

Catholics, Communists end romance

# Italy splits over divorce referendum

By GEORGE ARMSTRONG  
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ROME—Italy's dreaded anti-divorce referendum will take place this spring; that is the consensus among the Italian political leaders who were still hoping until last weekend that the country's first popular referendum might be avoided, even if it required a desperate and devious parliamentary maneuver.

Senator Amintore Fanfani, the Christian Democrat Chairman, has published his "non possumus" bill—his party could not be party to a revision of the present divorce law, even if that were the only way to derail the referendum.

This means, in effect, that the political parties have no option but to bow to the Constitution and let the referendum take place. (Since the 1972 elections, the pro-divorce parties no longer have a parliamentary majority; the Catholics and Neo-Fascists could kill a new divorce bill.)

ITALY'S FIRST divorce law was passed three years ago. A group of hard-core Roman Catholics immediately began collecting signatures for a referendum which would allow the voters to rescind the divorce law or uphold it. The referendum, as the people's corrective arm, is guaranteed by the Constitution, but it has

never been used.

The vote was to have been, by law, during the spring of 1972, but President Giovanni Leone dissolved Parliament—one of the reasons being to postpone the referendum. In 1973, it was discovered that the referendum could not be held in 1973 either.

Throughout last year there was much talk, but no action, on the idea that if the divorce law were modified by Parliament it would no longer be the 1970 law but a new model. This, it was dubiously argued, would stop the referendum as it had been called to test the 1970 law.

WHAT FANFANI now has said is that his party could not even vote in favor of modifying the present divorce law because the Catholic party remains opposed even to an "improved" divorce law.

This would seem to have pulled the carpet from beneath that house of cards which was to be the "new" divorce law. The politicians are in a pre-alarm state, the Communists especially.

Since the Communist leader, Enrico Berlinguer, has called the divorce law "an acquisition of a civilized society," and since the number of divorces granted here in the past three years has been low compared with that in other countries, one may ask, why all the backstage thunder?

For the Communists, the referendum will oblige them to reverse their gears and

return to their principles, always difficult for a large political machine, particularly if that machine has been racing alongside the Catholic machine lately, each machine making cooperative noises to the other.

NOW THE ROMANCE between Italy's two major parties must come to a screeching halt. The Catholics and the Communists must go back to their posts, to prepare for the referendum fight. A romance has been nipped in the bud by divorce.

For nearly three years, Italian political commentators have repeated the phrase: "The referendum will split the country in two." They seem to think that the referendum will begin another was between church and state ("open old wounds"), with the subsequent revival of anticlericalism. They may be wrong. The Italian voter may be wiser and freer than they think.

The vote of the practicing Roman Catholic is negligible. The only real risk to Italy from the referendum is that the pro-divorce forces do not have a network of parish priests who can organize the voters, particularly those who are guilty about not being "good" Catholics.

As Socialist Chairman Francesco de Martino says: "It would be extremely serious for our democracy if its first referendum should result in abolishing a democratic law."

I say we should vote yes

I say we should vote no

I say that WE should get a divorce



'Watergaffe'

## Bugging scandal breaks in France

PARIS—Despite the barely disguised snickering in French government circles over the Nixon administration's Watergate travail, officials here give every appearance of making similar errors in handling a major scandal of their own.

More than a month after sophisticated bugging equipment was found by accident on the new premises of Le Canard Enchaîné, the French satirical weekly, the government has been embarrassed by what looks like an effort to stall the judicial investigation.

French public opinion is becoming increasingly persuaded that the government ordered the bugging because it was being regularly needed by the Canard's scoops.

AT STAKE in the present case—another similarity to the situation in Washington—is defiance of the courts.

In the French case, the Direction de la Surveillance du Territoire (DST), the French counter-espionage organization roughly equivalent to the

unrelated to espionage.

Although neither the French constitution nor political tradition recognize executive privilege or contempt of court in the U.S. sense of the terms, the DST's brief still goes against French law, if only in the name of the equality of all citizens before the law.

The French judiciary showed courage immediately by assigning two judges to the Canard case, largely because it decided—most unusually—that the police could not be trusted in the investigation at all.

As eminent lawyers have spent the past month pointing out, the investigating magistrate's own inquiries are always conducted in secrecy and thus neither DST agents nor any other Frenchman—up to and including Pompidou himself—can legally avoid giving testimony.

THE INVESTIGATING magistrate may or may not decide that the DST is correct in asserting that secrecy is warranted in the case, but he must first hear the witnesses.

Indeed, DST chief Henri Biard apparently sought to buttress his case by addressing a letter marked "Confidential defense," or roughly top secret, to Alain Bernard, the senior investigating magistrate on the case. According to leaked press reports, the letter charged that various Canard staffers were "sympathetic to a foreign power," a charge that would have been serious enough to stop the investigation there and then, if the judge had agreed.

Unfortunately for the government and Biard, DST agents have in the past testified in trials in public—or in private if secrets were involved. Even agents of the French equivalent of the Central Intelligence Agency have appeared in French courts.

UPON CLOSER examination, the DST appears involved in delaying tactics. Yes, the agency says, the DST top officials—but not the agents actually accused of the bugging job—might be willing to see the judge. A DST agent was "on an operation," was the explanation offered as to why he could not see the judge to back up another DST man's alibi that he was not present in the Canard offices the night of the bugging.

The DST's refusal to permit agents named by the Canard to testify fits in with a general government reluctance to allow civil servants—or ministers—to appear in court or before parliament inquiries.

The Fifth Republic has proved to be remarkably successful in bouncing back from other damaging scandals. But the government's present evasive tactics, rightly or wrongly, are generally taken as a backhanded form of admission.

By JONATHAN C. RANDAL  
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Federal Bureau of Investigation, has refused to let its agents testify on the matter.

No longer does Prime Minister Pierre Messmer suggest that the whole operation was a put-up job staged as a promotion stunt to boost the Canard's sales.

President Georges Pompidou, at his traditional New Year's meeting with the press, insisted that what the weekly dubbed "Watergate" was just a "prank."

WEEK AFTER WEEK, too much information about the bugging attempt has come to light—thanks apparently to leaks from disgruntled members of the police—to lend much credibility to the government's protestations of innocence.

From the start—and much to the anguish of the entire government and more especially Interior Minister Raymond Marcellin and the DST—the Canard has printed the names and job descriptions of DST agents who installed the bugging equipment while disguised as "workmen."

The DST's line of defense is that the Official Secrets Act—covering everything from industrial to military spying—excuses its agents from testifying.

THE CANARD'S lawyer argues that the bugging attempt was a classic case of invasion of privacy

