

Commemoration of the 60th Anniversary of the
LIBERATION

25 April 2005

A Series of Lessons

The Course of Liberty

1943-1945

OPENING ADDRESS BY

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ON THE THEME

"ORIGINS OF THE CONSTITUTION"

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Contents

1. The 60th Anniversary of the Liberation
2. Opposition to the Fascist Dictatorship
3. The Resistance Movement
4. The Republic and the Constitution

1.

Greetings and thank you for being here. I'll share with you a series of memories. It is neither an offense nor any particular merit to have been born in a time that has allowed me to experience the years of fascism and those of liberation.

The Significance of 25 April 1945

This year, in 2005, we celebrate the passing of sixty years since this great struggle for freedom from fascism ended in victory. The United Nations' Declaration of Human Rights, which dates back to December 1948, has an *incipit*, a splendid beginning, because article 1 reads, "All human beings are born free and equal in dignity and rights." The word that strikes me most is "born." Indeed, it implies that a human being need not say "thank you" to anyone if he is born equal to others. He is the owner of principal rights, is free, with the fullness of his dignity. A person with a transcendent perspective, spiritual or religious, will thank God, will say "thank you" to a supreme being from whom his very existence comes, in the creation. But it is still man who, being born free, can deprive other men of their freedom, and they with their blood and their sacrifice knew how to reclaim it. This is the fullest significance of 25 April 1945, when right here in Milan the war against fascism and Nazism concluded.

The Institute for the History of the Liberation Movement in Italy

The National Institute for the History of the Liberation Movement in Italy -- founded by Ferruccio Parri, a freedom fighter with the nom de guerre "Maurizio," who later became Prime Minister at the beginning of our democracy -- is rich in scholars who have an enormous knowledge of history. They have analyzed and investigated it with the sole aim of being able to retell it in the truest way possible. The teachers and scholars who gravitate around the National Institute and its network are many; the publications edited by the Institute are numerous. It is therefore appropriate that the National Institute celebrate the sixtieth anniversary of the Liberation undertaking an historical and geographical journey of significant complexity.

The 12 Lessons

I want to illustrate briefly this journey. It has twelve stages: Catania, site of the landing that struck hard at the regime and actually made possible the fall of fascism; Bari, site of the very first meetings of all the parties that decided to form the CLN and said "no" to fascism and dictatorship; Naples, with its four days and then Rome, Cagliari, Bologna, Padua, Florence, Turin, Genoa, Trieste, and finally Milan, moral capital of the Resistance.

2.

If we analyze the past seeking to understand how the struggle for liberation came about, we must revisit the years that saw the dictatorship form and develop into a regime with increasingly totalitarian characteristics.

The Rule of Fascism

1922. We should not forget that fascism came to power in accordance with constitutional law of the time, that is, in accordance with the Albertino Statute which empowered the King to name a person to form the Government. The King named Mussolini. Mussolini presented his government, its program, and obtained the trust.

The Murder of Matteotti

So, the birth of the dictatorship occurred in full respect of the law. It's necessary, therefore, to be vigilant: respecting the law is not sufficient. Rather, an intelligent population must never quit safeguarding its liberty. At the beginning, fascism seemed a government like any other, but in 1924 (I cite, perhaps, not the most important dates but those which strike me most and which I remember with greater precision) there was the killing of Matteotti, the head of the opposition, who had denounced in Parliament the electoral frauds of the fascists. I was only six years old but I remember very well the demonstrations, the controversies, the arguments. I was impressed. Because of his courageous opposition, Matteotti was found bludgeoned to death near the Tevere river, where today there is a stone memorial remembering him. Be careful: a democratic regime does not kill its opponents and does not have them killed.

The End of the Democracy

In this way the right to express a free vote was eliminated (women did not yet have the vote, but there was already universal male suffrage). Such a right was eliminated with the dangerous amiability that dictatorships know how to have, that seems almost to say, "Dear citizen, I am trying to lighten your load.!" And in very little time, the Mayor was called Podestà, the President of the Province was called Preside... I often remember that at that time I was attending the last years of high school, in my city, Novara, and since the director of the school was called "preside," when they explained to me that also the head of the Province had the same name I was perplexed, because I didn't understand what the difference could be.

