

ACC

10000/136/316

LEGAL
JAN. -

10000/136/316

LEGAL AFFAIRS, GENERAL MORALS & CONDUCT
JAN. - JULY 1944

ALLIED COMMISSION

Confidential

To: Mr. J. Edgar Hoover

PART I

295

Confidential

G. M. C. Form 354 (Old No. 490)
Revised July 26, 1948

LIST OF PAPERS

File under No. 250 - MORALS & CONDUCT

PART I

Page Seven
SECRET

B-0784

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
72	Ltr Capt Stone A/CC 250	1 Jul 44	Gen Collier	Complaint against Military Police NCO at Nola
72a	Memo Collins 250	2 Jul 44	Doe (Mil Court)	Incl 1 - Ltr Felicia 22 Jun FNMM
73	Memo Capt Slaughter	3 Jul 44	Off Comd POW Camp No. 371	Visit of Annita sister of Garibaldi whose release has been recommended by A/CC
74	Ltr Col Densmore A/CC 250	4 Jul 44	Legal Sub-Com	Action withheld pending on case of SERRA EVODIO
75	Cbl ACC Rear 3038	4 Jul 44	ACC Main	App a - ACC/4083/34/L 4 Jul Pollock's report Gen Presti removed office under arrest
76	Ltr Maj McKey SB/140.H.	4 Jul 44	A/CC	Garibaldi Bros. & attd report fr Col Young re Ricciotti
77	Ltr Capt Stone A/CC 250	4 Jul 44	Sgt Cerebona	App a - Ltr Young 24 Jun to A/CC. Summary investigation Count Ugo Pellegrini
78	Ltr 3 Dist CMF 146/2A	4 Jul 44	A/CC ACC	Appa - Ltr McKey SB/140.H. 1 Jul Incl 1 - Ltr Ellis SB/911.5/140.H. 30 Jun to Director Sec Bra
79	Ref Slip LDD	7 Jul 44	Admin Sect	Incl 2 - Ltr Hirsch AAI/1456/104/ GSI(b) 22 Jun
80	Jun Comdr Hopkins			Complaint against Mil Pol at Nola being investigated
80a	Ltr A/CC 250 Stone	11 July 44	AFHQ	Forwarding for action ltr fr Misiroli re appointment Sorrentino
81	Cbl AFHQ F72649	15 July 44	ACC	Subject of death sentences passed on female spies
82	Cbl ACC S-295	15 July 44	AFHQ	Pellegrini and grounds for retention. Should be kept provided polit. objections no stronger.
83	Ltr A/CC 250 Stone	17 July 44	Bonomi	Pellegrini matter under discussion here. Advise new develop.
83a	Cbl ACC 614 S B	17 Jul 44	AAI Sec Bre	Defascistation Com. Ital Govt may call on Pellegrini. Not possible give details.
				Impossible influence trial of Rosario Bentivegna.
				APPENDIX: Ltr Bonomi 13 July.
				Views re Gen Azzi's appointment high post in Army undesirable

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Q. M. C. Form 338 (Old No. 400)
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8-4758

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
59	Ltr MacFarlane CC/P/319	22 May 44	Brig Airey	Agree Ezio Garibaldi remain in terned ref AAI/1456/78/GSI 20 May
60	Ltr Badoglio 5474	22 May 44	Gen MacFarlane	Crimes committed period Allied Administration territories
61	Ltr MacFarlane CC/P/347	27 May 44	Col Upjohn	Proposed reply Badoglio's att'd ltr if you approve send on
61a	Ltr Badoglio Memo fr agent of Questura re	10 Jun 44	MacFarlane arrest my son	App a - Ltr MacFarlane CC/P/346 of 27 May to Badoglio
62	Memo Slaughter	12 Jun 44	Legal Sub-Com	App b - Ltr Badoglio 5474 22 May Att'd Memo fr Infante transmitt'd
63	Memo Densmore	13 Jun 44	Leg Sub-Com	Incl 1 - Ltr Infante 91318/AV 11 Jun to DCC re Albanese & Vozza Matter of Luigi Imperato
64	Obl AFHQ P61235	18 Jun 44	HQ AAI & ACC 2601	App a - Memo Campbell ACC/4083/1/L 9 Jun to DEC
64a	Ltr Alexander	Jun 44	Magnan (Re Elba)	App b - Memo Densmore 4 Jun Pub Saf Instructions re death sentence power to Gen Magnan
65	Ltr McKay SB/311.5/140 G	21 Jun 44	DCC HQ ACC	Lequio Francesco released fr internment handed to It Mil Auth
66	Ltr Col Fiske	19 Jun 44	Chief Com 2601	Appointment of Panel for Gen- eral Military Court
67	Ltr MacFarlane CC/P/409	20 Jun 44	Mr. Reber	Interrogation of Carboni and his whereabouts and his doings
68	Ltr Densmore	26 Jun 44	Capt Stone	Interrogation of Carboni and his whereabouts and his doings
68a	Ltr MacFarlane CC/P/411 Forwarding of ltrs & forms for signature --- Stones right to pass death sentences	20 Jun 44	Alexander Gen. 2601	Incl 1 - Ltr Infante 13842/OP 23 Jun to Capt Stone
69	Ltr Capt Stone A/CC 014.33	27 Jun 44	Brig Airey	Incl 2 - Ltr Badoglio 17 Jun FIMM Release of Ricciotti Garibaldi from internment
70	Ltr Finocchiaro	20 Jun 44	Gen MacFarlane	App a - A/CC 014.33 26 Jun to AAI
71	Ltr AAI	23 Jun 44	ACC	App b - 332/9/CA 14 Jun AAI App c - AAI/1456/75/GSI(B) 11 Jun App d - 322/7/CA 9 Jun to AAI App e - SB/311.5/140 G. 1 Jun CC App f - AAI/1456/75/GSI(B) 2 Jun
				Disturbances Regalbuto Catania (Independence for Sicily) Gen Carboni information regardi him result of interrogation

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SECRET

Deputy Chief Commissioner

Incoming
Cables

16 Apr '44

SECRET

O. M. C. Form 355 (Old No. 420)
Revised July 26, 1948

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SERIAL NUMBER	FROM	DATE	TO	SYNOPSIS
43	HQ ACC Leg SubCom ACC/4010/L	8 May 44	See Dist List	Gazzetta Ufficiale No. 24 3 May Decreases of Ital Legislation Incl - Dist List of above
44	Cbl ACC Rear 2739	10 May 44	Distwo	Movement of Col Albanese to Padula for medical facilities
45	Ltr Badoglio 1389	9 May 44	Gen MacFarlane	Arrest of Consul General Ezio Garibaldi by English Authorities
46	Cbl ACC Reg II RT/409	12 May 44	ACC Rear	Arranging 2 Dist medical Inspection Albanese to move Padula
47	Ltr Marshal Messe 91056/AV	12 May 44	ACC	Ref DCC 250 1 May re release of Col Albanese & Capt Voza
48	Cbl ACC Rear 2753	13 May 44	DISTWO	Request medical report on Albanese by Legal Sub-Com
49	Ltr MacFarlane CC/P/298	16 May 44	MacMillan	Re reviewing sentences of death passed upon women spies
50	Ltr MacFarlane CC/G/277	12 May 44	Leg Sub-Com ACC	Re information cases Gen Bellomo & Ital Air Force Colonel arrested
51	Ltr MacFarlane CC/P/283	13 May 44	Gascoigne	Ref 3038 25 Apr taking up case Gropello let know developments you
52	Leg Sub-Com ACC ACC/4010/L	16 May 44	See Dist List	Laws & Decreases of Ital Legislation in Gazzetta Ufficiale 26 10th Incl I - Dist List of above
53	Leg Sub-Com ACC ACC/4010/L	16 May 44	See Dist List	Laws & Decreases of Ital Legislation in Gazzetta Ufficiale 27 13th
54	Ltr Maj Hinkel 2154/INFO	18 May 44	DCC	Civil Censorship Report re Accusation of German Spy
55	Ltr Capt Stone DCC 250	20 May 44	RC & MG Sect	Investigation of Count Palleg-rini General Director SETC Incl 1 - Ltr 17 May fr Cerabona Incl 2 - Ltr 20 May fr Stone in answer to Cerabona's ltr 17 May
56	Ltr MacFarlane CC/P/312	20 May 44	Count Sforza	If have strong case against big Fascist adventurers take action immediately
57	Ltr MacFarlane CC/P/317	22 May 44	Montagne	Ack rec ltr Apr 8 & May 11 in formed not in custody & at liberty cannot grant interview 58
58	Ltr MacFarlane CC/P/318	22 May 44	Gen Browning	Ref AQ/8 9 May Maintenance of Ital Arm For serving sentences & awaiting trial in Jail App a - Ltr ref above App b - Ltr same

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Q. M. C. Form 353 (Old No. 400)
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R-1751

SERIAL NUMBER	FROM -	DATE	TO -	SYNOPSIS
30	Memo Slaughter	22 Apr 44	Capt Stone	Special Series, Part One, Gazzetta Ufficiale re decrees to apply in occupied & liberated territory
31	Memo Legal Sub-Com ACC/4010/L	22 Apr 44	See Dist List	30a Incl - Translation fr Gazzetta Ufficiale (Serie Speciale) 19 Apr Gazzetta Ufficiale No. 19 15 Apr Decrees of Ital Legislation
32	Legal Sub-Com Memo ACC/4010/L	23 Apr 44	See Dist List	31a Incl - Dist List of above Gazzetta Ufficiale No. 18 12 Apr Laws & Decrees of Ital Legislation
33	Memo Legal Sub-Com ACC/4010/L	23 Apr 44	See Dist List	32a Incl - Dist List of above Gazzetta Ufficiale No. 20 19 Apr Decrees of Ital Legislation
34	Ltr MacFarlane 398/21/CA	27 Apr 44	Mil Govt Sec AFHQ	Freedom of Political Activities
35	Ltr MacFarlane CC/P/245	28 Apr 44	Col Upjohn	Ref ltr fr Harding info re death sentences publicity grateful for facts of situation
36	Hq ACC Leg Subcom ACC/4010/L	30 Apr 44	See Dist List	Gazzetta Ufficiale No 21 22 Apr Decrees of Ital Legislation Incl I - Distribution list of above
37	Ltr Capt Stone DOC 250	1 May 44	Marshal Messe	Request assistance handing over to Allied authorities 2 officers of Ital Armed Forces
38	Leg Sub-Com ACC/4010/L	3 May 44	See Dist List	Decrees of Ital Legislation in Gazzetta Ufficiale No. 22 26 Apr
39	Hq Allied Ar Italy DO/CGS/236	3 May 44	Gen MacFarlane	Ref CC/P/253 1 May re action taken against spies
40	Ltr MacFarlane CC/P/266	5 May 44	Col Upjohn	One element of delay dealing with convicted spies must reduce
41	Ltr MacFarlane CC/P/267	5 May 44	Gen Harding	Ref DO/CGS/236 3 May commuting a death sentence & reducing petition period fr 30 days to 48 hrs
42	Hq ACC Leg SubCom ACC/4010/L	7 May 44	See Dist List	Laws & Decrees Ital Legislation Gazzetta Ufficiale No. 23 29 Apr Incl - Distribution List of above

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B-2705

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
21	Col Upjohn ACC/4083/6/L	27 Mar 44	AFHQ MGS Att: Col Fairman	Forwarded ltr fr Maj Cades re trial in 15 AG AMG area precis records here to be sent to Maj Cades as matter of courtesy this HQ
22	Rear HQ ACC Memo Legal Sub-Com	29 Mar 44	All Concerned	Issue Gazzetta Ufficiale No. 14 22 Mar containing Ital Legislation Laws and Decrees and Proclamations
23	Capt Stone	1 Apr 44	Gen Infante	Receipt note 29 Mar re Francesco Della Monico Pub Saf Sub-Com checking details matter get in touch with you facts arrive ENCLOSURE: Col Densmore's note Pub Saf re the matter Note fr Infante re matter
24	Ltr DCC 250 Captain Stone	2 Apr 44	Gen Infante	Further to my note of 1 Apr re Della Monico; he is being held for illegal purchase of wire cable. Is being handled by Ital. courts.
25	Cbl Fatima Rear #2576 (Legal)	4 Apr 44	Fatima	Prisoners are being held pending further invest. of Lecce RED CROSS PARCELS THEFT case. Ref Fat. 2896. NOTE: 1) Cbl Fat. 2986; ref Freedom's cble, what action taken? Dated 2 Apr 44. 2) Cbl Freedom F26361 of 1 Apr. Ref AFHQ ltr G1/B/3305/A3, what action has been taken?? Gazzetta Ufficiale #15 of 25 Mar containing Italian Legislation. Gazzetta Ufficiale #17 of 5 Apr APPENDIX: Translation of RDL #95, Rules for rationing electricity. Gazzetta Ufficiale #16 of 29 Mar Re investigation of Red Cross misdealings by Italians. APPENDICES: Memo 27 Mar DCC forwarding to Adm Sec charges by Capt. Kamarek of Finance S-Comm.
26	ACC/4010/L Legal	3 Apr 44	All Concerned	
27	ACC/4010/L Legal	10 Apr 44	All Concerned	
28	ACC/4010/L Legal	10 Apr 44	All Concerned	
29	ACC/3057/PH Cripps	13 Apr 44	DCC	

SECRET

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8-4783

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
11	R. Ministero Degli Affari Esteri 856 Il Segretario Generale (Prunas)	26 Feb 44	Capt Stone	Request look into arrest of boy Clemente Lequio father used to be our Ambassador in Madrid his attempt to cross lines see mother in Rom
12	Ltrr Capt Stone	3 Mar 44	H.E. Renato Prunas	Receipt ltrr 26 Feb obtaining info respect to details & help
13	Capt Stone 47/AS	5 Mar 44	Exec Comm, VP Sec Indep Sub-Com	Legislation Italian in unoccupied territory promulgated by publication of Decrees in Gazzetta Ufficiale latest copy No. 9
14	Rear HQ ACC Memo Legal Sub-Com	5 Mar 44	All Concerned	Issue Gazzetta Ufficiale No. 10 26 Feb containing Ital Legislation ENCLOSURE: Distribution List for Gazzetta Ufficiale
15	Gen MacFarlane CC/P/128(250)	8 Mar 44	Col Upjohn	Comments requested on enclosed ltrr fr Messe seem acceptable ENCLOSURE: 101472/AV 5 Mar fr Messe ref ltr 13 Feb circular 29 Jan re penal military trials
16	Gen Collier 191A	9 Mar 44	HQ ACC Leg Subcom	Make return monthly of cases in 3 Dist of pilfering & theft of WD property by civilians - sabotage
17	Rear HQ ACC Memo Legal Sub-Com	10 Mar 44	All Concerned	Issue Gazzetta Ufficiale No. 11 4 Mar containing Ital Legislation ENCLOSURE: Distribution List for Gazzetta Ufficiale
18	Gen MacFarlane CC/P/137(210)	11 Mar 44	Adm Morse	Ref ltrr 22 Feb re case Signor Lauro shipping magnets bad character assist in any political for money his internment on security
19	Rear HQ ACC Memo Legal Sub-Com	15 Mar 44	All Concerned	Issue Gazzetta Ufficiale No. 12 8 Mar containing Ital Legislation ENCLOSURE: Distribution List for Gazzetta Ufficiale
20	Gen MacFarlane CC/P/140	20 Mar 44	Gen Collier	Ref 191A 9 Mar if interested in any special cases glad let know you I am also interested too
20a	ACC/4010/L Legal	27 Mar 44	All Concerned	Issue Gazzetta Ufficiale #13 of 18 March.

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Q. M. C. Form 353 (Old No. 400)
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Page One

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
1	Gen Smith C of S AFHQ Circular	27 Nov 44	All Concerned	War Criminals - Ultimate disposition of persons charged with commission of war crimes
2	Lttr Capt Stone	10 Jan 44	Brig Lush	Incl lttr fr Badoglio No. 65 8 Jan 44 forwarded for info & action ENCLOSURE: As above re Removal troops from Naples (colored)
3	Brig Lush AMG/34/49	20 Jan 44	Gen Joyce	Ref lttr EWS 10 Jan inclosing lttr fr Badoglio & my lttr to Gen Robertson AMG/34/42 15 Jan with his reply 119/DCAO 18 Jan re colored troops in US Army
4	Brig Lush AMG/208A/230	21 Jan 44	HQ ACC	Inform Ital Govt execution of Mil Court sentence of CANCELLIERE & BERTOLI shot to death convicted serving enemy as spies
5	Lttr Capt Stone	24 Jan 44	Marshal Badoglio	Receipt lttr 21 Jan AMG/208A/230 re execution of CANCELLIERE & BERTOLI by Mil Court sentence serving as enemy spies forwarded to you xxx for your information
6	Lttr Capt Stone 250.1	6 Feb 44	AFHQ	German Atrocities forwarding reports fr Marshal Messe for action or protest to be taken ENCLOSURE: Ltr fr Marshal Messe No. 10893/OP 3 Feb with 1 incl subject above
7	Lttr Capt Stone 250.1	6 Feb 44	Marshal Messe cc: Gen MacFarlane	Ltr 3 Feb received & forwarded to AFHQ for action or protest
8	Gen Alexander	7 Feb 44	All Concerned	Gen MacFarlane granted power to sentence to death persons in Occupied Territory Italy & Sicily passed by Mil Court
9	Marshal Badoglio	13 Feb 44	Gen MacFarlane	Deliver accused Tuteurano to Ital authorities & report investigation
9a	HQ ACC Leg Subcom ACC/4113/L	14 Feb 44	All SubComs Ital Legislation	War Prisoners Camp Lecce to Comm
10	Col Upjohn ACC/4027/L	17 Feb 44	Admin Section	Offences against French & other forces in Italy by Proclamation No. 2 Section 30 & 45 convicted Mil Co fine imprisonment or both speak against Allied Governments

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(A)

AAI SECURITY BRANCH

AGC SECURITY BRANCH

614

17 JULY

A 1776
20 JUL 1944SECRET
PRIORITY
N/CO

GENERAL AZZI WHO RECENTLY RETIRED FROM ALBANIA IS NOW BEING CONSIDERED BY
 ITALIAN GOVERNMENT FOR IMPORTANT ARMY POST PD PAREN TO PORCE THREE NINE
 NINE FOR GENERAL STANELL FROM AGC FROM STONE PERSONAL PAREN BELIEVE PORCE
 THREE NINE NINE MAY HAVE GROUNDS FOR SUSPICION OF AZZI APOSTROPHE SUGAR
 CONDUCT IN ALBANIA WHICH MIGHT RENDER UNDESIRABLE HIS APPOINTMENT TO HIGH
 POST PD VIEWS OF PORCE THREE NINE NINE REQUIRED URGENTLY

2500

Filed

Contents and classification authenticated by:

ELISABETH W. STONE
 Captain, USNR
 Acting Chief Commissioner

(83) a

614
17 Jul 44

File/70

L T MONTANT JR
 2ND LT AGC
 ADJUTANT

2500 original permanent

Files (A) B

EWS/dfe

A-535
18 JUL 1944

17 July 1944

A/CC 250.

Dear Mr. Prime Minister:

(83) X77 1

This is in reference to your letter of 13 July 1944 in which you requested me to take into consideration the possibility of initiating steps to renounce the trial of Signor Rosario Bentivegna and to effect his release.

I am very sorry to inform you that I cannot comply with your request. The law must take its course.

Mr. Rosario Bentivegna will in the course of his trial be permitted to produce whatever evidence he has in his favor, and if it is shown that he was on duty and acted under orders or that there was provocation, you can rest assured that such evidence will be given full weight by the Court when arriving at its verdict.

Very truly yours,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner 5249

Prime Minister Ivanoe Bonomi
The President of the Council of Ministers
Italian Government

*This ltr given to Italian Liaison Section
at 1410 hours for delivery by hand
to the Prime Minister
17 Jul 44*

250 original forwarded

File 1/4

(83)

A/CC 250
17 July

Col. Luyjckhuysen —
will you do a paper transl. 14 July PM
re: Identifying Politely The East II.
re: in Rome, 13 July 1944
WJ

THE PRESIDENT OF THE COUNCIL OF MINISTERS.

Dear Admiral,

I wish to call your attention to a matter which at the present time is in the hands of the Allied Military Government and which bears considerable political significance.

On the day of the entrance of the Allied Troops into Rome, Mr. Rosario Bentivegna, a member of the patriot organizations and of the Italian Communist Party, killed Lt. Barbarisi of the R. Guardia di Finanza. At the present time, he is being held by the Allied Police and it seems that he will be brought to trial.

From the preliminary investigation and the testimony of the witnesses, it would appear that at the time of the incident, Bentivegna was performing regular police duty with definite orders from his Command; that the incident was preceded by an open provocation and that there were factors of legitimate defense involved. In addition to these factors, which in themselves would be sufficient, there are also factual circumstances which must not be overlooked.

