

Declassified E.O. 12356 Section 3.3/NND No.

785017

ACC

10000/109/579
(VOL. II)

Declassified E.O. 12356 Section 3.3/NND No. 785017

0000/107/579
VOL. II)

LEGAL INFORMATION
OCT. 1945 - MAY 1946

785017

Alc to Comms

161

Ref min 160 Land Forces state that they have never heard of any such recruiting. Ed Gilmore says that he could not see the Hm. of War but we agreed that it was not very indicated at the moment.

H. 18/12 B. 2/2

CSO

162.

Why ad. ? Please let him be school

H. 18/12.

163

H. 20/12

Alc

Ref min 162 - spoke. Ed Gilmore who will ask Hm. of War.

H. 20/12

Yollow mt. H. 1/3

188

CSO Alc.

Folio 187 for A.C.C. info, please H. 18/14

H. 15/14

CSO Alc.

192.

3208

Follow up. MS ^{1/3}

188

CSO A/c.c.

Folio 187 for A.C.C.'s info, please. Aut 18/4

78/15/4

~~b.g.d.~~ A/c.c.

192.

3208

193-196 re Luvano Land counts for info.

A. M. M. 23/4. MS. 24/4

198.

A good report by Dr. Filaman

MS. 26/4

MS/20/4

200

CSO to Comm.

Folio 199 for info, please. Aut 26/4 MS. 20/4

201.

I don't want to know but the U.S. Embassy are interested & should be told.

MS (30/4) Aut 7/5

107

TO: Executive Commissioner.

1. Folios 122 and 126 submitted for info.
2. The legal position regarding the gaming house is at folios 105 and 106 in Vol I below. The delegation which called upon the Chief Commissioner asking for the reopening of the gaming house at GARDONE is backed up by the Minister for Air, CEVOLOTO, see folio 113A. However, as a result of the CC's directions at folio 113 we have asked the Minister of Interior at folio 116 whether he supports the request.
3. I suggest that we now wait until we obtain the views of the Minister of Interior.

Final

18 Dec 45.

128

Agree. 18/12/45

24/12

133

130 to 2a. C. see - C.C. minutes "Ex. C. note"
 131 to info. - A. See are asking for a report.
 132 to info -

18/12

Ex. C. note

138

136-137 to info, legal are considering.

31/12

136

Ex. Com.

Answer to your verbal query is at 155

Excl. 10/1/12

133.

130 Jo 2a. C. see - C.C. units " Ex. C. to note"
 131 Jo wip. - CA See are asking for a report.
 132 Jo wip. -

PL 2/12.

Excl. 10/1/12

138.

136-137 Jo wip. legal are considering.
 31/12.
 137 156.

Ex Com.

Answer to your verbal query is at 155

9-9. Hummer
 320th Ave

15 Feb 146

Regal S/C

158

Alfred Ex Comm?

Re 157 for info. rather interesting:
 will pass to Regal after seen.

18/12 19/12

Excl. 10/1/12

Ask Land Forces whether they know anything about it?
 157 refers.

17/2/12

114

E.S.O. See see 113. Thus 109-10-11 also
refer. We are awaiting translation
device.

E.S. 8/12

115

1. Shanks - as regards para. 2 of Golio (13)
pe. consult fine with C.A.S. (26) & let me
see result.

Final
8/12

118

E.S.O. Ref num 115: checked with Legal
who suggest writing to Min. of Interior.
Memo submitted for approval.

E.S. 11/12

119.

E.S.O.

See see 117: AFTER turning down
the proposal for an act of emergency.

E.S. 17/12

120.

3206

13/12

Exo 119.
13/12

Per see 117: After turning down
the proposal for an act of emergency.

13/12

120.

9/11

109

O.S.D. Ex Column noted at folio (98) for the information contained in (106)

elb 5/12

110

Capt. B where is "attached decree" referred to in para. 7 of 106?

Tracy
6/12

(11)

3205

ep Ref min 110: "attd decree" is at 99 - ? - also in Bulletin. Have translated & attach to 106 and submit. Hurry, please.

elb 7/12

Legal Sp/ translating
Ep

9/11

109

Q.S.P.

Ex Column asked at folio (98) for the information contained in (106).

EDB 5/12

110

Capt. B

where is "attached decree" referred to in para. 7 of 106?

EDB 6/12

(11)

3205

ep Ref min 10: "attd decree" is at 99 - ? - also in Italian. Have translated - attach to 106 and submit. Hurry, please.

EDB 7/12

Legal sp/c
translating
8/12

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Closed

502

Ref. : 2604/202/120

6 May 1946.

SUBJECT: Dr. SAGNOLI Dino detained in Salerno Prison.

TO : The American Embassy,
Rome.

With reference to your recent enquiry regarding the imprisonment in SALERNO of Dr. SAGNOLI.

Advice has now been received from the Ministry of Justice that the Magistrate of Salerno by decree dated 1 March 1946 has ordered the release of SAGNOLI Dino provided the latter would undertake to remain in the place he was living in prior to his arrest.

SAGNOLI, however, has declared that he does not reside in Italy, but believes that his parents are residing at Forli, -N.5 Corso Diaz, although he has not heard from them for a long time.

In order to be able to put the order of release into effect the Magistrate asked the Police authorities to confirm Dr. SAGNOLI's statements, and has been informed by them that SAGNOLI's real name is MATTINA Gabriele fu Antonio, and that he had been many times interned for common offences and had presumably escaped from the internment camp of Ustica during the war.

Pending further investigations by the Police the order of release has been suspended.

As soon as any further information is received you will be advised.

For the Chief Commissioner:

A. W. Knisely.

Copy to:- Legal Sub-Commission

Brigadier 3204
Executive Commissioner.

[Handwritten signature]

[Handwritten signature]

2604 96
199
HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

AC/4030/L

AP/na
25 April 1946.
APR 26 1946

SUBJECT : Dr. SAGNOLI Dino detained in Salerno Prison.

TO : Executive Commissioner.

170 187
1. Reference copy of this Sub-Commission's letter AC/4030/L to the Minister of Justice sent to you on 15th March 1946.

2. Advice has now been received from the Ministry of Justice that the Magistrate of Salerno by decree dated 1 March 1946 has ordered the release of SAGNOLI Dino provided the latter would undertake to remain in the place he was living in prior to his arrest.

3. SAGNOLI, however, has declared that he does not reside in Italy, but believes that his parents are residing at Forlì, -N.5 Corso Diaz, although he has not heard from them from a long time.
(P. 1)

4. In order to be able to put the order of release into effect the Magistrate asked the Police authorities to confirm Dr. SAGNOLI's statements, and has been informed by them that SAGNOLI's real name is MATTINA Gabriele fu Antonio, and that he had been many times interned for common offences and had presumably escaped from the internment camp of Ustica during the war.

5. Pending further investigations by the Police the order of release has been suspended.

6. The Ministry will give further information as soon as obtained.

3203
MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

2604
HEADQUARTERS ALLIED COMMISSION

A P O 394

Office of the Executive Commissioner

468 196
Ex Comm

Ref: 2603/131/20



4 April 1946

SUBJECT: Italian Courts.

TO : C.L.O. Livorno.

The Executive Commissioner directs me to inform you that he wishes you to make a special report to him on the following extract from the Legal Sub-Commission's monthly report for February 1946:

Para (6).

"Livorno reports on Italian Courts are not entirely satisfactory, in cases involving Allied interests, especially those dealing with theft, and possession of Allied property. 51 out of 85 accused tried before the Tribunale were acquitted".

J. McMaster
for Chief Staff Officer
to Executive Commissioner

LIV: LEG/9024

1st Ind.

APR 19 1946

HEADQUARTERS, LIVORNO LIAISON OFFICE, ALLIED COMMISSION, 15 APRIL 1946.

TO: HEADQUARTERS, ALLIED COMMISSION, APO 394. OFFICE OF THE EXECUTIVE COMMISSIONER.

1. IN COMPLIANCE WITH ABOVE REQUEST I ENCLOSE A REPORT RECEIVED ON A/M SUBJECT FROM ERIC FELDMAN MY LEGAL ASSISTANT.

2. MR. FELDMAN, IS AN EX-PATRIOT, A FORMER LIEUTENANT IN THE YUGO-SLAV ROYAL ARMY. HE IS A LAWYER, AND HAS BEEN WITH THE ALLIED COMMISSION SINCE 7 MARCH 1944. HE WAS WITH COLONEL JOHN WEBER IN NAPLES, AND IN REGION VIII, AND HAS BEEN WITH THIS HEADQUARTERS SINCE 1 JULY 1945.

3. THIS LIAISON GROUP DOES NOT HAVE A LEGAL LIAISON OFFICER.

Harold V. Reilly
HAROLD V. REILLY, LT. COL. A.D.
CHIEF LIAISON OFFICER, 13202
ALLIED COMMISSION, LIVORNO.

(1/20K m)

See memo 197.198

PA 26

**HEADQUARTERS
LIVORNO LIAISON OFFICER
ALLIED COMMISSION**

Livorno, Date: 13 April 1946

Ref :

Subject : Italian Courts.

To : Chief Liaison Officer, A.C., Livorno

Reference is made to letter 2603/131/22, dated 4 April 1946, from the office of the Executive Commissioner, A.C., subject as above.

1. During the period from 23 January 1946 to 22 February 1946 the Italian Tribunal of Livorno disposed of 24 Allied interest cases, involving 55 accused, 51 of which were acquitted.

2. Inclosed herewith find a complete list of all the 24 cases, showing names of accused, trial date, charges, and decisions of the Court.

3. It will be noted that only three kinds of charges have been preferred against the accused: purchase of stolen goods (12 cases), theft (8 cases) and attempt to steal (4 cases). The 12 cases for purchase of stolen property involved 18 defendants; 2 of whom were acquitted. Thirteen of the accused were charged with attempt to steal; 10 of these were acquitted: 54 defendants were involved in the 8 cases of theft, and 39 of them were acquitted.

It is also to be noted that only 5 cases were entirely dismissed. The other 19 cases ended with lawful punishments of one or more accused in each case, while one or more accused in the same cases were acquitted. A typical case, showing all kinds of Court's decisions, is the one against D'Agostino Luigi and 38 other defendants, all charged with theft; 9 of these were sentenced to 15 months imprisonment, and a fine of 50,000 Liras; 3 of the accused were given judicial pardon because of being under age; 6 of the accused were released because the evidence against them was not sufficient to convict them; 19 acquitted for being found to have not committed the crime; and 1 was acquitted because he was unable to distinguish right from wrong.

- 2 -

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4. Proportionally, the largest part of the accused found not guilty had been charged with attempt to steal, while, still proportionally, the minor part of those charged with the purchase of stolen property was acquitted.

5. From my viewpoint there are two kinds of reasons which led the Court to acquit so many accused: general, and particular, reasons.

Let us now consider the general ones:

a). The Italian Law does not recognize the crime of "illegal (or wrongful) possession". Articles 648 and 712, Penal Code, do not completely cover what was once intended under paras. 27 and 37, AMS Proclamation 1. In other words, it is the burden of the prosecution to prove that the accused came in possession of the property: 1) knowing the same to come from any crime ("ricettazione", Art. 648 Penal Code), or: 2) without first having ascertained its lawful source, and there are grounds to believe possession came through crime (purchase of things of doubtful source, "acquisto di cose di sospetta provenienza", Art. 712 Penal Code). This is often difficult to be proved, since defendant's guilt and responsibility mainly depend upon a state of mind and conscience (knowledge of the illegal source of the property).

b). The offenders are arrested by the Allied Personnel, educated and trained one way, and then are tried by Italians, who have another system of education, other viewpoints and other ideas.

In one case, for example, five persons were arrested while standing near an army vehicle, parked in the street; one of them was tampering with the spare tire; it was 0630 hrs, and still dark. The arresting officer has no doubt in his mind as to the intentions of these five men, still the position of the Court, under Italian legal procedure, cannot be the same. Which one of the five men was "tampering", and where is the evidence - unless produced which it wasn't - showing the five men to be members of a thieving gang? Such reasoning would, of course, be far fetched in Allied Military Court procedure of looking beyond the evidence, but is sound under Italian Law.

Among the particular reasons, I would say that the arresting officers are not always impartial, that in several cases the Court cannot have the testimony of material witnesses who have been redeployed, or do not appear for various other reasons; too, that there is, unfortunately, a long period of time between the arrest and the trial.

CONCLUSIONS: I do not think the Judicial Officials in

./.

- 3 -

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Livorno are acting in bad faith. They must administer justice judicially, in accordance with the Italian Law in force, and, since the judicial power was handed over to them, it would be unfair to ask the judges to protect Allied interests out of, or against their laws. The will of the Italian judicial authorities in Livorno to cooperate in the mutual struggle against delinquency is clearly shown by the fact that in the month of March the number of the defendants acquitted in Allied interest cases is almost equal to the number of those acquitted in purely Italian cases.