Is it really so serious to change the names? Names can change, but often facts and the truth are concealed behind the names. The truth is that the Mayor was elected, but the Podestà was instead appointed from above. The President of the Province was elected; the Preside was appointed from above. Notice this formula: "appointed from above." We must think about whether this "above" refers to a legitimate power or not. In fact, the fascist dictatorship had already heavily trampled on the rights of the citizen; it was no longer a legitimate authority and, therefore, what legitimacy could it have to "appoint from above" individuals to fill offices that the population had the right to freely choose?

Then it was the freedom of the press' turn to be completely eliminated. The parties which took exception with the fascist party were declared illegal as were the trade unions, except the fascist ones.

The "tessera del pane" (bread membership)

1930. An event occurred which I experienced in first person. We were a family like many others: father, mother, and two sons, the only income was that of my father, employee for the post. He had entered the postal service after having been selected in a competitive examination process. This was a contract between the State and the citizen who is selected, after having passed exams and presented the qualifications. But after the citizen gave years of regular service, the State inserted a condition never before inserted and required the enrollment of all public employees in the fascist party, under threat of dismissal from employment. Dismissal meant rendering many families destitute. The truth is that such forced enrollment gave rise to memberships that came to be called "bread membership," because they were effectively a shameful coercion. It was an illicit, unlawful, shameful move and, yet, it was made by a government that could enforce it.

The Racial Laws

1938. Promulgation of the racial laws. The government decreed that Jews were no longer citizens on the same level as others. Since my university years, I always had the greatest respect for the Jewish world. On a religious level, there's no doubt that they represent a precedent, *il prius*, the Old Testament to which the New is attached. So they are really our older brothers... When I was a member of the Constituent Assembly, I had the opportunity to participate in a ceremony that took place at the Jewish Community of Rome and to hear them talk with pride of the fact that they had been in Rome since time immemorial. Nevertheless, this community that had such deep roots in our country was told that they did not have rights equal to other citizens.

The War

It was 1938 and you see how a crescendo is reached with respect to the seriousness of the actions committed by the fascists. Two years later, there was a declaration of war. This declaration was shameful: it was made when France was already at its knees, the French government had left Paris and Hitler's troops were preparing to march into Paris...!

It was the 10 June 1940. The declaration of war which Mussolini wanted was signed without objection by the King, which surely rendered him an accomplice to the dictatorship, because he always signed the laws proposed by fascism. All of them!

The Power of Saying "No" to Fascism

During the early stages of the dictatorship, there were people who reacted, who had the power to say "no" and to go against the flow, but they were a small minority.

The Importance of the Church

If we look, for example, at what the Church did, whatever faith you may hold, the historical fact is of great interest. The Roman Empire forced its subjects to venerate the Emperor as a god, but this was not allowed by the Christian religion. In this way, the Church got its martyrs, that is, those unwilling to venerate the Emperor who were condemned to death or were attacked by wild animals in the amphitheatre or were impaled on the Appian Way or were burned alive covered with pitch. But at the same time, it never closed the door to those who were in the majority. They didn't have this enormous courage and folded, exactly like in the case of the bread memberships, under fascism... Fascism, in fact, invaded a world of simple people, the world of the middle and upper-middle classes.

There were many families that were close to fascism, many affirmed that Mussolini's government had brought order and many disregarded the fact that he had imposed order by trampling on fundamental human rights..., but sometimes people look at the small things because they serve their interests, while they let the big things pass: this has happened more than once in the course of history!

The Special Court

Those who did not yield were immediately condemned by the Special Court for the Defense of the State, a political court created by fascism. Many anti-fascists served very long prison sentences, or chose the path of exile and had to bear hunger, privation, all sorts of things. Some were even done away with by hired killers of the regime, even abroad, because there were considered too dangerous.

It was a true and total persecution. Today there is an association, the Association of the Former Political Deportees, and they include dear friends who paid heavily. Let's not forget them, because these people foresaw that fascism would transform into a regime and into a dangerous dictatorship, and they began to resist it with great courage.

