[redacted]

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

ACC

10000/109/1846

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

10000/109/1846

FIREARMS
MAY - OCT. 1944

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

14A

HEADQUARTERS
ALLIED CONTROL COMMISSION
CMF
Office of the Chief of Staff.
++++++++++++++++++++++++++++++

REF : 998/COS. 9 October 1944

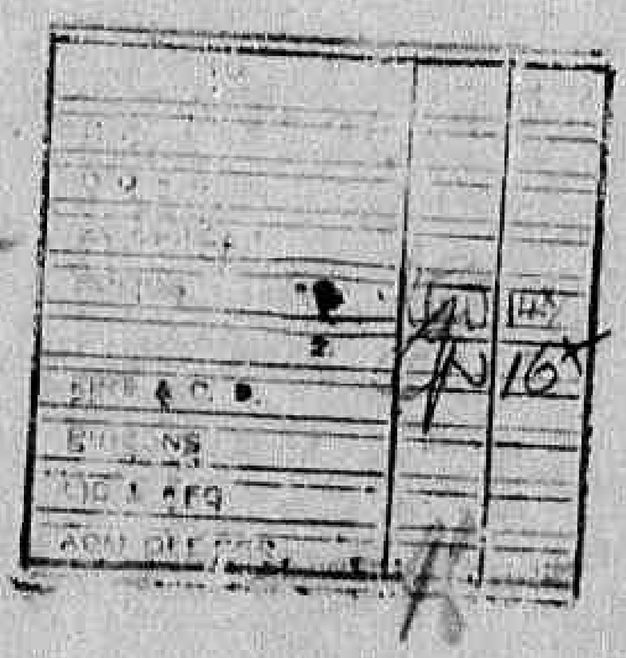
PS
10 OCT. 1944

SUBJECT : Transfer of File 700/CA.

TO : Civil Affairs Section.

16A

Attached letter RVIII/11/107 dated 6 October 44 subject " Surrender of Weapons - GROSSETO Province" is passed for appropriate action please together with file 700/CA subject " Fire arms " for retention.



For Chief Staff Officer,
To the Chief of Staff.

N.F.A.
16x

1473

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

HEADQUARTERS REGION VIII
ALLIED MILITARY GOVERNMENT

205 Sect.

File Ref: RVIII/11/104 Date: 6 Oct 44. 16A

SUBJECT: Surrender of Weapons - CROSSETO Province.

TO : Executive Commissioner, HQ, ACC.

14

1. Reference 700/11/CA dated 16 Sep 44. 7 OCT R

2. The allegations have been investigated and the following statements obtained from the P.C., CROSSETO:-

Para 2. " The Sindaco under the Italian law is responsible for Public Safety in his Commune. The Central Sindaco, of ARCIDOSSO, reported on 12.9.44 that the situation no longer demanded additional police, which he had disbanded. These men had been regularly enlisted in the Guardia Municipale and armed by my order. Only 19 CC.RR. existed in the locality and none of them had entered the M.Amiata forests. "

Para 5. " Patriot arms are being collected by Maj. MOODY, P.P.S.O., with the assistance of Patriot representatives Capt. DIEGO, Capt. DI COCCO, Ten. MAI, Sindaci, and CC.RR. as fast as circumstances permit. "

HEADQUARTERS 7 OCT 1944 A. C. C.

cc/am.

ROBT. C. KIRKWOOD,
Colonel, F.A., U.S.Army,
Regional Commissioner.

1469

D.P.		
D.P.S.		
EX OFFICIO		14
PUBLIC	1.	16
	2.	
F.S. & C.D.		
PATRIONS		
LIC & R.S.		
A.		

2339

HEADQUARTERS REGION VIII -6 OCT 1944 OFFICIAL 1579 ACC

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

15

HEADQUARTERS,
ALLIED CONTROL COMMISSION
R.C. AND M.C. SECTION
APO 394

Ref: 700/45/CA

27 September 1944.

SUBJECT: Unlawful possession of weapons, explosives and ammunition.

TO : Regional Commissioners of Lazio, Abruzzi-Marche, Toscana, Emilia, Liguria, Piemonte, Lombardia and Venezia Regions,
S.C.A.C's Fifth and Eighth Armies.