Eric Feldman

ERIC FELDMAN
Legal Assistant to
the Chief Liaison Officer
Allied Commission Livorno

3159

Case No.	Trial date	Name of the accused	charge	
12	5 Feb. 1946	1) D'AGOSTINO LUIGI 2) PALMI GIUSEPPE 3) CARLOMASTI ANGELO 4) MAZZONI FRANCO 5) BIZZI RITO 6) MAZZONI MARIO 7) LOMBARDI SESTILIO 8) FAZZI SALVATORE 9) MAZZONI AMLETO 10) PISELLI MARIO 11) CECCHI DINO 12) ORLANDI FRANCESCO 13) ROBERTI LORENZO 14) GIOVANNELLI MARIO 15) MANONI VINCENZO 16) FANTOLINI BRUNO 17) TICCHI RICCARDO 18) SANTINI GISBERTO 19) BIZZI GIULIO 20) PEZZI IVO 21) AGRIFOGLIO ROMOLO 22) FANTOLINI ENZO 23) PETRANGELI RODOLFO 24) SIVIERI MARINO 25) MAIANI GIOVACCHINO 26) PANATTONI NEDO 27) COLOMBO DANTE 28) PACINI LUIGI 29) CORAZZA MARIO 30) VALENTI GIUSEPPE 31) AVENOSA PASQUALE 32) CALURI GARIBALDO 33) RIGANO SALVATORE 34) LALICATA DIEGO 35) VALENTI ENRICO 36) FAVILLA GIOVANNI	All 39 accused charged with theft of tires with aggravating circumstances.	'N.G. for not 'one year, four 'one year, four 'N.G. for not 'one year, four 'N.G. for not 'N.G. for not 'N.G. for not 'N.G. for not 'N.G. because 'N.G. for not 'N.G. because 'N.G. because 'N.G. for not 'one year, four 'N.G. for not 'N.G. for not 'N.G. for not 'one year, 4 m 'N.G. because 'N.G. because 'N.G. for not 'nolle prosequ 'N.G. for not 'nolle prosequ 'N.G. for not 'one year, four 'N.G. for not 'nolle prosequ 'one year, four 'N.G. because 'N.G. for not 'one year, 4 m 'N.G. for not 'one year, 4 m 'nolle prosequ

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charge

SENTENCE

All 39 accused charged with theft of tires with aggravating circumstances.

'N.G. for not committing the crime
'one year, four months jail and 5000 Lire fine
'one year, four months jail and 5000 Lire
'N.G. for not having committed the crime
'one year, four months jail and 5000 Lire fine
'N.G. for not having committed the crime
'N.G. for not having committed the crime
'N.G. for not having committed the crime
'N.G. for not having committed the crime
'N.G. because of lack of evidence
'N.G. for not having committed the crime
'N.G. because of lack of evidence
'N.G. because of lack of evidence
'N.G. for not having committed the crime
'one year, four months jail and 5000 Lire fine
'N.G. for not having committed the crime
'N.G. for not having committed the crime
'N.G. for not having committed the crime
'one year, 4 months jail and 5000 Lire fine
'N.G. because of lack of evidence
'N.G. because of lack of evidence
'N.G. for not having committed the crime
'nolle prosequi for judicial pardon
'N.G. for not having committed the crime
'nolle prosequi for judicial pardon
'N.G. for not having committed the crime
'one year, four months and 5000 Lire fine
'N.G. for not having committed the crime
'nolle prosequi for judicial pardon
'one year, four months and 5000 Lire fine
'N.G. because of lack of evidence
'N.G. for not having committed the crime
'one year, 4 months and 5000 Lire fine
'N.G. for not having committed the crime
'one year, 4 months and 5000 Lire fine
'nolle prosequi for being unable to understand and will

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Case No.	Trial date	NAME of the accused	charge	
1	23 Jan.1946	1) MALFEZZI MARIA	theft with aggravating circumst.	found N.G.
2	23 Jan.1946	1) LIPERINI GIUSEPPE 2) LIPERINI EMILIO 3) FRONDI MARIO 4) DELFINO VINCENZO 5) LEONARDI LEONARDO 6) FELIZIANI IGINO	All six charged with theft with aggravating circumstances.	found N.G. Six months
3	23 Jan.1946	1) BOSCHI PILADE	theft with aggravating circumst.	2000 Lire f
4	28 Jan.1946	1) SALVATORI MANLIO 2) DE MAMMA GIOVANNI	purchase of gasoline do	four months four months
5	28 Jan.1946	1) DEL FREDA ERMENEGILDO	purchase of motor oil	found N.G.
6	28 Jan.1946	1) PAPPAIARDO FILIPPO	theft of cigarettes	10 months a
7	30 Jan.1946	1) CARRAZZI IVO	purchase of property knowing the same to come from a crime	Six months
8	30 Jan.1946	1) VOLIANI ADELMO	purchase of property knowing the same to come from a crime	6000 Lire f
9	30 Jan.1946	1) TITI LUIGI 2) CATANIA EMANUELE 3) COLOMBATI ORESTE	theft " "	found N.G. " "
10	30 Jan.1946	1) MARIOTTI NATALE	purchase of property knowing the same to come from a crime	5000 Lire f
11	4 Feb.1946	1) CECCHINI LORENZO	purchase of property knowing the same to come from a crime	three month

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charge	SENTENCE
theft with aggravating circumst.	found N.G. because of lack of evidence
	found N.G. because of lack of evidence
	do
All six charged with theft with aggravating circumstances.	do
	do
	do
	Six months jail and 2000 lire fine
theft with aggravating circumst.	2000 Lire fine
purchase of gasoline	four months jail and 5000 lire fine, sentence suspended.
do	four months jail and 5000 lire fine, sentence suspended.
purchase of motor oil	found N.G. Because of lack of evidence
theft of cigarettes	10 months and 20 days jail, 1000 Lire fine, sentence suspend.
purchase of property knowing the same to come from a crime	Six months jail and 5000 Lire fine.
purchase of property knowing the same to come from a crime	6000 Lire fine.
theft	found N.G. because of lack of evidence
"	" " " "
"	" " " "
purchase of property knowing the same to come from a crime	5000 Lire fine
purchase of property knowing the same to come from a crime	three months jail, 5000 Lire fine; sentence suspended.

flws

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Case No.	Trial date	Name of the accused	Charge	
otd/ 12		37) BRINI ORLANDO 38) COSTANZO GINO 39) FERRINI ALFREDO		N.G. N.G. N.G.
13	'11 Feb. 1946	1) PAMOCCHIA ALESSANDRO 2) POLLASTRINI GIUSEPPE 3) CECCONI VINICIO 4) VANTI MARIO 5) LUERANI GIUSEPPE	All five charged with attempt to steal one tire	All f
14	'13 Feb. 1946	1) ROSI DANTE 2) PIEVE SAURO	Both charged with purchase of stolen tires.	N.G. 10.00
15	'18 Feb. 1946	1) PALLAVICINI FELIA 2) BERRETTA SILLA	Both charged with purchase of stolen gasoline	2 mon 10-me
16	'18 Feb. 1946	1) ADARNO CAMERO	Theft of a medical instrument	10 mo
17	'20 Feb. 1946	1) CAGLIARESI GIOVANNI	Purchase of stolen property	One m
18	'20 Feb. 1946	1) ELVIETTINI ELEONORA 2) FIGARO COLOMBO	both charged with theft of tires	N.G. Three
19	'22 Feb. 1946	1) GANIMEDE FERRUCCIO	purchase of stolen property	Two m ed on recor
20	'22 Feb. 1946	1) LENTI ERNESTO 2) SUCCI MARIO	attempt to steal an automobile " " " " "	Six m Six m
21	'22 Feb. 1946	1) FERRI GIOVANNI	purchase of stolen goods	500 L
22	'22 Feb. 1946	1) LILICATA FRANCESCO	attempt to steal	One m

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charge

SENTENCE

N.G. for not having committed the crime
N.G. for not having committed the crime
N.G. for not having committed the crime

All five charged with attempt
to steal one tire

All five acquitted.

Both charged with purchase of
stolen tires.

N.G. because of lack of evidence
10.000 Lire fine

Both charged with purchase of
stolen gasoline

2 months jail, 200 lire fine. Sentence suspended
~~10-men~~ 2 months jail, 200 Lire fine. Sentence suspended

Theft of a medical instrument

10 months, 20 days jail and 1600 Lire fine. Sentence suspend

Purchase of stolen property

One month jail

both charged with theft of tires

N.G. because of lack of evidence
Three years jail, 15.000 Lire fine

purchase of stolen property

Two months jail, 3000 Lire fine. Sentence suspended condition
ed on good behavior of accused, not to be entered into penal
records.

attempt to steal an automobile

Six months jail, 10.000 Lire fine
Six months jail, 10.000 Lire fine

purchase of stolen goods

500 Lire fine

attempt to steal

One month jail, 500 Lire fine. Sentence suspended

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Case No.	Trial date	Name of the accused	Charge	
23	22 Feb. 1946	1) FRESCHI ADA 2) LILLA DINO 3) SIMONTI GINA 4) MAZZONI PIETRO	All charged with purchase of stolen clothing	1 month, 15 d " " "
24	22 Feb. 1946	1) BOZZOLI MARCELLO 2) ANDOLFO MICHELE 3) ACUNZO PASQUALE 4) MONTELLA LORENZO 5) VITOLO CARMINO	All five charged with attempt to steal one tire	All five found

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Charge	SENTENCE
All charged with purchase of stolen clothing	1 month, 15 days jail and 800 Lire fine
"	" " " " " " " "
"	" " " " " " " "
"	" " " " " " " "
All five charged with attempt to steal one tire	All five found Not Guilty for not having committed the crime.

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2001

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2604 *Q*

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HEADQUARTERS ALLIED COMMISSION
AND 394
LOCAL SUB-ADMINISTRATION

/mca.

HC/4072/V/L.

15 April 1946.

SUBJECT : Clearing.

APR 17 1946

TO : ASTM - C-5.

I. Discussion.

1. The Proclamations issued from time to time by SAC declared certain acts to be offences and prescribed punishments therefor.

2. In most countries, in addition to the laws defining offences and their punishments, the penal code normally specifies the characteristics of the various types of punishment and provides for remission of a part of the sentence for good conduct.

3. AMG has made no such provision but has passed convicts to the Italian Government for custody which deals with them in accordance with its normal practices, (that is according to Italian law), with the exception that it has not considered itself at liberty to reduce the effective term of sentence of an AMG court by remitting part thereof for good conduct.

4. It has consistently been the practice of AMG to re-activate Italian Courts behind the advancing line as early as possible and to save manpower by passing to such courts as many as possible of the offences triable under Italian Law. Prior to the re-activation of such courts AMG Courts tried exactly the same type of case and under the same law. Frequently AMG Courts and Italian Courts might be sitting in the same areas and trying similar cases.

5. One person convicted by an Italian Court would therefore be entitled to a reduction of his term for good conduct while another who may have been convicted at the same time and place for a similar offence by an AMG Court obtains no remission.

2/11/46
(COPY X)

See Memo 125-13

See 109 3154

10-12-46

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6. This is inevitable and is a source of discontent between prisoners in the same prison, there is also no incentive to good behaviour.

7. The Italian law as to remission for good conduct is that conditional liberty may be granted by the Inspector of Prisons on the application of the convict which may be made in the case of a first offender at any time after the expiration of half the sentence; if it is not a first offence, after three quarters of the sentence has been served. The Inspector takes into consideration the offence and the conduct of the prisoner and may allow conditional release subject to continued good conduct from such date as he considers appropriate.

There are two other measures in Italian law which are not remission for good conduct by which sentences may be reduced:

- a. A convict is allowed to submit petitions for mercy in which case his offences, sentence and character is taken into account and the Ministry of Justice makes such orders as seem appropriate.
- b. To mark special events, the Sovereign grants an amnesty to prisoners, selected by the Ministry of Justice according to their offences and sentences.

II. Action Recommended.

May the Allied Commission be authorized to inform the Italian Government that their law as to remission of sentences for good conduct may be applied to persons sentenced by AMG courts and that the letter at TAB "A" be sent to Allied Commission accordingly.

However it may not be considered appropriate to authorize the Italian Government to exercise the powers of condons or amnesty so far as AMG convicts are concerned, before the Allied Commission reviewing board has completed the review of cases which it now has in hand. The work of the reviewing board should come to an end by August 1st or thereabout. Will you please let this HQ. know whether you agree with the suggested policy.

For the Chief Commissioner.

G. G. Humphreys

G.G. HUMPHREYS,
Lt. Col.,
Deputy Chief Legal Advisor.

Copy to Executive Commissioner.
" " Public Safety.

2136

2003

Declassified E.O. 12356 Section 3.3/NND No. 785017

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NO ALCON OITE ACERO

16 APR 46

ALCON 10 LIVONNO

2535

UNCLASSIFIED

177

PLEASE EXPEDITE REPLY TO THIS HEADQUARTERS LETTER TWO SIX ZERO THREE SLANT
ONE THREE ONE SLANT RAY CHARLES DATED FOUR APRIL 46

*John
Re 193-195
G. McMaster 23/4*

*PA 23/4
3192*

ROUTINE

Office of the Acting Chief Counsel

G. McMaster

300

STEVE NIGGIO
Captain, AGC
Asst. Adj.

*Re 193-195
G. McMaster 23/4*

2004

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Ref. : 2604/134/80

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//April 1946.

SUBJECT: MERRIGALLIA MARIO

TO : Miss Letty Lower
Communications Officer
British Embassy
Rome

178
Further to my letter No. 2604/178/80 of 5 April 46, I
have now been advised that MERRIGALLIA was transferred to "R" Civil-
ian Internee Camp TERNI on 29 April 46.