The Strikes of March 1943

In March of 1943, the strikes began. This was the moment in which the fracture between the working class world, the world of the masses, and fascism was seen. Keep in mind that under the Fascist Penal Code, a strike was an offense exactly like theft, like robbery, like murder, like rape... So to have had the courage to organize a strike was an act of great political relevance. It was an extremely important act. There is no doubt that these strikes influenced the decisions that the Grand Council of Fascism took on 25 July 1943. Even if the Albertino Statute had been, so to speak, crushed and the Parliament was crushed in turn by the creation of the Chamber of Fascists and Corporations, which was not elective but whose members were all "appointed from above"! Nevertheless, there was this very high summit, pompously named the "Great Council of Fascism," this organism, invented by Mussolini and his acolytes. It was this very body that voted against him, that very fateful 25th of July. Thus, Mussolini was forced to go before the King, because when a Prime Minister is rejected by the Parliament, he must

present himself to the Head of State. The majority of the Grand Council voted against Mussolini, and the King had him arrested. One might think that he did that in order to remove Mussolini from the crowd that was exploding in mass joy: busts of Mussolini thrown from balconies, paintings, there were even excessive reactions, as always happens when a crowd explodes, but after more than twenty years of dictatorship, with a disastrous war underway, it's easy to imagine what the popular reaction might be.

3.

With the fall of fascism the Badoglio government was born and, after forty-five days, the well-known 8th of September, the armistice, arrived.

I was serving in the army in Sicily, but then a rule was issued discharging and sending home all magistrates (and I had already been selected through competitive examination in the magistrature). I remember that, due to the war times and without the exams that I should have completed, I found myself to be a senior judge at 25 years old.

The Badoglio Government and the 8th of September 1943

We found ourselves then, on 8 September, in an incredible situation. That day, I remember well, I had gone with a professor to visit some poor people who lived at the edge of the city. Coming back toward the city center, we saw the people running through the streets shouting, dancing, "There's peace! There's peace!" and we heard the radio give news of the armistice. The following day, I saw the Germans carry away everything imaginable: animals, merchandise, emptying the shops -- an unbelievable act, and then those who had instinctively and naturally rejoiced at the news of the armistice also realized that the most terrible time was beginning, the bloodiest in our history.

The Collapse of the Army

The Badoglio government left the army in utter neglect and thereby brought about its collapse! Many army divisions, without having fired a shot, surrendered. Other soldiers, like the Di Dio brothers, took up arms and went into the mountains and both died in the mountains of Varese, both. They were Sicilians and very young, two Gold Medals. I remember that for two years, when there were anniversaries, the parents came, very simple people, and the father had these two Gold Medals on his chest. The Resistance was also this: an enormous contribution by people originating from all parts of Italy.

The German Occupation and the RSI

The collapse of the army was followed by total German occupation, and it was a heavy occupation, particularly heavy. The Republic of Salò, the Social Republic -- *RSI, Repubblica Sociale Italiana* -- was born. I like to remember that this Republic was not able to boast an *ubi consistam serio*, could not be recognized legitimately, because it was based only on the support of an occupying army.

But I give you a very small example that touched me personally. In Novara, Monsignor Leone Ossola was named as papal administrator. He was assigned this role, rather than that of Bishop, because according to the rules laid out in the *Concordato*, the Bishop, at the moment of being appointed, had to take an oath on the Gospel of fidelity to the State. If Monsignor Ossola was nominated Bishop, he would have had to take an oath before a representative of the Republic of Salò, while the church refused to recognize the legitimacy of the Republic of Salò. Today, fortunately, this rule no longer exists.

It could be that in the years of Salò – I can't exclude the possibility entirely – Mussolini had also tried in some way to separate himself from the Germans, but he was unable to do so, and the harshest roundups were not made by the Germans but were fascist operations of the RSI, those that came to be called "*repubblichini*," with the collaboration of the Germans.

The Resistance

After September 8, the antifascists took up arms and there was a shift to an antifascism of struggle. They went to the mountains, stayed in the plains, and began to hold clandestine meetings, the great work for the struggle against fascism and against the German invader.

The King left Rome.

For the partisans, for these patriots whom the adversaries called rebels, the beginning was not easy. They needed to procure arms, to find a way to live, and the population did not always understand what was arising and feared the worst.

Little by little, but also with a certain rapidity, the people understood. The world of the partisans would not have accomplished what it did if it had not had the support, the affection, the love, and the risk-taking capacity of the people. This bond was powerful and became increasingly widespread and determined.

