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A JUDICIAL VIEW OF TERRORISM

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C O N F I D E N T I A L MILAN 1979

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EO 11652: XGDS- DEC 13, 1987
TAGS: PINT IT
SUBJECT: A JUDICIAL VIEW OF TERRORISM

1. NEW CHIEF JUSTICE OF MILAN'S COURTS (SUPERVISING SOME 200

JUSTICES

AND 400 OTHER COURT EMPLOYEES) CALLED ON CONGEN AS DEAN OF CONSULAR

CORPS ON DEC 12. PIERO PAIARDI IS ABOUT 55, AN AVOWED CATHOLIC, FRANK, DIRECT AND ARTICULATE WHO HAS BEEN THREATENED WITH MURDER BY

THE RED BRIGADES AND MOVES WITH AN ARMED ESCORT. AS OFFICIAL RESPONSIBLE FOR WHOLE RANGE OF ISSUES FROM SINDONA TRIAL TO RED BRI-

GADES, HIS VIEWS ARE WORTHY OF RECORD. PAIARDI CONCLUDED REMARKS BY NOTING THAT HE LIVED THROUGH ITALY'S LIBERATION AND MARSHALL PLAN RECONSTRUCTION WHICH GAVE HIM RESPECT AND APPRECIATION FOR US THAT

TIME AND CHANGED WORLD COULD NOT ERASE.

2. BRIGATE ROSSE TERRORISTS, HE ESTIMATES, DO NOT NUMBER MORE THAN A FEW HUNDRED ABOUT HALF OF WHOM ARE IN JAIL. BUT THEY

ARE COVERED AND SUSTAINED BY SEVERAL THOUSAND SYMPATHIZERS WHO MAKE THEIR SURVIVAL AND OPERATION POSSIBLE. SUCH A GROUP HAS NO

HOPE OF SEIZING POWER IN ITALY TODAY, WHATEVER THEIR ILLUSIONS. HOWEVER, THE EFFECT OF THEIR TERRORISM IS TO PROPEL THE COM-

MUNISTS INTO GOVERNMENT AS THE ONLY SOLUTION TO THE TERROR. HE CONFIDENTIAL

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BELIEVES THIS WOULD BE A GRAVE ERROR AND OPPOSES IT ENERGETICALLY.

3. DID THIS MEAN THAT THE COMMUNISTS WERE BEHIND THE TERRORISM? PAIARDI SAID THAT THERE WAS NO EVIDENCE OF THIS. IT WAS CONCEIVA-

BLE THAT AT THE HIGHEST LEVEL OF THE SOVIET GOVERNMENT SOME SUCH OPERATION WAS BEING CONDUCTED. BUT NO EVIDENCE HAD BEEN FOUND OF THAT KIND. ON THE OTHER HAND, THE TERRORISTS HAD ASTONISHING

WORLD TIES. FOR EXAMPLE, A US DOCUMENT ON TERRORISM HAD BEEN FOUND IN MILAN IN THE QUARTERS OF ONE BRIGATE ROSSE TERRORIST LAST YEAR. IT HAD BEEN DETERMINED THAT IT WAS AN ORIGINAL AND NOT A COPY AND US INTELLIGENCE SOURCES HAD SAID THAT ONLY SEVEN COPIES OF THE ORIGINAL HAD BEEN MADE.

4. COULD MORE BE DONE TO STOP THEIR TERRORISM? THE GREATEST SINGLE NEED RIGHT NOW, ACCORDING TO PAIARDI, WAS MORE TRAINED MEN. THE CARABINIERI WERE SHORT OF MEN AND THEY HAD COMPLETELY ANTIQUATED TRAINING FOR DEALING WITH THE TERRORISTS.

5. IT WAS NOT TOO LATE TO STOP THE UNRAVELLING OF THE SITUATION BUT NEITHER WAS THERE ANY TIME TO BE LOST, PAIARDI CONTINUED. THE

HOPELESS JUNGLE OF THE COURTS (12,000 CRIMINAL CASES AWAITING TRIAL IN MILAN WITH ABOUT 8,000 TRIED PER YEAR) WAS GETTING WORSE

RATHER THAN BETTER. THE ANDREOTTI GOVT HAD, AT LAST, TAKEN SOME NECESSARY STEPS. BUT COMING AS THEY DID AFTER YEARS OF IN-

ACTION, THEY WERE NOW TOO LATE TO MAKE A DENT. THE MAJOR WEAKNESS OF THE COURTS NOW WAS NOT A SHORTAGE OF JUDGES. THE

MAJOR WEAKNESS WAS THE ADMINISTRATIVE CHAOS AND THE POOR ALLOCATION OF RESOURCES. THERE WAS ALSO A SERIOUS PROBLEM OF POLITICAL JUDGES

TIED TO THE LEFT. THEY WERE ABOUT 5PC OF THE TOTAL BUT ABOUT HALF WERE COMMUNISTS WHO WERE LESS DISRUPTIVE THAN THE EXTREME LEFT.

ACCORDING TO PAIARDI, THERE WAS NO REASON THAT THESE UNPROFESSIONAL POLITICAL JUDGES SHOULD NOT BE DISCIPLINED BY THE SUPERIOR JUDICIAL COUNCIL. ITS FAILURE TO ACT WAS NOT A MATTER OF POLITICS BUT

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A PRODUCT OF MANAGERIAL SLOPPINESS.

6. PAIARDI CONCLUDED WITH A STRONG PLEA FOR KEEPING THE COMMUNIST PARTY OUT OF THE ITALIAN GOVT. HE AND HIS COLLEAGUES WERE

DOING THEIR BEST TO REMOVE THE EXCUSE OF TERRORISM FOR THEIR AD-
MISSION. BUT THEY NEEDED THE SUPPORT AND ENCOURAGEMENT OF THE

US AS WELL.FINA

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