A. W. Knisely.

Brigadier,
Acting Chief Commissioner.

3191

PA. 12/4
RB.

2604

183

HEADQUARTERS ALLIED COMMISSION
A.P.O.394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF. : SD/550.07-90

9 April 1946

SUBJECT : MEREGAGLIA Mario

APR 10 1946

TO : Executive Commissioner HQ. A.C.

1. Further reference to your Memo 2604/170/EC dated 2 March and our letter of even number dated 2 April 1946.

2. MEREGAGLIA was transferred to "R" Civilian Internee Camp, TERME on 2 April 1946.

Adkins Capt
JOHN W. CHAPMAN,
Colonel, J.A.G.D.
Director Public Safety,
Sub Commission

ARE/lm.

see 1814

3190

(CAPT K)

4252

2604

96

APR 8 RECD

182

SECRET

ROME AREA ALLIED COMMAND
APO No 794 US Army

APR 8 1946

DC/26

6 April 1946

SUBJECT: Recruiting in ROME for the FRENCH Foreign Legion

TO : Headquarters Allied Commission (Office of the Chief Commissioner)

Reference your 2604/172/EC dated 4 April 1946.

Under reference 1999/A-1 of 22 Mar 46 GHQ CMF stated that

" 1. This matter was referred to the BRITISH Political Adviser at this GHQ, and the activities enumerated in your letter were brought to the attention of H.M. Embassy ROME.

2. We are at present awaiting the advice of H.M. Ambassador in this matter. "

[Signature]
Brigadier
Deputy Commander
Rome Area Allied Command

See Min 704

2159

PA. 9/4
RR

(CAPT K)

Declassified E.O. 12356 Section 3.3/NND No. 785017

Folios 180-1

to file 2603

AWK 18/3/88

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ref: 2603/134/SC

4 April 1946.

SUBJECT: Italian Courts.

TO : C.I.O. Livorno.

The Executive Commissioner directs me to inform you that he wishes you to make a special report to him on the following extract from the Legal Sub-Commission's monthly report for February 1946:

Para (6).

"Livorno reports on Italian Courts are not entirely satisfactory, in cases involving Allied interests, especially those dealing with theft, and possession of Allied Property. 51 out of 65 accused tried before the Tribunals were acquitted".

sig: C. McMaster

Chief Staff Officer
to Executive Commissioner

Copy to: 2604/SC

" - Sept 3/c

see 185
see 196

2107

2009

Declassified E.O. 12356 Section 3.3/NND No. 785017

178

Ref: 260/178/EO

5 April 1946

SUBJECT: MEREGALLIA MARIO.

TO : Miss Letty Lower
Communications Officer
British Embassy,
ROME.

164

1. Ref your letter of 22 Feb 46 on the a/n person.
2. The man was ordered to be interned by HQ. No. 2 District on or about 30 November 1945, on grounds of being an enemy agent.
3. Owing to the state of his health he was transferred to hospital for a medical report before being transferred to RIMINI.
4. A British MO reported Subject was fit to travel and enquiries are now being made at RIMINI to ascertain if proper medical facilities are available to insure that MEREGALLIA's complaint will receive adequate treatment. Information on this latter point is awaited.
5. Should any further information come to hand you will be informed.

A. W. Knisely.

Brigadier,
Acting Chief Commissioner.

Dec 184

3156
PA 54
R

2604 98 177
HEADQUARTERS ALLIED COMMISSION
A.P.O. 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/550.07-90

2 April 1946

SUBJECT : MEREGAGLIA Mario

TO : Executive Commissioner, Hq. A.C.

- 165
1. Reference Memo 2604/170/EC dated 2 March 46.
 2. Subject was ordered to be interned by Hq. N° 2 District on or about 30 November 1945, on grounds of being an enemy agent.
 3. Owing to the state of his health he was transferred to hospital for a medical report before being transferred to RIMINI.
 4. A British MO reported Subject was fit to travel and enquiries are now being made at RIMINI to ascertain if proper medical facilities are available to insure that MEREGAGLIA's complaint will receive adequate treatment. Information on this latter point is awaited.
 5. Enclosures to your Memo are returned herewith.

W. Ellis Capt
JOHN W. CHAPMAN,
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

AHE/nb

3185

See F 183

(Capt K)

OPERA DI PREPARAZIONE MISSIONARIA

«SANTA TERESA DEL BAMBINO GESÙ»

SEGRETERIA

Via Consolata, 12

TORINO (109)

133

To His Excellency Admiral Stone,
Turin 16 February 1946

The present letter is addressed to Your Excellency by the writer who has heard from many sources about U. G.'s kindness of heart and sense of justice.

A good friend of my Institute, Comm. Mario Merepaphia, has now been detained for several months by the Allied Command, because accused of having been in commercial relations with a German officer. Mario Merepaphia is now at the Turin Hospital of Molinette and his health conditions are very bad, because a t. b. c.

I beg Your Excellency to see whether it would be at all possible to set free the above mentioned Merepaphia (also because his bona fide in the matter was recognised and because he gave his assistance to H. I. T.)

196

from many sources about U. G.'s kindness of heart and sense of justice.

A good friend of my Father, Com. Mario Merepaphia, has now been detained for several months by the Allied Command, because accused of having been in commercial relations with a German officer. Mario Merepaphia is now at the Twin Hospital of Marinette and his health conditions are very bad because a t. b. c.

I beg your Excellency to see whether it would be at all possible to let free the above mentioned Merepaphia also because his bona fide in the matter was recognised and because he gave his assistance at the time of ^{31st} the struggle for liberation) so that he may be nursed at home by his own family, which would

be a great relief to his wife (there is also a very young child) and to the old and invalid mother.

In the eyes of God this will be a great act of charity from your Excellency.

Hoping that the present request will be granted, I am sending your Excellency my best thanks in advance and expressions of gratitude.

Your obedient servant-

Sister Potilde Yofano

OPERA DI PREPARAZIONE MISSIONARIA

«SANTA TERESA DEL BAMBINO GESÙ»

SEGRETERIA

VIA CONSOLATA, 12

TORINO (109)

223

C. 50-281

Gentile Signor Ambasciatore,

Le presento con la
 massima soddisfazione
 l'opera di preparazione missionaria
 che ha l'onore di essere
 diretta dal Vostro
 Ufficio. L'opera è
 stata istituita per
 rispondere alle
 esigenze della
 Chiesa cattolica
 in Italia e
 per formare
 sacerdoti e
 religiosi che
 possano
 svolgere la
 loro missione
 in Italia e
 all'estero.

C. 50-281

Al Comando 315 F. S.S. Torino

La sottoscritta Meregaglia Fernanda res. in Torino corso Galileo Ferraris, moglie del Comm. Mario Meregaglia detenuto dal 30 ottobre 1945 a disposizione del Comando 315 F.S.S.

fa rispettosa istanza a che cotesto Comando voglia concedere al Comm. Mario Meregaglia la libertà provvisoria.

Dal certificato medico del Prof. Pietro Sisto che si allega risulta che il Meregaglia è affetto da grave malattia polmonare. E(dichiarato inoltre che il male, quantunque il Meregaglia sia stato da tempo trasportato dalle Carceri Giudiziarie di Torino alla Clinica dell'Ospedale S. Giovanni delle Molinette, si trova in periodo di riabilitazione.

Di fronte alla gravità della situazione la sottoscritta invoca la libertà per il marito affinché venga restituito alle cure familiari e possa mantenere e recuperare quel minimo di salute che gli è assolutamente necessario per provvedere al sostentamento della famiglia e del figlio in tenera età.

cedere al Comm. Mario Meregaglia la libertà provvisoria.

Dal certificato medico del Prof. Pietro Sisto che si allega risulta che il Meregaglia è affetto da grave malattia polmonare. E' dichiarato inoltre che il male, quantunque il Meregaglia sia stato da tempo trasportato dalle Carceri Giudiziarie di Torino alla Clinica dell'Ospedale S. Giovanni delle Molinette, si trova in periodo di riabilitazione.

Di fronte alla gravità della situazione la sottoscritta invoca la libertà per il marito affinché venga restituito alle cure familiari e possa mantenere e recuperare quel minimo di salute che gli è assolutamente necessario per provvedere al sostentamento della famiglia e del figlio in tenera età.

Le tristissime condizioni nelle quali si trova attualmente rendono fiduciosa la sottoscritta che si vorrà benevolmente accogliere la presente istanza.

Con deferente ossequio.

Torino 25 gennaio 1946

Mario Meregaglia

173


R. UNIVERSITÀ DI TORINO
ISTITUTO DI PATOLOGIA
SPECIALE MEDICA Δ Δ
E METODOLOGIA CLINICA

Direttore: Prof. P. Sisto

Corona 2.II.1946.
Via Genova, 1

Certifico che il Sig. r. MEREGAGLIA/MARIO ricoverato il 14-XII-946 nella Clinica di Patologia Speciale Medica da me diretta è stato riconosciuto in base agli esami clinici e radiologici affetto da MALATTIA CISTICA DEL POLMONE CON BRONCHITE CRONICA E BRONCHIECTASIE, malattia inguaribile, attualmente in periodo di risutizzazione. -

IL DIRETTORE

P. Sisto



nosciuto in base agli esami clinici e radiologici affetto da MALATTIA
CISTICA DEL POLMONE CON BRONCHITE CRONICA E BRONCHIECTASIE, malattia
incurabile, attualmente in periodo di risutizzazione. -



IL DIRETTORE

P. Lichofisto

In carta libera per gli usi consentiti dalla Legge.

3181

2022
Declassified E.O. 12356 Section 3.3/NND No. 785017

Ref: 2604/172/DC

172
4 April 1946

SUBJECT: Recruiting in Rome for the French Foreign Legion.

TO : H.Q., R.A.A.C.

Ref your letter DC/26 of 15 Feb from your H.Q. to G.H.Q.
on the a/m subject.

Could this office please be advised of the position in
this matter.

A. W. Knisely.

✓
Brigadier,
Acting Chief Commissioner.

3180

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604 K

171

SECRET

ROME AREA ALLIED COMMAND
APO No 794 US Army

SUBJECT: Recruiting in ROME for the
French Foreign Legion

DC/26
18 March 1946

TO : G.H.Q., C.M.F.

MAR 18 1946

Reference this Headquarters letter No DC/26 of 15 February 1946.

May instructions be given as to whether any action is required to be
taken by this H.Q.?

Alms

Brigadier
Deputy Commander
Rome Area Allied Command

✓ (169)

Copy to: Headquarters Allied Commission (Office of the Executive Commissioner)
(Your office letter 2604/169/EC of 15 March 1946 refers)

317

(Capt K)

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604

170

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB COMMISSION

MAR 15 1946

AC/4030/L

AP/ns
15 March 1946.

SUBJECT : Dr. Dino BAGNOLI detained in Salerno Prison.

TO : The Minister of Pardon and Justice.

1. It would be very much appreciated if the reply to this Sub Commission's letter AC/4030/L of 15 February 1946 and relating to the above mentioned person could be expedited.

Anthony P. Nugent
ANTHONY P. NUGENT,
Major, A.G.,
Chief Counsel,
for Chief Legal Advisor.

Copy to : Executive Commissioner.

31 8

(Capt K)

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

169

Ref. : 2604/169/EC ✓

15 March 1946.

SUBJECT: Recruiting in Rome for the
French Foreign Legion.

TO : HQ RAAC

157 refer

Ref your letter DG/26 of 15 Feb 46 from your HQ to GHQ re
the a/m subject.

If a reply has been given, it would be appreciated if a
copy could be forwarded to this HQ for information, please.

For the Chief Commissioner

151 H2WK
✓ Coynt
Brigadier,
Executive Commissioner.

See 7-171

3177

Am 13

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604

86

10/eb

168

Ref: 697/6/EC

7 March 1946

SUBJECT: Imprisonment of Giovanni Ferragatta Gariboldi

TO : Legal Sub Commission

Reference the attached letter re Giovanni Ferragatta Gariboldi of S. Angelo Lomellina (Lombardia) who since 6 December 1945 has been imprisoned at Milan by the F.S.S. (British police) on charges of espionage harmful to England.

It is passed on to your sub-commission for any action you may deem necessary.

It would be greatly appreciated if you reply direct to the Vatican with a copy to this section.

CAPT ODDI

Brigadier
Executive Commissioner

Encl: ltr N. 116815/SA fr Segret.Stato di Sua Santita of 28 Feb. 1946

3176

PAG 9
3

Declassified E.O. 12356 Section 3.3/NND No. 785017

SECRET

Ref: 2604/168/EC

6 March 1946

SUBJECT: Recruitment for Foreign Legion.

TO : Land Forces Sub-Commission (MMIA)

Reference conversation Lt.Col. Gilmour - Capt.
Braybrooke of 6 March 46.

Herewith copy of Brigadier Low's letter on the
subject .

C. R. BRAYBROOKE

Chief Staff Officer,
To Executive Commissioner.

317

2028

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ref: 2604/171/ED

2 March 1946

SUBJECT: Comm. Mario Merzaglia.

TO : Communications Officer, British Embassy.

Your letter of 22 Feb 1946, enclosing the papers on the above subject, is acknowledged with thanks.

I have passed these papers on to the appropriate Sub-Commission for action.