1. The unlawful possession of weapons, ammunition and explosives by Italian civilians is becoming an increasing threat to public order.

2. It will be realised that unless energetic measures are taken in the initial phases of occupation to enforce their surrender, weapons, firearms and explosives are likely to pass into the possession of dangerous individuals or parties. At a later stage the search for concealed arms becomes a much more difficult problem, which is already causing concern to the Allied Control Commission and to the Italian Government.

3. You are reminded that Notice No. 1 states:-

"All firearms, ammunition, explosives or similar war supplies must be surrendered immediately to the office of the Questura or to the Carabinieri Reali.

Any person found in possession of any article above-mentioned may be punished by death or imprisonment."

4. As far as Patriots are concerned, unless they are employed as military units (under military control) or as special police (under regular police supervision) firearms, ammunition and explosives must be withdrawn in accordance with instructions 30/1/Int dated 18th July, 1944, paragraph 7.

W.G.S. Dolland
Major
for M.E. LEEK,
Brigadier,
Executive Commissioner
(Absent on duty)

Copies to: Regional Commissioners,
Sicilia, Sardegna and Southern Regions;
and Patriots Branch, A.C.C.
Public Safety Sub-Commission

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

14

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

Ref:700/14/CA

16 September 1944.

SUBJECT: Surrender of Weapons.

TO : Regional Commissioner, Region VIII.

1. A translation of a letter dated 2nd September, 1944 from the Commanding General of the CC.RR is enclosed.

2. It is stated that weapons surrendered by the civilian population have been handed to the custody of the minded by order of the Provincial Commissioner.

3. For security reasons it is dangerous to allow any persons other than members or CC.RR to control fire arms, under the supervision of the A.M.G. Public Safety Officer.

4. Attention is called to Notice No. 1. signed by the Chief Commissioner of the Allied Control Commission which reads:-

"All fire arms, ammunition, explosives or similar war supplies must be surrendered immediately to the office of the QUESTURA or to the CARABINIERI REALI.
Any person found in possession of any article above named may be punished by death or imprisonment."

5. May we be informed if this regulation is being complied with and if it is not may we have an assurance that it will be in future.

M.S. LUSH.
Brigadier.
Executive Commissioner.

3

Encl: Translation of letter
AFW/ca.

Copy to Admin. Section

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

9089/13

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4011/10/L. /rlp. 28 May 1944.

SUBJECT : Possession of Firearms by Italian civilians.

TO : Regional Commissioners, Regions 1, 2, 3, 5 and 7.

1. Further to letter of this sub-commission reference ACC/4011/10/L of 16 May 44 and to para 2 thereof, please substitute the attached copy of Prefectoral Order for the one previously sent.

2. The Ministry of the Interior having pointed out that Article II of the order as originally drafted would have the effect of inflicting hardship on a numerous class of farmers who are already in possession of licences which have been adequately controlled and properly renewed, an amendment has been made accordingly.

G. R. URJOHN,
Colonel,
Chief Legal Officer.

Copies to: Chief Commissioner,
Executive Commissioner,
HQ, MAI (GSCB) - Attn: Col Gibson,
Regions IV & V for info,
Interior Sub-Commission
Public Safety Sub-Commission.

HEADQUARTERS
29 MAG 1944
A. C. C

1467

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

THE PREF[illegible] of the Province of .....[illegible].....

Considering, the necessity, for reasons of public order, of having an exact knowledge of all arms in the possession of citizens and of forbidding their being carried;

Having consulted with the Questore of the Province;

Referring to Art. 38 and following of the consolidated text of the Law of Public Security as approved by Royal Decree No. 773 of 18 June 1931 and also Art. 44 and following of the Regulations for the putting into execution of the aforesaid sole Title as approved by Royal Decree No. 635 of 6 May 1940.

ORDERS:

1. That all persons having in their possession fire-arms and all other arms the natural use of which is to inflict personal injury are bound to declare them, irrespectively of any other declaration made heretofore, before the.....to the local office of public security or if there be none to the Carabinieri.

2. Persons contravening the provisions of this order will be punished, under the provisions of Art. 17 of the law of Public Security, by detention for not more than three months or by a fine of not more than two thousand lire.

