. No attempt is made

to explain how the defendants organized the countless struggles throughout the country; instead, Ciampani's contribution toward fleshing out the generic charges consists only in allegations of a series of actual (or merely planned) actions by various combinations of 25 or so of the defendants (the rest being charged solely with "crimes of association"). These include the theft of a stamp collection and a painting from a church, carrying some explosives into the country, two unsuccessful robberies, fire-bombing a warehouse owned by an ITT subsidiary after the overthrow of Allende, a kidnapping and murder (now dropped), and a killing during an armed robbery.

Yet even these charges, based exclusively on the testimony of "penitent terrorists" such as Carlo Fioroni, lack specificity in terms of time and place. In most of the counts listed by Ciampani the phrases used are "in an unknown place," "the autumn of 1973 and henceforth," "in various places around the country," and so forth. Various groups of the defendants are named in the various episodes, with the supposed "brains" of The Organization, especially those 17 charged with armed insurrection, usually accused of having "inspired" or "promoted" the actions. What is remarkable through is the gross disproportionality between this grab bag list of actions spread over more than four years and the general charges of subversion and armed insurrection. It is difficult to imagine that Ciampani himself believes that such a motley set of actions could add up to the kind of threat to the state which is asserted. Given the abandonment of the notion of a link between the April 7th defendants and genuine guerrilla groups such as the Red Brigades, Ciampani cannot relate the charges to the real enough wave of political assassinations in recent years—which could somewhat more credibly be called an attempted insurrection. In any event, the term "insurrection" has been thrown around loosely by the prosecution in the April 7th case, with no appreciation of the word's real significance.

Ciampani is thus forced to posit an insurrection that by all evidence has never taken place. Consider the question of weapons. One would think that an armed insurrection requires arms, and Ciampani would certainly agree; yet in drawing up his charges he was faced with the embarrassing fact that no weapons were ever discovered. No matter: his "argument" is that *there must have been arms*, since the fact that some of the defendants published newspapers and journals—in which the insurrection was carried out by "incitement and propaganda," according to Ciampani—showed that there was enough money around, money that *must have gone* for guns as well as paper and ink. Such reasoning in other circumstances would be hilarious; in this case it demonstrates two things. First, that upon closer inspection it is clear that the charges against the April 7th defendants are essentially based on *what they wrote or said*, rather than what they personally did. It thus comes as no surprise that at the end of the

Among the people arrested in Padova on April 7th, 1979, there were some whose involvement in the supposed conspiracy organized by Negri seemed to consist simply in the fact that they taught in the same institute. In the cases of five people—Sandro Serafini, Alise Del Re, Carmela Di Rocco, Guido Bianchini, and Massimo Tramonte—the judge Palombarini ended up rejecting the arrest warrant used by the prosecutor Calogero, and the five were released later in 1979. Calogero appealed the decision, and after a series of contradictory rulings by superior courts, he appears to have won his case. On March 24th of this year, after 19 months of uncertainty, the five were arrested once again. Further legal moves are being contemplated by defense lawyers, but the very confusion of the prosecutors and judges has given a clear indication of the flimsiness of the accusations.

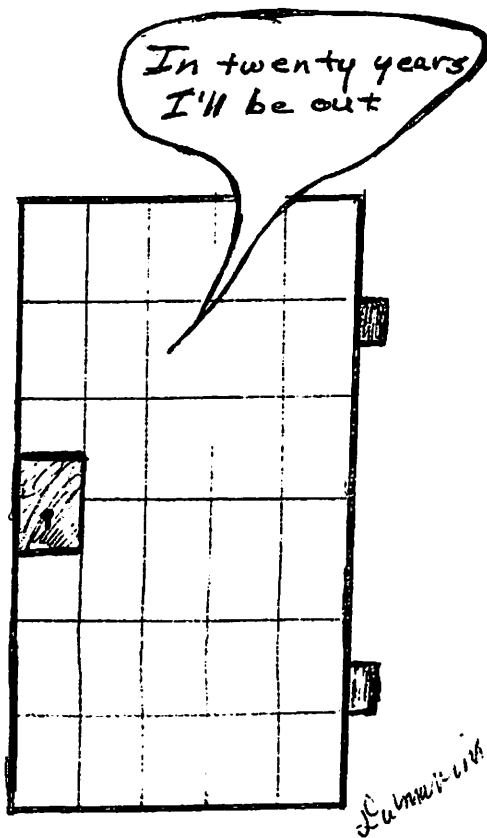


Ciampani document there are 13 pages of quotations from writings and speeches of various defendants (especially Negri)—offered as "evidence" in support of the preceding charges.

