

ACC

10000/142/41

0/142/41

TREATMENT OF WIRE CUTTING CASES
APR. 1944 - FEB. 1945

FILE CLOSED 17 February 1945



PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DEGLI UFFICI

IL COMMISSARIO FEDERALE

4002/15
 SUBJECT:- Sabotage to Signal Communications

HQ.
 ALCON

19 FEB 1945

SECRET

3 District
 Baseball, Ext 6
 30/GSI

17 Feb 45

1. Cutting of signal wires and cables throughout the territory administered by this HQ continues and is a problem inasmuch as while the motive is more often than not theft of material, the resultant disruption of signal communication is effective sabotage.
2. It has been suggested that the PENA di MORTE notices used in A.M.G. territory as a warning are not legal in I.G.T. and the enclosed has been suggested as being more suitable.
3. This HQ would appreciate your opinion on the legality of the suggested notice and the possibility of getting them printed.

TCT/VH.

18 FEB 1945

A. C.

19 FEB 1945

T. C. Townsend
 (T.C. TOWNSEND) Capt
 for Maj Gen
 Comd

28

196

(TRANSLATION)

(16c)

WARNING.

The public are reminded that the cutting or removing of military telephone wires is a serious crime, which is punishable according to art. 158 of the Italian War Military Penal Code, by a minimum penalty of fifteen years imprisonment and in special cases, even of the death penalty.

COPY

154

✓ 4002/15 7h
 HEADQUARTERS ALLIED COMMISSION
 APO 394
PUBLIC RELATIONS BRANCH

9/FEB

14 December 1944

SUBJECT : Wire cutting offences in forward areas.

TO : P.W.B. (Attention Mr. George Egan)

We have been advised by Legal Sub-Commission that complaints are pouring in from the forward areas of the frequency of wire cutting offences, and HQ, No. 1 District request a publicity campaign.

The penalties attaching to such offences are set out in Proclamation No. 1 (Revised) : Part II, Article No. IV, para 12, which states that any person who interferes with communication by mail, courier, telegraph, telephone, cable, radio, or otherwise, or removes or damages any telegraph, telephone or electric power wire shall upon conviction by an Allied Military Court, be liable to punishment by death, or by imprisonment or fine or both, as the Court may determine.

Will you please give the widest publicity through radio or any of your forward publications to these offences and stress the penalties to which offenders are liable.

For the Director :-

JOHN P. LEACACOS,
 Major, AUS
 Public Relations Officer.

Copy to :-
 Legal Sub-Commission. ←

Encl.: 1

15 DEC 1944

CONFIDENTIAL

JOHN MARTIN, CHIEF COMMISSIONER
NO. 194
CIVIL RIGHTS SECTION

(14A)

WSP/la.
12 Dec 44.

10/102/15/1.

SUBJECT : Wire cutting offenses.

TO : AWC G-5 .

6A

1. The two cases referred to in your C-3 303.4. of 30 Nov 44 have been investigated and a copy of the report is enclosed herewith. 13A

2. It will be seen from the report that GIOVANNI Agostino is 65 years old, the judge described him as "very old and very ignorant" and for that reason imposed a light fine.

In the case of GARRONE there appears to be no justification of any kind for the sentence imposed.

3. A serious view of wire cutting cases is taken at this HQ and every effort has been made for at least the last 12 months to impress this view not only on all legal officers but on all officers who may be charged with the conduct of Summary Courts.

For the Chief Commissioner:

G. S. Parkinson
Brigadier

G. S. PARKINSON, Brigadier
A/VP C A Sec
Dep CCB.

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CONFIDENTIAL

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Ref : RIX/LE/785/107

WHL/ash.
7 December 1944.

SUBJECT : Wire Cutting.

TO : Deputy Chief Legal Advisor, Legal Sub-Commission,
Headquarters, Allied Commission, APO 394, U.S. Army.

1. Reference your AC/4002/4/1, 4 December 1944 concerning the cases of SANDRONI Onorato and CIOTTI Agostino, both charged with interfering with signal communications. These two cases are well known to me, and, as you will note below, have already been the subject of corrective action both by this Hq. and AMG 8th Army.

2. With respect to the cases themselves, the records of trial disclose the following:

a. SANDRONI Onorato (age:- 21 years). This defendant was charged under Proclamation No.1, para.12 "with having rolled up and carried away 250 yards of telephone line three miles south of S.Giovanni" on 7 Sept.44. The accused pleaded guilty. Corporal Clark of 5th Canadian Armored Division testified that on 7 Sept.44 he found the defendant rolling up a telephone line which ran between the 5th Canadian Div. Hqs. and "J" Troop; that the line was cut by means of two stones; that the defendant had been in the Italian Army for 1 year; that he was not secretive. Defendant testified that he had been in the Italian Army but had not seen a communication line in the army; that he had found both ends of the wire broken; that he thought it was old German wire, and he had seen other Italian civilians taking German wire from this same area. The trial judge included the following remarks in the record:

"No evidence to show defendant had cut line. No evidence except opinion evidence of witness for prosecution that line had been cut by two stones. Defendant 21 years old. Had refused to fight for Republicans."

The defendant was found guilty and sentenced to pay a fine of 5000 Lire and in default of payment to serve 3 months imprisonment.

b. CIOTTI Agostino (age:- 65 years). This defendant was charged under Proclamation No.1, para.12 as follows: "on 12 Sept.44 at Morciano was seen to be interfering with telegraph signal wire in use by a Pz. Regt; and upon investigation was found to have removed a quantity of the wire." The accused pleaded guilty.