Those persons who, without licenses, carry arms outside their own homes or the appurtenances thereof, shall be punished according to the provisions under Arts. 699 and 700 of the Penal Code. 1468

Dated:

THE PREFECT

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

IL PREFETTO della Provincia di.....

Ritenuta la necessita', per ragioni di ordine pubblico, di avere esatta conoscenza delle armi in possesso dei cittadini e di vietarne il porto;

Sentito il Questore della Provincia;

Visti gli art. 38 e segg. del T.U. delle leggi di pubblica sicurezza approvato col R.D. 18 giugno 1931 n. 773, nonche' gli art. 44 e segg. del Regolamento per l'esecuzione del detto T.U., approvato con R.D. 6 maggio 1940 n. 635;

ORDINA:

I - Tutti i detentori di armi da sparo e di tutte le altre la cui destinazione naturale e' l'offesa della persona sono obbligati a farne denuncia, indipendentemente da ogni altra denuncia fatta precedentemente, entro il giorno....., all'ufficio locale di pubblica sicurezza o, se questo manchi, al comando dei Reali Carabinieri.

II - I contravventori della presente ordinanza sono puniti, a norma dell' art. 17 della legge di Pubblica Sicurezza, con l'arresto fino a tre mesi o con l'ammenda fino a lire duemila. Coloro che, senza licenza, portino armi fuori della propria abitazione o delle dipendenze di essa, sono puniti a norma degli art. 699 e 700 del Codice Penale.

Data a ..... il .....

IL PREFETTO

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

11/

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

Ref/700/11/CA

24 May 1944

SUBJECT: Arming of Tele. Com. Linemen.

TO : R.C's Regions I, II, III, IV, V, VI, VII, VIII and IX.
S.C.A.C's 5th & 8th Armies.

1. Representations have been made by the Italian Government for permission to re-issue arms to telephone and telegraph linamen in order to prevent sabotage, theft of wire, etc., which is causing serious threat to communications.

2. In AMG territory, Regional Commissioners should give favorable consideration to issuing permits to carry firearms for such duties, subject to local conditions.

3. In Italian Government territory the Italian Government has given similar instructions to Prefects.

M.S. LUSH
Brigadier
Executive Commissioner

Copy to:
Admin. Section (3) (for Public Safety Sub-Commission)
Communications Sub-Commission.

1465

23 MAY Recd

10

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission.

ACC/14757/1/PS

23 May 1944

SUBJECT : Re-arming of Telecommunication Linesmen

TO : Executive Commissioner (Through VP Adm Sec)

4

1. Reference is made to RC & MG Section 700/4/CA of 20 May 1944. The four points mentioned are dealt with as follows.

2. As to (a) - It is considered that the arming of these linesmen would not create an undesirable precedent. Prior to the Allied occupation, the State Telecommunication Service was attached to the Italian Army and was armed. The personnel are capable of carrying arms without endangering other persons.

3. As to (b) - Numerous instances of theft of telephone wires and cables have been reported. On one occasion in Sicily, suspended wire to the weight of 1¼ tons was cut and removed. The main operational cable was cut on another occasion and a 360 yard stretch of 14 wires removed. Hundreds of yards of wire have been removed from civilian routes carrying military circuits.

On the Mainland, any of the Chief Signal Officers of Military Districts 1, 2 and 3 could give numerous instances of thefts of cable. In a period of one week 15 cases were reported by 57 Sub-Area and 3 by 94 Sub-Area. The Military are unable to provide sufficient guards for Vulnerable Points, and a detachment of Military Police dogs is being brought into use. In one week, Military guards killed four persons, wounded one and captured eleven, all Italians.

4. As to (c) - The principal safeguard against the arms being used illegally, is the fact that they would be carried by persons of responsibility. The State Telecommunications Service is a pensionable body and before workers are employed by such an important national service, their bona-fides are carefully checked.

The inspection of arms and checking of ammunition could properly be carried out by the officials of the Service, dependent on the issuing authority. This would be a matter for the Italian Government.

146½

5. As to (d) - The Italian Government have issued no instructions to Prefects. This matter will be dealt with if an instruction in the terms of the Draft submitted be issued to Regional Commissioners.