For the Chief Commissioner,

C. R. BRAYBROOK

Brigadier
Executive Commissioner

See 166

166

317

Per
2/3
2

2029

Declassified E.O. 12356 Section 3.3/NND No. 785017

165

Ref: 2604/170/ED

2 March 1946

Memo to Public Safety S/O.

SUBJECT: Comm. Mario Meregaglia.

165 refers

The attached has been received from the British Embassy by the Chief Commissioner and is passed to you for whatever action is possible.

C. R. BRANBROOK

Brigadier
Executive Commissioner

See 7-177

317

67-83

2/3
12

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604 1946
164
BRITISH EMBASSY, 164

ROME.

22nd February 1946

To The Chief Commissioner,
Allied Commission,
Rome.

MAR 1 1946

See 166

The attached papers have been
sent to me for transmission to you.

As the persons who vouch for
Comm. Mario Meregaglia are very well
known to me I am presuming that the
case is worthy of consideration.
I should be grateful for any courtesy
which could be extended.

Yours truly,

Letty Lower

Letty Lower.
Communications Officer

See 178

See 166/167

(CHP 10)

6040/55412/1.7

THE PRESIDENT OF THE COUNCIL OF MINISTERS.

Rome, 14 February, 1946.

FEB 20 1946

Dear Admiral,

In reference to your letter of 21 December 1945, on the SCARABUCCI case, the Ministry of Finance, General Department for Financial Matters of an extraordinary character, informs me, with letter No. 16, dated February 7, 1946, that with regard to the charge made against Signor Scarabucci for having amassed a great fortune, (valued at nearly 500 million), in a few years, with the backing of important political personages, and by imposing on his important political appointments, the Special Session for the forfeiture of profits of the Fascist regime of Grosseto, in the reunion of November 4, 1945, has deliberated a proposal of assurance for seventy-five million lire for profits which can be forfeited by the State.

With reference to the above and considering the fact that the property of the person in question warrants any possible credit of the State to be forfeited, the Technical Committee has expressed the opinion that the order confiscating the property be revoked, inscribing instead a legal mortgage on the real estate only, up to the present value of the same.

This has been communicated with note No. 9660 of 28 December 1945, for further action by the competent authority, to the Special Session, to the Provincial Finance Office of Grosseto, and to the District Attorney Office in Florence.

On February 5, 1946, the Ministry requested the Special Session of Grosseto to give news on whether claim has been made by the contributor to assess taxes contrary to the proposal here mentioned.

I will let you know more on this case.

With regards,

Yours sincerely,

(s) De Gasperi.

E. C. DIST. 20 Feb.

Action: C.A. 4-1-46

1-1-46
E.C.

Admiral Henry M. Stone,
Chief Commissioner
Allied Commission, ROME.

m/b
J.H. 27/2.

2032

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604 *SV*

157

SECRET

ROME AREA ALLIED COMMAND
APO No 794 US Army

SUBJECT: Recruiting in ROME for the
French Foreign Legion

DC/26
15 February 46

TO : GMR CMF

FEB 18 1946

From time to time in recent months there have been suggestions that recruiting is being carried out in ROME for the Foreign Legion.

No confirmation was obtained that this was the case until the last few days when Italian Detectives accompanied by a British Police NCO, in pursuit of investigations concerning a murder, had the opportunity of seeing records. Their enquiries leave very little room for doubt that recruiting is in fact being carried on.

It is understood that the majority of the recruits are Italian Nationals, but some of the names suggest Slavonic origin, possibly Russian, Polish, and/or Yugoslav.

It is not known whether these proceedings are in any way irregular or whether there is any Italian law which forbids them. From one point of view it appears that the practice is somewhat dangerous in that it may provide opportunities for men wanted in connection with crimes to leave the Country under French protection. There are also certain political possibilities which might be considered.

May instructions be given as to whether these proceedings are in order and whether any action should be taken by this Headquarters.

See 164
Alm
Brigadier
Deputy Commander
Rome Area Allied Command

Copy to: Headquarters Allied Commission
(Office of the Executive Commissioner)

See 7 31/74

See M. 158.160.161.162.163
167
2

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(1050)

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2604 P

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

155

AC/

/es
15 February 1946

SUBJECT : Dr. Dino Sagnoli detained in Salerno prison.

TO : The Minister of Pardon and Justice.

1. The Chief Commissioner and the American Ambassador are anxious to know what is the correct situation in the matter which is referred to in the attached memorandum.

2. Before taking any action they would like to know what is the opinion of the Ministry of Justice in regard to the allegations put forward by Dr. Dino Sagnoli.

3. Would you be good enough to treat this matter as urgent.

G.O. HANNAFORD,
Lt. Col.,
Deputy Chief Legal Advisor.

Encl.

See M. 136

F. 170

3170

encl. 1572

147
1572

Ref: AG/4079/2/L.

9 February 1946.

SUBJECT: Clemency for Prisoners.

TO: AFHQ, G-5 Section.

1 With reference to your G-5: 014.5 of 30 Dec 45 on the subject of clemency for prisoners I have the following comments and recommendations to make.

2 As regards Para 2 of your letter under reference and sentences for offences of a minor character, this type of sentence has by mere lapse of time been reduced to vanishing point. It is estimated that short term sentences from 30 to 120 days imprisonment have, generally speaking, been served.

In this connection it is pointed out that when release and redeployment caused a gradual and serious reduction in Legal Officers in AMG territory cases of the type described were transferred to Italian Courts. Only a very few cases of this nature have been tried since 1 Oct 45. The very few sentences which may remain will have expired before any act of clemency could be put into force.

It seems clear therefore, that no act of clemency is required in the case of sentences described in Para 2 of your letter under reference.

3 The sentences remaining unserved are those described in Para 3 of your letter, and fall into two categories;

(a) Those from six (6) months to two (2) years. According to Italian prison records, the persons in jail undergoing sentences from six (6) months to two (2) years number 1,345. These sentences are expiring daily.

(b) Those serving sentences for longer than two years.

These offenses fall into two broad classifications,

In the first are those severe deterrent sentences given in the early days of the invasion, notably in Sicily and later in Naples for acts considered dangerous to our security and denounced by the proclamations, such as wire cutting, failure to declare enemy arms and military equipment.

Copy to: G. Linn

G. Linn

2038

Declassified E.O. 12356 Section 3.3/NND No. 785017

- 2 -

public demonstrations elevated by the circumstances to "riots" and "insurrections", and acts of sabotage for which the death penalty was not given.

In the second are those sentences for acts which violate the penal codes of Italy, and for that matter, of the United States and Great Britain, such as murder, forgery, robbery with fire arms, counterfeiting, perjury and swindling, etc.

According to Italian prison records, all persons in jail undergoing sentences for more than two (2) years number 546. These sentences are not expiring rapidly.

- 4 All records of trial of Allied cases are held by the Allied Commission, and I consider that it would be contrary to accepted policy and most undesirable to pass these records to the Italian authorities with the view to their reviewing Allied cases. These records are in English, and were prepared under rules unfamiliar to Italians; nor should these records be made available to become possible sources of claims against the Allies upon the conclusion of the Peace, for alleged wrongful acts against the person or property of the accused. Further, any clemency action should emanate completely from the authority responsible for the trial, that is, the Allied authorities and not Italian authorities.
- 5 Under single existing authority, a review of outstanding sentences is underway by the Legal Sub-Commission. Cases under category 3 (b) above are being examined by one lay and two judicial officers who make recommendations to the Chief Judicial officer. Long term sentences given as a deterrent for anticipated conditions which failed to materialize are being adjusted to actualities. Sentences for criminal law offenses are not being disturbed merely because imposed by an Allied Court. The Italians themselves are not eager to have such criminals released to the general public. It is proposed to make a similar review of unexpired sentences in category 3 (a) above.
- 6 As a part of the procedure the detention of every prisoner (other than those detained for security reasons) in Italian jails held under colour of Allied authority for penal offences is being questioned in conjunction with the appropriate Allied authorities. The necessity therefore is emphasized by the following examples:

In the VOLTERRA Penitentiary a man was found under detention from March 1945, for Allied (but NOT AMG) proceedings which failed to materialize. He has been placed at the disposition of the Italian judiciary for another (more serious) offense. Seven prisoners from the Island of Elba similarly detained were turned over to the Italian Special Court of Assize for trial. In another instance a German Prisoner of War had been detained in a small prison for several months.

- 3 -

- 7 There remains the question of any plan or scheme to be applied after the peace to unexpired long-term AMO sentences.

I refer to matters such as remission of sentence for good behaviour or the application to such sentences of any clemency act which might be decreed by the Italian Government after the peace.

Such matters pertain to treaty conventions and I presume that consideration will be given to them in the drafting of the Peace Treaty.

- 8 I suggest that if it is necessary to consider this whole matter in more detail, a conference of all concerned should be summoned.

/Sgt/ ELLERY R. STONE,
Rear Admiral, USNR,
Chief Commissioner.

Declassified E.O. 12356 Section 3.3/NND No. 785017

ACTION

BU 252
Hm

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Declassified E.O. 12356 Section 3.3/NND No. 785017

Translation

2604 21

EC

151

669

The Presidency of the Council of Ministers

5813/30512/1.1.26

Rome, 31 January 1946

Dear Admiral,

referring to your letter dated 11th inst., on the enforcing of the regulations of the Italian Government in territories administered by the Allied Authorities, I take the liberty of pointing out to you that, for the Venezia Giulia provinces and the Udine Province, which are still under A.M.G., the Allied Commission should issue the instructions which I suggested in my previous letter, n. 50665/30512/1.1.26, dated December 23rd.

I take this opportunity to forward to you the text of the circular which has already been sent to the Prefects of the provinces which have been handed back to Italian Administration.

Believe me, my dear Admiral,

Sincerely yours,

s. De Gasperi

Admiral Ellery S. Stone
Chief Commissioner
Allied Commission
Rome

e.e.

e.e. dist - 1.2.46

Action: e.e. he
Inf: e.e.
e.e.

3165

BV

(COPY 10) 21

11/2

Translation

Presidency of the Council of Ministers

N. 50665/30512/1/1/26

Rome, 1 Jan 1946

To the Prefects
and for information
to the Ministers

Subject: Enforcement of legislative regulations extended by the Allied Military Government.

As it is known, Italian legislative regulations, in due course extended to the various provinces by the Allied Military Government, become in force on the day when the Prefects of the said provinces received from the Authorities in question a copy of the Gazzetta Ufficiale containing the relative regulations.

As every central Administration may need to know exactly the date of enforcement of the various regulations in the provinces which were formerly under A.M.G., we ask you to send as soon as possible to the Presidency and to all the Ministries a report containing the above mentioned data for the whole duration of Allied Administration.

The said report will also have to be forwarded to the communal Administrations and public offices of the province, allowing all citizens who wish to do so to take cognizance of it.

THE PRESIDENT OF THE COUNCIL OF MINISTERS

De Gasperi

e/o

3164

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ref: 2604/KC

4 February 1946

Dear Sir Percy:

Reference your 5/10/45 of 1st February 1946. The case of Signor Merzaglia does not appear to have been tried up to the present date, so he has not been pronounced guilty.

This case will in its time come up before the Italian Minister of Justice and any appeal for temporary liberation or speeding up of the case on grounds of ill health should be directed to him. The Allied Commission is unable to intervene in such cases.

Two of the Allied officers mentioned in the enclosed pro-memoranda are to my knowledge no longer in this theatre.

Yours sincerely,

Capt Tennard

Brigadier
Executive Commissioner

H.E. Sir Francis Percy Godolphin Osborne
British Legation to the Holy See
14, Via del Parlamento
R O M E

3163

148

British Legation to the Holy See,

ROME.

5/10/46

1st February, 1946.

Dear Captain Tunnard,

The enclosed Pro-Memoria has been sent to me by a nun, Suor Clotilde Morano, of the Opera di Preparazione Missionario, Via Consolata 12 Torino, who requests me to use my good offices with the Allied Military authorities in supporting Signor Meregaglia's appeal for liberation.

I am sending you the memorandum for your observations, please.

Yours sincerely,

D. G. DeBarn

Captain Tunnard,
Liaison Division,
Allied Commission.

La Folio 149
3102

SS

Translation

To Admiral Stone

The undersigned, Sagnoli Dino, appeals to you so that justice may be done to him. For 18 months, the Italian Authorities have been arbitrarily keeping me in jail. I wrote a postcard to Ambassador Kirk on October 13th, 1943 - as from enclosure 1 and it was returned to me by the Italian Minister of Justice with the hereby enclosed letter, dated 22nd December 1943 (encl. 2). I was always an anti-fascist as can be seen from my trips to England and to the United States and I waited for the American landing in Sicily in Gela. I presented myself to the American Authorities as soon as the landing took place, on July 5th 1943, and was taken as a volunteer in the American Army and destined to C.I.G. and A.M.G. - Hq - Polic. Int. Sect. I always did my duty. We reached Palermo and I went on with my difficult job. Among other things, all by myself, I made prisoner a German officer of the Intelligence Service, dressed as a woman. In Palermo, I became aware of the need to have documents, and in agreement with the head of the office, Major Ruffa, I was given a letter dated September 1st, 1943, not in my name, but under the name of Sagnoli Dino, appointing me police officer of A.M.G. - Hq, Polic. Int. Sect. depending from the Allied Military Command; a pass was also issued to me (visiting card of an American officer, Lt. De Luca, of the same office) with the office stamp (A.M.G. - Hq - Polic. Int. Sect.). This document didn't bear my real name for, according to Italian laws, I was working for the enemy (this was before the Armistice) and I could be sentenced to death. This the Italian Government and the Italian magistracy can still do, not now, because they don't dare as long as the Allies are in Italy, but tomorrow, or whenever Italian policy changes. The Italian Magistracy is trying to find out who I am so that they may be able to try and condemn me to-morrow. I beg for your intervention and I am willing to prove who I am, but the Italians must never know anything about it.

