

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

ACC

10000/109/1572

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

785017

10000/104/1572

PROSECUTIONS OF ITALIAN CIVILIANS
FEB. - JULY 1944

785017

RC & MG Section

280 L

28

HEAD-QUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

26 Jul Recd

25 July 1944.

ACC/4160/L.

SUBJECT : Prosecution of FIERCKELAPO Aprile

TO : R.L.O. (then Regional Commissioner), Region 1.

1. Reference your RLE 013.03/MW dated 14 July 1944 and first increment.

2. From what has been stated there appears to be no jurisdiction whatever to try FIERCKELAPO Aprile by an A.M.C. Court. I see no reason likewise on what basis he could be interned by the Allied Authorities as no question of security appears to arise.

RICHARD H. WILSON.
Colonel, OAC.
Acting Chief Legal Officer.

3389

HW/ew.

Copy to : R.O. & M.C. Section.

pk 26/7

785017

30 MAY Recd 280

EC A Br

SHAW 1:- Sentences of Civilian Prisoners.

U 1501
S 3432

CONFIDENTIAL

3 District
Ext 6
4/CSI

HQ, APO,
NO & HE Section,
APO 394.

29 May 44.

Ref your 280/26/CA dated 16 May 44.

1. This HQ is now informed that the trial of VEDCHIONZ
Pelice took place at NOLA on the 21st Mar 44, the president of the
court being Major CURRY-CHARTER, US Army.

Townsend

(TO TOWNSEND) Capt
for Maj Gen
Cond.

TOT/JR.

PA / PK 30/5

HEADQUARTERS
30 MAY 1944
A. C. C.

3387

HEADQUARTERS
ALLIED COMTEXT COMMISSION
R.C. & M.G. Section
APO 394

106/280/26/01.

16 May 1944.

SUBJECT: Sentences of Civilian Prisoners (No.3 District).

TO : No.3 District.

1. Reference your L/CSI of 10 April 1944 and attached copy letter from Comd 57 Area, the cases submitted by you have been investigated and reported on as follows :

(a) De MICO Agostino.

The Director of the Prosecuting Office in Naples reports that the case of De Mico Agostino was tried before a Superior Military Court on 11th May and De Mico was sentenced to 18 months imprisonment.

(b) HAPPO, Michele.

The Director of the Prosecuting Office reports that the only notation in the records of the case is that the charges were dismissed. The arrest report shows nothing except that Happon was in possession of a piece of telephone wire, but did not indicate whether it was Allied property or part of the main telephone cable.

(c) MURIELLO Muscolle.

The records in this case show that he was sentenced to 6 months imprisonment and the sentence suspended. The arrest report signed by "Sgt" Parkinson, 312 P.S. Section and filed as the basis for the case against MURIELLO under the item "Facts of Offence" contains only the following statement "Admits having intended to take a length of cut cable and pick". The arrest report fails to show that any offence was committed.

(d) VACCHIONE Felice.

The information given is not sufficient to enable the records to be located. To enable further inquiries to be made please furnish the place and date of trial.

(e) Papalardo Felice.

The charge was "selling spurious whiskey to troops". That is not a prosecution offence and the AGI Court officer transferred it to the Italian Courts, presumably because he thought the accusation might constitute an offence against Italian Law.

2. It is agreed that generally sentences are too lenient but a constant effort is being made to remedy this condition. It must be kept in mind that sentences are the judgments of the Judges who hear the evidence, and that these Judges cannot be ordered to impose specific punishments.

MA 5501

26A

3. This investigation again discloses that the fault in many cases is not that of the Courts but of the arresting agencies in submitting inadequate arrest reports. A.C.C. have no control over such agencies. The situation however in this respect is improving.

J.S.R.
Major J. S. Reakes

M. S. LIND,
Brigadier,
Executive Commissioner.

JSR/RAG.

Copy to: Admin Section - For Legal Sub-Commission.