CC

Allowed.

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

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1465

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Cr. Spare Corps.
Can like area so
Can be raised as
armed.
£ 23/-

A.E. YOUNG,
Colonel,
Deputy Chief Public Safety Sub-Commission.

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

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

700

C.A. Bty 9

UP373

22 MAY Read

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

See folio 13

ACC/4011/20/L.

rlp.
18 May 1944.

SUBJECT : Possession of firearms by Italian civilians.

TO : Regional Commissioners, Regions ~~I, II, III,~~ VI and VII.

6-8

1. The Chief Commissioner has directed that the law relating to the carrying of firearms by Italian civilians in unoccupied Italy is to be strictly enforced and that full use is to be made of the existing powers in this respect.

2. Accordingly, the Ministry of the Interior has been requested by the Interior Sub-Commission to order all Prefects in unoccupied territory to publish an order, a copy of which with translation is attached which is self-explanatory.

5

3. For your consideration and information there is also enclosed a synopsis of the Italian Law with relation to arms.

C. R. UPJOHN,
Colonel,
Chief Legal Officer.

Copy to: ~~Chief Commissioner,~~
Executive Commissioner,
Hq. AAI (GSW) - Attn: Col. Gibson,
Regions IV, V for info,
Interior Sub-Commission,
Public Safety Sub-Commission.

Ex Comm:

I think this is in order. You may wish to see

23/V/43

HEADQUARTERS
22 MAY 1944
ACC

23/V

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

8/

IL PREFETTO della Provincia di.....

Ritenuta la necessita', per ragioni di ordine pubblico, di avere esatta conoscenza delle armi in possesso dei cittadini e di vietarne il porto;

Sentito il Questore della Provincia;

Visti gli art. 38 e segg. del T.U. delle leggi di pubblica sicurezza approvato col R.D. 18 giugno 1931 n. 773, nonche' gli art. 44 e segg. del Regolamento per l'esecuzione del detto T. U., approvato con R.D. 6 maggio 1940 n. 635;

ORDINA:

I - Tutti i detentori di armi da sparo e di tutte le altre la cui destinazione naturale o' l'offesa della persona son obbligati a farne denuncia, indipendentemente da ogni altra denuncia fatta precedentemente, entro il giorno....., all'ufficio locale di pubblica sicurezza o, se questo manchi, al comando dei Reali Carabinieri.

II - Tutte le licenze di porto d'armi precedentemente concesse sono revocate dalla data di pubblicazione della presente ordinanza. I contravventori al disposto del n. 1 della presente ordinanza sono puniti, a norma dell'art. 17 della legge di Pubblica Sicurezza, con l'arresto fino a tre mesi o con l'ammenda fino a lire duemila. Coloro che, nonostante la revoca della licenza di cui al n. 2 della presente ordinanza, portino armi fuori della propria abitazione o delle appartenenze di essa sono puniti a norma degli art. 699 e

1462

approvato col R.D. 18 giugno 1931 n. 773, nonche' gli art. 44 e segg. del Regolamento per l'esecuzione del detto T. U., approvato con R.D. 6 maggio 1940 n. 635;

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1462

Data a ..... il .....

IL PREFETTO

1.

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

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

THE PREFECT of the Province of .....

Considering the necessity, for reasons of public order, of having an exact knowledge of all arms in the possession of citizens and of forbidding their being carried;

Having consulted with the Questore of the Province;

Referring to Art. 38 and following of the consolidated text of the Law of Public Security as approved by Royal Decree No. 773 of 18 June 1931 and also Art. 44 and following of the Regulations for the putting into execution of the aforesaid sole Title as approved by Royal Decree No. 635 of 6 May 1940.

ORDERS:

1. That all persons having in their possession fire-arms and all other/the arms natural use of which is to inflict personal injury are bound to declare them, irrespectively of any other declaration made heretofore, before the.....to the local offices of public security or if there be none to the Carabinieri.

2. That all licenses to carry arms heretofore granted are revoked as from the date of the publication of this order.

Persons contravening the provisions of Para 1 of this order will be punished, under the provisions of Art. 17 of the Law of Public Security, by detention for not more than three months or by a fine of not more than two thousand lire.