The Italian Legal Authorities charged me with acts which were necessary for the carrying out of my functions in the Polic. Int. Sect. All will be well if an American officer comes to see me.

I still consider myself as a member of the American Army Forces, in A.M.G. Hq, and I claim that the Italian Authorities are violating the Armistice.

I beg you to intervene without delay to put an end to my sufferings.

I beg you to save me from the danger that threatens me if the Italians get to know who I am. They will try me and condemn me, may be not today, but tomorrow for helping the enemy (July 5th, till September 8th, 1943) during the time when the American army was still considered as an enemy. The letter appointing me is dated September 1st, 1943, before the Armistice.

I could be released if you write to the Italian Government that I belong to the American Army.

Sincerely yours,
S. Sagnoli Dino
Salerno Prison

23 January 1946

EC Distr 29 Jan

ACTION: CA Sec

INFO: CC

EC

3161

See 1556170

BU 14/2
EPB 7/2
BU
(CPT 2), EPB 29/1

Translation

146

Copy of the postcard sent to Mr Alexander Kirk
American Embassy - Rome

Salerno, 13 October 1945

I am one of your functioners ever since September 1st
1943, when I enlisted in the 7th Army as Polic. Int. Sect. Offi-
cer (A.M.G.O.P. - HQ)

I beg you to send a member of the Embassy to see me, for
I should speak to him of urgent and important matters of great
interest for the United States of America. Kindly take immediate
action.

I am in prison at present, but I shall have to get out.
What I have to say is of great importance and interest for the
United States and I cannot waste time.

Waiting for the required visit, I remain,

Prof. Dr. Dino Segnoli

Salerno Prison

s/o

3160

Translation

Ministry of Justice
Direz. Gen. Istituti Prev. e pena
Uff. VI N. 152265/52224 - Rome, 22/12/1945

Subject : Prisoner Sagnoli Dino

Referring to the above mentioned note, we hereby return the enclosed card by the above mentioned prisoner, addressed to the American Embassy, and we inform you that the Minister for Foreign Affairs to whom this postcard had been forwarded, stated that the Allied Commission, on hearing of the request of the prisoner, answered that he was taken in service by the Allies like so many others, at the time of the landing, and that relations with him came to an end on 16/8/1944, when he was arrested by the Italian Police.

Therefore, the Minister for Foreign Affairs returned the letter sent to him, for he didn't deem it advisable to contact the American Embassy on such a matter.

for the Minister

S.....

e/c

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604 51

EC 145

DD RM MILAN 44044 23 23 1020 D

ADIRAL STONE PRESIDENT ALLIED COMMISSION ROME

24

PRISONERS SENTENCE ALLIED COURT 2, OCTOBER BEG FOR
RECONSIDERATION OF TRIAL REQUIRED SAME MONTH
PINO MARIA PALEGI ANNA

EC DIST - 25 Jan

ACTION - CA Ser (2)

INFO - CC

EC 3158

25/1

25/1

(APT 12) 25/1

2046

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604

144

AG/4083/23/L.

15 January, 1946.

Re : CAVALLARO Umberto XVII No. 2969.

JAN 17

TO : War Department, Washington D.C.

NR

This is in reply to your letter of 10 December 1945 WHEEL/997.797.

Before a Superior Military Government Court, Major G.A. BURNETT, (2) presiding, at FROSINONE (Toscana) sitting on the 30 and 31 October, and the 3, 4, 5, 7, 8, 11, 12, 13, 15, 16, 19, 20, 21, 22, 24 and 25 days of November, 1944, CAVALLARO Umberto and four others were tried for violation of Allied Military Government proclamations issued by the Military Governor of Italy. CAVALLARO Umberto was specifically charged with violation of Proclamation 1, Article VI, Section one, in that he conspired with others to offer a bribe to obtain the use of an army truck, and conspired with others to obtain the use of an army truck for illegal purposes. CAVALLARO pleaded not guilty to these charges.

The record of trial in this case is voluminous. The statement of the evidence alone consists of 104 pages.

At the conclusion of all the evidence three of the defendants were acquitted.

CAVALLARO was convicted of the first charge and was sentenced to seven years imprisonment. He was acquitted on the second charge.

Both on trial, and in the appeal of his case CAVALLARO was represented by Avv. ARIGHI, recognized by many as the most successful defense lawyer of the Italian Bar. There is no evidence in the record that Avv. ARIGHI was negligent in any of his duties to his client.

An appeal filed on behalf of CAVALLARO was considered by the Chief Judicial Officer, and on 12 January 45, after due deliberation was overruled and the conviction and sentence were affirmed.

Thereafter, petitions for rehearing were filed based on the presentation of alleged new evidence. The entire case was re-examined by a Judicial Officer not previously involved in the review. It was determined that the alleged new evidence was not helpful to CAVALLARO; actually it tended to prove conclusively the guilt of the defendant, and on the 13 day of June 1945, the re-hearing was denied. On the question of sentence, however, it was held that there was little in the record in definite support of the theory that CAVALLARO was the ring leader of the gang, on

3157

(CAPT B) 205 191

169

2047

Declassified E.O. 12356 Section 3.3/NND No. 785017

143
=

which basis he received a heavier sentence than his co-conspirator, and the sentence of seven years was reduced to four years.

The issue in the case at the trial and on appeal was a pure question of fact whether or not CAVALLARO was a party to the conspiracy with Catullo, a co-defendant, to bribe Allied soldiers. The record reveals substantial evidence upon which the trial court could come to the conclusion that CAVALLARO was a party to such conspiracy. It was the opinion on review by the Judicial Officers that such conclusion was natural and proper on the evidence. Affirmance of the conviction and sentence therefore was foreclosed by the law of the case, and an order was entered to that effect.

Nothing further can be added to these prosaic facts, except, perhaps the observation that the trial of the case and the reviews had thereon were the acts of men who in civil life have dedicated their adult years to the administration of justice and have consistently discharged their military duties in keeping with the best judicial traditions of Anglo-American law.

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USN
Chief Commissioner

3156

Rome // January, 1946
JAN 12 1946

My dear Mr. Prime Minister,

In view of the restoration to the Italian Government of the Northern Provinces it would not be competent for me to issue instructions to Prefects as requested in your letter of 23rd December, and in fact no such instructions are now necessary, as legislative provisions will come into operation in these Provinces on the date provided in each decree.

While I appreciate the usefulness of a list of legislative provisions applied in AMG territory and the date on which each came into operation, referred to in paragraph 3 of your letter, I believe this information is already available to the Italian Government in that the Prefect of every Province has a record of the date of the receipt by him of each copy of the Official Gazette.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dott. Alcide De Gasperi
The President of the Council of Ministers
Italian Government
ROME.

Copy to: 6. Com.
6. Com. ✓

3155

(CAPT C) US
141

Declassified E.O. 12356 Section 3.3/NND No. 785017

Translation

26044

520
EC 141

The president of the Council of Ministers

36412/1.7

Rome, 5 January 1946

JAN 8 1946

128

Dear Admiral,

I received your letter dated December 21st,
in relation with the case of Mr. Scarsucci of Castel-
piano (Grosseto) and I at once got in touch with the
Ministry of Finance.

As soon as possible, I shall forward to you
the information which is to be supplied to me.

Sincerely yours,

M. De Gasperi

Admiral Henry M. Stone
Chief Commissioner
Allied Commission
Via Veneto
ROME

E.C. DIST-8 fur

See 159

Action: C.A. No. (2)
Info: C.C.
E.C.

3154

(CAPT C) 9/1

Rear Admiral P. G. Gambardella
Senator

Venice, 2, November 1943
San Polo 1739

To: Admiral Stone
Chief of the Allied Commission

Nome

JAN 3 1945

Sir,

I take the liberty of writing to you to explain my position which is absolutely unique, in my quality of senator, admitted, like all my colleagues to the judgement of the High Court of Justice.

My wife, Teresa Stevens is a sister of Colonel Stevens of the S.S.C. I add that I never had any political charge in the fascist party.

My relationship with Col. Stevens made me conspicuous, and the dislike of the fascist Government against myself and my family went on increasing. Besides, Marinacci published lies and calumnies against me in his papers.

I take the liberty of asking for your intervention with the Alta Corte di Giustizia, if it is possible, to have my position as a senator cleared up. I trust you won't reject my request and enclose some information about my life before and after September 8th, 1943.

I was made a senator, in 1939, only because of my merits in the Italian Navy, to which I belonged for 30 years, and where I reached the highest possible rank, that of Rear Admiral, and which I left after commanding for 2 years the fleet composed of over 50 units. I met the British Admiral Sir John Fisher Junior, and Chetfield, particularly the latter while he was commanding the Mediterranean fleet.

I had other high charges in the Navy: Deputy President of the Navy Superior Council, and for 4 years, Director General of Naval Material at the Navy Department, where I handled 1,500 millions. As such, I had to supply entirely on arms on the greatest part of the units that later formed the fleet which I commanded.

I was then Head of the late Portlands of Venice, and I gave to this city a second commercial harbour, that of Marghera (completely different from the industrial harbour of the same name). My job was of a purely commercial and administrative character.

I resigned from the above mentioned charge after September 8th, 1943.

cleared up. I trust you won't reject my request and enclose and information about my life before and after September 8th, 1943.

I was made a senator, in 1939, only because of my merits in the Italian Navy, to which I belonged for 30 years, and where I reached the highest possible rank, that of rear admiral, and which I left after commanding for 2 years the fleet. I composed of over 50 units. I met the British Admirals de Robeck, Fisher Junior, and Chatfield, particularly the latter while he was commanding the Mediterranean fleet.

I had other high charges in the Navy: Deputy President of the Navy Superior Council, and for 4 years, Director General of Naval Aviation at the Navy Department, where I handled 1,500 millions. As such, I had to supply entirely on credit on the greatest part of the units that later formed the fleet which I commanded.

I was then Head of the Auto Portals of Venice, and I gave to this city a second commercial harbour, that of Marghera (completely different from the industrial harbour of the same name). My job was of a purely commercial and administrative character.

I resigned from the above mentioned charge after September 8th, 1943, because of the incompatibility of my political and moral feelings, seeing Northern Italy in the hands of a government of bandits, that shot admirals for whom I had great esteem, as they had been working under me, and who were not guilty of any offence, also because of my dislike of the fascist regime, for I saw the barbarous way in which they treated our prisoners, and foresaw the unavoidable unfortunate end.

After leaving the harbour, I remained in contact with the partisans and helped them with my advice to avoid the destructions prepared by the Germans in both harbours. Twice I gave them 10,000 lire for the sailors that were returning from prison. As I was 70 years of age in 1943 I could not do more.

My two sons were partisans and one of them, when on duty, was run over by an unknown American truck and remained disabled.

After September, suspicion against me increased, and I was under the surveillance of the Republican police that sent a police agent to my house, to watch all our movements. This was a great danger for my two sons who often had to leave their home to avoid surprises and arrests, as well as possible reprisals towards my family, considering that all the Steves and myself were being slandered by the press of "arimanci".

(part 12)
11/14

- 2 -

139

After September 1945, though I was Reserve, I was asked to join the fascist republic, but I refused to take my oath to it. I refused to have anything to do with the so called liquidator of the Senate who offered me the charge of Vice President of the Societa' Adriatica to tempt me. I also refused what was due to me for the last two months of existence of the Senate.

Last August 7th, I sent my defence to the Alta Corte di Giustizia which took no action to prove that I could still be a senator. My defence includes many proofs of my anti-fascist attitude and also letters from people who know me well.

Anyhow, at present, I am nothing but a pensioned off official.

Thanking you for whatever you may be able to do, I remain,

Sincerely yours,

S. F. Camberella

e/o

E.C. DIST. 3 Jan

(Action: C.A. Sec. (i))

2853

Declassified E.O. 12356 Section 3.3/NND No. 785017

EC DIST. 3 Jan
Action: C.A. Be. (2)
Info: C.C. 3182

Translation

The President of the Council of Ministers
543314/30912/1.1.26

Rome, 23 December 1945

Dear Admiral,

some time ago, the Allied Commission pointed out that it would be advisable for the Italian Government to issue a legislative regulation better to define the enforcement of Italian regulation in territories under A.M.G. The proposal aimed at eliminating the inconveniences which occurred on this ground, for, occasionally, the drafting of the regulations left the date when such regulations became effective rather uncertain.

As you are aware, last March already, the presidency of the Council of Ministers issued definite instructions to the various Administrations to insert in all regulation, which might leave a doubt because of the matter they regulate, regarding the area where they are effective, the following direction: 'In such territories as haven't yet been handed back to the Italian Administration, the present decree will become in force on the date of the restitution, or on the date on which it will become executive by an ordinance of the Allied Military Government'.