785017

14 MAY Recd

280 240 O.C.A.B. (for Exec Comm)

1166925

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

2

I-3000

10 May 1944

Subject: Sentences of Civilian Prisoners No.3 District.

To : Deputy Executive Commissioner, A.C.C.

20

1. Reference is made to your letter Ref: 280/20/CA, dated 18 April 1944, subject as above.

2. On 16 April 1944 the Regional Legal Officer transmitted to the Regional Commissioner the letter of CG 3 District to which was appended the indorsement of the Provincial Legal Officer concerning the case of Capone Luigi.

Copy to
Regional
Legal
Officer
Naples

3. In the case of Pappalardo Felice, it appears that the charge was "selling spurious whisky to troops". That is not a proclamation offence and the A.M.G. Court officer transferred it to the Italian courts presumably because he thought the accusation might constitute an offence against Italian law.

4. The Director of the Prosecuting Office in Naples reports that the case of De Micca Agostino is now for trial before a Superior Military Court on 11 May 1944.

2/ have
this
taken
place

5. The Director also reports that the only notation on the records of the case of Nappo Michele is that the charges were dismissed. The court report shows nothing but possession of a piece of telephone wire.

6. The Director reports that the records in the case of Nunziello Musella show that he was sentenced to six months imprisonment and the sentence suspended.

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The arrest report signed by "Sgt" Parkinson, 312 PS Section and filed as the basis for the case against Nunziello, under the item "Facts of offence", contains only the following statement, "Admits having intended to take a length of cut cable and pick". The surprising thing is that this man was ever charged and tried as the arrest report fails to show that any offence was committed.

7. The information given concerning Vecchione Police is not sufficient to locate the records. Inquiries concerning cases should contain the place and approximate date of trial.

8. It is agreed that generally the sentences imposed are too lenient but a constant effort is being made to remedy this condition. It must be realized that the sentences are the judgments of the judges who hear the evidence and that we cannot order judges to impose specific punishments.

9. This investigation again discloses that the fault in many cases is not that of the courts but is the fault of the arresting agencies in submitting inadequate arrest reports. We have no control over such agencies. We have endeavored to correct this condition through conferences and liaison but with only limited success. However, the situation in this regard is improving.

Charles Poletti
CHARLES POLETTI,
Lieut. Colonel,
Regional Commissioner.

JWC/mo

3384

BU 15/5

7 MAY Recd 250
JWC

C A Br. 23
6649

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. Army

L-3000

6 May 1944

Subject: Sentences of Civilian Prisoners.

To : Deputy Executive Commissioner, A.C.C.

1. Reference is made to your letters Ref/280/20/CA dated 18 April 1944 and Ref/280/22/CA dated 1 May 1944.

2. Investigation is being made into the cases referred to and as soon as the information is received it will be transmitted to you.

For the Regional Commissioner:

John W. Chapman

JOHN W. CHAPMAN,
Lt.Col., JAGD,
Reg.Legal Officer.

JWC/no

John W. Chapman

785017

HEAD, CPSC
ALLIED CONTROL COMMISSION
R.C. & M.C. Section
APO 394

Ref/280/22/CA.

1 May 1944.

SUBJECT: Sentences of Civilian Prisoners - No.3 Dist.
TO : R.C. Region III.

May a reply now be made to this office letter
reference 280/20/CA of 18 April 1944.

10

NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

[Handwritten signature]
[Handwritten initials]

HEADQUARTERS
ALLIED COMING COMMISSION
P.O. & H.Q. Section
APO 394

Ref/280/22/CA.

18 April 1944.

SUBJECT: Sentences of Civilian Prisoners No.3 District.
TO : H.Q. No.3 District.

Reference your memorandum & CMI of 10 April 1944. A report has been called for from H.Q. Region III, on receipt of which a further letter will be sent to you.

MORGAN E. FIERCK
Colonel,
Deputy Executive
Commissioner.

30+

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & H.C. Section
APO 394

Ref/380/20/CA.

18 April 1944.

SUBJECT: Sentences of Civilian Prisoners No. 3 District.