These persons who, notwithstanding the revocation of licenses under Para. 2 of this order, carry arms outside their own homes or the appurtenances thereof shall be punished according to the provisions under Arts.

Referring to Art. 36 and following of the consolidated text of the Law of Public Security as approved by Royal Decree No. 773 of 18 June 1931 and also Art. 44 and following of the Regulations for the putting into execution of the aforesaid sole Title as approved by Royal Decree No. 635 of 6 May 1940.

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Those persons who, notwithstanding the revocation of licenses under Para. 2 of this order, carry arms outside their own homes or the appurtenances thereof shall be punished according to the provisions under Arts. 699 and 700 of the Penal Code.

Dated:

THE PREFECT

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

Arms and explosives under Italian Law.

Ref. Penal Code: Arts: 53; 585; 678-680; 695-704
Law of Public Security: Arts: 30-45.

The laws relating to arms and explosives are set out in the Italian Penal Code and the law of Public Security.

A. General.

The employment of arms in an offense against the person is an aggravating circumstance, except, by Art. 53 of the Penal Code where arms are used by a public official in the due performance of his duty. In this context the word "arms" is defined by Art. 585 of the Code as:

1. Fire arms and all others the natural use of which is to inflict personal injury (daggers, stilettoes, etc: N.C.P.C. IV 279.)

2. All instruments capable of injury the carrying of which is forbidden absolutely or without a justified motive.

As regards para (2) the Law of Public Security further identifies such weapons where by Art. 42 it forbids the carrying outside one's house without a justified motive of sharpened stakes, instruments for cutting or stabbing, etc. (i.e., including all such instruments as are capable of being used as instruments of offense if the occasion demands but which have another more common peaceful use as agricultural, domestic, etc. - N.C.P.C. iv p: 280).

Explosive materials and asphyxiating gas are to be considered as arms.

B. PARTICULAR OFFENSES RELATING TO ARMS.

1. Definition. In this connection the word "arms" is defined by Art. 704 of the Code as:

a. Those specified under para (1) of Art. 585.

b. Bombs, any machine or case containing explosives, asphyxiating or blinding gas.

2. Manufacture and Sale of Arms.

1461

It is an offence without a license:

(a) to manufacture, import into the State or export arms (695)

(b) to offer arms for sale (695)

(c) to [illegible] arms together for the purpose of trade (695)

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

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2. Manufacture and Sale of Arms.

It is an offence without a license: 1461

(a) to manufacture, import into the State or export arms (695)

(b) to offer arms for sale (695)

(c) to collect arms to other for the purpose of trade (695)

Penalty for the above offenses: imprisonment up to one year and fine up to Lire 10,000.

Any sale of arms to a minor or mentally deficient person is absolutely prohibited.

Penalty: Imprisonment up to six months.

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

A collection of arms for artistic reasons, e.g., a collection of antiques must nevertheless be licensed (see below), but neglecting to obtain such a license is punishable by fine of Lire 5,000 only.

(d) to hawk arms for sale (696). Penalty: imprisonment up to one year and fine up to Lire 10,000.

The hawking of fire-arms is absolutely forbidden. Other arms may be hawked by license (see below).

3. Possession of arms.

It is an offense:

(e) to hold arms or ammunition without declaring them after an order to that effect has been made by the authorities (697).
Penalty: imprisonment up to 4 months and a fine up to Lire 3,000.

(f) for a person knowing that there are arms in the place inhabited by him to neglect to declare the same to the authorities (697): Penalty: fine up to Lire 2,000.

(g) to fail to deliver arms to the authorities when ordered so to do (698). Penalty: Imprisonment for not less than 3 months and a fine of not less than Lire 1000.

Note: It is immaterial how or why the defendant came into possession of the arms (N.C.P.C. p. 612).

By Law of Public Security Art. 38 any person holding arms or ammunition explosives, etc. must at once declare the same to the authorities. Exceptions are: members of the armed forces; authorized societies; and persons who from their position have a right to carry a certain type of arm. By Art. 39 the prefetto may forbid any person to retain the arms that he declares.

(h) to carry arms outside one's house or the appurtenancis thereof without a license if a license is necessary: (699).
Penalty: Imprisonment up to six months.