However, the above mentioned inconveniences may still occur, should a regulation fix as date when it becomes effective a date which is different from the normal date of enforcement: this happens mainly in the case of regulations that have a retroactive effect. In such cases, there may be a doubt as to whether, in territories under Allied Military Government, the regulation becomes in force on the date it mentions, or on the day when the government extended it. It may also happen that, when such territories are handed back to the Italian Administration such regulations must be considered as retroactively in force, from the date expressly fixed by them, because they hadn't been extended before by the Allied Authorities, or because the possible decisions of A.M.G. modifying the date of its enforcement are no longer valid; this might sometimes not correspond to the wish of the legislator and cause serious and unforeseen repercussions.

To prevent such inconveniences from occurring again (such inconveniences chiefly happened in the field of regulations bringing economic improvements to officials) we are now taking particular care so that, in the case of all decrees with a retroactive character, the various dates of enforcement may be carefully distinguished and disciplined in relation with the various territorial situations. In such a respect, I remind you of D.L.L. 18 November 1944, n. 329, D.L.L. 15 March, 1945, n. 116, D.L.L. 22 April 1945, n. 148, D.L.L. 21 November 1945, n. 722.

On the other hand, it doesn't seem possible to discipline by a regulation with a general character, the date when all decrees to come are to become effective. From the point of view of form, such a disposition would eliminate all doubts

EC 2107 2108
3151
ACTION - C.A.
INFO - CC
EC

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- 2 -

136

for the future, for it would always be possible to suppose that a decree issued at a later date derogated from the principle fixed in the regulation itself. Substantially, we mustn't exclude that it is convenient that a regulation should become effective on the same date for all provinces, including those that hadn't yet been handed back to the Italian Administration at the time when it was issued; except, obviously, for the power of A.M.G. to order a different date of enforcement.

Therefore, I think that instead of issuing a decree on such a matter, it would be enough for the various Administrations that prepare regulations destined to have a fixed date of enforcement only in the territories that have already been handed back to insert the following final clause, to identify the date when they become effective with that of the enforcement, this in territories under A.M.G.: 'In the territories which have already been handed back to the Italian Administration, the present decree will become effective on In the territories that are still under A.M.G., it will become effective on the day it is made executive by a disposition of the Government, or, in default of such a disposition, on the day of their return to the Italian Administration.'

In agreement with the Minister of Justice who took this matter in consideration and agreed with the above mentioned point of view, I issued the necessary instructions to all the Administrations.

Believe me, my dear Admiral,

Very sincerely yours,

s. De Gasperi

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

e/c

3150

2058

Declassified E.O. 12356 Section 3.3/NND No. 785017

26014

EC 463
135

Translation

The President of the Council of Ministers
50665/30212/1.1.26

Rome, 23 December 1945

28421

DEC 20 1945

Dear Admiral,

In your letter of August the 14th, in which you explained the reasons that prevented from taking an attitude different from the present one regarding the extension of Italian regulations to territories administered by A.M.G., you stated that you would give the necessary instructions to the Prefects, so that they might inform every time the communes of their respective provinces and the Interior Department that they had received the 'Gazzetta Ufficiale'.

Thanking you for your kind courtesy on this matter, I feel I must point out to you that, to spread a more direct and immediate knowledge of the enforcement of the various regulations, for the benefit of the offices as well as of the citizens, it would be advisable to have the date when they become effective made public by means of short communiqués to be published by the prefectures in such local papers as have the largest circulation.

Besides, as in many cases the central Administrations need to know the exact date when the A.M.G. regulations become effective, it would be advisable for the Prefects to forward the information to the Presidency of the Council of Ministers and to all the Ministries, without delay and directly. As prejudicial uncertainties already manifested themselves in this delicate matter, it would be most useful for the central Administrations to have a schedule of the regulations which have till now been extended, with the date when each of them became effective.

I shall be most grateful if you kindly take in consideration the possibility of issuing further orders in this sense.

Believe me, my dear Admiral,

Sincerely yours,

A. De Gasperi

Admiral Stone
Chief Commissioner
Allied Commission
Rome

See 1142

EC Instr 29 Dec

ACTION: CA Sec

INFO: CC

1 EC

PA
17
13

s/c

670211

(MISS-5)

Declassified E.O. 12356 Section 3.3/NND No. 785017

Translation

The Undersecretary of state for the interior
6549

Rome, 22 December 1945

DEC 28 1945

Dear Admiral,

I take the liberty of forwarding a copy
of a letter signed by me, sent on December 20th inst.
month, n. 6549.

this for your information.

Sincerely yours,

S. Spataro

Admiral Stone
Allied Commission
Stone

EC Distr 29 Dec

ACTION: CA Sec

INFO: EC

CC

(MISS 3)

2052

Declassified E.O. 12356 Section 3.3/NND No. 785017

133

Translation

Rome, 20 December 1945

6249

TO THE PREFECTURE OF

BRESCIA

Comm. ROBERTO BIANCHI -residing at Gardone Riviera -
forwarded a request to this Ministry to have the temporary
permission for the opening of a gambling house at Gardone
Riviera transformed into a permanent permission. The tem-
porary permission has been issued by this Prefecture by a
decree dated October 25th, n. 32109, div. 116, approved by
the Allied Military Government.

Will you inform the person concerned that his request
will be taken in consideration as soon as the legislative
regulations about this matter have been issued.

Of course, the authorization issued by the prefecture,
in the above mentioned decree is valid till the province
goes back under Italian Administration.

f. THE MINISTER

a. Spataro

e/c

3147

Translation

Cassero dei Deputati

Rome, 23 December 1945

DEC 28 1945

To Admiral Stone
Allied Commission

My dear Admiral,

I remember the kind courtesy you always showed me, and your spirit of comprehension; I therefore take the liberty of bringing to your attention the following case with which I am greatly concerned for reasons of humanity.

Land surveyor ANGELINI MARINUSCI Augusto, of the late Augusto was sentenced by the Allied Court, on 16.1.1945, for purchasing from an Australian soldier a certain amount of gasoline, not for trading purposes, but for urgent works to repair the roads devastated by war.

Angelini was sentenced to two years and asked to pay a fine of 50,000 L. He has been for a year in the Ascoli prison.

All the gasoline has been recovered and he paid the fine.

He sent in a petition for mercy, and the Ministry of Justice forwarded his request to the Allied Commission on November 16th, after approving it.

Angelini has never been sentenced before; he is old and suffers from severe rheumatism in the joints, which have become worse because of the lack of proper care, and because of the cold he suffers from in prison.

I should never have brought this case to your attention if I wasn't convinced that he deserves your clemency, also because his two sons behaved most courageously as partisans; one of them was Commander of a brigade that fought most valiantly against the Germans.

I shall also speak to Colonel Hanaford about this case which I take the liberty of bringing to your attention, trusting you will keep in mind the special condition of Mr Angelini and his family

I send you my very best wishes for Christmas and I remain,

EC
Action: (A) (C) (R)
INFO: CC
EC

Sincerely yours,
S. Mario Berlinguer

e/o

(MISS S)

2604
131
Translation

DEC 28 1945

ADMIRAL STONE SUPREME ALLIED COM AND ROME

FOR ENFORCING ITALIAN LAWS AND ORDINANCE 35 OF YOUR EXCELLENCY
IN THE CASE OF AN EMPLOYEE OF THIS COMUNE THE SINDACO OF
VEROBILI IS BEING TRIED THIS MOR ING BY THE ALLIED COURT OF
THIS PROVINCE STOP THE GIUNTA COMUNALE IS THEREFORE UNANIMOUSLY
RESIGNING

THE VEROBILI GIUNTA COMUNALE

see M133
LC DIST - 28 Dec

ACTION - CA In (2)

INFO - CC

- EC.

3145

(MISS)

Translation

F. Comm.

To note

sub

Rome, 20 December 1945

n. 6549

TO THE PREFECTURE OF

BRESCIA

Comm. SOAVE BESANA - residing in Gardone Riviera - forwarded a request for this Ministry to obtain the transformation of a temporary permission to open a gambling house at Gardone Riviera into a permanent permission. The temporary permission has been issued by the Prefecture by a decree of October 25h, n. 32109, div. 118, approved by the Allied Military Government.

Kindly tell the person concerned that his request will be taken in consideration as soon as the legislative regulations on such a matter will have been issued.

Of course, till the provinces are handed back to the Italian Administration, the permission released by the prefecture by the above mentioned decree is valid.

for the Minister

s. Spataro

EC DIST - 28/12

RX COMM.

CA SEC (2)

C.C. 3144

see 133

2602/10

(MISS 5)

2062

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604 46

Executive Commissioner

128

AG/4034/14/L.

21 December 1945

DEC 21 1945

My dear Prime Minister,

I should like to bring to your knowledge the case of Signore Scaramucci of Casteldelpiano, Grosseto. When the Province was under Allied Military Government upon the allegation of having been a fascist all his property was sequestrated by a Prefect's decree and he had to leave Casteldelpiano in consequence of threats and upon being given to understand that his presence was unwelcome to certain people there. Sig. Scaramucci is an officer in the Bersaglieri, and I am informed that he has been cleared of all charges by the Ministry of War, and also that the Questura of Grosseto has no charge against him. If the facts brought to my knowledge are correct, it would appear that Sig. Scaramucci has been cleared of any accusation of improper conduct. All the papers and files of this case are, I believe, at the Ministry of Finance in Rome.

Yours very truly

[s/ Ellery W. Stone]

ELLERY W. STONE,
Rear Admiral, USNR,
Chief Commissioner.

Dr. Alcide De Gasperi
The President of the Council of Ministers
Italian Government
ROME

see 14/159

23/12

31-13
27/12

(MISS S)

2063

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION LOMBARDIA
AFC 394

Office of Regional Commissioner.

P/2405.

7 December 1945.

Subject : Casino at GARDONE.

DEC 18 1945

To : Executive Commissioner,
HQ. - Allied Commission.

1. I refer to your 2604/EO of 29 Nov 45.
2. The promoters of the Casino at GARDONE have NOT told the Chief Commissioner the whole truth.

The former PC of BRASCHIA Prov., Lt. Col. Robinson, turned down applications for the opening of a Casino and was backed by this HQ. in that decision. On his leaving BRASCHIA on release Capt. Goodman, an American officer, was appointed PC. Capt. Goodman, however, had been PC for only two days when he was suddenly taken away from us to return to the US, but it was during those two days that the promoters of the Casino took advantage of a newcomer to extract from him the approval to a Prefect's decree authorizing their venture. When I heard of this from Goodman's successor I gave orders for the closing of the Casino.

The argument, therefore, that funds were raised on the strength of the Prefect's order is a specious one, since the promoters must have known that their action through the Prefect was contrary to AMG wishes.

3. My own views on the subject are that these establishments draw the worst type of citizen to them and in the present political climate in the North their presence might prove a menace to public safety. In addition, the reaction of British and American Press and public opinion to the opening of Casinos wholesale would hardly be favourable to Italy while she invokes aid from our two countries.

4. Apart from my own considerations, however, 344.2 attached minute on the subject with which the career Quarters of MILAN has furnished me, clearly states the legal position on the opening of gaming houses and in this connection I would draw your attention to art. 721 of the Penal Code.

See M. 127.-028.

2064

Declassified E.O. 12356 Section 3.3/NND No. 785017

- 2 -

125

It is clearly stated in the attached that the Ministry of the Interior exceptionally authorised gaming houses in peace time at SAN REMO, LIDO VENICE and CAMPIONE because of the tourist attraction of these three resorts and to compete with similar activities abroad. The Questore, however, also thinks that the opening of these establishments is inadvisable at the present moment for the reasons I have given you in para 3.

5. The danger is that non-career Prefects and Questores are either unaware of existing regulations contained in the Penal Code or ignore them under pressure of interested parties with ample funds, who will not hesitate to take advantage of the good faith of allied officers to obtain approval of such projects. In addition I would point out that resorts where gaming houses are proposed are only easily reached by motor transport. This will inevitably mean that petrol, so difficult to come by for those who are travelling on official duty or for an essential purpose, will be used by people who will waste it for journeys of this kind when it may have been allotted them for essential purposes, e.g. agriculture, industry etc.

6. In order that we do not conflict with existing Italian regulations, apart from my own considerations, I submit that AMG should not approve Gaming Houses which, in view of the numerous applications received from Lombardy alone would undoubtedly spread.

A. E. Hancock CC
A.E. HANCOCK,
Colonel,
Regional Commissioner.

Copy to:

Finance Sub-Commission (your 13163/F of 3 Dec 45 to RFO
Lombardia Region refers)

RFO Lombardia Region,
RC Liguria Region,
RC Piemonte Region,
RC Venezia Region.

3141

PRO MEMORIA

Milano 11, 30 Novembre 1945

La Legislazione Italiana non consente assolutamente i giuochi d'azzardo, che sono, pertanto, considerati illegittimi. -

Nei confronti del giuoco i concetti cui si ispira la nostra legislazione in materia sono i seguenti :

fin che il giuoco si mantenga nei limiti di un lecito svago e tende a finalita' di palestra intellettuale non si vede la ragione di vietarlo. Fra gli elementi del giuoco vi e' anche la sorte. ed e' tendenza umana quella di sperimentarne le vicende, ma quando questo elemento sia prevalente, in modo che la vincita o la perdita dipendano, almeno in gran parte, da essa, il giuoco diventa immorale e come tale deve essere proibito perche' d'azzardo, allo scopo di tutelare la moralita' ed il costume del popolo. -

Ma, oltre i giuochi d'azzardo, ve ne sono altri che spesso diventano lo strumento piu' idoneo per eccitare gli animi dei giocatori e determinare disordini e risse; anche questi giuochi non possono, nell'interesse della tutela dell'ordine pubblico, essere consentiti.