Second, it becomes apparent that Ciampani was not concerned with compiling a body of evidence to justify the charges of subversive association, formation of an armed gang, and armed insurrection. Abandoning all pretense of normal legal procedure, he has taken the conclusion for granted from the beginning and does little more than *deduce* details of the grand conspiracy from that assumption. This involves some amazing feats of distorted logic and deliberately naive argumentation. In one case Ciampani claims that Oreste Scalzone's participation in planning a certain armed robbery (in which two other people were caught and tried) is proved by the fact that Scalzone attended their trial. In another instance, Ciampani attempts to show the sincerity of the "super witness" Fioroni by simply quoting Fioroni's claims to that effect.

Throughout the document there is the claim that the defendants would not have talked about revolution unless they were planning to carry one out. Ciampani writes: "One cannot in logical terms believe that men of the talent and perseverance of a Negri, a Piperno, a Scalzone, and so forth, having from 1971 onwards talked of an armed insurrection, could have toyed with such language without engaging in some minimum of concrete preparation." The nature of Ciampani's method has best been summarized by law professor Luigi Ferrajoli of the University of Camerino, in a series of articles published in the news paper *Il Manifesto*: "Ciampani definitively abandons the realm of facts and assumes a character that is almost entirely deductive—and the deductions are almost always circular and tautological, with the conclusions already contained in the premises."

The final point to be made is that the Ciampani document indicates that the police had no evidence against the defendants at



the time of the initial arrests in April 1979. And after nearly two years of "investigation," what have been offered as evidence are the subsequent vague statements of Fioroni and the other few "penitents," who stand to get large reductions in their own sentences in exchange for their testimony. No doubt can now remain that the case was from the beginning a political frame-up, in which the most important thing for the state was to get Negri and company behind bars and convict them immediately in the press.

Following the release of the Ciampani document, the judge in charge of the case, Francesco Amato, reviewed the conclusions of the prosecutors and offered a revised statement of the charges. In a document of more than 1,000 pages, Amato made some modifications of the charges relating to specific acts—most importantly, the dropping of more of the kidnapping and murder charges against Negri—and he once again reshuffled the allegations of "crimes of association." Otherwise, the bulk of Ciampani's feeble structure was accepted as the basis for a trial that prosecutors say *may* begin later this year.

However feeble that structure may turn out to be, it is not all that the April 7th defendants will have to contend with in the coming months and years. The state has been building its case against them through the very fact of keeping them detained in the "Special Prisons" which have been established in the past four years, mainly for political detainees. These prisons—which were created solely on the basis of ministerial decree and never legislated, thus making them unconstitutional—are notorious for their inhuman conditions, including physical abuse and severe restrictions on visits, correspondence, and out-of-cell time. The BR inmates, who consider themselves prisoners of war, have been fighting against these conditions by staging revolts in coordination with attacks on prison and police officials by their members on the outside. By placing many of the April 7th prisoners in the middle of these situations, the state has sought to achieve two

aims. First, to once again blur in the public's mind the distinction between April 7th/Autonomia people and the Red Brigades, seeking to place them both under the rubric of "rebellious terrorist prisoners." Second, to force the April 7th people into a position of having either to join forces with the BR or else dissociate themselves from the revolts and face retribution by the other inmates.

These dynamics were exhibited quite clearly at the end of last year at the Special Prison at Trani. On December 28th, imprisoned members of the Red Brigades, following the BR kidnaping two weeks earlier of the magistrate Giovanni D'Urso, joined with some "common prisoners" in overpowering guards and taking control of the jail. Negri and the eight other April 7th defendants at Trani refused to participate in the revolt, expressing some suspicions about its origins and in any event not wanting to collaborate with the BR. Nevertheless, as police were retaking the prison the next day with an overwhelming display of force (despite the fact that the revolting prisoners were not armed), the major newspapers of the country and all Europe were reporting with blaring headlines that Negri had masterminded the uprising. The press simply ignored the fact that the April 7th people at Trani had issued a public statement dissociating themselves from the revolt. Although the press soon withdrew that accusation, the prosecutors did not; Negri and the others were charged along with the BR with organizing the revolt—a charge which could add 20 years to their eventual sentences. In several cases of April 7th people accused of less serious "crimes of association," these new charges will keep them in jail beyond what would have been the expiration of their periods of pre-trial detention this year.

In addition, when the police and guards retook control of the prison they subjected the prisoners—both those who participated in the revolt and those who refused—to severe beatings. After a five-day period in which all communication with relatives and lawyers was cut off, it was discovered that many of the inmates, including the April 7th people, had sustained serious injuries, including many broken limbs.

Another dramatic example of the way in which imprisonment in the special jails has been used against the April 7th defendants is the case of Mario Dalmaviva. Although the supposed evidence against Dalmaviva was among the most elusive of the April 7th cases, he was sent to one of the worst Special Prisons in Italy: Asinara, located on an island off the coast of Sardinia. In October 1979 Dalmaviva refused to participate in a BR revolt, locking himself in a room instead. Nevertheless, after the uprising ended he was, like the April 7th people at Trani a year later, equally charged with participation, as well as attempted murder of several guards. Fearful of what would happen during future revolts (the BR had threatened his life), Dalmaviva demanded transfer to a regular prison. After that request was repeatedly denied, he started a hunger strike on January 12th of this year. Dalmaviva said this was the only way he could dramatize his situation and save himself in the event of a new BR uprising in the wake of the one at Trani. After two weeks of the strike the authorities relented and moved him to a regular prison.