TO : R.C. Region III.

1. This Headquarters has received from Comd. No. 3 District a letter on the above subject written by Comd. 57 Area. Copies of the correspondence are attached.
2. Will you please forward your comments as early as possible.

HUBERT E. FISKE
Colonel,
Deputy Executive
Commissioner.

Copy to: Admin Section - For Legal Sub-Commission.

785017

12 Apr Recd

280
TH

C A B

CONFIDENTIAL

S-1503

19

SUBJECT: Ineffectiveness of AMG Courts and
legal procedure.3 District.
Tel Ext 10.
4/OSI.

10 Apr 44.

80
1675HQ Allied Control Commission,
APO 594.

I know that the Deputy President, Allied Control Commission, is most anxious that offenses committed by Italian civilians, which are in the nature of sabotage or which directly affect Allied troops or property, should be adequately dealt with.

I feel, therefore, that he would wish to see the attached copy of a letter received from Comd 57 Area giving examples of failure in this respect.

I invited the attention of HQ 3 Region to the unsatisfactory case of CARLOS Luigi in my letter 31/OSI dated 20 Mar.



A. Collins

Maj Gen
Comd

See 328426

18/ u

Subject: Ineffectiveness of ADJ Courts and
Legal Procedures.

CONFIDENTIAL

5.200/11

6 Apr 44.

6. 3 District.

1. I wish to bring to your notice the following cases which have been dealt with in an unsatisfactory manner by ADJ.

2. DE NICOLA AGOSTINO.

- (a) On 29 Jan 44 an Italian civilian called DE NICOLA was observed in the act of receiving a length of telephone cable running alongside the autostrada. On being approached he ran away but was chased, caught, and handed over to the military police.
- (b) DE NICOLA then gave a false address and succeeded in escaping from the custody of the military police.
- (c) On 31 Jan 44 DE NICOLA was recaptured, denied that he had been apprehended two days before but later confessed to it and that he had given false particulars. He was placed in the civil jail.
- (d) On 1 Feb 44 the PSC J12 PS Sec made a report to the Public Safety Division AG Region 3 attesting signed statements by witnesses.
- (e) The next information received was that DE NICOLA had been released on bail pending trial despite his behaviour on flight being apprehended.
- (f) A letter was then sent by this HQ to the Regional Commissioner AG Region 3 complaining of the action taken, to which a reply was received on 4 Mar which stated,

"When your communication reached the desk of the Regional Legal Officer, he immediately ordered cancellation of the bail and the re-arrest and immediate trial of the accused."

DE NICOLA was then re-arrested and did not surrender to his bail at the trial on 20 Mar.

- (g) Sub Poems for witnesses were not prepared in due time and at the last moment the PSC J12 PS Sec ensured the attendance of the witnesses.

3. MARCO MICHELE and MURRINIO MARIELLA.

- (a) On 7 Feb 44 two Italians named above were stopped by HQ for being

the custody of the military police.

- (c) On 31 Jan 44, US MICHA was interrogated, denied that he had been apprehended two days before but later confessed to it and that he had given false particulars. He was placed in the civil jail.
- (d) On 1 Feb 44, the PGO 312 PS Sec made a report to the Public Safety Division AFB Region 3 attaching signed statements by witnesses.
- (e) The next information received was that US MICHA had been released on bail pending trial despite his behaviour in first being apprehended.
- (f) A letter was then sent by this HQ to the Regional Commissioner AFB Region 3 comprising of the action taken, to which a reply was received on 4 May which stated:

"When your communication reached the desk of the Regional Legal Officer, he immediately ordered cancellation of the bail and the re-arrest and immediate trial of the accused."

US MICHA was not re-arrested and did not surrender to his bail at the trial on 20 Mar.

- (g) Sub Parties for witnesses were not prepared in due time and at the last moment the PGO 312 PS Sec secured the attendance of the witnesses.