Cosi' circoscritto, il giuoco, se pure non puo' considerarsi uno strumento idoneo alla educazione del Popolo, risultera' un lecito divertimento o svago. E' cosi' che abbiano locali appositamente destinati al giuoco lecito ed abbiano il giuoco lecito nei pubblici esercizi, con autorizzazione del Questore, il quale puo' vietare anche quei giuochi non di azzardo che possono risultare nocivi all'ordine pubblico e cioe' quelli che, pur non essendo stati tassativamente vietati dalla Legge, sono da considerarsi illeciti perche' l'Autorita' abbia ritenuto conveniente vietarli. -

I giuochi vietati sono compresi in apposita tabella da tenersi esposta al Pubblico. -

Gli elementi essenziali del giuoco d'azzardo sono contemplati nell'articolo 3140 721 del C.P., che definisce giuochi d'azzardo quelli nei quali ricorre il fine di lucro e la vincita o la perdita e' interamente o quasi interamente aleatoria

translation at 122.

Lo stesso articolo 721 dell' Icc. cassa da giuoco i luoghi di convegno destinati al giuoco d'azzardo, anche se privati, e anche se lo scopo del giuoco e' sotto qualsiasi forma dissimulato..

Alla repressione del giuoco d'azzardo provvedono gli articoli 718, 719, 720, o 722 del C.P. -

Da ultimo, poiche' e' sempre da ritenersi disastroso il giuoco, quando sia fatto a poste rilevanti, come quelle che, determinando spoliazioni e dissesti economici, allontanano dall'onesto lavoro e provocano rovine negli individui e nelle famiglie, esso, in tal caso, e' pure tassativamente proibito.

Infine gli apparecchi ed i congegni automatici da giuoco di qualsiasi specie non sono consentiti nei luoghi pubblici ed in quelli aperti al pubblico.-

Tuttavia il Ministero dell'Interno, in deroga ai criteri sopra enunciati, ha consentito il giuoco d'azzardo in alcune localita' turistiche o climatiche, quali SAN REMO - LIDO DI VEREZZA - CAMPIONE D'INTELVI .. allo scopo di attrarvi il turismo, specie straniero, che, in caso contrario, avrebbe preferito localita' estere, ove il giuoco costituisce la maggiore attrattiva..

Cio' premesso, data la mancanza totale in Italia di correnti turistiche straniere, nel momento attuale, non si ravvisa l'opportunita' della eventuale istituzione di altre Case da Giuoco, il che urterebbe altresì contro il sentimento delle masse popolari, che disciplinatamente fanno grandi sacrifici per la ricostruzione morale economica della Nazione, la dove le Case da Giuoco non servirebbero ad altro che ad aumentare le ricchezze di ingordi speculatori per fornire lussuosi svagi plutocrati.-

Senza poi dire che ai margini delle Case da Giuoco di solito si annida tutta una masnada di strozzini, di etere di alto bordo, di sfruttatori ed in genere di viziosi ed oziosi.-

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
Regional Public Safety Office

PS/13

11 December 1945.

SUBJECT : Gambling and Gaming Houses.

TO : All P.P.S.O.s

1. The subjoined resume of Italian Legislation and the official attitude on gambling is forwarded for information.
2. Please take the necessary steps to ensure compliance within the area under jurisdiction.
3. Any difficulties encountered which you feel cannot be solved satisfactorily locally should be reported to these HQ.

By order of Colonel HINCOCK,

WIT/na

A. Fowler
M.V.F. FOWLER, Major
RSGO, LOMBARDIA REGION.

The Italian Legislation in force does not permit games of chance which are therefore considered illegal. In regard to games, the spirit of the legislation is as following :-
Provided the game is kept within the limits of recreation and tends to an intellectual diversion, there is no reason to prohibit it. But a game, of course, involves luck or

be solved satisfactorily locally should be reported to these HQ.

By order of Colonel HANCOCK,

A. J. Fowler.

M. J. P. JOWLER, Major
RISO, LOMBARDIA REGION.

WATF/ns

The Italian legislation in force does not permit games of chance which are therefore considered illegal. In regard to games, the spirit of the legislation is as following :-

Provided the game is kept within the limits of recreation and tends to an intellectual diversion, there is no reason to prohibit it. But a game, or series, involves luck or chance; when the luck predominates skill, then the game becomes immoral and must be prohibited in order to safeguard public morality.

Besides the games of chance there are also other games that, even if they require more skill and are less harmful, are still too exciting and may lead to quarrels and disorders. These ones too must be forbidden.

This does not mean that all games must be forbidden; some of them are allowed in public places of entertainment, but even among these considered harmless, there are still some which

P. t. o.

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= 2 =

could be prohibited by the Questore if he thinks that they are against good order. In each club there is a list of the games prohibited by the Art. 721 of C.P., because they are considered games of chance.

The same Art. 721 also considers as gambling places private houses, if games of chance take place in them. Gambling is punished by the Art. 718, 719, 720 and 722 of C.P.

In other words every game is forbidden, if it causes heavy losses to individuals and therefore to their families.

Gambling slot machines of every kind are also prohibited in public places. In spite of these Regulations the Ministry of Interior has allowed gambling in some

particular climatic and tourist places such as SAN REMO, LIDO DI VENEZIA, CAPIRONI D'INTERVI, with the purpose of attracting foreign tourists, who would otherwise go somewhere else to seek their pleasure.

At the present time however it is considered that, in view of the total lack of tourists in Italy, it is not reasonable to authorize the opening of new Casinos more so as the fact would arouse the protest of the people. The majority of whom are living under extremely difficult circumstances, also because these gambling places are, as a rule, the haunt of criminals and other undesirable persons including girls of doubtful morality.

Declassified E.O. 12356 Section 3.3/NND No. 785017

3137

view of the total lack of tourists in Italy, it is reasonable to authorize the opening of new Casinos more so as the fact would arouse the protest of the people, the majority of whom are living under extremely difficult circumstances, also because these gambling places are, as a rule, the haunt of criminals and other undesirable persons including girls of doubtful morality.

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Declassified E.O. 12356 Section 3.3/NND No. 785017

2604 CH

HEADQUARTERS ALLIED COMMISSION
ECONOMIC SECTION
APO 394

[Handwritten signature]
(120)

Ref: 18.07/ES

14 December 1945

DEC 15 1945

SUBJECT: Rent Decree D.L.L. No. 669 of 12 October 1945

TO : Ing. Giulio Barluzzi
Confederazione Italiana Della Proprieta Edilizia
Via S. Martino della Battaglia No. 4
Roma

112
✓ A.I.

CH

1. Your letter No. 809 of 4 December addressed to Admiral Stone on the above-mentioned subject has been routed to this office for consideration.

2. It is suggested that in the light of the announcement that AMG territories now existing in the North will shortly revert to Italian Government administration, there is no necessity for you pursuing the matter further with the Allied Commission.

KENNETH E. STAUFFER
Chief, Price Office

3136

SRT
14/12/45

(MAH)

2072

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604

119

DE/5.29/CA

17 December 1945

My dear Mr. Prime Minister:

While the Allied Commission appreciates that DL 716 is intended to be used only in quite exceptional circumstances, it cannot help feeling that an autocratic power to dismiss persons without assigning any reason, without the person concerned being able to make any statement in explanation or defence and with no appeal from the dismissal is far from democratic.

The Allied Commission would appreciate being informed of the number of cases in which action has been taken or is intended to be taken under the powers of this decree.

Yours very truly,

Henry W. Stone

HENRY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dott. Alcide DE GASPERI
The President of the Council of Ministers
Italian Government
ROME

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18/12
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He
(Miss S)

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Declassified E.O. 12356 Section 3.3/NND No. 785017

2604

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Copy

ALLIED FORCES HEADQUARTERS
Office of the Chief of Staff

Copy

G-5: CL4.5

21 November 1945

DEC 13 1945

SUBJECT: Clemency for Prisoners

TO : Chief Commissioner, Headquarters, Allied Commission, APO 394.

1. Reference is made to your letter above subject file AC/4075/1/L dated 6 November. The matter of clemency for prisoners has been given careful consideration. The Supreme Allied Commander however finds that he is unable to accept the line of argument put forward to substantiate the viewpoints set forth in your letter and therefore unable to agree the proposal.

2. Any General act of clemency based on sentences imposed by AMG Courts rather than based on the type of the offense and the conditions under which it was committed is considered an admission of quantitative error in the functioning of AMG courts and in the sentences imposed. If the good will of the Allies and their reasonable and humanitarian attitude have not and are not being demonstrated to the Italians in other matters of far greater import, then it is believed that the release of convicted offenders will be of little avail. The overcrowding of jails and the labour involved in consideration of individual offenses does not justify action which is otherwise undesirable. Nor is it considered that the turn back of certain territory in the North marks a milestone of allied activity in Italy which requires a revision of our legal administration.

3. It should be noted that the Italian Government is withing its authority to apply for the modification of sentences imposed by AMG courts in turned-back territory under the provisions of paragraph 4. of the Proclamation made by the President of the Council of Ministers when such territory is turned back to Italian jurisdiction. It is not expected however, that the Allied Commission will agree any blanket authority based solely on length of sentence imposed or on other than a consideration of the offense committed and the surrounding circumstances.

BY COMMAND OF THE SUPREME ALLIED COMMANDER:

/s/ A. D. Ward
A. D. WARD
Major General
Chief of Staff

CO Dist - 12 Dec
Action - CA Sec (2)
Info - EC
Original retained by CO

Chief Commissioner's comment: "E.O. Personal. Abroad viewpoint!"

PA
1712
See M. 118 9/15/46

(2073)

Declassified E.O. 12356 Section 3.3/NND No.

785017

C.S.O. to note

him. 128

Charles. I think there
is now a reply to 116
Pl. let's leave it. *[Signature]* 24/12

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

116

Ref: 2604/116/EJ

14 December 1945

SUBJECT: Casino at Gardone Riviera

MEMO TO: The Ministry of the Interior

The Chief Commissioner has had requests to enforce the regulation issued by the Prefect of Brescia in respect to the opening of a Casino at Gardone Riviera.

It would be appreciated if you could inform this Headquarters whether you support this request.

E. H. McCLEARY

see M. 118133

+ M. 127-128

9/130

see 133

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604
To: Executive Commissioner.

104 up
7 December 1945. 113
DEC 8 1945
You will recall that a delegation from Lake Garda called on me with respect to reopening the Casino at Lake Garda which had been apparently authorized by the prefect, whose action had been approved by the local AMG officer.

The attached constitutes a request from Minister Cevolotto. To protect us, you might desire to ask the Minister of Interior if they support this request.

In any case, I feel our administration is already committed by the action of the provincial AMG officer.

E.W.S. *[Signature]*

(KAPT B)

see M.I.H. 5B
F. 116

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Declassified E.O. 12356 Section 3.3/NND No. 785017

Translation

DEC 3 RECD C CO 359

The Minister of Air

113A

Rome, 28 - 11 - 45

My dear Admiral Stone,

Comm. BESANA Soave, Commissioner of the 'Ente Autonomo' of the lake Garda Riviera has been received by you, as well as the Brescia Consultants, Mrs. JUCOS, RIBBOLANI, AVANZINI; they asked for your intervention for the enforcement of the regulation issued by the Brescia Prefect and by the Allied Provincial Command in relation with the opening of the Gardone Riviera Gambling house.

As such interests concern all the region of the western Riviera of Lake Garda, where it is essential to reorganize tourism, which is the only source of income of the said region, I shall greatly appreciate it if you can sponsor the request of the Commissioner, Comm. BESANA.

Thanking you, I remain,

Yours very truly,
S. Cavolotto

Admiral Stone
Chief of the Allied Commission
Rome

E.C. DIST - 30 Oct
~~action~~
Action: C.A. (3)
Info: C.C.
EC.

trans. e/c

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Declassified E.O. 12356 Section 3.3/NND No. 785017

2604 96 EC

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Translation

Confederazione Italiana della Proprieta' Edilizia

809

Rome, 4 December 1945

Subject : Extension of D.L.L. 12/10/1945 N. 1669 to the provinces which are under Allied Military Government

Rear Admiral Hilary W. Stone
Allied Commission
R o m e

97 refers

We have been informed by the Presidency of the Council of Ministers that the Chief of the Italian Government asked for the intervention of the Allied Military Government to take action without delay, so that D.L.L. 12 October 1945, N. 669, published in the supplement of the Gazzetta Ufficiale, N. 130 of October 29th, 1945, and fixing the regulations for the housing of town building, may be enforced in all the provinces under A.M.G.

It is a matter of great interest for this Confederation that the Commission should extend the above mentioned decree to the provinces under Allied Military Government, for the rents blocked ever since 1934, have become very small because of the depreciation of the currency, and do not allow the owners in such provinces to pay their taxes, staff and maintenance works.

Thus, the owners would be worse off than the owners in the provinces under Italian Administration, where the said decree has been enforced on November 1st.