The cases of Trani and Dalmaviva make it clear that the Special Prisons had become the means of last resort for the state in its obsession to punish the April 7th defendants regardless of legal or political obstacles. The charges brought against the defendants for BR revolts they had nothing to do with are designed to make up for the deficiencies in the original criminal case, and they ensure that the April 7th people will remain imprisoned indefinitely.

As a possible beginning of a trial grows nearer, the April 7th defendants and their families and lawyers have called for a renewed effort by support groups in Italy and abroad to publicize the scandalous way in which the case continues to be handled by the prosecutors and judges. The defense group in Paris, the International Committee for the Liberation of the April 7th Defendants, has already issued an appeal for an international commission of inquiry on the April 7th case and the general conditions of political prisoners in Italy. The text of that appeal, which was en-

dorsed by the several hundred participants at an international conference on repression in Italy held in London in early April this year, reads as follows:

#### APPEAL ON ITALY for a de-escalation of the judicial situation

In the face of the repressive spiral in Italy, which creates the conditions for military escalation and a state terror which we totally condemn, there is an urgent need to open the way to a de-escalation to bring this process to an end.

For this reason we propose:

1) To call for the formation of an international Commission of Inquiry which will have the task of analyzing the general degradation of individual and collective civil rights in the Italian legal and prison system; and in particular to undertake an investigation into the case of those arrested April 7th, 1979, who have been used effectively as the hostages in an operation aimed at changing the political regime in Italy.

2) To call IMMEDIATELY for the CONDITIONAL RELEASE of those imprisoned on April 7th, together with those who have suffered the effect of the same mechanism of amalgamation under the general umbrella of "terrorist" charges. We call for this release immediately, without waiting for the opening of the trial, which has been continually postponed and which is likely to take place in a procedural context as irregular as that of the pre-trial investigation.

3) To orient public opinion, both Italian and international, towards a solution which halts the present military escalation and towards a basis for discussion of a general amnesty for political prisoners in Italy.

While in London for the international conference, representatives of April 7th support groups in Italy and abroad met with several staff members of Amnesty International. David Braham, the organization's researcher for Western Europe, said that Amnesty is closely observing the April 7th cases, especially a number of those in Padova in which defendants such as Luciano Ferrari Bravo and Alise Del Re seem to be charged with crimes of subversion merely because they taught in the same institute with Negri. Given the nature of the charges and the elusiveness of the evidence, Amnesty has not yet been able to declare any of the defendants "prisoners of conscience" (a designation reserved for those who have not used or advocated violence), but this may be possible in the future, according to Braham. Amnesty has already communicated its concern several times to the Italian government with regard to the long periods of pre-trial detention and the denial of prompt medical attention for ill prisoners. Braham said that the response of the government has simply been to say that "normal judicial procedures are being followed." Braham agreed that this claim is dubious, and in any event, "normal" procedures in Italy today can mean a wait for up to 12 years before trial.

At about the same time as the London conference, another member of Amnesty's research staff on Western Europe, Dowe Korff, met in Rome with members of the Italian section of the organization. Korff was interviewed by the newspaper *La Repubblica* and made the following statements: "We are very concerned at the possibility that the penal system in Italy is being subjected to abuses of a political nature. . . In Italy there are problems concerning human rights, and we are trying to analyze them. There are laws which are formulated in a vague manner, which can be used to eliminate political dissent."

Here in the U.S., knowledge of the April 7th case and political repression in Italy remains limited, and the federal government, now more than ever, is helping to continue the virtual information blackout. The most recent annual report prepared by the House Foreign Affairs Committee and the State Department on human rights practices in countries receiving U.S. aid continues to ignore the erosion of civil liberties in Italy. Some notice of the April 7th case does occur in Claire Sterling's new and widely praised (by the Right) book, *The Terror Network*; but the author accepts without reservation the claims of the prosecutors.

Sterling was recently one of the star witnesses when the newly created Senate Subcommittee on Security and Terrorism held its initial public hearing. In the high sensationalized proceeding, Sterling expounded on the themes of her book and another witness claimed that the Mobilization for Survival, one of the main anti-nuclear groups in the U.S., was manipulated by the Russians. This kind of unsubstantiated charge, along with reports that the subcommittee plans to investigate a number of leftwing journals and organizations, indicates that repressive forces reminiscent of those in Italy are developing once again in the U.S. While C.A.R.I is primarily concerned with the Italian situation, we recognize a dangerous international trend toward the restriction and criminalization of dissident politics.

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