Bentivegna is a brave patriot and universally recognized for his many and daring offensive deeds against the enemy during the period of occupation. He is warmly supported by his Party, which assumes full responsibility for his actions and proclaims itself ready to initiate an intensive publicity campaign in the matter.

It is clear, however, that a trial and an eventual sentence would ~~may~~ bring about repercussions, perhaps sufficiently disadvantageous and certainly inopportune, at the present moment.

It is because of this that I warmly request you to take into consideration the possibility of initiating steps with the appropriate authorities to renounce the trial and effect his release.

/s/ Ivanoe Bonomi

1125
I wish to see your document of 1947, which bears considerable political significance.

On the day of the entrance of the Allied Troops into Rome, Mr. Rosario Bentivegna, a member of the patriot organizations and of the Italian Communist Party, killed Lt. Barbarisi of the R. Guardia di Finanza. At the present time, he is being held by the Allied Police and it seems that he will be brought to trial.

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It is clear, however, that a trial and an eventual sentence would ~~not~~ bring about repercussions, perhaps sufficiently disfavorable and certainly inopportune, at the present moment.

It is because of this that I warmly request you to take into consideration the possibility of initiating steps with the appropriate authorities to renounce the trial and effect his release.

/s/ Ivanoe Bonomi

83

APP 1

10/20/47



IL PRESIDENTE

DEL CONSIGLIO DEI MINISTRI

Roma, 13 luglio 1944

HQ. ACC. AMM. 200

6

Rec. d. 14 July AM

By

Caro Ammiraglio,

desidero richiamare la Sua attenzione su una questione che si trova attualmente nelle mani del Governo Militare Alleato e che riveste una sensibile importanza politica.

Il giorno dell'entrata delle truppe alleate in Roma, il Signor Rosario Bontivegna, membro delle organizzazioni patriottiche e del Partito Comunista Italiano, uccideva il tenente Barbarisi della R. Guardia di Finanza. Egli si trova presentemente detenuto dalla polizia alleata e contro di lui pare si voglia istituire un processo.

Dalla istruttoria preliminare e dalle deposizioni dei testimoni risulterebbe che il Bontivegna si trovava, al momento dell'incidente, in regolare servizio di polizia, con precisi ordini del suo comando, che l'incidente fu preceduto da aperta provocazione e che in esso esistono gli elementi della legittima difesa. Oltre a questi elementi, che sarebbero di per se sufficienti, esistono poi circostanze di fatto di cui non può non tenersi conto.

Il Bontivegna è un valoroso patriota ed è universalmente conosciuto per le molteplici e rischiose azioni of-

1 1 2 7

stione che si trova attualmente nelle mani del Governo Militare Alleato e che riveste una sensibile importanza politica.

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Il Bentivegna è un valoroso patriota ed è universalmente conosciuto per le molteplici e rischiose azioni offensive compiute contro il nemico durante il periodo dell'occupazione. Esso è energicamente appoggiato dal suo

All'Ammiraglio Ellery W. STONE
FF. Presidente della Commissione
Alleata di Controllo

83 1500 2

R O M A

Partito, il quale assume piena responsabilità per i suoi atti e si dice pronto ad iniziare al riguardo una viva campagna di stampa.

E' chiaro pertanto che un processo e una eventuale condanna potrebbero avere ripercussioni forse assai sfavorevoli, certamente inopportune, nell'attuale momento.

E' per questo che io La prego caldamente di prendere in considerazione l'iniziativa di un passo presso le Autorità competenti per la rinuncia al processo e la relativa scarcerazione.

James Burnham

Sick

A 1690
15 JUL 19447-11-0
A-10

(158/4/11)

Junior Commander Hopkins,

On May 16th last, General Mason MacFarlane wrote to Mr. Macmillan on the subject of death sentences passed on female spies.

I now send you a copy of a telegram from the Foreign Office dated June 21st setting out the views of H.M. Government, together with copy of the correspondence exchanged between this post and the Resident Minister's Office in May.

Will you please pass this information to whosoever it concerns?

5.7.44

80

✓ 14

7.6/44

[Copy of telegram from Foreign Office to British Resident Minister, ALGIERAS, of
There is no objection in principle to the execution of women ^{21 June 1944}
spies (unless pregnant) and in this country the Home
Secretary would not recommend leniency, purely on grounds
of sex for a woman spy condemned to death in this country.

On general grounds we nevertheless think it wise to avoid the
execution of female enemy agents unless the military
authorities are satisfied that the death penalty is necessary
and will materially improve security. We should also wish
to avoid anything which might lead to reprisals and it may
be very useful to have in hand some enemy agents who could be
used as hostages to exchange for any of our own agents who
are captured. This becomes more important as the war nears
its end and at the same time the danger that reprisals will
encourage the employment of other women agents decreases.

The Deputy President of the Control Commission will no doubt also
consider what the Italian reactions will be. If the Italian
woman had been convicted we should have suggested that she
should receive exactly the same treatment as she would have
in the hand of the Italian authorities. There might also
be strong feelings in Italy against the execution of women of
any nationality particularly if they are normally resident
in the country.

R. 21/8

The decision must of course rest with the Control Commission but
we think they should consider these points.

We assume in any case that a woman agent who was pregnant would
not be executed.

(84)

Tel. from High Comm: NAPLES to Brit. Resident Minister ALGERIA of 28 May 1944.
Your telegram of 26 May.

General MacFarlane states that there has only been one case of a woman spy being tried so far. She was Italian and was acquitted. Court was an Allied court and would always be so in such cases.

2. Second case may be coming up in near future. General does not, repeat not, know woman's nationality but believes her to be pregnant.

80

[Tel. from Brit. Resident Minister, ALGIERS, to Brit. High Commr., NAPLES of
Please inform General MacFarlane with reference to his 26 MAY
letter to the Minister of May 16th about sentences of death 1944]
passed upon women spies that before answering his question
Foreign Office wish to know:

- (a) What the nationality is of the women concerned and
- (b) Whether sentence of death was passed on them by an
Italian or by an Allied military court.

R.31/1

(80)

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

REFERENCE SLIP

File: _____

Date 7 July 1944SUBJECT: Letter from Sig. Antonio Misiroli *(attached)*

FROM: Acting Chief Commissioner

TO

☒ Administrative Section	War Materials Disposal Sub-Comm.
Economic Section	Public Relations Branch
Political Section	Secretary General
Regional Control and Military Government Section	Chief Staff Officer
Air Sub-Commission	
Army Sub-Commission	
Communications Sub-Commission	
Navy Sub-Commission	
FOR:	
Acknowledgement	Information and Retention
☒ Appropriate Action	Dispatch
Investigation and Report	File
Remarks/Recommendation	
Information and Return	

REMARKS:

~~This has not been acknowledged.~~

Initial *[Signature]*
Chief Staff Officer

7 Jul 44

250

[Handwritten signature]

TRANSLATIONOSA 1558
8 JUL 1944

Lieutenant General
Sir Noel Mason MacFarlane
Chief Commissioner of the ACC

The appointment of Dr. Antonio Sorrentino, Minister of State as Chief of the Cabinet of His Excellency Bonomi has caused no small amount of surprise.

In fact, no one has forgotten that Sorrentino has been a fascist hierarch, having been for several years Vice Fiduciary Fascist National of the Fascist Association of Public Employment, appointed to this office by the defunct Secretary of the Party, Ettore Muti.

After the 8th of September, Sorrentino was arrested by the fascists because he was considered, through his fascist precedents, as a traitor to fascism having accepted after 25th of July the position as Chief of the Cabinet of the Ministry of Corporations.

Now, while the people wait anxiously for the defascistization, why should such responsible positions within the government be given to the ex-hierarch fascists?

20/2

Is this not the height of effrontery?

Throw the fascist out of offices! The Italian people absolutely want this!

From: Antonio Misiroli
Via Gaeta 32

Rome

(79) Inc. I

8 Jul 44

Tenente Generale
SIRNOEL MA N MAC FARLANE
Commissario Capo della
Commissione alleata di Controllo

Ha destata non poca sorpresa la nomina del Dott. Antonio Sorrentino Consigliere di Stato a Capo di Gabinetto di S.E. Bonomi.

Nessuno infatti ha dimenticato che il Sorrentino è stato un gerarca fascista essendo stato per diversi anni Vice Fiduciario Nazionale Fascista dell'Associazione Fascista del Pubblico Impiego, nominato a tale carica dal defunto segretario del partito Ettore Muti.

Dopo l'8 settembre il Sorrentino è stato arrestato dai fascisti perenè considerato, per i suoi precedenti fascisti, come traditore del fascismo avendo accettato dopo il 25 luglio la carica di Capo di Gabinetto del Ministro delle Corporazioni.

Ora mentre il popolo attende ansiosamente la defascistizzazione come è possibile che si chiamino a cartone di tanta responsabilità nel governo stessi degli ex gerarchi fascisti?

Non è questo il colmo della intransigenza?

Fuori i fascisti dagli uffici! Questo vuole assolutamente il popolo italiano

SUBJECT: Complaint against Military Police at NOLA.

Acting Chief Commissioner,
HQ, Allied Control Commission.

DSB 1532
7 Jul 1944

Acting C. C.
U4308
3 District CMF,
Tel Ext 17,
146/2A.
4 Jul 44.

Reference your A/CC 250 dated 1 Jul 44.

The matter is being investigated and a report will be forwarded as soon as this is available.

AKG/SM.

(78)

146/2A
4 Dec 44



(D)

Order major
for Maj Gen.
Comd.

5040

File/24

2500m

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH
APO 394

4 July 1944

Ref. : SB/140.H.

Subject : GARIBALDI Bros.

To : Acting Chief Commissioner.,

DSB 1537
5 JUL 1944

1. Reference attached report from Colonel Young.
2. The report is correct as regards Ricciotti is ~~correct~~ and he was arrested and interned on 17th June 1944.
3. As regards Ezio, he was arrested on 8 May 1944 and is now interned at 371 P.W.Camp the recommendation being that he be interned for the duration as a grave threat to security.
4. The following is a summary of Ezio's Fascist record:
 - 1925 Private Secretary to Mussolini for 3 years.
 - 1927 Console Generale, M.V.S.N.
 - 1928 Published a book, "Fascisma Garibaldi".
 - 1940/41 Leader of Azione Irredentista Nizziada was National Counsellor and member of Chamber of Fasces and Corporazione.
 - 1942 Commanded 21st April Blackshirt troops in Servinia until 25 July 1943.
5. The Chief Commissioner agreed that Ezio should remain interned, vide. CC/P/319 of 22 May 1944 issued from the Office of the Chief Commissioner, Allied Control Commission.
6. Adequate consideration has been given to this case from the highest authorities and it is suggested that no further action be taken.

3. As regards Ezio, he was arrested on 8 May 1944 and is now interned at 371 P.W. Camp the recommendation being that he be interned for the duration as a grave threat to security.

4. The following is a summary of Ezio's Fascist record:

1925 Private Secretary to Mussolini for 3 years.

1927 Console Generale, M.V.S.N.

1928 Published a book, "Fascisma Garibaldi".

1940/41 Leader of Azione Irredentista Nizziada was National Counsellor and member of Chamber of Fasces and Corporazione.

1942 Commanded 21st April Blackshirt troops in Servinia until 25 July 1943.

5. The Chief Commissioner agreed that Ezio should remain interned, vide. CC/P/319 of 22 May 1944 issued from the Office of the Chief Commissioner, Allied Control Commission.

6. Adequate consideration has been given to this case from the highest authorities and it is suggested that no further action be taken.

For the Director:

John A. McKay
JOHN A. MCKAY,
Major,
SECURITY BRANCH.

(76)

50/140.H.
4 Jan 44

SECRET

250 months & conduct

File/years

Captain Stone

I still think your
action of "release
by letter" was
proper.

Suggest this be
noted & I will
have filed ☒ yes, Amb
AD EDIO is
still in. 5-

C O N F I D E N T I A L01700 hrs. 27 June
TODSecurity Branch,
Advance A.C.C. HQ.
24 June 1944

To: Acting Chief Commissioner.

Subject: The Garibaldi Brothers.

1. The file on this subject is at Naples and I am arranging for this to be forwarded to you.

2. There are, I believe, four brothers Garibaldi, (1) General Giuseppe (Peppino) Garibaldi now in Rome (2) Ezio (3) Riccioto and (4) Santo. Ezio and Riccioto have both at various times supported the fascists, the others have better reputations.

3. Ezio and Ricciotto were investigated by AAI Security, who eventually decided that although their past had not been above suspicion there was insufficient reason to intern them on military security grounds. I think it is fair comment to make of all the Garibaldi brothers that they are persons of unreliable character who live on the name of their illustrious grandfather.

4. I discussed this case with Lt. Col. Gibson, AAI, who told me that Ezio and Ricciotto would be interned about the 15th of this month because of a request made by this Commission, but that his opinion, supported by S.I.M. who are represented on his staff, was that these brothers did not really threaten military security.

5. If it should be decided that the release of these brothers is desirable, I think it can be arranged without the necessity of another letter to AAI which would be contrary to the previous one written by this Commission asking for their internment. The Security Branch could in fact at once review these cases and decide that in view of the existing circumstances their detention was no longer necessary.

/s/ A. E. YOUNG
Colonel, Security Branch

(76) APP A

24 June 44

RESTRICTED

2859

ACC MAIN FOR SECURITY BRANCH RC AND MC SECTION FOR REAKES

N 38/04

ACC REAR FROM KIRKSIDING STONE

RESTRICTED

NR 3038

NONE

JUNE 4/1110

052 1539

6 JUL 1944

POLLOCK'S REPORT 10 JUNE STATES "FORMER PAI CHIEF GENERAL PRESTI REMOVED FROM OFFICE AND UNDER HOUSE ARREST ON SECURITY GROUNDS"

ACC MAIN DIST

ACTION SMC BR —
 INFO DEP CC
 CA BR
 FILE
 FLOAT —

5997

(75)

2038

4 Jul 44

RESTRICTED

JULY 4/1118

File/Los
 not to NF

250 1000 1000 1000

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
A.P.O. 394

ACC/4083/34/L

SUBJECT: SERA, Evodio

TO : Acting Chief Commissioner.

4 Jul 44

DSM 1535
5 JUL 1944

1. On 1 Jul 44 under reference ACC/4083/34/L the record in the case of the above mentioned Italian condemned to death was submitted to you for consideration with the recommendation of this Sub-Commission that the sentence be reduced to 20 years imprisonment.

2. I have just received from the RLC Region 5 notice that the accused man is sending in an additional appeal. While this additional appeal in all likelihood will add little to the excellent appeal already filed by defending counsel, I suggest that action in the case be deferred until the additional appeal has been received and can be examined.

5 July

Case & folder
return to

Legal Sub-Comm

4 July 1944

Richard H. Wilmer

RICHARD H. WILMER,
Colonel, C.A.C.,
Acting Chief Legal Officer.

(D)

File/4083
with NF

ACC/4083/34/L
4 July 44

250 6-5-44

HEADQUARTERS
ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

JDD/hjp

A/CC 250

4 July 1944

4 JUL 1944

SUBJECT: SERRA EVODIO

TO : Legal Sub-Commission, Rear Hq ACC
(Through: Administrative Section)

1. Reference is made to ACC/4083/34/L of 1 July and file.
2. It is understood from telephone conversation between Colonel Wilmer and Major Quayle that action on above espionage case is to be withheld pending further request for review.
3. In view of the above, reference letter and file are hereby returned to the Legal Sub-Commission without action having been taken by the Acting Chief Commissioner.

L. D. DEGENRE
Colonel, Sig C
Chief Staff Officer

2 Incls:
Incl 1 - Ltr, Legal S/C
ACC/4083/34/L, 1 July
Incl 2 - File - "Records -
Case of Serra Evodio"

74

5935

A/CC 250
4 Jul 44

4 JUL 1944

3 July 1944

MEMORANDUM TO: Officer Commanding, POW Camp No. 371.

The bearer of this letter is Annita T. Garibaldi,
Sister of General Ricciotti Garibaldi, who is being detained at
your camp.

It will be greatly appreciated by this Commission if she would be allowed to visit with her brother, whose release has been recommended by the Acting Chief Commissioner, Allied Control Commission.

For the Acting Chief Commissioner:

FRANK J. SLAUGHTER,
Captain, A. G. D.,
Deputy Secretary General.

5994

250 marks & conduct

Philip

Equal 4 1/2

ALLIED CONTROL COMMISSION

INTER OFFICE MEMO

From: Asst Secretary General

SUBJECT: Appt of Panel for General Military Court. FILE No. SG 250

TO: Major Doe, Secretary General 136 2 July 1944

1. Attached is a copy of a letter received some days ago from Colonel Fiske. I sent the original to Lt. Col. Campbell, Legal Sub-Commission on 24 June with an informal note asking him to prepare the necessary documents for the Chief Commissioner's signature.

2. I have been checking up on this at Colonel Densmore's request and find that Lt. Col. Campbell is now in Rome, and that the Salerno office knows nothing about it. Could you please contact Lt. Col. Campbell and let me know the results.

A. J. Collins
A. J. COLLINS
Captain, R.E.
Assistant Secretary General

1 Incl.

Note. On receipt of Col FISKE's letter, I showed it to then CLO (Col UPTON): with his agreement I brought it to Rome with me on WED 28 JUNE; I have discussed it with Legal Officer Rome

Region: all requisite action is long since completed.

3 July 44

J. Collins
Chief Federal Officer

EWS/afe

JUL 1944

1 July 1944

A/CC 250.

Subject: Complaint against Military Police HQO at Nola

To: Major-General A. L. Collier, CBE, DSO
G.O.C., No. 3 District

1. Reference is made to the attached copy of a letter from one Donnarummo Felicia.

2. I realize that the allegations made may be groundless, but in view of the possibility of there being some truth in them, I think it right to bring the letter to your notice.

3. Since the writer has also addressed herself to the Ministry of Justice and to the Ministry of the Interior, I shall doubtless soon be receiving inquiries from these Ministries.

4. I should therefore be grateful for any information you may be able to give me as a result of your inquiries, which will enable me in due course to make a suitable and just reply.

ELIERY W. STONE
CAPTAIN, R.A.M.C.
Acting Chief Commissioner

1 Incl. - Ltr fr Donnarummo
Felicia, 22 Jun 44

72

A/CC 250
Dist 47

Aug 1st
by

July 15
1944

250 Open subject to Comdant

TRANSLATION

Nola, 22 June 1944

To: General MacFarlane, Chief of the ACC, Salerno
His Excellency, the Minister of Grace and Justice
His Excellency, the Minister of Interior

[Illegible text]

The present letter is not intended to be a report or complaint, but it represents a particular situation in which I find myself through no fault of my own.

In order not to tire you with useless procrastinations, I will come to the point immediately with the hope of receiving your benevolent consideration.

Here are the facts in their absolute objectivity:

On Monday, June 12, 1944, my fiance was arrested by the Nola English Regimental Police because a pistol was found in his furnished rented room. Taking into consideration the fine conduct always observed by my fiance and in a spirit of affection, I took the trouble to see that he be set free from the competent judging organ upon payment of a bond.

On the following Thursday, June 15, 1944, accompanied by a certain Nunziatina, I went to Mariglianese to see the American major in regard to establishing the amount of the offered bond. Having heard my story, he made me wait for some time and thereupon suggested that I return to him as he had to summon the Town Major concerning the matter.

I returned in the afternoon with no decision being reached because of the hostile attitude of the above mentioned officer toward me.

However, on the following Saturday, June 17th, there came to my house located in Vico Principessa Margherita in Nola, the sergeant of the regimental Police, the man who arrested my fiance. He asked me for a glass of wine and made some advances toward me. At first he was reticent, but he became bolder and bolder with his proffers of love, warning me that in case his advances were accepted, he would take the trouble to facilitate the release of my fiance.

I refused sharply and made him understand that I intended to meet my fiance's situation with the payment of a bond. The sergeant accepted the proposal and asked for the sum of six thousand lire, which I paid him, placing my small modest capital in his hands.

The discussion was carried on more with gestures than with words, due to the fact I knew not one word of the English language and the non-commissioned officer did not understand the Italian language.

After receiving the money, my visitor continued with his previous demands up to the point where I was forced to shout out to make him stop.

Incl I

22 Jun 44

My mother came in and tried to convince him of my good morals. The latter becoming angry with the unwelcome intervention drove my mother from the room causing her to fall outside the door. Upon the arrival of the neighbors attracted by the heated discussion and the appeals of my brother who asked the sergeant to leave ~~me~~ in peace, the non-commissioned officer extracted his army pistol and fired a shot, probably to intimidate those present.

With the shot all of them took to flight and I remained alone deprived of any assistance whereupon the sergeant seized me. I tried to free myself but becoming exhausted I fainted away.

After some length of time which I cannot ascertain due to my mental conditions, I found myself lying on the floor without a dress, my panties torn at the front and at the rear and my slip covered with a moist substance, the origin of which you can easily understand.

Standing nearby, the sergeant was sprinkling water upon my face in order to revive me.

After a short time, there entered a soldier of the regimental police who was sent by my sister and he criticized the action of his superior. The latter recalled the soldier and a long discussion in English took place which I was not able to understand. The discussion ended with the two on friendly terms.