The Nazi Crimes in Italy

The Germans had fought side by side with Italy from 10 June 1940 until 1943 and suddenly found the Italians to be adversaries rather than allies. It's understandable that they found themselves in a difficult situation, that they lived in fear of being shot in the back. Some of their reactions are understandable. But the massacre of unarmed and defenseless populations is not understandable, the killing of children, the killing of women... because these acts absolutely surpass any possibility of comprehension, even if we take into account the spirit of rebellion evoked by the betrayal of an ally.

This ferocity multiplied when the Germans, who were trying to stave off their inevitable defeat, shifted the front continually, pressed by the Allies who, having landed in Italy, were making their way up the peninsula. In their long retreat, the Germans left an impressive wake of blood.

The Deportation of Soldiers in Germany

In this situation of extreme disorder and chaos immediately after the armistice, over six hundred thousand Italian soldiers were captured and deported... How many never returned? Thousands! There was the persecution of political opponents and of the Jews. And how many ended up in concentration camps and never returned!

I would like to recall some events that I saw up close, some at the time they were happening and others I learned of during a commemoration as Head of State that I will never forget.

The Slaughter of the Jews at Meina

The slaughter of the Jews began at Meina, a center on Lake Maggiore. A few Jews were taken, at night, sometimes tied two by two with iron wires, killed and thrown into the lake, terrible and tragic acts that were seen later in other circumstances.

I remember that, having by that time returned from military service, in my free time off from my responsibilities as magistrate, I made rounds on behalf of *Azione Cattolica* and passed through Meina when the population was still caught in the nightmare of having seen people die – but they weren't from Meina, they were there in a hotel. Then I met a survivor who often visits the schools to tell the story of what happened. She was a little girl at the time of the events, and had made friends in the hotel with a boy who was slightly older than she was. The boy's parents had already been taken away, but he was unaware of their tragic end and often said to his little friend, "But nothing will happen, I feel that I will go with my parents." He thought he would meet up with his parents but she, who had seen the boy's parents killed by the SS, escaped. The next day, as in a sort of prophecy, this boy was also captured by the SS.

Pietransieri

The other tragedy was brought back to life for me as Head of State and it remains carved in my memory.

The place was called Pietransieri, a hamlet of Roccaraso, in the province of Aquila, and I went there to participate in a commemoration. At the time of the events, the Germans arrived and murdered the 128 people who lived in the hamlet. All of them: children, women, old people. The only person who survived was a seven-year-old girl held in the arms of her mother who, shot, had bent over her. In this way, she had saved her little girl because no shot had wounded her decisively. She was then raised by friends. Years later, she was married. Her husband, a laborer, found work in England and thus she moved to that country. When she returned, after more than twenty years, she recounted what she had experienced and described the phases of the massacre. She said that a kind German arrived and had warned the village to escape because the Gustav line needed to be constructed and the villagers' presence was an obstruction. The SS arrived and took the entire population to a place where there was a large tree trunk, almost as if for a family photo -- seated, standing. Surrounding them were explosives. Those nearest were reduced to pulp, while those further away

were wounded but remained there, still. The SS came and killed each of them, one by one, with shouts of celebration. This little girl stayed as still as a corpse. Her brother died; her mother too...

There's a small monument at the site of the massacre. The walls are covered with stone plaques which carry only the name and age of the dead. Among the victims, there are thirty-three children who were under ten years of age. Each time I recall this massacre, I feel a deep emotion.

The Deportation of the Roman Jews

In Rome, in October 1943, there was the deportation of the Jewish community. More than a thousand Jews left for Auschwitz, and only seventeen returned.

The Strikes of Spring 1944

Then there were the strikes in the spring of '44, which occurred principally in the industrial triangle of Milan-Turin-Genoa and were a remarkable success but also had frightening consequences; because the fascists requested the support of the Germans in order to suppress all opposition, and many workers were deported. And many did not return from Mauthausen and the other death camps.

And regarding this, let me say that it is an honor for me to preside over the National Institute for the History of the Liberation Movement and to collaborate with Lawyer and Senator Gianfranco Maris, a survivor of the Mauthausen camp, who serves as Director General of the Institute. Likewise, Lawyer and Senator Raimondo Ricci, member of the Board of Directors, like Maris, experienced deportation to Mauthausen.