3. MAPPO Michele and MURVIELLO Musella.

- (a) On 7 Feb 44, two Italians named above were stopped by GIE for being in possession of lengths of telephone cable and a pick. While being questioned MURVIELLO ran away and was recaptured by the GIE on 6 Feb 44.
- (b) The lengths of cable were identified as part of the main telephone cable which runs along the Autostrada.
- (c) All particulars of the evidence were passed to Public Safety Division AFB Region 3 by PGO 312 PS Sec on 11 Feb 44. The PGO finished his report by stating,

"It is requested that in view of the frequency with which telephone cables are being cut at present, the trial be expedited as much as possible and that the Court should be pressed to impose the certain sentence."

3374

- (d) After repeated applications to the prosecutions department at the Tribunal it was ascertained that the two accused were tried at MAPPO's Summary Court, Musella on 15 Feb 44 received 3 days imprisonment, and MAPPO on 16 Feb 44 and case dismissed. No

witnessed/

witnesses were called, nor were the exhibits called for, neither the fact that copies of all statements of witnesses and FBI briefs were taken with the prosecuting department by the 100 312 35 Sec.

4. PROSECUTOR POLICE.

The above was arrested at TUNISIA, Tunisia, by an 100 312 35 Sec in Feb 14, and charged with selling, exporting, and giving away all evidence and exhibits were only but the case was transferred by all to an Italian Court in Naples and accused was dismissed. He was never was sight.

5. PROSECUTOR POLICE.

(a) The youth was charged with having bribed two youths working for 16 BLD to procure for him 300 cartridges in exchange for bread. 20 cartridges were found in his house together with empty 12 bore sporting cartridges, shot and cartridge making machine.

(b) The youth admitted giving him the charges. All agreed to produce the youths in the Court on 21 Mar 14, as witnesses but only one appeared and it is reported that he then gave different evidence.

(c) Notwithstanding the fact that the charges were found in his house the case against YOUNG was dismissed.

6. I have repeatedly asked 20 to treat such offences with more severity and care, but have not been very successful in obtaining results. I would appreciate if the matter could be strongly taken up as the present ineffective action is no deterrent to others and is discrediting to those military personnel endeavouring to bring these civilians to justice.

(Sgt) J.G. Brunner-Bentall,
Sergeant,
Commander,
57 Ave.

785017

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 394

Ref/280/17/OA

29 March 1944

SUBJECT: Case of Lo Piano Salvatore.

TO : R.C. Region I (for Senior Legal Officer).

1. This office is in receipt of a letter from the attorney for the above named accused, tried by the Superior Court of Caltanissetta, stating an appeal in this case was filed but no action was had on the appeal.

2. The Chief Legal Officer advises this accused was sentenced to three years imprisonment, which sentence was confirmed by the Reviewing Officer 3 December 1943, and that a receipted copy of the Reviewer's decision bearing the signature of the SCAO and dated 13 December 1943 was received back.

3. You are requested to advise Arcadio Emanuele Russo, 21 Redentore Street, Caltanissetta, of the action taken in this case, and advise him that he may file a petition for clemency, if the circumstances warrant.

FRP
NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

3378

ALLIED CONTROL COMMISSION

CLASS: RESTRICTED

PREC: ROUTINE

FROM: BEARS FROM HANCOCK

TO: PATIMA FOR UPJOHN

M/C NO: 15/28

REF NO: 5-8843

FILED: 271815

RECD: 280430

28 MAR Recd

2800 C.A. R. 16

HEADQUARTERS
29 MAR 1944
A.C.C.

(PAREN BEARS FROM HANCOCK TO PATIMA FOR UPJOHN CITE RBO -152 PAREN)
 PERSONS NAMED ARE IN CUSTODY AND HAVE BEEN DENOUNCED BY ITALIAN
 AUTHORITIES FOR OFFENCES CONTRARY TO ITALIAN PENAL CODE. FULL
 FACTS BEING COMPILED WILL BE FORWARDED IN DUE COURSE REFERENCE
 YOUR 2513

NT

ACC DIST

Action - Legal Rec

Info - S C E

C M B

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Hest

RESTRICTED

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785017

27 MAR 1944

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

JPL/jpl

27 March 44

ACC/4083/1/L

Subject : Case of LoPiano Salvatore.