Upon my complaints and remonstrances the sergeant became indignant and rather than feeling penitent for his action placed me under arrest and asked me to follow him to the regimental police command. Upon arrival there, under threats by weapon and with blows, they forced me to make untrue statements. Among those which I can recall is that they forced me to state that I had given the money as graft. My poor memory cannot recall other accusations. I did not want to sign my signature, but the threats, my physical wounds, my moral collapse and the continued blows forced me to obey their unjust and provoking demands. This martyrdom lasted all night and only on the morning of the following day, I was led to the carabinieri barracks of Nola. I was told not to talk to anyone and that I was to be transferred to some distant prison.

On the following Wednesday, June 21st, I learned that I had been denounced for bribery and on the 22nd, the case was heard at the Summary Court in Nola. The results which have eventually mortified my chastity and broken my heart were concluded in my disfavor. The judge remained convinced of my guilt notwithstanding the purpose for which the sum of money was given and notwithstanding the fact that my defense had demonstrated to the Judge the abuse inflicted upon me as was evidenced by the torn panties and dirty slip.

The presentation of the facts as they occurred could not create equivocations or doubts. The notoriety of the event was such that it was enough to ask of any citizen whomever the story so that the "put-up" case of the prosecutor would crumble.

Human justice, unfortunately administered sometimes with a certain partiality, has strangled my every anticipation.

The sentence was defaming for me: six months of imprisonment was my verdict and I had suffered so much already in the flesh.

I do not know to whom to appeal. I place my trust in you to use your means to bring light to the facts which have created history in Nola.

I do not indicate any witnesses because I do not wish to be subjective. I beg of you not to consider this letter as subjective.

Have only the patience to order an accurate investigation and the light of truth will issue to redeem an innocent.

In anticipation of your benevolent and just intervention, I beg of you to accept my devoted thanks.

(sgd) Donnarummo Felicia - detained in the
prison at Nola.

5969

(72) INCL I

HQ AGC, AND 204

Copia del 22 giugno 1944

28 June 1944

Rec

PV

Al signor Generale MacFarlane Capo della Commissione di Controllo Alato

SALERNO

e per conoscenza:

A S.Ecc. Il Ministro di Grazia e Giustizia

Salerno

A S.Ecc. Il Ministro dell'Interno

Salerno

La presente lettera non vuole avere carattere di deposito o di reclamo, ma serve a rappresentarvi una particolare situazione in cui sono venuta a trovarmi senza colpa alcuna.

Per non tediarvi con inutili lungaggini entro subito in argomento con la preghiera di un benevolo interessamento da parte Vostra.

Ecco i fatti con assoluta obiettività:

Lunedì 12 corrente mese il mio fidanzato venne arrestato dalla Polizia Reale Inglese, di stanza a Nola, perché nella sua stanza tenuta in affitto militata venne ritrovata una pistola. Tenendo conto della buona condotta sempre serbata dal mio fidanzato e per uno spirito di naturale affetto mi sono eccitata adoperata perché egli venisse posto in libertà dall'organo giudicante competente dietro versamento di una cauzione.

Il giovedì successivo, cioè 15 giugno 1944, mi sono recata in compagnia di certa Nunziata a Termini Imerese del maggiore americano perché stabilisse l'importo per la cauzione offerta. Costui, sentito il mio dire, mi fece attendere del tempo e indi mi suggerì di ritornarvi dovendo agli interessi del mio riguardo il Town Major.

Ritornai nel pomeriggio senza nulla concludere per l'atteggiamento ostile nei miei riguardi del suddetto ufficiale.

RGS

ha presente lettera non vuole avere carattere di esposto o di reclamo, ma serve a rappresentarvi una particolare situazione in cui sono venuta a trovarmi senza colpa alcuna.

Per non tediarvi con inutili lungaggini entro subito in argomento con la preghiera di un benévolo interessamento da parte Vostra.

Teco i fatti con assoluta obiettività:

Lunedì 12 corrente meno il mio fidanzato venne arrestato dalla Polizia Reale Inglese, di stanza a Nola, perché nella sua stanza tenuta in affitto militata venne rinvenuta una pistola. Tenendo conto della buona condotta sempre esibita dal mio fidanzato e per uno spirito di naturale affetto mi sono recata adoperata perché egli venisse posto in libertà dall'organo giudicante competente dietro versamento di una cauzione.

Il giovedì successivo, cioè 15 giugno 1944, mi sono recata in compagnia di certa Mariastina o Mariadionese dal maggiore Americano perché stabilisse l'importo per la cauzione offerta. Costui, sentito il mio dire, mi fece attendere del tempo e indi mi suggerì di ritornarvi dovendo egli interpellare al riguardo il Town Major.

2998
Ritornai nel pomeriggio senza nulla concludere per l'atteggiamento ostile nel miei riguardi del suddetto ufficiale.

Gerarché il sabato seguente, 17 giugno, mi presentò nel mio domicilio sito in Vico Principeessa Margherita in Nola, il sergente della polizia Reale tale, cioè quello che aveva proceduto all'arresto del mio fidanzato, il quale, chiestomi un bicchier di vino, avanzò prima in forma reticente e indi più più decisa profferita di cuore, avvertendomi che nel caso in cui fosse stato da me accolto egli sarebbe adoperato per agevolare la escarcerazione del mio fidanzato.

Nei reciproci e feci capire al suddetto che io intendevo venire incontro alla sua esigenza capitata al mio fidanzato con lo sborsare una somma

(73)

I vol 1

22 June 44

ceduta a titolo di cauzione. Il sergente accettò la proposta e chiese la somma di lire sessanta che sborsai rimettendo il mio piccolo, modesto capitale nelle sue mani.

La discussione avvenne più che a parole a gesti ignorando io qualsiasi parola in lingua inglese e conoscendo il sottufficiale la lingua italiana. Ricevuta la somma, il mio interlocutore continuò nelle primitive insistenze al punto tale che io fui costretto a gridare perché la smettesse. Intervenne l'altro nei miei riguardi mia madre la quale cercò di convincere il sottufficiale della mia buona moralità. Questi indovinando^{la} del non gradito intervento scacciò in malo modo la mia genitrice riversando^{la} oltre la porta d'ingresso. All'arrivo di vicini, attirati dall'animata discussione e dalle preghiere di mio fratello che invitava il sergente a lasciarmi in pace, il sottufficiale estrasse la pistola di ordinanza di cui era munito ed esplose, probabilmente per intimidire i presenti, un colpo.

Il rumore dell'esplosione tutti mi diedero alla fuga ed io rimasta sola e priva di qualsiasi aiuto diventai preda del sottufficiale. Cercai di svincolarmi ma estremata di forze caddi svenuta.

Dopo qualche tempo che non posso precisare per le condizioni psichiche in cui mi trovavo, mi trovai stesa per terra senza vestaglia e con la mutandina strappata nella parte anteriore ed inferiore e con la sottana sporca di sostanze umide che voi facilmente riuscite a comprendere l'origine.

Vicino a me il sottufficiale mi lanciava sul viso con le mani sporcate di acqua per farmi rinvenire.

Dopo poco tempo intervenne un militare della polizia regimentale invitato da mia sorella, ed il militare nel commentò l'operato del suo superiore. Questi richiamò il suo dipendente col quale ebbe una discussione in lingua inglese che io non riuscii a comprendere. Discussione che ebbe termine con la

presso. All'arrivo di vicini, attirati dall'umidità e dall'odore
ghiera di mio fratello che invitava il sergente a lasciarmi in pace, il sot-
tuffiale estrasse la pistola di ordinanza di cui era munito ed esplose, pro-
babilmente per intimidire i presenti, al colpo.

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Dopo poco tempo intervenne un militare della polizia regimentale invitato da
mia sorella, ed il militare mi commentò l'operato del suo superiore. Questi
richiamò il suo dipendente col quale si ebbe una ~~vera~~ discussione in lingua
inglese che io non riuscii a comprendere. Discussione che ebbe termine con la
riappacificazione dei due camerati.

Allo mio lamento e giusto rimprovero indugiarono probabilmente il sottuffi-
ciale il quale anziché pentirsi del mio fatto si dichiarò in prete e mi in-
vitò a seguirlo al comando della polizia regimentale. Colà giunta, con mia
minaccia a mano armata e con percosse mi costrinsero ad affermare cose non
vere. Fra quelle che posso ricordare è che mi obbligarono a dichiarare che io
avevo offerto la somma al titolo di corruzione ad altre accuse che la mia por-
vera mente non riesce a ricordare. Non volevo firmare ma le minacce, lo stra-

72

True I

zio fisico, l'abbattimento morale, le continue percosse mi consigliarono ad unirmi alle loro richieste ingiuste e provocatorie. Tale martirio durò tutta la notte e solamente il mattino del giorno successivo venni condotta alla caserma dei carabinieri di Nola con l'obbligo di non dover parlare con nessuno e di essere tradotta in lontano carcere. Il mercoledì successivo, cioè il 21 giugno, seppi di essere stata denunciata per corruzione ed il 22, cioè oggi, si è escusa la causa presso la Corte Sommaria di Nola. La procedura eseguita che ha mortificato ulteriormente il mio pudore ed ha straziato il mio cuore si è conclusa in modo a me sfavorevole. Il Giudice è rimasto convinto della mia ⁹colpevolezza nonostante avessi dimostrato a quale titolo io avevo elargito la somma e nonostante che in pubblico dibattimento il mio difensore avesse mostrato al Giudice di quale oltraggio io ero stata fatta segno come risultava in modo evidente dalla nutanda lacerata e dalla sottana sporca.

Il susseguirsi dei fatti, così come si erano svolti, non potevano creare equivoci né dubbi. La notorietà dell'occorso era tale che bastava richiedere ad un qualsiasi cittadino la narrazione perchè la montatura creata dall'agente verbalizzante vedesse.

La Giustizia umana, purtroppo amministrata talvolta con una certa partigianeria ha stroncata qualsiasi mia modesta previsione.

La sentenza è stata per me infamante: Sei mesi di carcere è stato il verdetto vero di me che già avevo sofferto nel vivo delle mie carni.

Non so a chi rivolgermi; mi affido a Voi perchè usiate tutti i Vostri mezzi per far luce su di un fatto che a Nola ha fatto epoca.

Non indico testimoni onde evitare di dover essere soggettiva, come Vi prego di non tener conto della mia dichiarazione.

Abbiate soltanto la pazienza di inviarmi un'inchiesta accurata e la luce della verità verrà fuori per redimere un'innocente.

Per favorevole esito di questo intervento Vi prego gradire

che in pubblico dibattimento il mio difensore avesse mostrato al Giudice di quale oltraggio io ero stato fatto senza come risultava in modo evidente dalla mutande lacerate e dalla sottana sporca.

Il susseguirsi dei fatti, così come si erano svolti, non potevano creare equivoci né dubbi. La notorietà dell'occorso era tale che bastava richiedere ad un qualsiasi cittadino la narrazione perchè la montatura creata dall'agente verbalizzante cadesse.

La Giustizia umana, purtroppo amministrata talvolta con una certa partigianeria ha stroncata qualsiasi mia modesta previsione.

La sentenza è stata per me infamante: Dei mesi di carcere è stato il verdetto verso di me che già avevo sofferto nel vivo delle mie carni. Non so a chi rivolgermi; mi affido a Voi perchè usiate tutti i Vostri mezzi per far luce su di un fatto che a Nola ha fatto epoca. Non indico testimoni onde evitare di dover essere soggettiva, come Vi prego di non tener conto della mia dichiarazione.

Abbiato soltanto la pazienza di invi^{re} ordinare un'inchiesta accurata e la luce della verità verrà fuori per redimere un'innocente.

In attesa di un Vostro benevolo e giusto intervento Vi prego gradire i miei devoti ringraziamenti.

Donna Anna Felicia

(Donna Anna Felicia - detenuta nelle carceri di NOLA)

712
Incl I

S E C R E T

Reference No IS-20

June 23, 1944

OFFICE OF STRATEGIC SERVICES
ALLIED ARMIES IN ITALY
APO 777, U.S. ARMY

DSB 1473
1 JUL 1944

Subject : General GIACOMO CARBONI Place of Origin : ITALY
(Generale di Corpo d'Armata) Date of Origin : 23 June

Source : GRAMERCY Evaluation : A-1

1. General Giacomo CARBONI was Commanding Officer of the Armed Forces assigned to the defense of ROME and Commissioner Extraordinary of SIM shortly prior to and during the Armistice negotiations in September, 1943. He personally carried on the negotiations with representatives of the Allies which resulted in the Armistice, conducted the armed defense of ROME against the Germans and Fascists, and carried out his functions for the SIM.
2. The following information is the result of direct interrogation of General CARBONI, of persons who were in a position to observe his position in ROME before and after the Armistice until the capture of the city by the Allies, and of others who have had the opportunity to know his actions:
 - a) General CARBONI actively led the defense of ROME against the enemy.
 - b) He advised the Allied representatives of the true conditions as demonstrated by later events.
 - c) He collected intelligence against the Germans and Fascists, now in his possession and being processed by this Office.
 - d) He maintained contact with the Allies during the occupation of ROME by the enemy, keeping the Allies always informed of his whereabouts and activities.

Distribution : ACC: GSI CI(a) AAI: CI G-2 PBS: CI G-2 5TH ARMY:
OSS AFHQ (2): X-2: R&A: FILES.

S E C R E T

Can. Intelligence notified
from O.S.S. will inform us completed, so Army can take any action
when questioning of Carboni needed. 5-

S E C R E T

-2-

Reference N° IS-20

He is cooperating to the fullest extent in the revelation of all information at his command, as he has in the past.

3. Paragraph 4 below is a translation of material in our files provided by an official Italian source. It is presumed that similar material has been distributed to other Allied agencies. In the light of subsequent contacts as enumerated above, and in view of the departure from strictly factual intelligence reporting demonstrated in the last paragraphs of that report, the following facts must be taken into consideration when evaluating such material (and similar material on other Italian leaders during the enemy occupation of ROME):

- a) The material in the possession of General CARBONI will have a definite effect on the position of several present high officials.
- b) The facts in the case, as presented in the report submitted below, demonstrate Subject's complete loyalty to the Allied cause over a period of years and amply illustrate his obvious competence and the trust placed in him by his superiors.
- c) An attempt to discredit the Subject will be made by inserting non-factual and opinionated remarks in reports, such as the accusation that Subject "aspired" to the Ministry for Cultura Popolare, an allegation which Subject and others close to actual events at the time can demonstrate to be false. Equally careful evaluation of sources must be applied to opinions such as those gratuitously proffered in the last two sections of paragraph 4 following.

4. Translation of a document from an official Italian source follows:

"Member of the Alpini and of the General Staff.

"Sent to Hungary with the rank of Lieutenant Colonel on the General Staff for intelligence purposes, he was recalled for carrying on activities beyond his directives and was placed on inactive status.

S E C R E T

S E C R E T

-3-

Reference N° IS-20

"While Baistrocchi was under Secretary of War, he was recalled to active duty and promoted to the rank of colonel for exceptionally meritorious service.

"He served as colonel commanding the 81st Infantry Regiment and was director of the daily "Le Forze Armate".

"Appointed Brigadier General in 1938, second in command of the 22nd Infantry Division (Cacciatori delle Alpi).

"In 1939 appointed chief of SIM and subsequently relieved for recalcitrance, early in 1940, and appointed Commandant of the R. Accademia di Fanteria e Cavalleria.

"In the spring of 1942 he was the Major General commanding the 20th Infantry Division (Friuli) training for landing operations against Malta. His continued reservations on the efficiency of the division almost cost him his command.

"In November of the same year he landed his division in Corsica and shortly thereafter assumed command of the VII Corps in Corsica when its commander was relieved.

"His conduct as commandant in Corsica was initially appreciated highly but he soon fell into disagreement with the Army Commandant (Caracciolo) who asked for his relief.

"In the spring of 1943 he was attached to the Ministry of War in ROME and enjoyed the confidence of the Chief of the General Staff.

"On the 25th of July he was given command of the Armored Corps, assigned to defend ROME against Fascist or German coups de main.

"Shortly afterwards he was given the additional appointment of Commissioner Extraordinary of the SIM because he was believed particularly suitable for the rapid orientation of the Intelligence Service against the Nazis.

S E C R E T

S E C R E T

-4-

Reference N° IS-20

"He took an active part in preparing the way for the Armistice, in anticipation of which all the armed forces destined for the defense of ROME were placed under his command.

"Charged with this most important duty, from the 6th of September he maintained the impossibility of defending ROME and, considering it already a lost cause, by means of his continued protests aroused similar doubts among the Supreme Command.

"His conduct as commandant during the crucial days of the Armistice is not well defined, at least in his capacity as Commissioner Extraordinary of the SIM.

"He is a man of extreme intelligence and of great ability; most ambitious (after the 25th of July he aspired to the post of Minister of Cultura Popolare (Propaganda)), unscrupolous, he does not inspire confidence in the performance of his duties. After the 25th of July fate and a trust inspired by the more brilliant aspects of his personality had reserved for him a role of first importance, which -- either in good or bad faith -- he was not able to play."

5932

5. This Office has been in direct contact with General CARBONI and other leaders throughout the period of German occupation of ROME and is maintaining its contacts currently. This Office will submit further reports on the Subject and should be consulted when immediate information is necessary.

S E C R E T

TRANSLATIONCOMMITTEE
FOR THE INDEPENDENCE OF SICILY

Palermo, 20 June 1944.

To: General Sir Noel Mason Macfarlane
Chief Commissioner
Allied Control Commission

30 JUN 1944

And for information to: The Regional Commissioner for Sicily
Allied Control Commission

Following the disturbances at Regalbuto (Catania), where two communists who had come there with a group of evildoers to assassinate the director of the movement for the independence of Sicily were killed, the journalist Concetto Battisto of Catania felt compelled to warn, knowing well that among the assassins there had been two officers of the Sabaude Division, dressed in civilian clothes, who had come in a military automobile and equipped with machine-guns, that these officers, before making eyes at the women, would do better to go out on the field of battle and fulfill their duty.

Following a denunciation made by the headquarters of the Division Battisto, with manifest violence and violation of the law, has been arrested and referred to the incompetent Military Tribunal of Palermo.

While we call the attention of the Allied Control Commission to this arbitrary act, I cannot conceal the fact that no measures have been taken against the two unworthy officers of the Sabaude Division who should not have associated themselves with such an evil and criminal action.

I take this occasion to renew the invitation to the Allied Control Commission to be kind enough to make a careful examination of the Regalbuto incidences which, if they should be repeated, could not fail to hinder the legitimate and necessary revolt of the Separatists.

Respectfully,

/s/ A. Finocchiaro - Aprile

PRESIDENT OF THE NATIONAL COMMITTEE

70

Trans - Sgt Shenfield/lws

20 June 44

File 198

2570 20 June 44

KBY/hjp

A/CC 014.33

27 June 1944

28 JUN 1944

SUBJECT: GARIBALDI Ricciotti

TO : Brigadier L. S. Airey, B.O.S.(I), TAG, HQ AAI

(69) APC F

1. Reference your AAI/1156/15/AAI(b) of 2 June 1944, and subsequent correspondence.

2. On reconsideration of this case and, in particular, of paragraph 1 of your letter of 2 June 1944, I am of opinion that Ricciotti GARIBALDI should be released from his present internment.

3. Will you arrange to have him released.

ELMER A. STONE
Captain, USMR
Acting Chief Commissioner

cc: Civil Affairs Branch (Your 332/5/CA of 1 June refers)
Security Branch (Your 33/31.5/140 of 6 June refers)
Public safety sub-commission (Your 1,750/38/PB of 4 June refers)

(69)

File/Fa/S

A/CC/014.33

27 June 44

25-0 Dmms & Construct

HEADQUARTERS
ARMED CONTROL COMMISSION
OFFICE OF CHIEF COMMISSIONER.

26 June 1944

A/cc 014.33

Ref:

I. S. AIREY

SUBJECT : GARIBALDI Ricciotti.

TO : Brigadier, B.G.S(I) TAC. HQ. AAI.

(69) APP F

1. Reference your AAI/1456/75/GSI(b) of 2 June 1944 and subsequent correspondence.
2. On reconsideration of this case and, in particular, of paragraph 1 of your letter of 2 June 1944, I am of opinion that Ricciotti GARIBALDI should be released from his present internment.
3. Will you arrange to have him released?

ELLERY W. STONE.
Captain U.S.N.R. ~~NO 10~~
Deputy Chief Commissioner.

Acting

Copy :

Civil Affairs Branch (Your 332/9/CA of 14 June refers)
Security Branch (Your SB/311.5/140 of 6 June refers)
Public Safety Sub-Commission (Your 14760/38/PS of 4 June refers).

(69) APP A

A/cc 014.33
26 June 44

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M. SECTION
A.P.O. 394

Ref./332/9/CA.

14 June 44.

SUBJECT : GARIBALDI Ricciotti

TO : H.Q. AAI.