If the arm is of a type for which no license is allowed the penalty is imprisonment from six months to one year.

In short: 1. No one can carry arms outside his house without a license (699)
2. Certain categories of persons do not require such licenses (soldiers, judges, carabinieri, Prefetti, etc) (Art 38 of LPC)
3. License has to be renewed yearly and can be withdrawn at will (Adm. Instructions della Legge di P.S. Para 4 2).
4. Possession of arms in one's house is free and these have not to be reported, unless the authorities request it (Art 697).

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

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4. Possession of arms in one's house is free and these have not to be reported, unless the authorities request it (Art 697).

(h) If the arm is carried by night in an inhabited place or in any place where there is a throng or assembly of people the penalty will be increased.

Note: By Art. 42 Law of Public Security no person may carry arms outside his house but the Questore may license the carrying of shot guns and the Prefetto the carrying of revolvers and pistols. Art. 42 also extends the prohibition to arms as defined by Art. 585 of the Penal Code (see above "General").

All the above offenses will be aggravated if committed by any person whose license has been taken away or who is not allowed to hold a license.

Declassified E.O. 12356 Section J.3/NND No. 785017

In any of the foregoing cases the police measures of supervised liberty may be imposed on the offender.

(3) NEGLIGENCE IN CARE OF ARMS.

It is an offense:

(i) to deliver arms to or allow them to be carried by any person under the age of 16 or any person incapable or inexperienced in handling them (70

(j) to neglect to adopt the necessary precaution to prevent such persons acquiring arms (702).

(k) to carry a loaded gun in a place when there is an assembly or crowd of people (702); Penalty: for any of the above offenses: fine up to Lire 4,000 even if the offender has a license.

(l) to discharge firearms or explosives in a public place or highway without a license (703). Penalty: Fine up to Lire 1,000.

If the offense is committed in a place when there is a throng or crowd of people the penalty is imprisonment up to one month.

D. LICENCES WITH REGARD TO ARMS.

Licences for arms and for dealing in arms are obtainable from the Ministry for the Interior:

(1) through the Prefetto for: (a) Manufacture, storage, import or export of arms of war. (b) for carrying a pistol or revolver (P.S. L. Art. 42).

(2) through the Questor for: (a) Manufacture import or export of any other arms.

(b) warehousing or offering for sale
(c) collection of antiques.
(d) hawking arms for sale (but not firearms)
(e) travelling with an armed body guard
(f) carrying arms outside one's own house.

(3) Local authority of Public Security - discharging or making explosions in public place.

Licences will not be given to any person who has been convicted of certain offences against the person, violent resistance to authority, etc. or to any other person with previous convictions unless he can satisfy the authorities as to his future conduct. No minor under age may be granted a licence except if over the age of 16 and with the consent of his parent or guardian and if proficient in its use may be granted one solely for hunting.

The Prefetto can always revoke all or any licenses as he deems necessary in abnormal times.

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acquiring arms (702).

(k) to carry a loaded gun in a place when there is an assembly or crowd of people (702): Penalty: for any of the above offenses: fine up to Lire 4,000 even if the offender has a license.

(l) to discharge firearms or explosives in a public place or highway without a license (703). Penalty: Fine up to Lire 1,000.

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(d) hawking arms for sale (but not firearms)
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(f) carrying arms outside one's own house.

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Licences will not be given to any person who has been convicted of certain offences against the person, violent resistance to authority, etc. or to any other person with previous convictions unless he can satisfy the authorities as to his future conduct. No minor under age may be granted a licence 1463 except if over the age of 16 and with the consent of his parent or guardian and if proficient in its use may be granted one solely for hunting.

The Prefetto can always revoke all or any licenses as he deems necessary in abnormal times.

E. PARTICULAR OFFENCES IN REGARD TO EXPLOSIVES.

It is an offense:

(1) to manufacture, import, warehouse, offer for sale or transport any explosive material without a license or without carrying out the requisite precautions (678).
Penalty: Imprisonment up to six months and fine up to Lire 2,000.

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(2) to omit to declare to the authorities the holding of explosive materials which are dangerous owing to their quantity or quality (679).
Penalty: Imprisonment up to 6 months and fine up to Lire 3,000.