For further explanations and to bring to your attention the motives which lead the Confederation to ask for the extension of the said decree to the provinces which are still under Allied Military Government, we beg you to grant an interview to the representatives of the Confederation.

Sincerely yours,

THE SECRETARY GENERAL
(Dr. G. LAZZARA)
G. LAZZARA

THE PRESIDENT
(Eng. Giulio Barlungi)
G. Giulio Barlungi

s/c

see 1440

B/W 30
12 - N. 12/12

E.C. DIST - 8 Dec
Action: 2140
Info: C.C.
E.C.

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FAN H.
(copy)

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cc
HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

AC/4016/6/L.

5. December 1945.

DEC 6 1945

102.

I hasten to reply to your note of 29 November enclosing the plea of the Secretary of State in favour of General ADAMI ROSSI.

I have examined the arguments put forward by Signora ADAMI ROSSI on behalf of her husband. I regret to say that there exist no legal means through which the Allies could refuse to hand over General ROSSI to the Italian authorities.

The General having taken service with the fascist republican army has therefore, as an Italian subject, committed an offense under Italian law for which thousands of his compatriots are now being tried by the competent Italian Courts. At the request of the Italian Government the Allies have undertaken to hand over to the Italian authorities for trial fascist republican military personnel who have fallen in their hands.

The high position occupied by General ROSSI on 8 September 1943 cannot justify an exception being made in his favour.

If the General's activities have really been limited to those set out in his wife's letter, the Court of Florence will no doubt take a very lenient view of his case.

M. S. LUSH

Brigadier,
Executive Commissioner.

His Excellency
Sir Francis d'Aroy Godolphin Osborne, K.C.M.G.,
British Minister,
British Legation to the Holy See.
ROME.

3129

Copy to ~~cc~~ EC 1

(CAPT B) 20/1/46

2604 56

(107)

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/40M/D.

4 December 1945.

DEC 5 1945

SUBJECT : Gaming Houses.

TO : Executive Commissioner, HQ., AC.

- 100.
1. Reference your 2604/EC of 29 November 1945.
 2. The opinion of our Italian Legal Advisor on the question of gaming houses in AMG and AC territory is enclosed herewith.

G. C. HAINFORD

G.C. HAINFORD,
Lt. Col.,
Deputy Chief Legal Advisor.

M3d828

(C-100)

106

SUBJECT : Gaming houses.

The basic laws on gaming houses are the Penal Code and the R.D.L. N. 636 dated 27th April 1924 whose provisions are summarized hereunder:

1. According to art. 718 - 723 of the It. Penal Code the holding of a game of chance is a crime punishable with imprisonment from 3 months to 1 year and with a fine not less than 2.000 lire. (This fine is increased under art. 3 of the D.L.L. N. 679 in G.U. 131 of this year). The establishing of a gaming house is considered an aggravating circumstance.

2. The R.D.L. N. 636 establishes that the opening of gaming houses may be permitted in climatic localities and spas.

The proper application is to be forwarded to the Ministry of Interior, through the Prefect of the Province with certain documents among which the receipt for a payment of L. 100.000 to the treasury. A temporary license, is granted by a decree of Ministry of Interior. The established period of time must be mentioned in the decree and a bond of L. 500.000 is to be deposited.

In order to be admitted into a gaming house a special permit is requested, not to be delivered to local inhabitants and minors. A fee of 100 lire on each permit must be paid at the time of the issue.

A duty of 1.000.000 lire must be paid for the first year: for the following years a duty of L. 500.000 must be paid within 5 days from the end of the year.

3. Following this decree the R.D.L. N. 2448 dated 22-12-1927 (made L. 27th 12-1928) and the R.D.L. N. 1404 dated 16th 7-1936 (made L. 16-1-1937 N. 62) have been published in accordance with which gaming houses in S. Remo and in Venezia have been constituted.

4. During the war the R.D.L. N. 596 - dated 16th June 1940 (made L. 13th August 1940 N. 1632) closed the gaming houses of S. Remo and of Venezia until further order of the Ministry of Interior.

5. Certain provisions on games of minor relevance are found also in the T.U. of Public Safety Laws. (art. 118, 110).

6. The above laws including the R.D.L. N. 596 are in effect both in Italian Government territory and in A.M.G. territory.

7. The attached Decree of the Prefect of Brescia is illegal as the Prefect has exceeded his powers. 3127

8. Moreover art. XII of the said decree refers to an old Penal Code which is not in force any more. According to art. 6 of the R.D. 3 March

(105)

1934 N. 383 (P.U. of the Provincial and Communal Law) the central government could by means of a Royal Decree (now D.L.) declare null and void the a/m decree of the Prefect.

9. The Ministry of Interior advises that gaming houses are now open in S. Remo, Stresa, Galsomaggiore and other places notwithstanding the said provisions of law.

2083

Declassified E.O. 12356 Section 3.3/NND No. 785017

2604 46

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104

Translation

The Minister of Air

Rome, 28 - 11 - 45

Folio 100 + 98 NOV 30 1945

My dear Admiral Stone,

Comm. BESANA Soave, Commissioner of the 'Ente Autonomo' of the lake Garda Riviera has been received by you, as well as the Brescia Consultants, Mra DUCOS, BRUSCIANI, AVANZINI; they asked for your intervention for the enforcement of the regulation issued by the Brescia Prefect and by the Allied Provincial Command in relation with the opening of the Gardone Riviera gambling house.

As such interests concern all the region of the Western Riviera of Lake Garda, where it is essential to reorganize tourism, which is the only source of income of the said region, I shall greatly appreciate it if you can sponsor the request of the Commissioner, Comm. BESANA.

Thanking you, I remain,

Yours very truly,

a. Cevalotto

Admiral Stone
Chief of the Allied Commission
Rome

E.C. DIST - 30 Oct
Action: C.A. Acc. (3)
Fup: C.C.
E.C.

trans. e/c

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(CAPT B) 11/2

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Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

103

Ref: 2604/103/AC

30 November 1945

SUBJECT: Petition of Maria Teresa Adami Rossi

TO : CA Section

102

The attached letter 30/85/45 dated 28 November 1945 from the British Legation to the Holy See is passed to you for necessary action.

Please prepare a reply for the Executive Commissioner's signature.

C. R. BRAYBROOK

Chief Staff Officer
to Executive Commissioner

see 100

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NA. B

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102

C O P Y

BRITISH LEGATION TO THE HOLY SEE
ROME

30/85/45

28th November, 1945

NOV 30 1945

Dear Brigadier Lush,

The Secretariat of State of His Holiness have addressed a note to me, a copy of which is attached requesting me to recommend to the competent Allied Military Authorities a petition of Maria Teresa Adami Rossi, wife of General Enrico Adami Rossi, in favour of her husband.

I am sending you herewith a copy of her plea, in case you may consider that it might be examined, before the General is handed over to the Italian Authorities.

Yours sincerely,

/s/ D.G. Osborne

Brigadier M.S. Lush, C.B.E., M.C.,
Headquarters,
Allied Commission.

See 103 -108

See Folio 112

3123

COPY

November 24, 1945

109518/3A

The Secretariat of State of His Holiness takes the liberty to request the good offices of His Britannic Majesty's Legation to recommend to the competent Allied Authorities the petition of Maria Teresa Adami Rossi Marchini, via Lagattara 21, Firenze, in favor of her husband, General Enrico Adami Rossi, that he may not be consigned to the Italian authorities at this time.

The Secretariat of State of His Holiness is enclosing a copy of her plea in order that the competent authorities might examine the arguments which she advances.

His Excellency
Sir Francis d'Arcy Godolphin Osborne
His Britannic Majesty's Legation
to the Holy See

(with enclosure)

See 112

3122

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

100

Ref: 2604/EC. ✓

29. November 1945.

SUBJECT: Casino at GARDONE.

TO : Regional Commissioner,
Allied Military Government,
LOMBARDIA REGION.

A delegation representing the promoters of the Casino at GARDONE called on the Chief Commissioner, presented the attached Prefectural order and complained that the opening of the Casino had been vetoed by the Regional Commissioner, Lombardia Region. If it is true, as would appear, that the Provincial Commissioner or one of his officers approved the order, as a consequence of which funds were raised, it would seem difficult now to forbid the opening. I am having the general legal position on the opening of gaming houses studied. In the meantime I should be glad of your comments.

For the Chief Commissioner:

M. S. LUSH

MSL/JG.

Brigadier,
Executive Commissioner.

Regal s/c

See *blw 107.* 9/126 3121

N.o 32109 Div. II

Brescia li 25 Ottobre 1945

IL PREFETTO DI BRESCIA

Vista la domanda in data 17 Settembre 1945 e successiva lettera del 20 Ottobre c.a. del Comm. Besana Soave - Commissario Straordinario dell'Azienda Autonoma di soggiorno di Gardone Riviera - Salò, con sede in detto Comune.

Vista la necessita' di dare mezzi finanziari a detta Azienda, per l'attrezzatura turistica-alberghiera della Riviera del Garda, notevolmente danneggiata a causa della guerra;

Vista le informazioni ed il parere favorevole del Sig. Questore di Brescia e del Comando dell'Arma dei Carabinieri competente per il territorio;

Sentita l'Intendenza di Finanza di Brescia;

Visto il parere favorevole del C.L.N. Provinciale di Brescia;

Visto il parere favorevole del Sindaco e del C.L.N. di Gardone Riviera;

Visto il D.L. 27/4/44 N. 636

D E C R E T A

Art. I) E' autorizzata in Gardone Riviera l'apertura provvisoria di una casa da gioco nel Casino' di proprieta' dell'Azienda Autonoma di soggiorno, di cui e' rappresentante il Commissario Straordinario Comm. Besana Soave di Gardone Riviera.

Art II) L'Azienda Autonoma di Soggiorno, e per Essa il Comm. Besana Soave, amministrera' in proprio, la casa da gioco ed evolvera' a proprio beneficio gli utili netti della Gestione.

Art III) L'Amministratore Comm. Besana Soave e' personalmente tenuto alla osservanza delle norme, cautele, e condizioni stabilite nel presente atto di concessione.

Art. IV) Il Comune di Gardone Riviera e' autorizzato a rilasciare tessere di frequenza ai locali della Casa da Giuoco a persone che siano in possesso di validi documenti di identita' e dietro compilazione di apposita scheda.

Art V) Compete esclusivamente al Comune suddetto il rilascio delle tessere di frequenza, - Esse devono essere munite del timbro della Azienda ed avranno validita' di giorni 15.

Art. VI - Nessuno puo' essere ammesso a frequentare i locali della Casa da gioco se non sia provvisto della tessera di frequenza, la quale non puo' essere rilasciata ai minorenni, ne' a persone residenti nei Comuni di Gardone Riviera e di Salò, ad eccezione degli stranieri.

Art. VII - Non possono essere ammessi a frequentare la casa da gioco gli Ufficiali, i sottufficiali ed i soldati appartenenti alle Forze Armate Italiane ne' possano accedervi impiegati statali, parastatali ed i salariati dello Stato.

Art VIII.- A cura dell'Azienda Autonoma di soggiorno sara' istituito nella casa da gioco uno schedario dei frequentatori.

Art. IX - Il sig. Questore di Brescia e' autorizzato a costituire in Gardone Riviera un Commissario di P.S. e per l'alloggio del personale che vi sara' adibito.

Art XI - Agli effetti della vigilanza da parte degli Agenti della Forza Pubblica i locali adibiti al gioco sono considerati pubblici.

Art. XII - La violazione alle disposizioni contenute negli articoli precedenti da' luogo alle applicazioni delle sanzioni di cui all' art. 484 e seguenti del Codice Penale.

La condanna importa decadenza di diritto della presente concessione. Ogni contravvenzione al disposto degli articoli 5.6.7.8. e' punita a termine di legge.

Art. XIII - In qualsiasi caso di trasgressione alle disposizioni del presente Decreto e indipendentemente dall'esercizio dell'azione penale puo' essere ordinata

./.. p.t.o.

- 2 -

la chiusura della Casa da Giuco e la revoca della concessione. L'ordinanza di chiusura e' eseguita in via amministrativa mediante il diretto impiego della forza pubblica.
La facolta' della chiusura dei locali e della revoca della concessione e' applicabile anche nei casi nei quali, pur non essendosi verificata alcuna trasgressione alle disposizioni del presente decreto, sussistano motivi di ordine pubblico e di pubblica sicurezza che consiglino il provvedimento.
Art. XIV - Il Presente Decreto ha validita' del giorno della sua affissione all'Albo Comunale di Cardone Riviera.

IL PREFETTO
F/to Bulloni

Per copia conforme:

Il Capp del Gabinetto
(col timbro della Prefettura di Brescia)

Visto li 27/10/45

F/to David Goodmann

Capt. C.N.P.
Provincial Commissioner.

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner.

Ref: 2604/KC

29 November 1945.

SUBJECT: Gaming Houses.

TO : Legal Sub-Commission.

Would you advise me as to the existing Italian legisla-
tion on gaming houses. I understand a Fascist Decree closed them
down some years ago (during the war). Does this Decree apply now
(a) in Italian Government territory; (2) in AMG territory.

M. S. LUSH

MEL/JG.

Brigadier,
Executive Commissioner.

BU
4/12
3125
W. H. S. H.

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