(69) APP C
With reference to your AAI/1456/75/GSI(b)
of 11 June 44 it is suggested that this case be
reviewed after a period of six months.

Brigadier
Executive Commissioner
For Chief Commissioner.

Copy to:

Public Safety Sub-Comm (Your 14760/38/PS of
4 June refers)
Security Branch (Your SB/311.5/140 of June
refers).

2918

(69) APP B

332/9/CA
14 June 44

SUBJECT : Garibaldi Ricciotti.

HQ. ALLIED ARMIES IN ITALY.

CONFIDENTIAL

AAI/1456/75/GSI(B)

11 June 44.

Executive Commissioner.
ACC.

(69) APP D

Reference your 332/7/CA dated 9 June 44.

1. We will arrange for the interment of GARIBALDI Ricciottio on political grounds, in accordance with your request.
2. It is proposed to instruct G.2, P.B.S. to effect his arrest on 17 June and to dispatch him to 371 PW Camp. — *Palumbo*
3. In order that we may give him appropriate particulars of the case to the Commandant of the interment camp, will you please state whether you wish him to remain interned for the duration.

/s/ W.D. Gibson, Lt.Col.
for Brigadier,
B.G.S. (I)

(69) APP C

5217

AAI/1456/75/GSI(B)

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

Ref/322/7/CA

9 June 1944

SUBJECT: Garibaldi, Ricciotti.

TO : Hq. AAI (GSI(B)).

(19) APP F

1. Reference is made to your AAI/1456/75/GSI(b) of 2 June 44.
2. It is considered that Marshal Badoglio's statement is sufficient to warrant this man being interned meantime.
3. Will you arrange to have this done?

(signed)

Brigadier
Executive Commissioner
For Chief Commissioner

Copy to:

Security Br. (Your SB/311.5/140
G of June 44 refers)
Public Safety Sub-Comm. (Your
14760/38/PS of 2 June refers).

5216

JSR/JR

(69) APP D

332/7/CA
9 June 44

C O P Y

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH
APO 394

Ref : SB/311.5/140 G.

1 June 1944

SUBJECT : GAIBALDI Ricciotti

TO : Chief Commissioner.

1. Herewith Public Safety Sub-Commission file re above named.
2. The case against Subject is not strong enough to justify interment on grounds of security.
3. I suggest that the action proposed in para. 3 of B.G.S. (I) letter of 2 June 1944, attached is correct and adequate under the circumstances and I recommend no further action on our part.

For the Director:

JOHN A. McKAY.
Major,
Security Branch.

5015

(69) APP E

SB/311.5/140 G

1 June 44

C O P YSUBJECT : GARIBALDI RicciottiH.Q., ALLIED ARMIES IN ITALY.CONFIDENTIALAAI/1456/75/GSI(b)2 June 44.Director, Security Branch.
HQ. A.C.C.

Ref your SB/311.5/1409 dated 1 June 44.

1. It is considered that the case against GARIBALDI Ricciotti is NOT sufficient to justify his internment on purely security grounds.
2. Since the Chief Commissioner had expressed the view that this man should be interned, (ref his letter to BGS(I) dated 22 May and your letter to this Branch dated 17 May) we referred the case to you in order to confirm whether General MacFarlane did in fact wish us to effect the internment, irrespective of security grounds.
3. As it appears from your letter of 1 June that he has not confirmed this, we propose to take no further action beyond arranging for GARIBALDI to be kept under observation.

(signed) I.S. AIREY
Brigadier,
B.G.S.(I).

JWF

R.D. 1

(69) APP F

AAI/1456/75/GSI(b)
2 Jan 44

General Ricciotta GARIBALDI

Passport No. 9 036.

Registered No. 673/37

Born Rome - 25-11-1881

Crossed lines.

Worked with O.S.S.

To study organisation in Rome.

5213

26 June 1944

Captain Stone:

Reference attached.

On 20 June, General MacFarlane referred this matter to Mr. Reber by letter reference CC/P/409, wherein he stated:

"Reference attached about which I spoke to you. I think you said that you would talk to the head of C.S.S. and find out if Carboni was with them and what they were doing with him.

"provided they are only interrogating him all is well and when the interrogation is over they should hand him over to the Italian authorities. If, however, they are "using" Carboni they should be told that this is most undesirable and that they should hand him over to the Italian authorities.

"I leave this question in your hands and would ask you to deal direct with Badoglio on the subject.

"I have asked Paige to contact you in Rome on this."

L.D.D.

Interrogation to be completed
within 2 or 3 days
OSS will deliver to his
house.

Suspect to 29 June
PSP

26 June 44

TRANSLATION

COMANDO SUPREMO

13842/op

P.M. 135, 23 June 1944

Dear Captain Stone,

As per our agreement I am sending you a copy of the translation of the letter sent on 17 June by H.E. Marshal Badoglio to General MacFarlane on the subject of Gen. Carboni.

Cordially,

/s/ A. Infante

ADOLFO INFANTE
MAJOR GENERAL, FGS

TO: Captain Ellery W. Stone, USNR
Acting Chief Commissioner
Allied Control Commission

5211

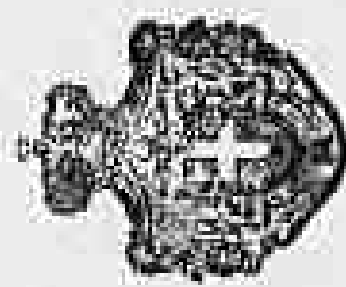
Trans - Sgt Shenfield/lws

⑥8 Incl I

URGENTE

RISERVATO PERSONALE

P.M. 135, 21 23 giugno 1944.



COMANDO SUPREMO

13822/44.

HQ ACC. APO 304

Sec. y Gen.

Rec'd

By

25 June 1944
[Signature]

Caro Comandante Stone,

come d'accordo Le invio una copia della traduzione
ne delle lettere inviate il 17 corrente da S.E. il Maresciallo
Badoglio al Generale Mac Farlane nei riguardi del Gen. Carbone.

Cordialmente

[Signature]
IL GENERALE DI DIVISIONE F.O.S.
(Addio Infante)

1310

Al Capitano di Vascello
Ellery W. STONE

1172

Bucello al Generale Mac Farlane nel riguardo del Gen. Carboxi.

Cordialmente

W. S. T. C. N. E.
IL GENERALE DI DIVISIONE F. G. S.
(Allegato Infante)

5210

Al Capitano di Vascello
Ellery W. S T C N E
Vice Presidente della Commissione Alleate di Controllo

(68) I w e l T

C O P I A

HQ ACC, APO 394
Sec'y Gen.

Rec'd 25 June 1944
By *[Signature]*

17 giugno 1944

My dear General,

as agreed General Carboni should have been arrested and given in charge to us, to be directly submitted to judgement by Military Court.

Instead General Carboni disappeared and it appears that he is now somewhere near Caserta with a detachment of the U.S.A. Intelligence.

It is necessary that Carboni should be given up to us, that Sorice should only be watched and that Tommasi should be left free.

Yours sincerely

BADOGLIO

5209



1174

Declassified E.O. 12356 Section 3.3/NND No. 785015

Instead General Carboni disappeared and it appears that he is now somewhere near Caserta with a detachment of the U.S.A. Intelligence.

It is necessary that Carboni should be given up to us, that Sorice should only be watched and that Tommasi should be left free.

Yours sincerely

BADOGGIO

5209



(68) Incl II

CONFIDENTIAL

PHEM/rj

Ref. CC/P/409.

20th. June. 1944.

DSO 1422
28 JUN 1944

Reference attached about which I spoke to you. I think you said that you would talk to the head of O.S.S. and find out if Carboni was with them and what they were doing with him.

2. Provided they are only interrogating him all is well and when the interrogation is over they should hand him over to the Italian authorities. If, however, they are "using" Carboni they should be told that this is most undesirable and that they should hand him over to the Italian authorities.

3. I leave this question in your hands and would ask you to deal direct with Badoglio on the subject.

I have asked Nange to contact you in Rome on this.

E. J. S.

NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner.

Mr. Samuel Reber,
Political Section,
A.C.C., Rome.

(67)

cc/P/409
20 Jan 44

Jh/194

250

HEADQUARTERS
Rome Region
A.P.O. 394, U.S. Army

SF

Rec'd 24 June 0910
By JLD

19 June 1944

SUBJECT : Appointment of Panel for General Military Court.

TO : Chief Commissioner, HQ., ACC.

25 JUN 1944

1. Pursuant to the provisions of Article 2, Paragraph 1b(2)(a), it is requested that the Chief Commissioner appoint the following as members of a panel from which General Military Courts may be convened from time to time for the trial of cases arising in this area:

Col.	H. G. VILMER	(B)
Major	ROBERT C. HENDRICKSON	(A)
Lt. Col.	J. L. WILLIS	(B)
Major	W. G. ELDER	(B)
Major	G. MacFADYEN	(B)
Major	STEVEN M. YOUNG	(A)
Major	PAUL D. SHRIVER	(A)
Lt. Col.	DONALD H. BAKER	(A)
Lt. Col.	PAUL D. CARTER	(A)
Major	CHARLES ANDERSON	(A)
Major	V. A. GIGHELLI	(B)
Lt. Col. (Count)	J. DE SALIS	(B)
Lt. Col.	B. Mc. SLY GREELEY	(A)
Captain	TITUS ONTES	(B)
Captain	JOSEPH L. LEVY	(A)

NORMAN B. FISKE
Colonel, Cavalry
Acting Regional Commissioner.

see (72) a

(66)

for/for

by RF SF 19 June 44

original sent to Co. Campbell, Legal
S/C with request to prepare necessary
document for A/C's signature.

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
SECURITY BRANCH
APO 394

DSB 1357
23 JUN 1944

Ref : SB/311.5/140 G.

21 June 1944.

SUBJECT : LEQUIO, Francesco.

TO : Deputy Chief Commissioner
H.Q., ACC.

1. I have to report that the above named was released from internment at 371 P.W. Camp on 16 June 1944 and was handed over to the Italian Military Authorities at Salerno.

For the Director:

John A. McKay
Major
JOHN A. MCKAY,
Major,
Security Branch.

CONFIDENTIAL

65
SB/311.5/140G
21 June 44

132
152
250
Handwritten

D. S. G.
*file*DSG 1172
13 JUN 1944

13 June 1944

SUBJECT: Luigi Imperato

TO : Legal Sub-Commission, Rear Hq ACC

1. Thanks for your note of 9 June relative to Imperato.
2. The relatives of this man tell me his sentence was cut to three years and that the case (papers) are not in Salerno, also that a Lieut Sabatin (or some such name), an Allied officer, was to have done something on the case of May 26th.
3. In view of this confusion, would you please have the matter checked.

250

*file/for*L. D. DENSMORE
Colonel, Sig C
PA to DCC*250*

(63)

COPY

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

/jpl

ACC/4083/1/L

9 June 44

SUBJECT: Luigi Imparato

Memo to: P.A. to Deputy Chief Commissioner.

1. In answer to your memo (addressed to Public Safety) on the above subject dated 4 June 44.
2. This case has already been up to this H.Q. for review and after due consideration the sentence of 5 years and 50,000 lire fine imposed by the Court was affirmed.
3. Owing to the number of cases passing through this Sub-Commission, it is not possible to recall the particular circumstances of this case. As the case has already been considered here, perhaps you will not want to pursue the matter further; but, of course, if you would like to know more of the case, we can easily send for the complete Record from Region 3.

/s/ I. Campbell Lt Col
for GERALD R. UPJOHN
Colonel
Chief Legal Officer

R.104

63 APR A
ACC/4083/1/L
9 June 44

4 June 1944

MEMO TO: Public Safety Sub-Commission

SUBJECT: Luigi Imperato di Pasquale, di Anna Enico,
di S. Giovanni Attetnecio, Napoli.

1. It is understood that the above named Italian civilian, formerly employed by Allied Forces at the docks in Naples, was about four weeks ago involved in the theft of a truck load of flour and was tried, convicted and sentenced by an AMG Court.

2. His mother, through a relative, feels that the boy was the victim of a "frame-up" and that he (the prisoner) is a good boy, etc.

3. The interested parties do not appear to have very much information with respect to the status of the case. Some one has informed them that an appeal can be made.

4. Would it be much trouble to get the story on this case and information as to whether or not anything should or could be done about it. Thank you.

(63) APC B
L. D. DENSTORE
Colonel, S.C.
PA to DCC

19 Jun 44

Sergeant JENK DAVID - ASN.6255260 -

315 Fighter Squadron - 324 Fighter Group Corps.

Caporal OTTO ROCCO LANGERONI - ASN.12020442 -

315 Fighter Squadron - 324 Fighter Group Corps.

American

American

Il processo dell'Imperatore Luigi di Borbone,
Dm. Vincenzo di Vincenzo
e Bruno Genaro . . .

della 7^a cort. sup. Alleate
(Giudice). Sig. Rolfe. (Im.)

è stato portato a Salerno il 26. Maggio 1944.
dal. Sig. Gen. Sabatini. (allente)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

FJS/ajp

12 June 1944

MEMORANDUM FOR: Legal Sub-Commission.

Attached are memorandum from General Infante of the Italian Supreme Command and translation, which are transmitted to you for necessary action.

F. J. S.

- 2 Incl- 1. Ltr fr Gen Infante dtd 11-6-44
2. Translation.

(62)

12 Jun 44

TRANSLATIONDSH 1109
12 JUN 1944

SUPREME COMMAND

Unit I - Office of Miscellaneous Affairs

Prot. No. 91318/AV

P.M. 135 11 June 1944

MEMORANDUM FOR: Captain Ellery W. Stone, USNR
Deputy Chief Commissioner, Allied Control Commission.

SUBJECT: Lt. Col. Albanese and Capt. Voza

Reference DCC 250 of 1 May 1944. (37)

His Excellency the Chief of General Staff has directed me to inform you that Lt. Col. Albanese and Capt. Voza have been placed at the disposition of the commander of No. 2 District, who has sent them to the camp at Padula.

202

/s/ A. Infante

ADOLFO INFANTE
MAJOR GENERAL, FGS

Trans - Sgt Shenfield/lws

Also refer: (44)-(46)-(47)-(48)

201

(62) Incl I

91318/AV
11 Jun 44

To : General M. Mac Farlane
Chief of the A.C.C.

X 10 Ju 1944

Dear General,

23/1372
26 Ju. 1944

I communicate herewith a memorandum of a well-known agent of the Questura, who is known by me from many years as an excellent functionary, in connection with the arrest of my son, MARIO.

Very sincerely,

(sgd) Badoglio. ✓

Capt. Stone

10 June 44 From Ed getting this side of the story. ✓ 5109
10 June 44 From Ed getting this side of the story. ✓ 5109

MEMORANDUM

On June 6, 1944, Cipolla Ubalde, a film operator residing at No. 4 Via Chelini, was placed under arrest by the Security Police.

Cipolla was suspected of espionage, and was known to have connections with the German SS. He was known also to have taken an active part in the arrest of Duca Mario Badoglio, on April 11, 1944.

The affects found in Cipolla's home included the following:

- a. A tricolor band with the initials P.S.I.U.P.
- b. Another band of the same kind, with the initials P.C.I., bearing the No. 04759.
- c. A small ribbon with the same colors with the initials P.S.U.P.I.
- d. A note book of the Banco di Roma No. 3770, bearing the name of Kapler Erbert di Ernesto, colonel of the German SS, and attached to the Prison of via Tasso.
- e. A Pass from the U.R.S.S.
- f. A circulation permit No. 69257, bearing the name of Comini Romolo.
- g. Another circulation permit.
- h. A pass from the P.C.I. No. 2355, issued in Florence, and bearing the name of Martelli Aldo di Giovanni.
- i. An identity card bearing the name of Bartoli Pietro No. 8857161, issued by the Governor of Rome. (This identity card was found to be the property of a British Major MANDER, living at the Flora Hotel)
- j. Sundry notes and memoranda in connection with movements of partisan groups.
- k. A car number plate No. 2177 CB.
- l. A rifle "mitra", two automatic pistols, and considerable ammunition.
- m. Some pamphlets of communist propaganda.
- n. One typewriter.

Cipolla admitted having participated in the arrest of Duca Mario Badoglio. He further implicates one Franz Muller, acting in Milan as an informer to the SS. Muller is the individual who pointed out the house where meetings of Badoglio's partisans were held. In addition Cipolla states that one Veronesi Alfonso took part in the arrest of young Badoglio.

On the 11th of April a group of Badoglio's partisans met in order to receive financial aid with which to carry on their activities. The SS entered the premises and examined the credentials of the group assembled. Quite by accident Mario Badoglio (who had taken the name of Bernardini Mario for the purpose of concealing his true identity) was discovered amongst those present.

61A

Cipolla asserts that he worked with the German SS for the purpose of collaborating with the British organization of Espionage.

A British officer, Major Mander, asserted in the office of Dr. Rotondano, Chief of the Security Police, that Cipolla had been "planted" in the German SS, for the purpose of informing the allies of what was said in the cross-examination of the Italian Patriots. Cipolla was then released.

Investigation still continues to discover the circumstance leading to the Duca's arrest.

Rome, the 8th of June 1944.

IL VICE-BRIGADIERE DI P.S.
(Sergeant in Security Police)
(sgd) Giuseppe MESSINA.

2408

(61) A

MEMORANDUM.

On the 6th inst., a certain CIPOLLA Ubaldo di Giuseppe e di Pepi Giovanna, born at Palermo on the 20.4.1920, film operator, residing in Via Chelini No.4 Appart. 2 suspected of espionage in favour of the Nazi-fascist party and of having taken active part in the arrest of Duca MARIO BADOGLIO which took place on the 11th of April 1944, in via Tirso No.47, was arrested by V.Br. of Security Police, MESSINA Giuseppe, helped by the security police guard, PAPARO Mariano and V.Br. (Sergeant) CELLAI Corrado and other agents. Cipolla was also belonging to the German SS.

In Cipolla's house the under-mentioned effects ^{were} ~~have been found and~~ seized: -

- 1) a tricolor band with the initials P.S.I.U.P.
- 2) another band of the same kind, with the initials P.C.I., bearing the No.04759.
- 3) a small ribbon with the same colours with the initials P.S.U.P.I.
- 4) a note book of the Banco di Roma No.3770, ~~and~~ bearing the name of Kapler Erbert di Ernesto, colonel of the German SS, attached to the Prison of via Tasso.
- 5) a pass from the U.R.S.S. ^{about}
- 6) a ~~license of free circulation~~ ^{the} No.69257, bearing name of Comini Romolo.
- 7) another license of circulation ^{Circulation permit}
- 8) a pass from the P.C.I. No.2355, issued in ~~Ricenze~~ ^{Ricenze}, and bearing the name of Martelli Aldo di Giovanni.
- 9) an identity card bearing the name of Bartoli Pietro No.8857161, issued by the Governor of Rome, ^{which has resulted to be the property of a British Major MANDER, living at Flora Hotel}
- 10) Sundry notes and ~~indications~~ ^{indications}, in connection with movements of partisan bands ^{groups}
- 11) a car number plate No.2177 CB
- 12) a rifle "mitra", ~~and~~ two automatic pistols, and ^{considerable ammunition}
- 13) some pamphlets of communist propaganda
- 14) one typewriter.

Cipolla, to proof his innocence, has admitted to have taken an active part in the arrest of the above-mentioned Duca, together with others, but who has indicated the house, was a certain Franz Muller, of about 15 years old, acting in Milan as informer of the SS and living in Maltega Hotel (rione Porta Venezia). The same Cipolla asserts that Muller has indicated the house as the premises where the meetings of Badoglio's partisans used to be held, who were members of the active party. On that date, the 11th, they met together, in order to draw financial means, sent by Badoglio's Government.

It has resulted, from investigations made, that in fact, on the 11th floor of the said building the military office of the party of action exists, with telephone number 853830.

- 7) another license of circulation *Carabinieri* bearing the name of Martelli Aldo di Giovanni.
- 8) a pass from the P.C.I. No. 2355, issued in Firenze, and bearing the name of Martelli Aldo di Giovanni.
- 9) an identity card bearing the name of Bartoli Pietro No. 6657161, issued by the Governor of Rome, which has resulted to be the property of a British Major MANDER, living at Flora Hotel.
- 10) Sundry notes and indications, in connection with movements of partisan bands.
- 11) a car number plate No. 2177 CB
- 12) a rifle "mitra" and two automatic pistols, and many charges
- 13) some pamphlets of communist propaganda
- 14) one typewriter.

Cipolla, to proof his innocence, has admitted to have taken an active part in the arrest of the above-mentioned Duca, together with others, but who has indicated the house, was a certain Franz Muller, of about 15 years old, acting in Milan as informer of the SS and living in Maltega Hotel (rione Porta Venezia). The same Cipolla asserts that Muller has indicated the house as the premises where the meetings of Badoglio's partisans used to be held, who were members of the active party. On that date, the 11th, they met together, in order to draw financial means, sent by Badoglio's Government.

It has resulted, from investigations made, that in fact, on the 11th floor of the said building the military office of the party of action exists, with telephone number 653630.