(3) for any person to fail to declare that in a place inhabited by him there are explosive materials (679). Penalty: Fine up to Lire 2,000.

If (2) and (3) above are in infringement of an order given by authority to hand over explosive within a prescribed period the penalty is imprisonment for 1 month to 1 year or a fine from Lire 300 to Lire 5,000.

The penalties for all the above offenses are increased if the act is committed by any person who is not allowed to hold a license or whose license has been refused or withdrawn.

The license referred to above is obtained from the Prefetto (Law of Public Security Art. 47).

E. Conclusion.

In view of the existing law as summarized above it should be easy to check the number of weapons owned by the inhabitants of freed and reoccupied Italy by the Questura and the Prefettura must keep records both of licenses issued and also of declarations made in respect of arms.

For the purpose of shooting game the Prefect issues during the season a special permit called "Licenza di porto del fucile ad uso di caccia." But this permit does not take the place of that issued by the Questura to carry arms outside one's own house which must be obtained in addition.

NOTE: (a) Figures in brackets after statement of offences indicate the number of the relevant article of the Penal Code-

(6) N.C.P.C. = Nuovo Codice Penale Commentato- Vol. iv.

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SUMMARY

A) ARMS

Art.: No.:	OFFENCE	PENALTY	License issued by
695	Unauthorized manufacture of arms		For weapons of war: Minister of Interior through the Prefetto.
"	import and export of arms	Imprisonment for not more than 1 year and fine of not more than 10,000 lire	
"	offering for sale of arms		For others: The Questura
"	collecting for trade of arms		
"	collecting of antique arms	Fine not more than 5,000 lire	" "
696	" hawking of arms	Imprisonment for not more than 1 year and fine of not more than 10,000 lire.	No license to hawk fire arms. Others licenses from Questura
697	Failure to declare arms	Imprisonment up to 4 months and fine up to 3,000 lire.	----------
697	Failure to declare arms held to a persons knowledge in his place of habitation.	Fine up to 2000	----------
698	Failure to declare arms who ordered	Imprisonment for not less than 3 months as fine or not less than 1,000 lire.	----------
699	Unlawful carrying of arms	Imprisonment up to 6 months	Questura for shot gun, Prefetto for pistols and revolvers.
	(a) of weapons for which no license allowed	Imprisonment for 6 months to 1 yr. Penalties increase in aggravating circumstances	----------
702	Failure to use proper care with arms	Fine up to L. 1000	----------
70	Dangerous discharge of fire arms and explosives	Fine up to L. 1000	Local authority of Public Security
	Ditto in crowded place	Imprisonment up to	

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	"	of arms	not more than 10,000 lire	
	"	collecting for trade of arms		" "
	"	collecting of antique arms	Fine not more than 5,000 lire	No license to hawk fire arms.
696	"	hawking of arms	Imprisonment for not more than 1 year and fine of not more than 10,000 lire.	Others licenses from Questura
697	Failure to declare arms		Imprisonment up to 4 months and fine up to 3,000 lire.	----------
697	Failure to declare arms held to a persons knowledge in his place of habitation.		Fine up to 2000	----------
698	Failure to declare arms whd ordered		Imprisonment for not less than 3 months as fine of not less than 1,000 lire.	----------
699	Unlawful carrying of arms		Imprisonment up to 6 months	Questura for shot gun, Prefetto for pistols and revolvers.
	(a) of weapons for which no license allowed		Imprisonment for 6 months to 1 yr. Penalties increase in aggravating circumstances	----------
702	Failure to use proper care with arms		Fine up to L. 1000	----------
703	Dangerous discharge of fire arms and explosives		Fine up to L. 1000	Local authority of Public Security
	Ditto in crowded place		Imprisonment up to 1 month	

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B EXPLOSIVES

Art.: No.:	Offence	Penalty	License issued by
671	Unlawful manufacture of and trade in explosives	Imprisonment up to 6 months and fine up to 2000	Prefetto
679	Failure to declare explosive materials	Imprisonment up to 4 months and fine up to 3000	----------
679	Failure to declare explosives known to be in place of own habitation	Fine up to 2000	----------
679	Infringement of order lawfully given to hand over explosives.	Imprisonment for 1 month to 1 yr and fine from L.300 to L.5000.	