I can tell you that when I see these two friends, I am always deeply moved, because they have really paid a very high price for defending their convictions. They are both full of life. They are two truly exceptional witnesses. And they are people to whom we must say -- quietly, because otherwise they wouldn't accept it -- thank you for having helped us to become free again.

The Roundups of Easter 1944: the Benedica and Varallo

Then came the terrible searches carried out during Easter of '44. A hundred and fifty partisans shot, two hundred sent to the death camps. I'd like to talk about the place that was the theater of this carnage, the Benedicta, in the area between Genova and Alessandria. I have personal memories of that time, of that season, of Easter '44. I remember when the SS arrived in the area of Vercellese, of Varallo in the direction of Monte Rosa, because some Germans had been shot and the population was taken out onto the meadows – it was raining – and they were allowed to carry some things with them. Then with flame-throwers they destroyed entire stables of livestock and were prepared to set fire to everything. Bishop Leone Ossola, who was a hero, arrived and placed himself among the people so as to impede the worst from happening.

Turin

I remember what happened in Turin (and there is an excellent book that I've read more than once, *Fiori al Martinetto* which recalls that event). The Martinetto is the area of target-shooting where the executions occurred. At the end of March, General Perotti, plus seven others who made up the military command of all the Piedmont partisans, were arrested; and on the 5th of April, twenty days before the Liberation, they were shot at Martinetto.

With this medley, I wanted to recall some events that seem to me particularly important and others that I experienced in first person and that remain particularly impressed in my memory.

I was Head of State when the fiftieth anniversary of the Liberation was celebrated, ten years ago, and for me it was a truly unimaginable honor to go to all the demonstrations, and I took part in all the demonstrations. But, on top of the official commemorations, I participated in tens and tens of demonstrations, because the list of places where people were hanged, were shot, where populations were destroyed in one way or another is endless. While I was President, I signed numerous medals of valor.

Salvo D'Acquisto

The Letters of People Condemned to Death in the Resistance

A famous name, close to Rome, is that of Brigadier Salvo D'Acquisto. This young man, when the Germans wanted to shoot a portion of the population because they had suffered one or two casualties, came forward to say that he was the guilty party -- a page of heroism that adds to the many that occurred in those tragic days. These pages of life are sublimely synthesized in a splendid volume that gathers the letters of those condemned to death in the Resistance. It is an incredible document. In my long life, I have had contact with people condemned to die; it is humanly impressive, because when the morning arrives when they knock on the cell door to inform the condemned man that the hour has come, you see that -- even if every hope has come to nothing and the request for pardon has been rejected, he clings to life and pushes away the thought of death. At the same time, it is as if he already lived in another dimension. In any case, it's true that there are medical and psychological studies and writings which say that after having certainty of execution, when a condemned man is saved at the last minute for an unanticipated and unpredictable reason, he faces a trauma re-entering, so to speak, in the fullness of life. And when one writes something in those conditions, if he writes, "Long live Italy," he does so because he has it deep in his soul...!

Those letters are an incredible human wealth! I know that the Institute has launched a research project to find them and to publish them. This entire legacy is called "our roots," the roots of our liberty.

Marzabotto and Sant'Anna di Stazzema

Among the many massacres that marked the German retreat, two must be remembered because their victims numbered in the hundreds: Marzabotto and Sant'Anna di Stazzema. These were truly terrible slaughters.

The Resistance and the Republic

4.

My dear young people, so patient, there are three phenomena in our history that cannot be taken separately from one another. The first is this struggle of resistance, the "no" to the fascist dictatorship, both that which preceded September 8 and that which followed. Why is it important? Because the Republic, another relevant historical phenomenon, was born of that struggle. One could try, for political argument, to separate these two phenomena, but it would be a waste of time. There is no craft more infamous or useless than that of changing the facts.

When I began my career as a magistrate, the President of the Court told me, "You have studied; you were selected through competitive examination; who knows how many things you know? But remember, whether you work as a civil judge or a criminal judge, remember to study the facts – pay attention – because the more you study the facts, the less you will make errors in judgment." That is to say, that wise magistrate made me understand early that I did not possess infallibility of judgment, and he concluded with this phrase, which is still holds true: "...because the facts are sacred and not even God can change how they happened." Never forget it, because this is a powerful reality in life.