The above-mentioned has also asserted that the arrest of Badoglio was purely incidentally made, because from documents which were exhibited, the said Duca appeared to be named Bernardini Mario.

Not having discovered any risky documents, the SS, giving full confidence to the assertions of Duca, was ready to leave the house, when suddenly, the German Sergeant-Major, noticed in the satchel which was in the room occupied by Duca a message in which he intended to overstep the lines, as soon as possible, as his presence in the Capital was becoming critical. Although the message had no trace of the name of the writer, the self-styled Bernardini gave himself up by declaring spontaneously to be the person of Mario BADOGLIO. The representative of the SS was extremely shaken. Cipolla has also declared that it is only for having the possibility to collaborate with the British Espionage, that he took an active part in the German SS, by giving in the meantime valuable informations to the Committees of the various parties. As regards the undertakings which had to be performed in Via Tirso, the same Cipolla, has warned, on the 10.4.1944, the impresario of films, Kirsh, who at his turn will communicate with the wife of impresario Gallone, who (the wife) has been admitted in a clinic of nuns, in the vicinity of Celio hospital, to take charge of the message in order to warn the chief of the said organization of what will happen on the next day at 11.00 hrs. Cipolla, on the morning of the 11th was assured that the said organization had been duly and exactly warned, by a telephone call.

./.

- 2 -

Interrogated, in regard with the effects ^{of said effects} belonging to Conte Gallotti, who was entertaining Badoglio, were brought on the next day of the arrest in a Topolino car, number of plate 2177 CB, the same Cipolla said that the car was the property of a certain Veronesi Alfonso, who was also belonging to the SS and who took part in the arrest of Duca. That the effects could probably be found in the under-mentioned apartments, already occupied by Veronesi:-

1°) in a small house in the outskirts of Porta S. Giovanni (that is Via Sannio) where the Veronesi's wife was living. Although he was not living together, he was passing her an alimony and in the same time was hiding there part of the effects that he was subtracting from the perquisitions.

2°) In Via Giulio Barrili, N°59 (Monte Verde) where, they say, he was living with his mistress, a blond lady.

3°) In via degli Scipioni No.59 (where his brother was supposed to live)

Accompanied to the Political Office of the R. Questura, Cipolla was introduced to the Chief of this Office, Dr. Rotondano, by means of Commissioner Chiaromonte. In the evening of the same day, the British Major, Mander, already mentioned, living in Flora hotel, was introduced to the "Questore". He guaranteed that Cipolla was put in the German SS, with the purpose to inform the Allied Command, *of what was going to be said in the cross-examination of the patriots.*

Cipolla was immediately released by Dr. Rotondano, and he was given back one of the two pistols already seized, together with all the documents and notes found in his possession.

Cipolla has been found in possession of a Fiat car, plate number 57308 Rome, without license. He declared, in a first time, that he was the owner since more than three years. In a second time, he said that the car was belonging to a friend of him, who passed it to him, in order to avoid a requisition. He said that the plate number CB2177 in question, has not been fixed to that car, as ^{PER} information given to us. But during the perquisition, in the premises ^{where} the car was parked, the plate number in question was found and finally Cipolla has admitted that from time to time, this plate number CB 2177 was fixed to the car in question, but that the car was also used by other persons, including Veronesi. Investigations are still proceeding to recollect the effects removed from Conte Gallotti's apartment as well as for the retracing of ~~other~~ elements which could help to discover the veracity in the circumstances of Duca's arrest.

Rome, the 8th of June 1944.

5493

IL VICE-BRIGADIERE DI P.S.
(Sergeant in Security Police)
(sgd) Giuseppe MESSINA.

61 A

RISERVATA

Translation please

Room 32

Sec'y Gen Office

Phone 174

RECEIVED BY INFO DIV

6/18

1015

jos

10 giugno 1962

HQ ACC, APO 394
Sec'y Gen.
Rec'd 10 June 1962
by

Caro Generale,

Le comunico un pro-memoria
di un nostro agente della
questura, che è corso da
molti anni come ultimo
funzionario, circa l'arresto
di mio figlio Mario.

Molto cordialmente

Badoglio

Al Sig. Generale M. Mac Farlane
Capo della Commissione alleata
di Controllo.

(61) A

Salerno

10 giugno 64 -

HQ ACC, APO 294

Sec'y Gen.
Rec'd 10 June 1964
By

Caro Generale,

Le comunico un pro-memoria
di un nostro agente della
questura, che io conosco da
molti anni come attivo
funzionario, circa l'arresto
di mio figlio Mario.

Molto cordialmente

Badoglio

Ally. generale M. Mac Farlane
Capo Della Commissione all'estero
di Controllo.

(61) 11

Salerno

5104

11 June 1944
ADTPRO MEMORIA

Il giorno 6 corr., veniva fermato dal V.Br. di P.S. MESSINA Giuseppe col concorso della Guardia P.S. PAPARO Mariano e V.Br. CELLAI Corrado ed altri, certo CIBOLLA Ubaldo di Giuseppe e di Pepi Giovanna, nato a Palermo il 20.4.1920, operatore cinematografico, abitante in via Chemini N.4 int.2, quale sospetto di spionaggio a favore dei nazi-fascisti, ed appartenente alla SS. germanica e di aver preso parte attiva all'arresto del Duca Mario BADOGLIO, avvenuto l'11 aprile 1944 in via Tirso n. 47.

Nell'abitazione del Cipolla venivano rinvenuti e sequestrati i sottoelencati oggetti: una fascia tricolore con le iniziali P.S.I.U.P.; altra fascia della stessa specie con le iniziali P.C.I. portante il N.04759; un nastrino pure degli stessi colori con le iniziali P.S.U.P.I. un libretto del Banco di Roma n.3770 intestato a Kapler Erbert di Ernesto, colonnello della SS. germanica, addetto alla prigione di via Tasso; un tesserino del B.K.n.b. (dell'U.R.S.S.); un libretto di libera circolazione N. 69257 intestato a Comini ~~Giorgi~~ Romolo; altro libretto di circolazione; una tessera del P.C.I. n.2355 rilasciata a Firenze a nome di Martelli Aldo di Giovanni; una carta di identità intestata a Bartoli Pietro portante il N. 8857161 rilasciata dal Governatorato di Roma (che risulta appartenere al maggiore inglese Man-

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-2-

der,alloggiato all'albergo Flora); diversi appunti di segnalazione inerenti a movimenti di bande di partigiani; una targa di auto N.2177 CB;un fucile "mitra";due pistole automatiche e numerosi caricatori; alcuni manifestini di propaganda comunista, *ed una macchina da scrivere -*

Il Cipolla,a sua discolpa,ha ammesso di aver preso parte attiva all'arresto,assieme ad altri,~~del~~ sopracitato Duca, ma chi ebbe ad indicarne l'abitazione fu un certo Franz Muller,di anni 15,circa, segnalatore della SS ed in atto a Milano,alloggiato all'albergo Maltega (rione Porta Venezia). Lo stesso Cipolla asserisce che il Muller ebbe a segnalare tale abitazione come località dove si tenevano riunioni di elementi Badogliani,facenti parti del Partito di azione,e che l'11 detto si sarebbero riuniti per ritirare aiuti finanziari,pervenuti da parte del Governo Badoglio.

Da accertamenti eseguiti risulta che al I° piano di detto stabile effettivamente esiste l'ufficio militare,telefono 853830, del partito d'azione.

Il sopracitato ha asserito inoltre che l'arresto del Badoglio è dovuto ad un puro caso in quanto detto Duca,dai documenti esibiti,si qualificò per tale Bernardini Mario.

La SS ebbe piena fiducia nella asserzione del Duca,tanto che stavano per andar via,non avendo rinvenuto,fino a quel momento,cose compromettenti,ma improvvisamente il maresciallo tedesco,che faceva parte del gruppo,rinveniva nella cartella che trovavasi nella camera occupata dal Du-

ca, un messaggio dove prospettava di voler tentare, al più presto di oltrepassare le linee, in quanto la sua presenza nella Capitale, si era resa critica. Pur il messaggio non presentando traccia del nominativo della persona che lo aveva compilato, il sedicente Bernardini si qualificò spontaneamente per la persona di Mario Badoglio. Ciò riempì di stupore il rappresentante della SS. Il Cipolla ha dichiarato inoltre che lui si trovava a far parte della SS germanica, semplicemente per avere la possibilità di collaborare con lo spionaggio inglese, dando nel contempo, preziose notizie ai Comitati dei vari partiti. Per la operazione che si doveva compiere in via Tirso, il medesimo, il giorno 10.4.944, avvertì il regista cinematografico Kisch, che a sua volta provvedette a comunicarlo alla moglie del regista Gallone, in atto ricoverata in una clinica di suore, nei pressi dell'ospedale Celio, ad assumersi l'incarico di avvertire il capo esponente di detta organizzazione che alle ore 11 dell'indomani ~~non~~ avrebbero eseguita tale operazione. Il Cipolla, il mattino dell'11 detto, ebbe assicurazione che la sopracitata organizzazione era stata avvertita ed esattamente con una telefonata convenuta.

Interrogato in merito degli oggetti, di proprietà del conte Gallotti, che ospitava il Badoglio, asportati il giorno successivo all'arresto con auto topolino targata 2177 CB, il medesimo indicava che tale auto apparteneva a certo Veronesi Alfonso, anche lui della SS e partecipante all'arresto del

Duca, che gli oggetti stessi probabilmente, poteva trovarsi negli appartamenti sottonotati, già occupati dal Veronese:

1°-In un villino fuori Porta S. Giovanni (vuolsi in via Sannio) dove trovasi l'abitazione della moglie del Veronesi, che pur non convivendo, provvedeva al mantenimento e nel contempo a nascondere parte degli oggetti che questi ricavava dalle perquisizioni operate.

2°-In via Giulio ~~R.~~ Barrili n.59 (Monte Verde) dove vuolsi abitasse con la sua amante, una signora bionda.

3°-In via degli Scipioni n.50 (vuolsi abitazione del fratello).

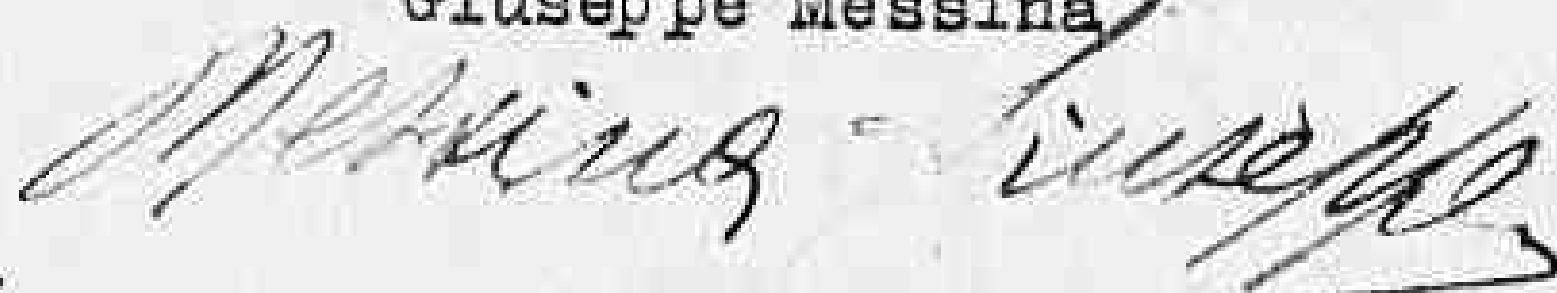
Accompagnato all'Ufficio Politico della R. Questura, mediante l'intervento del Commissario Chiaromonte, veniva presentato a quel Capo Ufficio Dr. Rotondano. Nella serata, di detto giorno, si presentava al Questore il Magg. inglese Mander, alloggiato all'albergo Flora, già summenzionato, il quale garantiva che il Cipolla era stato messo nella SS tedesca allo scopo di informare il Comando Alleato di quanto si operava nei confronti dei patrioti.

Il Cipolla venne immediatamente rimesso in libertà dal Dr. Rotondano e gli venne restituita una delle due pistole sequestrate nonché tutti gli appunti e documenti trovati in suo possesso. Il Cipolla è stato trovato in possesso di un'auto Fiat 500, targata 57308 Roma, sprovvista di documenti, il quale ha dichiarato, in un primo momento che da oltre tre anni ne era il proprietario, mentre in un secondo disse di appartenere ad un suo amico e che era stata a lui affidata per sottrarla alla requisizione e che a detta macchina non era stata applicata quella targa CB 2177 come era stato a noi segnalato. Ma durante la perquisizione, nel locale dove si trovava detta auto, venne rinvenuta la targa in argomento ed alle contestazioni, il Cipolla, ammise che effettivamente, a volte, all'auto predetta, era stata applicata la targa CB 2177 ma che dell'auto stessa se ne erano servite altre persone, compreso il Veronesi. Sono tuttora in corso indagini per il recupero degli oggetti asportati dall'appartamento del conte Gallotti nonché di altri elementi atti a poter stabilire la veridicità dei fatti circa l'arresto del Duca.

Roma, li 8 giugno 1944

IL VICE BRIGADIERE DI P.S.

Giuseppe Messina



CONFIDENTIAL

FREE/rj

SF

Ref. CC/E/347.

27th. May. 1944.

DS 4 983
3 JUN 1944

Herewith my proposed reply to Badoglio's attached letter which we
discussed this morning. Please let me know if you approve *and send it on*

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Colonel G.R. Upjohn,
Chief Legal Officer,
Legal Sub-Commission,
Rear HQ, A.C.C..

(61)

✓

file/pj

CC/E/347
27 May 44

5101

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FNMM/rj

SF

Ref. CC/P/346.

27th. May, 1944.

DSN 984
3 JUN 1944

(60)

Reference your File No. 5474 of 22nd. May.

1. I have discussed this question with my Chief Legal Officer and have asked him to see the Minister of Justice and discuss the matter with him.
2. As he will explain to the Minister of Justice I have no objection at all to amnesties being made applicable to prisoners in prisons in A.M.G. territory sentenced prior to the establishment of A.M.G. Government.

NOEL MASON MACTARLANE,
Lieutenant-General,
Chief Commissioner.S.E. Marshal Pietro Badoglio,
Il Presidente del Consiglio dei Ministri.

5190

(60)

APP A

CC/P/346

27 May 44

TRANSLATION

THE PRESIDENT OF THE COUNCIL
OF MINISTERS

File No. 5474

Dear General MacFarlane,

This government has received from various sources notification of inconveniences resulting from the provisions of Article 7, last part of the R. Decree of April 5, 1944, Number 96, in which the crimes committed during the period of Allied Administration in the territories formerly under its control are excluded from the amnesty and pardon granted by this decree.

In fact, it has been justly observed that this regulation has created unfair situations, inasmuch as the same crime can benefit from amnesty or pardon if committed after February 10, 1944, while, on the other hand, it cannot benefit therefrom if committed one day before and in the territory subject to Allied Administration.

While all this is in conflict with the principles which regulate the application of laws of this nature, it creates abnormal situations insofar as it brings about for the members of the same group a difference in treatment in view of the fact that while some are able to benefit undoubtedly from the act of Sovereign clemency, others, on the other hand, are exposed to the uncertainty of the verdict and to the rigours of the penalty.

Now, we do not contest the fact that the particular situation which is determined upon the occasion of military operations or during the first period of occupation imposes upon the citizens, the duty of more complete obedience to the laws. But if this justifies the exclusion of any benefit for the crimes committed in that period, the same could not be repeated for the crimes which were committed after the return to normalcy, because with this the possibility to apply ordinary law is restored.

Also, in consideration of the necessity of a more hasty evacuation of the prisons and a more rapid elimination of pending penal trials, I would be grateful to you, dear General, if you would please examine with benevolence and with your usual high sense of humanity, the possibility of modifying the last part of Article 7 of the said Decree, so as to exclude from the amnesty benefit, only that period of time from the date of the military occupation of the Italian territories by the Allies to the date of the Armistice, September 8, 1943.

Then, for the territories in which military occupation occurred at a time subsequent to the date of the Armistice, the period of exclusion of the amnesty might be limited to only one month from the date of the

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2489

Rec'd Sec'y General's Office
#23 1645 hrs, by IFE

Salerno, 22 May 1944

1256945
26 MAY 1944

1 2 0 3

While all this is in conflict with the principles which regulate the application of laws of this nature, it creates abnormal situations insofar as it brings about for the members of the same group a difference in treatment in view of the fact that while some are able to benefit undoubtedly from the act of sovereign clemency, others, on the other hand, are exposed to the uncertainty of the verdict and to the rigours of the penalty.

Now, we do not contest the fact that the particular situation which is determined upon the occasion of military operations or during the first period of occupation imposes upon the citizens, the duty of more complete obedience to the laws. But if this justifies the exclusion of any benefit for the crimes committed in that period, the same could not be repeated for the crimes which were committed after the return to normalcy, because with this the possibility to apply ordinary law is restored.

Also, in consideration of the necessity of a more hasty evacuation of the prisons and a more rapid elimination of pending penal trials, I would be grateful to you, dear General, if you would please examine with benevolence and with your usual high sense of humanity, the possibility of modifying the last part of Article 7 of the said Decree, so as to exclude from the amnesty benefit, only that period of time from the date of the military occupation of the Italian territories by the Allies to the date of the Armistice, September 8, 1943.

Then, for the territories in which military occupation occurred at a time subsequent to the date of the Armistice, the period of exclusion of the amnesty might be limited to only one month from the date of the occupation.

In the event that you are in agreement with these proposals, I would be grateful to you, dear General, if you would give instructions to the Legal Subcommittee to examine the matter with the Minister of Grace and Justice.

In anticipation of your kind assent, I extend to you, dear General, my cordial greetings.

It. General
Sir Noel Mason Macfarlane
President of the Allied Control Commission
Salerno

/s/ BADOLIO

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3474

Handwritten notes:
I have your
24-11
12-11-43
view.

CONFIDENTIAL

FIRM/rj

D56917
26 MAG 1944

Ref. CC/P/312.

22nd. May, 1944.

*Ezio Garibaldi*Reference your IO letter MAI/1456/78/GSI(b) of 20th. May.

1. I agree unreservedly that Ezio Garibaldi should remain interned.
2. I enclose a copy of a letter from Badoglio which I don't think I have yet shown you although I have mentioned it to those in Naples who deal with these questions.
3. This confirms my opinion regarding Ezio and indicates, as also does the recent interrogation of Ezio, that his brother Ricciotti should also be put away if we can get hold of him.
4. (I hear incidentally that O.S.S. have been 'playing' Ricciotti and even suggested to Badoglio that he should give him an interview).

✓3

Brigadier Terence S. Airey, CBE,
Headquarters, Allied Armies in Italy.NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

R108

(59)

cc/P/319
22 May 44

file/70

250

CONFIDENTIAL

FHEM/rj

Ref. CC/P/318.SF
P56431
26 MAR 1944

22nd. May. 1944.

Reference your memorandum AQ/8 of 9th. May which has taken a long time to reach me.

2. We discussed this at our last meeting.
3. I have now gone through your memorandum to the Ministry of War and I like it with one exception.

This is your Para 4(a)(ii). I would prefer Para 4 without this sub-para and think it would be well to delete it altogether. Otherwise I approve the memorandum.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Major-General L. Browning, CBE, OBE, MC,
Director, Army Sub-Commission.

R107

5-8

cc/p/318
22 May 44

file/100

:::::::::::::::::::::
 :: HQ ACC, APO 394 ::
 :: Sec'y Gen ::
 :: Rec'd 21 May 1420B ::
 :: BY D.F.E. ::
 :::::::::::::::::::::

COPY

Subject:- Maintenance of the ITALIAN Armed Forces
when serving sentences or awaiting trial in jail

Army Sub Commission, ACC
 Main HQ (AMIA)
 LEQUILLE (LECCO)
 AQ/8

9 May 44

Chief Commissioner, ACC

1. In accordance with your wish that Italian Army prisoners be removed from Civil Jails and to settle an equitable and practical policy for rationing such prisoners, I suggest the attached order be issued by me.

2. As I see it:-

(a) we cannot infringe Italian Military Law.

(b) from the practical aspect of issue and accounting of rations, we cannot stick 100% to the policy that only effective Italian Armed Forces shall be issued with the Army Scale of rations. We must fix a period during which we are prepared to ration delinquents on Army Scale.

Whether the period of 30 days is too long will be discovered by returns from the Italians as to the total number of NON-effective prisoners we are rationing on Army Scale. If this number is large, we can cut down the 30 days.

(c) we cannot empty all Civil prisons of Italian Armed Forces prisoners, because :-

(i) It would be too dangerous to put bad criminals or "life" prisoners into Italian Army prison camps.

(ii) it would create difficulties to feed civil and army rations to prisoners mixed up in those camps.

(iii) it would throw too heavy a burden for guard personnel on the limited numbers (to be) authorised for the Italian Army.