NOTE

AGGRAVATING CIRCUMSTANCES

In both A and B above in all cases the penalty will be increased if the act is committed by any person prohibited from holding a license or whose licenses have been taken away.

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6)	Infringement of order lawfully given to hand over explosives.	Imprisonment for 1 month to 1 yr and fine from L.300 to L.5000.

NOTE

AGGRAVATING CIRCUMSTANCES

In both A and B above in all cases the penalty will be increased if the act is committed by any person prohibited from holding a license or whose licenses have been taken away.

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

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394.

Regional Control and Military Government Section.

Ref: 709/4/GA.

20th May 1944.

SUBJECT: Re-arming of Telecommunication Linesmen.

TO : Vice President,
Administrative Section.

1. I refer to ACB/14757/1/PS of 13.May.44, enclosing a draft letter to Regional Commissioners for the Executive Commissioner's signature, regarding the re-arming of linesmen.

2. The following points occur to me and I should be grateful for your comments:-

(a) This may create an undesirable precedent.

(b) What evidence is there of "a serious threat to communications"?

(c) If AAI say they are content from a security point of view but what safeguards are there in regard to the arms being used illegally and who will inspect them and check the ammunition?

(d) Have the Italian Government issued instructions to Prefects to issue the arms or have they left it to the discretion of Prefects? ~~As this~~ ~~it should be left to the discretion of Regional Commissioners.~~

1458

NORMAN W. FISKE,
Colonel, Deputy
Chief Commissioner.

see 10

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Lt Col Shipp.

1. I think this may create an undesirable precedent.
2. What evidence is there that there is "a serious threat to communications" See para 1 4 1 ?
3. HQ HTC say they are content but that safeguards are there in regard to the arms being used illegally? Who will inspect them and check the amount of ammunition?
4. Have the Italians ever viewed distribution to Prefects by same means as here they left it to the discretion of Prefects as Co Gang leaves it to discretion of RCs? (vide para 3 (g))
5. The fact that Germans carried arms before the Allies arrived is quite irrelevant. (vide para 7)

Lt 17/5.

Shall I take up with Co Gang or will you?

1457

Lt

Spoke to Colonel 16/5

16 MAY Recd 100

C.A.B. 752
J 7653

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Safety Sub-Commission
APO 394

ACC/14757/1/PS

May 13, 1944

SUBJECT : Re-Arming of Telecommunication Linemen.

TO : Executive Commissioner.

1. Representation has been made by the Italian Government that the telephone and telegraph linemen be allowed to carry fire-arms, as a means of preventing thefts of wire, etc., from lines. Previous to the Allied invasion of Italy, these men were so armed.

2. The Director, Communication Sub-Commission has received intimation from HQ.. AAI. (GI-B) that there is no objection on "security" grounds to the men being re-armed, provided that each person carrying a firearm obtains the necessary permit.

3. The actual provision of the weapons would be left to the Italian Government.

4. It is recommended that an instruction, in the terms of the Draft attached, be issued to Regional Commissioners.

A. E. YOUNG, Colonel
Deputy Chief, Public Safety
Sub-Commission.

Recommended R.B. Cuff A/c

Submitted:
V.P. Admin. Section.

1450

HEADQUARTERS
15 MAG 1944
A. C. C.

Secret

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

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A. E. YOUNG, Colonel
Deputy Chief, Public Safety
Sub-Commission.

1453

Recommended
Submitted:
V.P. Admin. Section.

HEADQUARTERS
15 MAG 1944
A. C. C.

See 4

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

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
RC & MG SECTION
APO 394

May 13, 1944

SUBJECT : Arming of Tele. Com. Linemen.

TO : Regional Commissioners. 1 - IX Section I & Theatre

1. Representations have been made by the Italian Government for permission to re-issue arms to telephone and telegraph linesmen in order to prevent sabotage, theft of wire, etc., which is causing a serious threat to communications.

2. In AMG territory, Regional Commissioners should give favourable consideration to issuing permits to carry firearms for such duties, subject to local conditions.

3. In ~~AMG~~ Italian territory the Italian Government has given similar instructions to Prefects.

M. S. LUSH
Brigadier
Executive Commissioner

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