To : H.Q., A.C.C., R.C. & M.G. Section.
APO 394

1. Reference your letter 280/13/CA, dated 25 March 44.
2. The Court sentenced the above mentioned defendant to three years' imprisonment.
3. The Reviewing Officer affirmed the Court's decision, on 3 Dec. 43.
4. A receipted copy of the Reviewing Officer's decision on review was received by this office bearing the signature of the S.C.A.O and the date of 13 Dec. 43.

A.C. Wright
A.C. WRIGHT
Major
for Chief Legal Officer.

see 17

3576

785017

RESTRICTED

MAR Recd

5176

ACK

CAB

835/25

14

FROM: MEMO 251632A

TO : PATINA FOR UPJ IN WIX

(PAPER DASH FROM WARD OR FOR WILDER TO PATINA FOR UPJOHN CITE
 RE0146 PAME) 3-3770 RESTRICTED ITALIAN COURTS IN PAL AND DISTRICT
 UNLIKE THOSE IN GAZARIA AND MESSINA WILL NOT TRY ALLIED PROPERTY
 CASES IN CASES OF ERROR IN ORIGINAL DECISION RECORDED MINISTERS WOULD
 EXPLANATORY DIRECTIVE IN FIRST PARAGRAPH TO PROCEED ON COPY OF
 AMENDING ORDER IS PUBLISHED AN OBJECTION OF SUCH CASES IN STATUTES.
 POSSIBLY TIME SAVED IF DOCUMENTS SENT THROUGH OUR CHANNELS. IN
 LISTING LOCAL OFFICERS FOR REGION 1 DO NOT INCLUDE MOLES AND
 CILIBERTI AS THEY ARE NOT ACTING AS LEGAL OFFICERS.

MEMO 251735

MEMO 251735

ACC-DIST

As per legal cc - (2)

INFO - Reg CC

- Admin Sec

- CAB

- FIA

- Fleet

7/9

314

3375

RESTRICTED

13

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 39.

Ref/280/13/CA.

25 March 1944

SUBJECT: Case of Lo Piano Salvatore.

TO : V.P. Admin Section (For Legal Sub-Commission)

1. The above case was tried by the writer while serving as Superior court for the province of Galtanissetta. The facts in the case are not recalled.

2. A letter has been received by attorney of the accused dated 15 March 1944 and stating an appeal was duly filed but no action received up to date.

3. Will you please advise us what action has been taken in this case, and if there is any question in the case, if you will send me the file, I will be glad to review it and render any further opinion I might have on the subject.

FRANK L. PEYTON
Captain, GMP
R.C. & M.G. Section

3374

HEADQUARTERS,
REGIONAL CONTROL COMMISSION,
APO 394

Regional Control and Military Government Section.

Ref: 280/12/QA.

28th February 1944.

Subject: Judicial procedure in Naples area.

To : Regional Commissioner, Region III.

With reference to your letter JWC/no 3/6105/L
dated 19 February 1944.

I am directed by the Executive Commissioner to
thank you for the detailed explanation which you have given
him on the above-mentioned subject and to say that he much
appreciates the manner in which you have gone into this matter.

L. B. CAIR,
Captain,
PA to Executive Commissioner.

3373

To:

Col. V. K. S.

for personal

PM

22/12

PA

Will you draft

a war in suitable

effy M/55/1/40

785017

280
HEADQUARTERS
REGION 3, ALLIED MILITARY GOVERNMENT
APO 354, U.S. Army

22 FEB Recd 13

JWC/mo
3/6105/L

19 February 1944

Subject: Judicial procedure in Naples area.

To : Brigadier M. S. Lush, C.B.E., M.C.,
Deputy Chief Civil Affairs Officer.