3. Would you let me have your comments please, before I send the final draft to S.A.I. for approval.

5196

(a) from the practical aspect of issues and accounting of rations, we can not stick 100% to the policy that only effective Italian Armed Forces shall be issued with the Army Scale of rations. We must fix a period during which we are prepared to ration delinquents on Army Scale. Whether the period of 30 days is too long will be discovered by returns from the Italians as to the total number of NCM-effective prisoners we are rationing on Army Scale. If this number is large, we can cut down the 30 days.

(c) we cannot empty all Civil Prisons of Italian Armed Forces prisoners, because :-

(i) It would be too dangerous to put bad criminals or "life" prisoners into Italian Army prison camps.

(ii) it would create difficulties to feed civil and army rations to prisoners mixed up in those camps.

(iii) it would throw too heavy a burden for guard personnel on the limited numbers (to be) authorised for the Italian Army.

3. Would you let me have your comments please, before I send the final draft to A.A.I. for approval.

2198

/s/ L. Browning
Maj Gen
Army Sub Comm, ACC

LB/cc

(58) APP A

AB/8
9 May 64

Subject:- Maintenance of the ITALIAN Armed Forces
when serving sentences or awaiting trial in jail

Army Sub Commission, ACC
 Main HQ (RMA)
 LEQUILLE (LECCCE)
May 44

Ministry of War

1. In continuation of the policy that the Allied Governments will maintain on Army Scale only the Italian Armed Forces who are in fact effective, it is necessary to examine the position of the Italian Armed Forces who become NON-effective through serving sentences of imprisonment in jail or through awaiting trial in jail.

2. It is accepted that:-

- (a) disciplinary measures must be enforced within the Italian Armed Forces.
- (b) to avoid considerable complication in the issue of rations, the Allies are prepared to maintain on army scale for a limited period the NON-effective prisoners mentioned in paragraph 1.

3. I am directed, therefore, to inform you that no member of the Italian Armed Forces may be absent from duty, either, through awaiting trial or through serving a sentence of imprisonment, for a period longer than 30 days and remain on the effective strength of those Armed Forces for maintenance on Army Scale.

4. (a) Any member of the Italian Armed Forces will, after absence from duty awaiting trial or serving a sentence of imprisonment for a period of 30 days, be :-

either (i) Struck off the effective strength of the Italian Armed Forces for maintenance on Army Scale and no Army rations will thereafter be issued to them until they again become effective members of the Italian Armed Forces. These prisoners will then be eligible only for the Civilian Scale of rations. On completion of their sentence or release from custody, they may be reinstated as effective members of the Italian Armed Forces for maintenance on Army Scale.

or (ii) released on parole and returned to his unit or sent to a Re organisation Camp for immediate drafting to units working for the Allies.

(b) I am to add that the figure of 30 days is subject to review by the Allies, depending on the total number of NON-effective prisoners maintained.

R195

Armed Forces may be absent from duty, either, through awaiting trial or through serving a sentence of imprisonment, for a period longer than 30 days and remain on the effective strength of those Armed Forces for maintenance on Army Scale.

4. (a) Any member of the Italian Armed Forces will, after absence from duty awaiting trial or serving a sentence of imprisonment for a period of 30 days, be :-

either (i) Struck off the effective strength of the Italian Armed Forces for maintenance on Army Scale and no Army rations will thereafter be issued to them until they again become effective members of the Italian Armed Forces. These prisoners will then be eligible only for the Civilian Scale of rations. On completion of their sentence or release from custody, they may be reinstated as effective members of the Italian Armed Forces for maintenance on Army Scale.

or (ii) released on parole and returned to his unit or sent to a Re organisation Camp for immediate drafting to units working for the Allies.

2193

- (b) I am to add that the figure of 30 days is subject to review by the Allies, depending on the total number of NCM-effective prisoners maintained.

5. (a) I am further directed to say that Civil prisons will be used only for Italian Armed Forces prisoners serving sentence of over 30 days or awaiting trial over 30 days.

(b) The remainder of Italian Armed Forces prisoners will be retained in Italian Armed Forces prisons or punishment camps to be established by you.

6. It is requested therefore that you inform me at an early date of:-

- (a) the orders you issue to ensure effective compliance with this instruction.
- (b) the date by which personnel of the Italian Armed Forces as in para 5(b) will have been removed from Civil prisons.

LB/cc

Maj Gen
Army Sub Comm, ACC

38 APP B

22nd. May, 1944.

cd/p/317
22 May 44

CONFIDENTIALHEADQUARTERS
ALLIED CONTROL COMMISSION
INFORMATION DIVISIONDSH 888
20 MAG 19442154/INFO
18 May 1944

SUBJECT: Civil Censorship Report

TO : Deputy Chief Commissioner

1. The attached information was extracted from reports sent to the Information Division, A.C.C., by Civil Censorship Group:

"ACCUSATION OF GERMAN SPY"

"Angelo Mastropaolo writes to the Allied English Command that Signora Noascone Matia Teresa, Gradini Petrai No. 13, is a German spy. The writer states that she has a love affair with a German officer and at present she is having a love affair with an American officer, Capt. John A. Bridgeman. The Capt. resides at Via Palezzi No. 15 int. 2 Vomero. When the Capt. is out supposedly on business she is never in. She had an abortion with the captain's knowledge."

(From: Angelo Mastropaolo - Naples ; To : Comando Inglese -Naples)

2. Above communication was sent in a letter by Angelo Mastropaolo, (no street address given) Naples, to "Comando Inglese, Naples".

3. Copies of the above also have been forwarded to F.S.S. and C.I.C. for action.

John V. Hinkel

John V. HINKEL
Major, M.I.Director,
Information Division

R103

Spoke to Finkel
2154/INFO —
18 May 44

filed

8

DSG-862

INM/rj

SF

Ref. CC/P/283.

13th. May. 1944.

Reference your letter No. 3-38 of 25th. April.

I am taking up the case of Gropello and will let you know any developments
in due course.

=====

✓

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

K182

A. Gascoigne, Esq., CMC,
British Consul-General,
British Consulate-General,
TANGIER.

RECEIVED
MAY 21 1944
COA DE

file/4000

(51)

CC/P/283
13 May 44

25-0

DSG-262

FIRM/rj

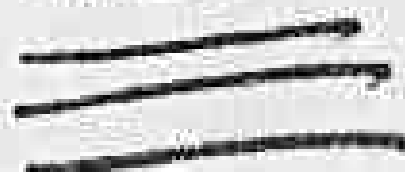
SF

Ref. CC/P/233.

13th. May, 1944.

Reference your letter No. 3-38 of 25th. April.

I am taking up the case of Gropello and will let you know any developments
in due course.




NOEL MASON MACFARLANE,
Lieutenant-General.
Chief Commissioner.

K182

A. Gascogne, Esq., CMG,
British Consul-General,
British Consulate-General,
TANGIER.

RECEIVED
MAY 21 1944
JJA DEC

file/4000

(51)

CC/P/233
3 May 44

250

DSC-863

CONFIDENTIAL

FME/rj

SF

Ref. CC/G/277.

12th. May, 1944.

MEMORANDUM:

TO: Legal Sub-Commission.
A.C.C. Rear.

1. At my last meeting with Marshal Badoglio he asked if I could give him any information regarding the cases of General Bellomo and a Colonel of the Italian Air Force who were apparently arrested at Bari over four months ago. He understood they were still in custody.
2. Would you please let me know how the matter stands.

250

No record the offer

5481

RECEIVED
MAY 11 1944
308 000

NOEL MASON MACTARLANE,
Lieutenant-General,
Chief Commissioner.

(50)

M. AG
No 100

file/rj

CC/G/277
12 May 44

PMA/rj

SECRET

SF

Ref. CC/P/298.

16th. May. 1944.

DS 4 828
18 MAG 1944

I understand that I may be asked in the near future to review sentences of death passed upon women spies.

2. I asked General Alex. last night what his views were in this connection.

3. He said that he would like me to write to you to ask you for your opinion and to suggest that you might refer the matter to H.M.C. for a ruling.

4. It is a question of considerable gravity and we want to be quite sure that H.M.C. agrees in principle to the shooting of female spies before I confirm any such death sentences.

5. I would be most grateful if you could procure a reply for me as early as possible as one or two cases are now pending.

6. Alex. said that he might also write to you himself but that with his battle pre-occupations he might not be able to manage it.

250

✓
NOEL MASON MACFARLANE, 5180
Lieutenant-General,
Chief Commissioner.

The Rt. Hon. Harold Macmillan, M.C. MP.
British Resident Minister,
A. F. H. Q..

(49)

cc/P/298
16 May 44

file/400

SECRET

ROUTINE

ACC REAR

DISTWO

- OUTGOING 154811
15 MAY 1944LEGAL 7780
RHW/hft

2/13

2753

MAY

13/9410

SEND TO LEGAL SUBCOMMISSION MEDICAL REPORT ON ALBANESE PAREN TO DISTWO
 FOR ACC REGION TWO FOR FLO FROM ACC REAR FROM LEGAL SIGNED MACFARLANE PAREN
 REFERRED TO IN YOUR TWO TWO ZERO ONE SLANT SIX ZERO OF EIGHT MAY

AUTHENTICATED:

E. J. ChioCCA
 E. J. CHIOCCA
 CRO, USA
 Asst Adj

DISTRIBUTION:

- 1 - File
- 1 - DSC
- 1 - DCC
- 1 - Legal
- 1 - Adj Main

RECEIVED
 MAY 14 1944
 DISTWO

48

2753
 13 May 44

5179

File/100

250

R E S T R I C T E D

TRANSLATION

P.M. 135 12 May 1944

Supreme Command

Office of Miscellaneous Affairs

DSH 217
15 MAG 1944

File No. 91056/AV

Subject: Lt. Col. Albanese and Capt. Vozza.

To: Allied Control Commission,
APO 394.

Reference: DCC 250, of 1 May. (32)

In connection with the contents in your above reference, I have interested the War Ministry in the release of Lt. Col. Albanese and Capt. Vozza to the Commander of the 2nd District, so that they be interned in POW Camp 371.

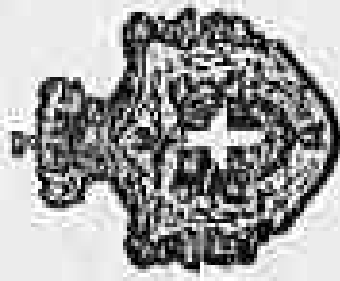
/s/ Giovanni Messe
/t/ GIOVANNI MESSE
Marshal of Italy, Chief of the
Supreme General Staff.

Trans/DSG/ajp.

5128

(47)

91056/AV
12 May 44



D/a

COMANDO SUPREMO

DISERVITO

P.M. 135, li 12 maggio 1944

ufficio affari vari

Prot.n° 9/1056/AV.

DSM 814
15 MAG 1944

ALLA COMMISSIONE ALLEATA DI CONTROLLO

(rif.DCC 250, del 1°corr.) APQ 394

OGGETTO: tenente colonnello ALBANESE e capitano VOZZA.

In relazione a quanto fatto presente da codesta commissione con la lettera in riferimento, ho interessato il Ministero della Guerra perchè il tenente colonnello ALBANESE ed il capitano VOZZA vengano consegnati al comandante del 2° distretto per essere in ternati al campo prigionieri 371.