The Return of Democracy

Among the most salient events in our recent history after the 25th of April, liberation day, there is the decision of the CLN – the Committee of National Liberation – to hold local elections for town councils, for the first time after the dictatorship (March 1946). Thus freedom returned to the very towns and municipalities that had played such a relevant part in the history of Italy. Then on June 2, the institutional choice between monarchy and republic was put to a vote. Considering how the King had behaved, it was logical that the monarchy could not win, even if there were sympathetic feelings toward the royal house; and it must be said that this transition to a republic was never a repudiation of history nor of the glories of the Casa Savoia. If you consider that the monument closest to our hearts -- that is, the Altar of the Homeland where there is an unknown soldier from the war of 1915 -18, of whom no one knows who he was and who his father, mother, and siblings were -- there, in that place, is a monument to only one person. There is a monument on horseback of Vittorio Emanuele II, considered the father of our Homeland. Therefore, there is a wise and just distinction, because the fact cannot be changed. It is quite beautiful.

The Constituent Assembly

Five hundred and fifty-five persons were elected to the Constituent Assembly. I was twenty-seven years old and you would have the right to ask me, "What did you know?" I knew very little. I had a degree in law. I had been competitively selected to the magistrature. I had experienced my own and others' suffering. But life will teach you that it's one thing to live experiences – even heavy ones -- at twenty, twenty-five, twenty-eight, and another thing to live through the same things at fifty, fifty-five. They are different levels of maturity; the ways of perceiving them are different. Reconsidering that experience and rereading the Constitution, I think I had guts – I must say quite a lot of nerve -- to get up at that age and debate some articles. But when one is young, one has a right to understand. Extenuating circumstances are never denied to anyone.

We were 555; for this reason, it sounded a bit strange to me when some years ago, in that very hot season, there were five majority parliamentarians who went to the summits of the Dolomites to debate constitutional reform. It is true that we live in an era in which concepts are tightly summarized and we reason in small bites, but it really seemed to me that this was an excessive summarizing.

The Constitutional Charter and the Human Person

The Constitutional Charter was born. This Charter has a distinguishing feature. In this Charter arose the Human Person. This is the focal point and this is the distinction between the dictatorship and the democracy: the dictatorship demeans the person.

In the first articles, in the first eleven articles of our Charter, it is said that the human person, the citizen, holds rights and participates in the life of the State. Those articles are a dialogue between the citizen and the State. The State is not born by bullying but because the citizens give birth to it; and the State must consider the person, beginning from the most marginalized and weakest, in order to allow that person to walk and to keep step with the others!

The Charter proclaims the rights of the Person, but what is politics if not the capacity to turn those written rights into a reality lived by all citizens? This is a theme that never dies out because it is a continually ongoing process; therefore, even today, there is space for politics with a capital P! Political life awaits you, young people, no matter which side you stand on, to defend the values, the rights, the dignity of the human person, up to that wonderful right that is the equality of all people before the law, and up to the religious reconciliation that says that all religions have equal dignity, and up to article 11 that says that "Italy repudiates war" and is perhaps one of the most powerful articles!

The Repudiation of War

Why does Italy repudiate war? Because international law makes provision for war only as legitimate defense, because it would be crazy to sanction the "right of aggression." It would be like recognizing the right to

robbery, the right to murder, and would soon result in a world very different from the civil world in which we want to live.

Conclusion

The first session of the Constituent Assembly was held on 25 June 1946, presided over by Vittorio Emanuele Orlando, who had been Prime Minister at the time of the victory in 1918 and had left Versailles during the peace negotiations crying, because Italy with its six hundred thousand dead was badly mistreated. Anyway, he was a man of great prestige. At the end of the session, I waited for the hall to empty and went to him as he descended the steps of the chairman's bench, and I said to him, "President, may I shake your hand?" He said to me, "With pleasure, but who are you?" (He was professor of Constitutional Law and had spent his life among young people.) So I told him, "Look, professor, my name would not mean anything to you. I am unknown. My name is Oscar Luigi Scalfaro, but I would like to tell you why I wanted to shake your hand. Because in my third year of elementary school, we read a book called *The Book of Medallions*. This book described the lives of Camillo Cavour, Carlo Alberto, Vittorio Emanuele II, right up to Vittorio Emanuele Orlando, Prime Minister at the time of victory. For me, you have stepped off the pages of my third grade book!"

He shook my hand, and I began a political adventure that has lasted sixty years.