18
1. Reference is to your 280/4/CA, 15 February and 312/FS, 4 February, 1944, attached thereto.

2. No satisfactory comment can be made to the criticism expressed in 312/FS. At the time the criticism was written it was justifiable to a large degree.

3. On 8 February, 1944, a new Regional Legal Officer was assigned to this Region. He immediately attacked the problem of time elapsing between arrest and trial. Arrangements have been made to increase the number of courts. Efforts are being made to obtain authority from your Headquarters to reduce the amount of paper work now required of Summary Court Officers. The amount of paper work now required is definitely a factor in the problem of delay. Recommendations have already been made to the Legal Sub-commission.

4. The Regional Legal Officer has also made arrangements with your Headquarters for the services of Lieutenant Correa and his staff of special prosecutors and investigators to assist in the investigation, preparation and prosecution of cases and to train prosecutors for this Region. The Legal Officer has made arrangements

2

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to obtain the services of seven officers for duty as prosecutors. The additional court and prosecuting officers are now available.

5. The problem of inadequate punishments is not so easy to solve. It depends largely on the judgment of the individual officer who hears the cases. Many of the officers still are unable to adopt the mental attitude necessary to consider sentences as deterrents. Efforts are now being made to remedy this situation. M

6. Effective liaison has now been made with Headquarters Peninsular Base Section, Headquarters 57th Area and Headquarters Metropolitan Area, and all are aiding in the solution of the problems.

7. The Regional Commissioner has just taken over as of 13 February, 1944, and assures you that these matters will be dealt with vigorously.

Charles Poletti

CHARLES POLETTI,
Lieutenant Colonel AUS
Regional Commissioner.

16 FEB 1944

RCNO

HEADQUARTERS
ALLIED CONTROL COMMISSION

Ref: 280/4/CA

15 February 1944

TO: RCAO, Region III.

1. I should like to have your comments on the attached criticism of judicial procedure in Naples area.

M. S. LUSH
Brigadier.

cc to Head of Legal Sub-Commission.

3370

"G" Branch
57 Area

COPY

31286/3

1. In the course of its duties, this section has been responsible for instituting proceedings in several cases wherein breaches of security have been investigated and the culprits apprehended. Several of these cases have been tried before military courts, and the results have been such as to occasion a considerable amount of disquiet in so far as it affects the work of this unit in ensuring the security of the military forces and their material in this area.

2. The principal difficulties encountered are:-

- (a) The extraordinary length of time which elapses in some cases before the accused is brought to trial.
- (b) The haphazard way in which the prosecution is prepared and presented.
- (c) The punishment awarded which in many cases makes recurrence of the offence a worth while risk, apart from bringing Allied military justice into disrepute.

To illustrate these points, it is desired to quote a few illustrations.

3. On 26 Nov 43, Antonio PRIORE was imprisoned and charged with sabotage by this section, he having been caught cutting signal wires leading to an A.A. gun position during an alert. PRIORE has not yet been tried for the offence, so far as this section has been able to ascertain.

4. On 4 and 5 Feb 44 an AMG Court dealt with a case instituted by this unit in which certain persons named ARCARI were charged with conspiracy in that they agreed, for a monetary consideration, to accept letters from civilians for transmission to ROME. Eleven such letters were found in their possession at the time of the arrest. A most serious view was taken of this case by this section, as such a courier service clearly involved someone crossing through both our and the enemy lines, and the possible leakage of vital information to the enemy is abundantly clear. Under proclamation 2, the accused, also the writers of the letters, were liable to the death penalty. For these reasons when the case was

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5. Many prosecutions have been instituted in respect of thefts of petrol from 128 Petrol Depot. So far the maximum sentence was that of 90 days imprisonment awarded to Pasquale GENARO at Naples Tribunal on 15 Dec 43. By way of contrast A.R.O.'s dated 2 Dec 43 show a sentence of 1 year's hard labour given to a soldier by F.G.C.M. for stealing two cans containing petrol.

S.3.40.

92

SHEET 2.