24-2

IL MARESCIALLO D'ITALIA

~~~~~

In relazione a quanto fatto presente da codesta commissione con la lettera in riferimento, ho interessato il Ministero della Guerra perchè il tenente colonnello ALBANESE ed il capitano VOZZA vengano consegnati al comandante del 2° distretto per essere internati al campo prigionieri 371.

R107

IL MARESCIALLO D'ITALIA  
CAPO DI STATO MAGGIORE GENERALE  
(Giovanni Messe)

*P. Messe*

47

INCOMING

D54 812  
15 MAY 1944

RT/409

MY NPT

MY 121530B  
Teletype

NOT CIVIL

PRIORITY

ACC REGION II HQ

ACC REAR, PADULA FOR MACFARLANE RPT TO RG AND M SECTION  
ACC MAIN FOR LUSH

Your 2739 refers.

44

Am arranging with 2 Dist for Medical Inspection. Understood Padula normal PO  
Camp British war establishment with medical officer and fully capable caring  
Albanese. If further information required Re Padula suggest you signal No 3  
District. If condition not serious and Albanese fit to move propose moving  
him immediately after inspection by Allied Military Officer to Padula. Signal  
approval proposed action.

DISTRIBUTION:

- 1 - File
- 1 - ISC Info
- 1 - ISC "
- 1 - ~~Adj main info~~
- 1 - Legal ACTION

INFO

250

RECEIVED  
MAY 15 1944  
MAY 15 1944

46

RT/409  
12 MAY 44

5128

✓ 17 Feb 1944

DSB-801  
U. S. SECRET  
Equala British SECRET

LEGAL/GRU/MBT

6/10 7905

2739

MAY

SECRET

ROUTINE

ACC REAR

DISTWO

COL ALDANESE DE DEPUTY CHIEF COMMISSIONER HAS ASKED MARSHAL MESSE TO SECURE  
REMOVAL TO PADULA WHERE MEDICAL FACILITIES EXIST BUT IN VIEW YOUR TWO TWO ZERO ONE  
SLANT SIX ZERO DATED EIGHT MAY YOU WILL INSTRUCT ALLIED MEDICAL OFFICER TO INSPECT  
ALDANESE IN HIS HOSPITAL TO ASCERTAIN PAREN A PAREN NATURE AND SERIOUSNESS OF HIS  
CONDITION PAREN TO DIST O FOR AND REGION TWO FROM ACC REAR FROM LEGAL SIGNED  
MACFARLANE PAREN AND WHETHER HE IS FIT TO MOVE PAREN B PAREN WHETHER ADE QUATE  
FACILITIES AT PADULA FOR PARTICULAR TYPE OF TREATMENT REQUIRED

AUTHENTICATED:

*E. J. Chiocca*  
E. J. CHIOCCA  
CWO USA  
Asst Adj

2310

DISTRIBUTION:

- 1 - Adj File
- 1 - Adj Main
- 1 - IEC
- 1 - IEC
- 1 - Legal

U. S. SECRET  
Equala British SECRET

(44)

CLL 2739  
10 MAY 64

SECRET

FMG/rj

DSH 737  
7 MAG 1944

SF

Ref. CC.P.267.

5th. May, 1944.

*Approved & personal  
for C.C.  
6/5*

Thank you for your D.O./CGS/236 of 3rd. May.

2. I have issued instructions that A.M.C. 5th. Army and G.S.I.(b) A.A.I. will be informed by telegram at once whenever I confirm or commute a death sentence.
3. I am also hoping to reduce the "petition period" from 30 days to 48 hours.
4. I am sorry that delay occurred in my Security Officer contacting Airey. The Chief of my Public Safety Sub-Commission has just been summoned urgently to Washington and this has thrown additional work on to Major Young. Incidentally, as an example of what I have to put up with it might interest you to know that the Chief of my P.S. Sub-Commission was ordered to Washington without reference to me to attend the funeral of his wife's uncle.

AS/120 19  
1944 5 8  
OCT 1944

NOEL MASON MACFARLANE,  
Lieutenant-General,  
Chief Commissioner.

Lieut-General J. Harding, CB, DSO,  
Chief of General Staff,  
Headquarters, A. A. I..

40

cc/p/267  
5 May 44

✓

5177  
file/200

250

SECRET

FIRM/rj

DSH 735-  
7 MAG 1944

SF

Ref. CC/P/266.

5th. May, 1944.

I understand from C.G.S., A.A.I. that there has been one element of delay in the procedure of dealing with convicted spies which might be eliminated, or rather reduced as far as possible. This delay has occurred between the date of my confirming the sentence and the date on which A.A.I. have been notified.

2. The time lag between date of confirmation by me and date of notification thereof being received by A.M.G. 5th. Army and G.S.I.(b) A.A.I. has been respectively 4/5 days and up to 9 days.

3. Will you please ensure that these times are reduced in future to a minimum. I suggest that A.M.G. 5th. Army and G.S.I.(b) A.A.I. are notified by telegram at once by you whenever I confirm or commute a death sentence.

4. Although we have only had one case in which there has been much delay as a result of the 30 days period in which petitions may be submitted, this fact clearly worries A.A.I. and if in any way possible I would like to have this period reduced drastically to even as little as 48 hours. I would be glad if you would let me know early whether this is in fact possible.

Colonel G.R. Upjohn,  
Chief Legal Officer,  
Legal Sub-Commission, A.C.C..

NOEL MASON MACFARLANE,  
Lieutenant-General,  
Chief Commissioner.

5173

250

✓

file/9200

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cc/10/266

TOP SECRET

TOP SECRET & PERSONAL

DO/CGS/236.

HEADQUARTERS

DSH 136  
7 MAG 1944

ALLIED ARMIES IN ITALY.

3rd May, 1944.

My dear Mason MacFarlane

1. Many thanks for your letter No. CG/P/253 dated 1 May 44. I am glad that steps are being taken to tighten up and accelerate action against spies. I know you realise the vital importance of stopping espionage activities. Anything further that you and your staff can do in that respect will be the greatest help not only to the Armies here but to all Allied Forces.

2. The C.L.O.'s figures, given in the appendices to your letter, do in fact reveal some unnecessary delay which I feel can be eliminated in future.

In the first place the four cases confirmed and commuted by General Alexander were in January and not therefore relevant as they fail in a period long before the six weeks in question. Sixteen of the seventeen cases which were outstanding on the date of my letter (26 April) are shown in your C.L.O.'s appendices. He seems to have omitted the seventeenth, VIVIANI, possibly in error. The details are as follows :-

| Name        | Date of Confirmation<br>or commutation<br>according to C.L.O. | Date Notification<br>received by AMG<br>Legal Branch,<br>Fifth Army. | Date Notification<br>received by GAI(h). |
|-------------|---------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------|
| Palesse     | 18 Apr                                                        | 22 Apr                                                               | 27 Apr                                   |
| Aschieri    | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Tapoli      | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Tedesco     | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Scarpellini | 25 "                                                          | 30 "                                                                 | 1 May                                    |
| Pellegrini  | 18 "                                                          | 22 "                                                                 | 27 Apr                                   |
| Acqua       | 18 "                                                          | 22 "                                                                 | 27 "                                     |
| Alberti     | 18 "                                                          | 22 "                                                                 | 27 "                                     |
| Catani      | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Trefino     | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Ravera      | 22 "                                                          | 27 "                                                                 | 27 "                                     |

Calligaro )  
Donnini )  
Sebastianelli ) Not yet notified.  
Guadagni )  
Gero )

250

5472

were outstanding on the date of my letter (26 April) are shown in your C.L.O.'s appendices. He seems to have omitted the seventeenth, VIVIANI, possibly in error. The details are as follows : -

| Name        | Date of Confirmation<br>or commutation<br>according to C.L.O. | Date Notification<br>received by AMG<br>Legal Branch,<br>Fifth Army. | Date Notification<br>received by GAI(h). |
|-------------|---------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------|
| Pelisse     | 18 Apr                                                        | 22 Apr                                                               | 27 Apr                                   |
| Aschieri    | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Tapoli      | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Tedesco     | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Scarpellini | 25 "                                                          | 30 "                                                                 | 1 May                                    |
| Pellegrini  | 18 "                                                          | 22 "                                                                 | 27 Apr                                   |
| Acqua       | 18 "                                                          | 22 "                                                                 | 27 "                                     |
| Alberti     | 18 "                                                          | 22 "                                                                 | 27 "                                     |
| Catani      | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Trefiro     | 22 "                                                          | 27 "                                                                 | 27 "                                     |
| Ravera      | 22 "                                                          | 27 "                                                                 | 27 "                                     |

Calligaro )  
Donnini )  
Sebastianelli ) Not yet notified.  
Guadagni )  
Soro )  
Viviani ) omitted from C.L.O.'s list.

You will see that, although most of these sixteen sentences were either confirmed or commuted by you between 18 and 22 April, this H.Q. was not notified before 27 April, the day after my letter to you, thus between five and nine days were lost before we were informed and therefore in a position to fix the date of execution.

Incidentally there has been no delay, as your C.L.O. suggests, occasioned by "doubts of H.Q. A.A.I. to recognize your authority to confirm death sentences", which was quite clear here. Fifth Army did, indeed, ask for confirmation that this point was in order before carrying out the execution. This was obtained for them and the executions were carried out on the day for which they had been arranged, i.e. 30 April.

3. As regards the period allowed for petition for review of death sentences, I realise that this is not the main factor as the defendant would normally not delay in appealing. When I told AIRLY that you had mentioned this 30 day period to me, he did, in fact, point out as you have done, that so far there had only been delay in one case on these grounds. However, I realise that delay might occur and I very much hope you will be able to reduce the period which, I understand, is provided for in the A.A.I. proclamation, but does not otherwise seem to be laid down as applicable to spies in war. The whole point of having.....

(39)  
30 May 44 Ref 605/2

CONFIDENTIAL

250

5472

-2-

TOP SECRET

of having to shoot a spy at all is to ensure security of operations by the most rapid and severe deterrent, so it can hardly come within the same category as other offences. The ideal arrangement would be for a spy condemned to death to be marched away from the court and shot. The nearer we can get to that the better from our point of view. The certainty of prompt trial, judgment and execution if condemned is, as I am sure you will agree, the greatest deterrent, and also, in my opinion, the most humane. Will you let me know what you can do to reduce the period for appeals?

4. Many thanks too for your CC/P/256 dated 1 May 44. The officer you promised AIREY to send up to discuss details has not yet appeared. I understand he rang up this morning to say he was too busy to come till to-morrow, which leaves me with the feeling that the urgency and importance of these security measures are not fully appreciated by everyone. I should be grateful if you could rub that point well into everyone concerned.

Yours ever

/s/ JCHEN HARDING

Deut.-General Sir F. Noel Mason MacFarlane,  
KCB, DSO, MC.

Chief Commissioner,  
H.Q. ALLIED CONTROL COMMISSION.

Answered & Action TAKEN  
N.M.M. S/S.

R171

Yours ever

/s/ JOHN HARDING

Deut.-General Sir F. Noel Mason MacFarlane,  
KCB, DSO, MC,

Chief Commissioner,  
H.A. ALLIED CONTROL COMMISSION.

Answered & Action TAKEN  
N.M.M. S/S.

1212

Confidential

3 May 1944

GRU/eap

In reply refer to:  
DCC 250

1st May 1944

Dear Marshal Messe:

I have the honour to ask your assistance in securing the handing over to the Allied authorities of two officers of the Italian Armed Forces in the circumstances following.

As a result of investigations made since the Armistice two cases have been disclosed of thefts by Italian officers of Red Cross parcels destined for British Prisoner of War Camps in Italy, at (a) Tuteurano and (b) Lecce. These cases have already been reported to His Excellency Marshal Badoglio.

As a result of a request dated 29th March 1944 (reference Prot.M. 5453) addressed by the Ministry of Justice to the Comando Presidio Militare, Bari, three Italian officers implicated in the Tuteurano case have already been handed over to the Allied authorities and are at present interned at No. 371 P.O.W. Camp. A fourth officer implicated in the thefts, Lieutenant-Colonel Angelo ALBANESE, was reported to be in hospital and for that reason has not so far been handed over.

I am satisfied from the enquiries which I have made that there exist at No. 371 P.O.W. Camp adequate hospital facilities for interned officers. I accordingly request that arrangements be made for Lt.Col. ALBANESE to be handed over immediately to the Officer Commanding No. 2 District, for internment in this Camp.

In the Lecce case, investigations were conducted by the Ministry of War, as a result of which I understand that a Captain VOZZA was dismissed from his position, transferred to another post and punished by 30 days imprisonment in a fortress. The Ministry of Justice have forwarded to me an undated copy letter (Reference 4822/1 - 36.1.14) addressed to them by the Ministry of War, enquiring amongst other things whether this officer should also be transferred to Bari and put at the disposal of the Officer Commanding No. 2 District. The Ministry of Justice was informed on 7 April 1944 that Captain VOZZA should also be transferred, but up to date no information has reached me that Captain VOZZA has arrived at No. 371 P.O.W. Camp.

37

1 May 44 (250)

I accordingly request your good offices in arranging for both these officers to be handed over.

Yours very truly,

ELERY W. STONE  
Captain, USNR  
Deputy Chief Commissioner

His Excellency Marshal Messe  
Chief of the Supreme General Staff  
Comando Supremo

5189

TOP SECRETPERSONAL AND IMMEDIATE.

FNM/rj

OS 4 681  
1 MAG 1944

SF

28th. April, 1944.

CC/P/245

I enclose herewith a self-explanatory and perfectly reasonable letter from John Harding, General Alexander's Chief of Staff.

2. I would be most grateful if you would let me have as urgently as possible the facts of the situation to enable me to reply.
3. Harding's information is clearly inaccurate.
4. As regards giving publicity to the carrying out of death sentences, I would be glad of your opinion. It should be quite easy to give very adequate publicity so long as that is what the Security authorities would like.
5. I would be grateful for the earliest possible reply with the return of the letter under reference.

250

NOEL MASON MACFARLANE,  
Lieutenant-General,  
Chief Commissioner.

Colonel G. Upjohn,  
Chief Legal Officer,  
Legal Sub-Commission.  
SALUNGO.

✓  
file/200

(35)

CC/P/245  
28 Apr 44

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
S.C. & M.C. Section  
APO 394

D.S.U. 687  
29 APR 1944

REG/993/21/CA.

27 April 1944.

SUBJECT: Freedom of Political Activities.

TO : Military Government Section, A.S.H.Q.

1. I refer to your letter MES 000.1 of 4 March 1944 and to my letter to you No.123/20/CA of the 22nd March 1944, in the latter of which a full report was provided.

2. The facts of the case are as follows :

The attorneys Sessa Cesare and Mr Diana Paolo were arrested at Raffadali in the Province of Agrigento on the 8th November following a demonstration in which some two thousand people were involved. The demonstration was directed against the municipal authorities and against the provisions of the General Order issued by the Regional Commissioner, A.M.C. Region I (Sicily) relating to Amarsi, and resulted in considerable damage to furniture and documents. The Municipio, tax office and alimentacion office were invaded by the crowd. The C.A.O. and his orderly were manhandled and their jeep was damaged. A search of Diana's house revealed a store of weapons and ammunition, but some technicality prevented preferment of a specific charge.

3. Sessa Cesare and Diana Paolo, it will be seen therefore, were arrested for causing a disturbance and not as suspected for anti-fascist activities. They were released on January 8th because it was not found possible to substantiate a charge against them of organising or taking part in the demonstration. It may be added that they have returned to Raffadali, where they have been allowed full freedom in the expression of their political views and the dissemination of propaganda.

4. It has not been possible to trace Pardella or Di Gasi, unless the former is Pardella Giovanni, who was arrested for wrongful possession of Allied Military property on 17 November 1943 and released two days later, and the latter is Di Gasi Emarco who on 18 February 1944, completed a sentence of 16 days imprisonment for petty theft imposed by the Italian Courts. It is possible that Pardella might be a mistake for Pardella Calogero, who was detained as being one of the leading gangsters in Favara, Province of Agrigento and a man with a long criminal record, but he does not appear to have any political background. This man is not the same as the one mentioned in the question regarding the application of measures

250

in the Province of Agrigento on the 8th November following a demonstration in which some two thousand people were involved. The demonstration was directed against the developed authorities and against the provisions of the General Order issued by the Regional Commissioner, A.M.C. Region I (Sicily) relating to Anasai, and resulted in considerable damage to furniture and documents. The Municipality, tax office and alienation office were invaded by the crowd. The C.A.O. and his orderly were manhandled and their jeep was damaged. A search of Diana's house revealed a store of weapons and ammunition, but some territoriality prevented performance of a specific charge.

3. Sena Cesare and Diana Paolo, it will be seen therefore, were arrested for causing a disturbance and not as suggested for anti-fascist activities. They were released on January 8th because it was not found possible to substantiate a charge against them of organizing or taking part in the demonstration. It may be added that they have returned to Raffadeli, where they have been allowed full freedom in the expression of their political views and the dissemination of propaganda.

4. It has not been possible to trace Partella or Di Genu, unless the former is Partella Giovanni, who was arrested for wrongful possession of Allied Military property on 17 November 1943 and released two days later, and the latter is Di Genu Edoardo who on 18 February 1944 completed a sentence of 15 days imprisonment for petty theft imposed by the Italian Courts. It is possible that Partella might be a mistake for Partella Calogero, who was detained as being one of the leading gangsters in Favara, Province of Agrigento and a man with a long criminal record, but he does not appear to have any political background. This man is now held at the disposition of the Quistura pending the application of measures of public security. If further information can be supplied regarding Partella and Di Genu, every effort will be made to trace their cases and to report on them.

5. Similar cases have sometimes arisen and any arrests which are made are always made in the interests of public order. Participants frequently bring out in their defence that they are anti-fascists who are making demonstrations against fascists. In all these cases the accused and their lawyers are told that the Allied Military Government will not tolerate riotous demonstrations or disturbances of public order and impose sentences on such as they are able to convict of taking a prominent part. Exaggerated, not to say groundless reports such as these waste the time of my officers who are concerned in the investigation of them and I should be grateful if steps could be taken in future to prevent such serious allegations being made by people in incomplete possession of the facts.

ROSE HANSON MACPHERLAND,  
Lieut-General,  
Chief Commissioner.

34  
part 2/16A  
27 Jan 1944

22 April 1944

MEMO TO: Captain Stone

SUBJECT: Special Series, Part One, Gazzetta Ufficiale,  
attached.

1. See translation, attached, of "Avviso" appearing on first page of attached issue of the Gazzetta Ufficiale.

2. At the end of the issue, on page 16, there is a declaration by Brigadier Lush and an appended list of decrees to be made to apply in occupied as well as liberated territory. Translation as follows:

"I, Brigadier General Maurice Stanley Lush, CBE, MC., Executive Commissioner, do hereby order that the decrees hereunder listed become operative and have full power and effect of law in every province of the territory occupied by the Allies, with effect from the date on which the Prefect of each Province receives from the Allied Control Commission a copy of this Gazzetta Ufficiale."

3 April 1944

M. S. LUSH

3. The same procedure for declaring Italian laws valid in ACD territory will hold for subsequent issues of the Gazzetta Ufficiale. Each issue will contain the above declaration and an accompanying lists of decrees.

5146  
FRANK J. SLAUGHTER  
Captain, AGD  
Deputy Secretary General

30

22 Apr

TRANSLATED FROM THE "GAZZETTA UFFICIALE" (Serie Speciale) - 19 April 1944

NOTICE

The circulation of the Official Gazette of the Kingdom--Special Serie-- in territories under the jurisdiction of the Allied Military Administration serves only as a source of information.

The dispositions contained in it will be put into effect only when the Allied Military Government establishes their application by so indicating it in the space reserved in the last page of the journal.

This supplement, of extraordinary character, contains the reprinting of those decrees already published in regular numbers of the Gazette, which the Allied Military Authorities intend to apply in territories under their jurisdiction. For the future, the eventual enforcement of these laws will be shown as mentioned above in the regular numbers of the Gazette.

25-0

5165

(30) A Incl

19 Apr

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
APO 394  
ADMINISTRATION SECTION

DS 21 53 2  
13 Apr 1944

ACC/3057/FH.

13 Apr 44

SUBJECT : Information of Possible Interest.

TO : Deputy Chief Commissioner, Rear Hq ACC, APO 394.

- 1 Reference Finance Sub Commission letter, FSCR/34 dated 27 Mar 44  
(Copy herewith)
- 2 There is no information available here concerning the statement made in para (a) thereof, which suggests extensive dealings on the Black Market by Italian Officials.
- 3 Within the last few days however, the director, three doctors, the chaplain and the secretary of SAN GIOVANNI DI PROCIDA HOSPITAL, SALERNO, have all been found in possession of American Red Cross Clothing. The director is now in confinement and charges may be made against the rest of the staff when the whole matter has been investigated and arrangements made for their replacement.
- 4 With regard to para (b) there is no knowledge of this consignment of woollen clothing and blankets, the latter are not an issue of the American Red Cross.
- 5 Further investigation is being made into the whole matter as requested by the Chief Commissioner at a meeting in Naples this date. 12 Apr 44.

*R. H. C. G. P.*  
STANSGATE  
VP Admin Sec.

Incl: Memo from DDC. dated 27 Mar 44.  
" Ltr FSCR/34 dated 27 Mar 44.

(29)

✓ 5

*[Handwritten signature]*

27 March 1944

MEMORANDUM For Administrative Section.

SUBJECT: Re Attached letter from Captain Andrew Kamarch, 27 Mar  
"Information of Possible Interest".

1. Request reference to proper sub-commission for investigation and necessary action.
2. Could the Deputy Chief Commissioner have a report please?
3. If investigation proves that information is not correct the Deputy Chief Commissioner wishes to be advised.

For the Deputy Chief Commissioner:

L. D. DENSMORE,  
Lt. Col. SC  
PA to DDC.

HEAD HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Finance Sub-Commission  
APO 394

FSCH/34.

27 March 1944.

TO : Lt-Col. Densmore

SUBJECT: Information of possible interest.

The following information has come to me from an Italian source of whose sincerity I have no doubt. I am passing it on to you as you undoubtedly know what disposition to make of it.

a. Some time ago the American Red Cross sent a shipment to be distributed among war victims in Salerno. The best part of the shipment was kept back by the Italians charged with its distribution and sold on the black market.

b. A shipment of woolen clothing and blankets is expected soon and the Italian officials concerned are selling the goods even before they arrive. Flannel pajamas are selling at 1,000 lire, for example.

ANDREW KAMARICK  
Captain, F.A.  
Finance Sub-Commission.

AK/joh

25

5482

APC  
✓

There is no information available concerning  
the statement made in para 2 which suggests  
extensive dealings on the Black market by  
German officials. Within the last few days  
however the British, those doctors, <sup>the hospital</sup> Chaplain & the Secretary <sup>the hospital</sup> have all been  
found in possession of American-made  
Coarse Clothing. The British is now in  
confinement. Although both he made  
against the rest of the staff when the  
whole matter has been investigated and  
arrangements made for their replacement.  
With regard to para 3 there is no knowledge  
of the Government's Woolen Clothing and  
Clothing with the exception of some of  
American Red Cross.

AMCOT/30.5/1H.

AMCOT H.Q. EIGHTY.

23 Sept. 12.

that in a number of cases the  
have never been received or have been

and result is that reports on Hospitals  
a number of provinces. As this office  
for very high authority ind. , the

forthwith on the hospitals in scope

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

OUTGOING

LEGAL

EAP/ek

DSB 4743/04  
5 APR 1944  
2576

CONFIDENTIAL

PRIORITY

FATIMA REAR

FATIMA

AIR

PRISONERS NOT TRIED AND HAVE BEEN TRANSFERRED TO THREE SEVEN ONE PW CAMP  
EXCEPT ONE WHO IS ILL AND WILL BE TRANSFERRED LATER TO TO FATIMA FROM FATIMA  
REAR FROM LEGAL ID MEANTIME FILE TEMPORARILY HELD HERE PENDING FURTHER  
EXAMINATION OF LECCE THEFTS ID REFERENCE IS YOUR TWO EIGHT NINE SIX DATED  
TWO APRIL

AUTHENTICATED

E.J. CHIOLLA  
CWO, AUS  
Asst AGJ

DISTRIBUTION:

- 1 - AG
- 1 - NSG
- 1 - ECC ✓
- 2 - Legal

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

4 Apr

CONFIDENTIAL

Dep. L. C.  
2846

PATIMA (ADJUTANT'S DEPARTMENT)

2 APRIL 44

CONFIDENTIAL

VAPOUR 2 - MONTANT

PRIORITY

PATIMA REAR

For LEGAL

SUBJECT IS R D CROSS PARCELS CASE PAIRN TO PATIMA REAR FROM PATIMA PAIRN  
 THIS IS PARAPHRASE OF FREEDOM FOX TWO SIX THREE SIX ONE DATED ONE APRIL FOUR FOUR  
 PD REFERENCE LETTER GEORGE ONE SLANT BAKER SLANT THREE THREE ZERO FIVE SLANT  
 ABLE THREE PD HAS ACTION BEEN TAKEN.

250

5160

CONFIDENTIAL

 L.T. MONTANT, JR.,  
 2nd Lieut. A.G.D.,  
 ADJUTANT

2 Apr

CONFIDENTIAL

6420

ALLIED CONTROL COMMISSION  
INCOMING MESSAGE

MSG CENTER NO : 3/02                      DATE/TIME RECD: APRIL020019  
CLASSIFICATION: CONFIDENTIAL              DATE/TIME SENT: 011853A  
PRECEDENCE : NONE                      REFERENCE NR : F26361  
FROM : FREEDOM                      CITE : NONE  
TO : FATIMA(CHIEF COMM)

HAS ACTION BEEN TAKEN ON AFHQ LETTER G1/B/3305/A3 DATED 8  
MARCH ABOUT RED CROSS PARCELS CASE.

ACC DISTRIBUTION:

Action - Sec Gen  
Info - D.C.C.  
FILE

2510

CONFIDENTIAL

1 Apr

SN 186  
2 APR 1944

LBN/hjp

In reply refer to:  
DCC 250

2 April 1944

Subject: Francesco Della Monico

Dear General:

This is in further reference to your note relative to Francesco Della Monico. Report from the Public Safety officer of the Commission who investigated this matter for me is to the following effect:

"Della Monico was arrested by 66th SIS (British Military Police) attached to 94 Sub Area, for being in possession of a large quantity of rope belonging to the Allied Forces.

"It is understood that he (Della Monico) bought this rope from a Lt. Burn, an Allied officer, for 15,000 lire. It was stated that the rope is actually worth at least 400,000 lire.

"It appears that Della Monico made a statement to the effect that he knew he was doing wrong in obtaining the rope at the price he paid.

"Della Monico is being held by Italian authorities at the Civil Prison at Salerno and will be tried in the Italian civil court. The prosecution papers are being prepared for the Procuratore del Re and the Military Police of the 66th SIS will appear as witnesses for the prosecution.

"It is understood that there is no objection to Della Monico conferring with a lawyer and further that bail pending trial will not be opposed."

Since this matter is to be handled by the Italian courts, it should not be difficult for you to obtain further facts prior to final disposition of the case.

Yours very truly,

ELERY W. STONE  
Captain, USMC  
Deputy Chief Commissioner

General Adolfo Infante  
Comando Supremo

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
APO 394

Open file 14768/8822

BR.

1A

ROUTING AND WORK SHEET

Each note must be numbered and each space completely filled in. THIS WORK SHEET MUST NOT BE REMOVED FROM THE CORRESPONDENCE TO WHICH ATTACHED UNTIL ACTION IS COMPLETED AND THEN FILED WITH FILE COPIES OF COMMUNICATION TO WHICH IT PERTAINS. A line will be the full width of the page under each note.

SUBJECT: Francesco DELLA MONICO

| NO | DATE       | FROM   | TO                 | REMARKS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----|------------|--------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | 31 Mar 44  | D.C.C. | Col. Young<br>P.S. | <p>1. DCC is in receipt of the following request from General Infante of the Comando Supremo:</p> <p>"Mr. Francesco DELLA MONICO, a shipbuilder in Marina di Vietri, has been arrested by the Allied Military police in Salerno under the charge of having bought some stuff from an American officer, Lieutenant BOUL, in charge of the Salerno port.</p> <p>"From what I understand, the business was dealt in absolutely "bona fide" by Mr. Della Monica to whom Lt Boul's offer appeared as perfectly honest.</p> <p>"Will you please, if you can, find out what really is the matter?"</p> <p>2. Would it be too much trouble for you to get the answer for the DCC, please.</p> <p><i>Salerno 2724</i><br/><i>Salerno 2850 (SIS)</i></p> <p><i>L.D. Densmore</i><br/>L. D. DENSMORE<br/>Lt. Col., S.C.<br/>PA to DCC</p>                                                                               |
| 2  | 1 April 44 | DCPS   | Col Young<br>P.S.  | <p>1. From enquiries it appears that the position is as follows:</p> <p>Della Monica was arrested by 66th SIS (Military Police) attached to 94 Sub-Area for being in possession of a large quantity of rope belonging to the Allied Forces. He bought this rope from Lt. Burn for 15,000 lire. The rope is actually worth at least 400,000 lire. In his statement Della Monica admits he knew he was doing wrong in obtaining the rope at this price. The prosecution papers are being prepared for the Procureatore del Re and the case will take its normal course before the Italian Court. There is no objection to Della Monica being his lawyer and it is understood that bail pending trial will not be opposed. Investigations into the complicity of Lt. Burn are being pursued.</p> <p><i>32</i><br/><i>Heard in Civil Room</i><br/><i>Salerno</i></p> <p><i>W. J. Cox</i> Major Public Safety</p> |

rope at this price. The prosecution papers are being prepared for the Procureatore del Re and the case will take its normal course before the Italian Court. There is no objection to Della Monica being his lawyer and it is understood that bail pending trial will not be opposed. Investigations into the complicity of Lt. Burn are being pursued.

1564 124  
1 APR 1944

1 April 1944

I have your note of the 29th relative to Francesco Della Monica.  
One of the officers in our Public Safety Sub-Commission is checking  
the details in connection with this matter for me. Upon receipt of  
the facts, I will get in touch with you.

Signed  
Stone

General Adolfo Infante  
Comando Supremo

252

5156

23

1 APR 44





COMANDO SUPREMO

March 20<sup>th</sup>

My Son Ellery,

A small personal delicate problem, in which I hope you can help me.

A very old good friend of my family is now in trouble for what I think is a misunderstanding.

Mr. Francesco DELLA MONICA, a shipbuilder in Marina di Vietri, has been arrested by the Allied Military police in Salerno under the charge of having bought some staff from an American officer, lieutenant BOUL, in charge of the Salerno port.

From what I understand, the business was dealt in absolutely "bona fide" by Mr. Della Monica to whom lieutenant Boul's offer appeared as perfectly honest.

5151

DS-425  
28 MAR 1944REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

GRU/gmf

Acc/4083/6/L

27 March 1944.

SUBJECT: Record of Trial.

TO : AFHQ MGS (Attention Lt. Col. Fairman).

1. When Col. Foley returned from Washington he brought with him a letter and enclosure (copy attached) which had been handed him by Major Cades, Civil Affairs Division, Washington, which he has asked me to deal with.

2. The trial took place in 15th Army Group, AMG Area, before its fusion with this HQ but I have extracted a precis from the records in our possession which I shall be glad if you will pass on to Major Cades.

3. You will appreciate that this extract is made and forwarded as a matter of courtesy only as this HQ is subject only to orders from AFHQ and not from the Civil Affairs Division, Washington or the Civil Affairs Branch, London. Further this HQ would resist any suggestion that anything in the nature of a further review of such cases by the JAG Dept., Washington or London, is desirable or should be permitted, and therefore is not prepared to part with its record of the case or a copy thereof unless so directed by AFHQ.

G. R. Upjohn  
G. R. UPJOHN, Colonel  
Chief Legal Officer.

Copy to: Deputy Chief Commissioner, ACC. ✓

Not attached &amp; later copy

✓ 5 files

5153

CC/P/140

DEU 375-  
23 MAR 1944

FM/rj

20th. March, 1944.

I have received your No. 191A of 9th. March to my Legal Sub-Commission which you apparently sent to the Sub-Commission direct.

Quite naturally I am also most anxious to see that adequate sentences are dealt out in the type of cases you mention and it is my business to see that this is done.

If you are especially interested in any particular case or cases I will always be glad to let you know the results.

NOEL MASON MACFARLANE,  
Lieutenant-General,  
Chief Commissioner.

Major-General A. Collier, CBE, DSO,  
G. O. C.,  
No. 3 District.

250  
7452

COPY

SUBJECT:- Trial of Civilians  
-----3 District  
Tel Ext 18  
191 A  
9 Mar 44  
-----Rear HQ ACC  
Legal Sub Commission  
-----

1. This HQ is most anxious to see that adequate sentences are dealt out in cases of pilfering and theft of WD property by civilians; also sabotage.
2. Would it be possible for you to make a return monthly of such cases tried in this District, showing the name of the accused, nature and details of the charge, award made, and the Court by which such award is made.

/s/ A. COLLIER  
Maj Gen  
ComdHBT/EJP  
-----

Answered, 19/3. Gen MacFarlane



4/21/44

✓

5151

CC/P/128(250)

DS 6 3 03  
10 MAR 1944

DCC

SF

FNM/rj

8th. March, 1944.

## MEMORANDUM:

TO: Colonel Upjohn,  
Legal Sub-Commission.

I enclose a letter just received from Marshal Messe. It seems to me that Messe's contentions and proposals are acceptable. I would be grateful for your comments.

NOEL MAISON MACFARLANE,  
Lieutenant-General,  
Chief Commissioner.CC/P/128  
8 Marchfile/100 50  
9 MAR 1944

101472/AV

P.M. 151/A, 5 March 1944

70 Mar 17 1944

JLD

Dear General MacFarlane:

With reference to your letter of February 13th, I inform you that by means of my circular of January 29, 1944, and sent to the Ministries of War, the Navy and Aeronautics, I imparted directives with the purpose of examining and reviewing with wide measures of leniency the penal military trials for crimes committed from July 25 through September, 1943 and informed the Archive Institutes of the annulment of penal action and of his Majesty's reprieves in cases worthy of particular leniency.

It will thus be possible, even for desertions under special circumstances, to judge with greatest moderation, to condone or reduce the sentences, or not to bring trials to a finish, when it is opportune to do so.

I believe that this is the best principle to follow, inasmuch as while it favors those who do not deserve the severe penalties inflicted for crimes committed under circumstances which do not lessen the responsibility, it allows us, on the other hand, to separate those military personnel who have demonstrated their duty as soldiers even under the most difficult conditions from those who instead deserted, be it from difficulties caused by a complex of material and moral factors.

The above mentioned measures, in addition, prevent the serious danger of minimizing the sentiment of military honor and the upsetting of the disciplinary internal structure of the armed forces, as would have occurred in every case and without discrimination, if the deserters would have gone unpunished.

Certainly, this will not make a good impression on the wounded, the crippled and on the many families, a group which constitutes the greater part of the Italian population, who have had family members die in their fulfillment of duty.

At any rate, I agree on the necessity of examining with the utmost of leniency the military crimes committed during the period immediately preceding the Armistice and will renew encouraging the Italian Military Courts to judge with benevolent impartiality even those who deserted between the period of July 25th and the ending of September, 1943, punishing instead to the maximum those who went over to the German Army or any other hostile army, and those who did not present themselves to the Army after September, 1943, in spite of the appeal made by the Italian Military Authorities.

Sincerely yours,

The Marshall of Italy  
Chief of Staff  
Giovanni Messe

(15) 1704

CONFIDENTIAL

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
ALU 394

Administrative Section

47/13

5 Mar 44.

SUBJECT: Italian Legislation

TO: Executive Commissioner  
VI Sections  
Independent Sub-Commissions.

- 1 Italian legislation in unoccupied territory is promulgated by publication of Decrees in GAZZETTA UFFICIALE, the latest copy of which No 9 has already been distributed.
- 2 In order to avoid duplication and to have legislation in occupied territory when so desired in line with decrees so published, the Legal Sub Comm have made the following arrangements with the Ministry of Justice:
  - a That when the GAZZETTA UFFICIALE is published, a space will be left at the end to allow an endorsement to be made stating which of the decrees set out are also to be effective in occupied Territory.
  - b That the printing blocks will be kept set up for a short period to allow for perusal by ACC and the addition of the endorsement.
  - 3 To implement this it is necessary to decide rapidly which of the decrees shall be effective in occupied territory; the following procedure has been agreed:
    - a The Legal Sub Comm will prepare a translation of the titles and import of the Decrees.
    - b The translation at 3 a above together with copies of each number of the GAZZETTA will be forwarded to the Executive Commissioner and to each Section by the Legal Sub Comm.
    - c Upon receipt, Sub Comms will at once peruse and forward as at 3 d below a return showing which decrees they recommend should be included in the

- 2 In order to avoid duplication and to have legislation in occupied territory when so desired in line with decrees so published, the Legal Sub Comm have made the following arrangements with the Ministry of Justice:
- a That when the GAZZETTA UFFICIALE is published, a space will be left at the end to allow an endorsement to be made stating which of the decrees set out are also to be effective in occupied Territory.
  - b That the printing blocks will be kept set up for a short period to allow for perusal by ACC and the addition of the endorsement.
- 3 To implement this it is necessary to decide rapidly which of the decrees shall be effective in occupied territory; the following procedure has been agreed:
- a The Legal Sub Comm will prepare a translation of the titles and import of the Decrees.
  - b The translation at 3 a above together with copies of each number of the GAZZETTA will be forwarded to the Executive Commissioner and to each Section by the Legal Sub Comm.
  - c Upon receipt, Sub Comms will at once peruse and forward as at 3 d below a return showing which decrees they recommend should be included in the endorsement together with their reasons.
  - d i The return as at 3 c above will be made by Sub Comms at Salerno to the Adm Sec, and by Sub Comms at Naples to the Executive Commissioner through their Section.  
 if the date by which returns will be made will in future be notified by the Legal Sub Comm when forwarding the GAZZETTA UFFICIALE.
  - e The Executive Commissioner and the VP Adm Sec will consolidate the returns and forward them to the Legal Sub Comm for inclusion in the endorsement.
- 4 Attached is a translation of GAZZETTA No 9 referred to in para 1, returns regarding this will be made by 1800 hours, Tues 7 Mar 44.

Distribution to Sections to allow:

Sections (2)  
Sub-Comms (1)

ELLERY W. STONE,

Capt. USNR.

Deputy Chief Commissioner.

*Ellery W. Stone*

477/MS

5-11-44

4 Mar 1944  
EWS/hjp

3 March 1944

My dear don Renato Prunas:

This is to acknowledge receipt of your letter of 26 February relative to Signor Clemente Lequio.

I will, if possible, obtain the information with respect to the details, and will do whatever I can to be of help in this unfortunate matter.

Yours very truly,

HILARY W. STONE  
Captain, USNR  
Deputy Chief Commissioner

His Excellency don Renato Prunas  
Minister of Foreign Affairs  
Italian Government

12

EWS

3 Mar

5117

R. MINISTERO  
DEGLI AFFARI ESTERI

IL SEGRETARIO GENERALE

Salerno, February 26, 1944.

17 856

Dear Captain Stone,

I have been informed that a young man I know very well has been arrested a few days ago on the 5th Army front while attempting to cross the lines to join his mother who resides in Rome.

From what I hear he is being held under suspicion of being an informer for the Germans.

His name is Clemente Iequio and his father, an old friend of mine, died last year while he was our Ambassador in Madrid.

Knowing the boy and his family I can hardly believe that the charge will materialize, but I would be very grateful if you could find it possible to give me some details on this unfortunate matter.

Capt. Ellery W. Stone,  
Deputy Chief Commissioner,  
Allied Control Commission  
Salerno.

26 Feb

5.4.44  
./.

I regret that I am not in a position to inform you as to the time and whereabouts of Lequio's arrest, but you probably shall be able to have him located all the same.

Thanking you in advance for what you will find possible to do in connection with this unfortunate matter, I remain

Yours very cordially

*R. R. R.*

5145

To Deputy Chief Commisane

Capt. Starn

REAR HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION

DS 2134  
22 Feb 44

AGC/4027/L

GRU/jpl

17 February 44

SUBJECT : Offences against French and other forces in Italy.

TO : V.P. Administrative Section.

1. By Proclamation No. 2, Section 30 it is provided that any person who:

"Utters any speech or words hostile or disrespectful toward the United States or Great Britain, the armed forces of either or any member thereof or the Allied Military Government or the government of any other of the United Nations"

and by Section 45 of the same Article it is provided that any person who:

"Does any act to the prejudice of good order or safety or security of the Allied Forces or any member thereof;"

shall, upon conviction by a Military Court, be liable to punishment by such fine or imprisonment, or both, as the court shall direct.

2. A case has arisen in the 5th Army Area where disrespectful words have been used towards an officer of the Corps Expeditionnaire Française and the question arises as to what action should be taken.

3. It is plain that Section 30 as it stands does not cover the case because even if the words used were disrespectful to the French Committee in Algiers that Government is not the Government of a United Nations.

4. An alternative charge could no doubt be brought under Section 45 if Allied Forces be construed to include all forces under the command of the C. in C. ACOMF.

This construction raises a question of policy for two reasons:

- (a) Offences against the "Allied Forces" are set out in numerous sections of Proclamation No. 2 and the same construction should be given to the phrase in all sections.
- (b) If the French Forces in Italy are to be included in the phrase Allied Forces because they are under the command of the C in C this would include Yugoslav, Polish, and other bodies including the Italian Army itself, and this would seem to involve a political issue. It may be that the Italian Army should be

2450 - (Private statement of Starn)  
through to Com. Staff

file

17 Feb

- 2 -

excluded as they have only the status of  
cobelligerency.

DSH 134  
22 FEB 1944

Your decision is requested.

- (1) Whether Section 30 should be amended to include in its scope offenses against all personnel of whatever nationality under the command of the C in C and if so whether a private directive should be issued that Italian Soldiers are not to have the benefit of this section.
- (2) Whether in Proclamation No. 2 offenses against the "Allied Forces" are to be construed as including all military bodies of whatever nationality under the command of the C in C.

*Richard H. Wilbur*  
*Colonel*

For GERALD R. UFFORD

Colonel  
Chief Legal Officer

Copy to Deputy Chief Commissioner,  
Military Section.

Mr. Caccia and Mr. Reber.

SLD 5th Army (thru SCAG 5th Army) Your 203/CA/7  
dated 15th February 14 refers.

5453

Capt Blank

Informal

13 FEB 1944

ALLIED CONTROL COMMISSION

Legal Subcommittee.

APO 394

\*CC/4113/L

14 February 1944

SUBJECT: Italian Legislation.

TO : All Subcommittees.

1. In the course of meetings between Subcommittees and their opposite numbers in the Italian Government and discussions on matters of policy it frequently becomes necessary for Subcommittees to consider the initiation and preparation of decree laws by the Italian Government and this directive lays down the procedure to be followed.

2. The method of preparation of decrees by the Italian Government is as follows:

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Subcommittee and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not ACC. When considering the terms of the draft decree with the Ministry concerned the Subcommittee should AT THIS STAGE consult the Legal Subcommittee to see that the draft decree in fact carries out what the Subcommittee has in mind.

4. It is then the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a later stage the Ministry concerned should be asked to inform the Subcommittee concerned and if any difficulty arises therein the latter should consult the Legal Subcommittee.

2. The method of procedure is as follows:

Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by the Council of Ministers or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.

3. When a Subcommission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not ACC. When considering the terms of the draft decree with the Ministry concerned the Subcommission should AT THIS STAGE consult the Legal Subcommission to see that the draft decree in fact carries out what the Subcommission has in mind.

4. It is then the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a later stage the Ministry concerned should be asked to inform the Subcommission concerned and if any difficulty arises therein the latter should consult the Legal Subcommission.

5. The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is NOT operative in territory still occupied by the Allied Forces. If the Subcommission concerned desires to make such decree operative in occupied territory the Legal Subcommission should be so informed in writing BEFORE, if possible, the date of publication in the Gazzetta.

6. Apart from the foregoing the Italian Government may initiate and prepare decrees on their own and not as the result of a common or agreed policy. The relationship between Subcommissions and Ministries should be such that Ministries will as a matter of course inform their opposite numbers of their intentions in this respect at the earliest stage so that any defects may be remedied and that any appropriate action may be taken thereon sooner rather than later.

7. The above draft proposed directive is circulated for your comments to be made to Staff Officer to Administrative V.P. on or before 17 Feb. 44. Para 6 has been drawn vaguely in the absence of policy directive and your comments hereon are especially asked.

Copy to: ACC/4104/L

G. R. UPJOHN, Colonel  
Chief Legal Officer.

163  
4 FEB 1944

Salerno, Feb. 13, 1944.

TO GENERAL MASON MAC FARLANE  
HEAD OF THE ALLIED CONTROL COMMISSION

Dear General Mac Farlane,

I thank you and acknowledge your decision to commit the accused of Tufareno to an Italian War Tribunal and, in view of the gravity of the charge, ordered the War Ministry to speed up the procedure.

I beg you therefore, to give the orders so that the accused may be delivered to the Italian authorities.

At the same time I arranged that a report on the investigation of the happenings at the War Prisoners' Camp at Lecce, be submitted to the Commission as soon as possible.

At a later date, the copies of the decisions of the Military Tribunal and the relative sentences will be sent to you as you desire.

Very cordially,

Badoglio

note. General MacFarlane spoke to Col. Wajden about this.  
his answer.

aft. info.

file 700

24 JAN 1944

24 January 1944

To His Excellency Marshal Badoglio -

Dear Marshal Badoglio:-

The following letter dated 21 January has been received from the Deputy Chief Civil Affairs Officer, AMG, Headquarters Allied Central Mediterranean Force:

"I should appreciate it if you would inform the Italian Government that in execution of the sentence of a General Military Court Cancelliere Luigi, di Giuseppe e di Spedicato Giuseppina and Bertoli Mauro di Pietro e di Monte Aurelia, both of Bari, were shot to death by firing squad this morning.

"The two young men were convicted of serving the enemy as spies and of communicating with the enemy in violation of Sections 1 and 2 of Article I of Proclamation No. 2 of the Military Governor. The Court, on 7 January 1944, sentenced them to be shot to death with musketry. Their counsel who had been appointed to represent them, filed an Application for Review, which was considered by the Military Governor. In accordance with the provisions of Proclamation No. 4 the Military Governor confirmed the sentences on 15 January 1944."

For the Deputy President, Allied Control Commission:

ELERY W. STONE  
Captain, USMC  
Acting Chief of Staff

24 Jan

Subject: - Execution of Death Sentences.

23 JAN 1944

2576

A.M.G.  
Hq. A.C.M.F.  
C.M.F.

Ref. AMG/208A/230  
21 January 44.

Headquarters,  
Allied Control Commission.  
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I should appreciate it if you would inform the Italian Government that in execution of the sentence of a General Military Court CANCELLIERE Luigi, di Giuseppe e di Spedicato Giuseppina and BERTOLI Mauro di Pietro e di Monte Aurelia, both of Bari, were shot to death by firing squad this morning.

The two young men were convicted of serving the enemy as spies and of communicating with the enemy in violation of Sections 1 and 2 of Article I of Proclamation No. 2 of the Military Governor. The Court, on 7 January 1944, sentenced them to be shot to death with musketry. Their counsel who had been appointed to represent them, filed an Application for Review, which was considered by the Military Governor. In accordance with the provisions of Proclamation No. 4 the Military Governor confirmed the sentences on 15 January 1944.

M. S. *[Signature]*

Brigadier,  
Deputy Chief Civil Affairs Officer.

5129

AMG/208A/230

21 Jan

2739  
25 JAN 1944SUBJECT:- Letter from Marshal Badoglio.SECRETH.Q., A.M.G.,  
15 Army Group,  
C.M.F.  
-----The Deputy President,  
Allied Control Commission,  
Brindisi.

AMG/34/49

20th January 1944Ref your letter EWS/hjp dated 10 Jan 44, enclosing a  
copy of a letter from Marshal Badoglio.I enclose a copy of my letter to Major General Sir  
Brian H. Robertson AMG/34/42 dated 15th Jan 44, together with  
a copy of his reply 1119/DCAO dated 18th Jan 44.P. Ruby Smith  
Lt Col.for Brigadier,  
Deputy Chief Civil Affairs Officer.

(Brigadier's a/c)

Encls. 01

(3) File  
20 Jan ✓

5128

SECRET AND PERSONAL.

Major General Sir Brian H. Robertson Bt.,  
Deputy Chief Administrative Officer,  
A.F.H.Q. Adv. Adm. Echelon,  
C.M.F.

1119/DCAO.

18 Jan 44.

Thank you for your AMG/34/42 of 15 January.

As you know, the coloured troops of the U.S. Army are an integral part of the Army organisation, and the coloured man has equal rights of citizenship. I am afraid it would serve no purpose to take this question up with the U.S. authorities.

As regards the coloured troops employed by the British Army, it is, generally speaking, the policy to employ these troops outside the towns where drink is particularly tempting. We shall continue this policy, but we are not, I am afraid, able to substantiate civilians in all cases for native labour.

It may be of interest to you to know that the record of these native troops both for crime and for disease is remarkably low.

Brigadier M. Lush,  
H.Q., A.M.G.,  
15 Army Group,  
C.M.F.

BHR/emb.

COPY

H.Q., A.M.G.,  
15 Army Group,  
C.M.F.

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15th January 1944

AMG/34/42

I forward copy of a letter from Marshal Badoglio to General Joyce. This letter was sent to me by the A.C.C.

I doubt whether anything can be done, but forward it to you for your information and any action you care to take.

I am forwarding a copy to Colonel Kraege, AMG Region III, with instructions for him to take up the matter of the hotels.

Major General Sir Brian H. Robertson,  
Bart., CB, CBE, DSO, MC.  
A.F.H.Q. Adv. Adm. Echelon.

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Copy to: Col. Kraege, AMG Region III.

F

LWS/hjp

10 January 1944

Brigadier Lush  
Deputy CCAC  
15th Army Group

My dear Brigadier:

The enclosed copy of letter from Marshal Badoglio is forwarded to you for your information and such action as you may care to take.

For the Deputy President, Allied Control Commission:

ALLERY W. STONE  
Captain, USMR  
Acting Chief of Staff

1 Incl:  
Cy of Ltr fr Marshal Badoglio  
No. 65, 8 Jan 44

5435

No. 65 di prot.

CHIEF OF GOVERNMENT

8 January 1944

To General Kenyon A. Joyce  
Chief of the Allied Control Commission

Dear General Joyce:

I bring to your attention the questions which I treated at Naples with General Basso who was then to discuss them with Colonel Hume:

1. Necessity of removing the colored troops from Naples. In this city, because of great poverty, there is considerable prostitution. The colored soldier, who can possess a white girl, when he returns to America, will become a dangerous element for your country.

If the colored troops form labor battalions, employ them immediately behind the front.

2. Even today 15,000 Italian soldiers are used as workers at the port. It would be advisable not to make use of these, but to enlist civilians; this arrangement would somewhat diminish the large unemployment at Naples.

3. Colonel Kinkaid has mentioned to me that, with the necessary work, it would be possible for the hotels of Naples to resume service. I point out that to do this one should ask La Societa dei Alberghi (Association of Grand Hotels): the State would aid with loans. Places would thus be freed for Allied disposal, lightening, consequently, pressure on the inhabitants.

Very cordially

/s/ Badoglio

5131

1270