6. From the juristic point of view it is acknowledged that a court of law must not only be fair but must also give the impression to others of being fair. It is submitted, however, that leniency of the type indicated is misplaced fairness, which can only serve to give the people in this district the impression that the Allies are willing to allow a conquered nation to do whatever they like without punishment.

7. Again, one of the principles of punishment is that it shall act as a deterrent. In the cases quoted, the punishment awarded is considered insufficient as punishment of the offender, and certainly not such as to prevent recurrence of the offences by others.

8. This section has been endeavouring strenuously to investigate and have punished every occasion in this area where anything has been done which constitutes a danger to the security of the Allied forces, its operations and materials, but it must be pointed out that this work is rendered useless if there cannot be a satisfactory trial and adequate punishment of offenders.

9. In view of the fact that this section has recently presented for prosecution 3 cases of deliberate interference with telephone communications, it is hoped that representations can be made to the appropriate authorities which will ensure that the cases are prosecuted in such a manner as will give effect to the seriousness of the offences, otherwise it may well prove impossible to prevent further recurrences of a crime which has become increasingly frequent and troublesome recently.

CMF
6 Feb 44.

(Sgd) XXXXXX Capt.
C.C.
312 P.S. Section.

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(Sgd) XXXXXX Capt.
O.C.
312 F.S. Section.

CMF
6 Feb 44.

336

CONFIDENTIAL

HEADQUARTERS PENINSULAR BASE SECTION
A. F. O. 782

S 4169

4043

AG 201 BPGBI (19 Feb 44)

19 February 1944

Subject: DONATI, Ramiro.

To : Chief Commissioner, A.C.C., R.C. and M.G. Section, APO 394.
(Att: Deputy Executive Commissioner)

1. Reference is made to your letter dated 16 February 1944, Ref/280/5/CA, Subject as above.

2. In view of the desire of the Commission to make the services of Subject available to the Italian Government and in view of the measures, as outlined in paragraph 2 of your letter, which will be taken to prevent any resumption of his obstructive activities in connection with Radio Naples, the release of Donati has been authorized.

3. In order that Subject may be contacted at Foggiorale prior to his release, such release will not be made until your office has advised Major Papurt, Commanding Officer, CIC Detachment, PBS, to that effect. Arrangements to visit Subject prior to his release may be made through Major Papurt's office.

For the Commanding General:


 L. C. SUTTON, JR.,
 Captain, A. G. D.,
 Ass't Adj. General

*Cal young and bar.
has seen Donati and bar.
given warning - received
his announcement -
No further action*

CONFIDENTIAL

3867

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/250/5/CA

NEF/mrd
16 February 1944

SUBJECT: Ramino Donati

TO : Commanding General, P.B.S. (Att: G-2)

1. Referring to conversation of the 14th of February between Col. Young and Major Arnold, the Commission will be grateful if you would consider favorably the release of Ramino Donati.

2. In the event that you should do so, Donati will be warned by the Commission to refrain from visiting the Naples Radio Station and from communicating with personnel employed there. In the event that Donati should not follow this warning action will be taken to again bring him into custody.

For the CHIEF COMMISSIONER:

J
NORMAN E. FISKE
Colonel, Cavalry
Deputy Executive Commissioner

JA

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HEADQUARTERS
ALLIED CONTROL COMMISSION

15 February 1944

Ref: 28Q/14/CA.

TO: HDAO, Region III.

1. I should like to have your comments on the attached criticism of judicial procedure in Naples area.

M. S. LISH
Brigadier.

cc to Head of Legal Sub-Commission. ~~111~~

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280/ 14 FEB Recd

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HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.F.C. 394

ACC/4983/L

SUBJECT: Giuseppe Duodo Serfe

TO : Deputy Chief Commissioner

12th February 1944

1. In answer to inquiry made by Col. Spofford on 1 February 1944.
I am enclosing a copy of a letter from Region III giving a report on the
case of the above named civilian received today.

2. Any further information received by the Legal Sub-Commission
about this case will be transmitted to you.

Richard A. Wilmer

RICHARD A. WILMER,
Lt. Col. D.A.C.
Deputy Chief Legal Officer.

*Feb. 15
Col. Bowman says that
he is in touch with the
cage and that it can be
dropped here.
P.A.
vD*

1 encl.

1/A

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HEADQUARTERS
REGION III ALLIED MILITARY GOVERNMENT
A.P. 374 U. S. Army.

REC'D/17
3/5072/L

3 February 1944

Subject: Prosecution of Giuseppe Guido Serfe.

To : Hq. A.G.C. (Legal Sub-Commission)

1. Reference is made to letter from Headquarters Allied Control Commission Legal Sub-Commission, to A.G.C. Region III (thru HQAG), 2 February 1944, subject as above.

2. Under date of 30 January 1944 Brigadier General Pence, Commanding Peninsular Base Section, requested that the Senior Civil Affairs Officer, Headquarters, Naples Province, A.M.G., take immediate action to apprehend, bring to trial, and punish Serfe, said to have been arrested 19 November 1943 for wrongful possession of U.S. military property, and pointed out that the soldier involved with Serfe was given a sentence by court-martial. This request was placed in the hands of Col. Weber, Legal Officer, Naples Province, for investigation and appropriate action. Colonel Weber assumed his duties as Legal Officer, Naples Province, about 26 January 1944 and on that day ordered Serfe arrested and confined in jail. Arrest was effected within an hour of the giving of the order and Serfe made a statement to the effect that on 19 November 1943 the police found an American shirt and an empty can in his home. Serfe stated that the shirt had been given him by a soldier, and that he had picked up the can after it had dropped off a car in Torre del Greco. He stated that he had tried to stop the car but could not. Records available at this time do not indicate that Serfe was held any length of time after 19 November 1943, if he was held at all.

As it was believed at Peninsular Base Section Headquarters that Serfe was involved with an American soldier in this case further investigation was made by Colonel Weber through C.I.D. agents Darbin and Lopensky who made the original arrest. These agents gave a statement under date of 7 February 1944 to the effect that when arrested Serfe was not in possession of any material which the American soldier, Rice, was attempting to blackmarket. A statement signed by Herbert A. Rice, the American soldier whose conviction by court-martial was referred to by General Pence, states that he knows nothing about Serfe, that he never delivered any stores to Serfe, and that he had no intention of delivering any stores to Serfe on the date of his arrest 19 November 1943. Rice further states that he did not know Serfe and knew no soldier who ever transacted business with Serfe, either giving or receiving goods or money to or from him.

Colonel Weber has advised this Headquarters that he has kept in close touch with the Judge Advocate, Peninsular Base Section, Colonel La Mar, during the period following 26 January 1944 and has kept that officer advised of the facts disclosed by the investigation as they came to light.

3. The statements to which reference is made above have been returned to Colonel Weber.

For the Regional Civil Affairs Officer:

(sgd) Douglas H. Bateson.
1st Lt. C.M.P.
Acting Asst Adj Gen.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

1 February 1944

SUBJECT: Prosecution of Giuseppe Gucco Serfe

TO : Legal Subcommittee

1. P.B.S. asked yesterday that I investigate the case of Giuseppe Gucco Serfe, an Italian civilian, who was jointly involved with an American soldier in diversion of military supplies. The offence took place in November. The soldier was given a stiff sentence by court martial on 28 December.

2. General Penco has been informed that no steps have been taken against the civilian. He has had some correspondence with Region III on the subject which he states is not at all satisfactory.

3. Will you investigate the case and inform me of his present status. I should like to report on the matter to General Penco as soon as possible.

By command of Lieut. General MacPARLANE:

CHARLES M. SPOMFORD
Colonel, G.S.C.
D.C.C.A.O.

*Feb. 11 -
Set a copy of
Legal Sub. Rep. II
informed me that a
report had already been
sent to Gen. Penco.*

*B/W 10/2
N. H.*

8/17

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