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C O N F I D E N T I A L

The Court had before it the statement of Cnr. Thwaites, 228/113 Fd. Regt. which read as follows:

"On the 12th of Sept. 44 whilst on duty at a maintenance point I found by means of telephone that my communications were discontinued. I patrol same to investigate. I saw with my own eyes this man was reeling this line in he had in a sack about one mile and half of cable with him he spoke English and told me he thought it to be cable belonging to the Germans."

The accused testified that he thought that the pieces of wire that he was picking up had been left by the Germans; that his collection of the wire was done in ignorance and he had no idea that he was interrupting military communications. The trial judge included the following remarks in the record:

"The accused is very old and very ignorant consequently reason for fine instead of jail sentence and lightness of fine. Also, this is the first instance of this type of offense in this area and there is no reason to believe that it is a common or prevalent offense."

The accused was found guilty and sentenced to a fine of 5000 Lire.

3. The record in the SANDRONI case was received at this Hq. on 30 Sept. 44 and in the CIOTTI case on 7 Oct. 44. On 7 Oct. 44, I addressed letters in each case to the Provincial Legal Officer of Forlì Province. I quote from the letter in the CIOTTI case:

"The sentence is entirely inadequate. The accused was found guilty of removing a mile and half of communication cable. A fine is an inappropriate sentence for such a serious offense. It is recommended that CAOs be instructed to refer charges under para. 12 to you before trying them by Summary Court."

The letter in the SANDRONI case was of similar tenor.

4. I then discussed these cases with SCAO, AMG 8th Army, and he authorized me to prepare a bulletin on Allied Military Courts to be issued to all 8th Army Civil Affairs Officers to prevent (among other things) a repetition of the situation in these cases. This bulletin was issued on 23rd October 44 and distributed to all 8th Army Civil Affairs Officers. Contained therein is the following:

"c. Serious Charges. Serious charges, e.g., wire cutting, theft or possession of signal wire, mail theft, attempting to communicate with persons in occupied

C O N F I D E N T I A L

territory, interference or tampering with petrol pipe lines, in short any case which may have a security aspect or may involve sabotage, should never be tried in a Summary Court without first referring the papers to the Provincial legal Officer. Remember that once you have tried a case and imposed a sentence, no further action by you or higher authority which could result in the imposition of a higher sentence is possible.

The following cases tried by spearhead CAOs in this Province within the last 30 days illustrate the foregoing:

<u>Offense</u>	<u>Sentence</u>
Cutting one and a half miles of signal wire	5000 Lire fine.
Possession of 250 yards of signal line which was recently cut.	5000 Lire fine.

* * * * *

I have no hesitation in stating that such sentences encourage others to commit similar offenses, and entirely defeat the purposes of AMG Courts. Each of those cases should have been tried by a Superior or General Court. But the actions of the CAOs in question constituted a final disposition of the cases, and further action against any of the accused is precluded."

5. To further ensure that all Civil Affairs Officers fully understand the procedure to be followed in dealing with serious charges, on 14 Nov.44 the following directive was issued by AMG 8th Army to all of their Civil Affairs Officers:

"1. Offences or attempts to commit offences having a possible implication of sabotage will NOT be tried by CAOs with first referring the papers to this Hq.

2. Such offences include:-

Wire cutting
Interfering with means of communication
Interfering with petrol pipe line
Interfering with means of transportation such as railway and railway operating equipment, etc.

3. This directive will be placed on the CAO's Directive file and numbered 83."

C O N F I D E N T I A L

C O N F I D E N T I A L

6. Your attention is called to the fact that the writer did not assume the duties of Regional Legal Officer of Emilia Region until 27 Aug.44, and did not arrive in 8th Army area until 23 Sept.44, at which time these cases had already been disposed of.

7. All Provincial Legal Officers in this Region have again been informed of the views of your Hq. and of higher Headquarters on sentences in wire cutting cases, and they have been instructed to notify the same to all judges of Allied Military Courts sitting in their Provinces.

8. This Hq. will continue to make every effort to ensure that serious charges are brought to trial before an appropriate court and are adequately dealt with.

For the Regional Commissioner:

William H. Levit
WILLIAM H. LEVIT
Major, J.A.G.D.
Regional Legal Officer.

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C O N F I D E N T I A L

CONFIDENTIAL

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

December 1944

TO: Colonel W. E. BEHRENS, Deputy Chief Legal Advisor, HQ A.C., APO 394.

Dear Colonel:

I have already written you a letter this date in response to your AC/4002/154/L, 4 Dec. '44, concerning the wire cutting cases of Sandroni, Onorato and Ciotti, Agostino. The disposition of these cases was unfortunate; however, I believe sufficient precautions have already been taken to prevent a recurrence. Nevertheless, the letters of AAI and AFHQ raise what I have always felt to be a fundamental weakness in the administration of justice by AMG courts. For over a year, we have had AMG courts conducted by hundreds of different officers, some experienced, but most inexperienced, some lawyers, but most laymen, and for as many officers as we have sitting, we find an almost equal number of diverse views as to what is an appropriate sentence for a particular offense in a particular case. This is well illustrated by the statement in the May 30 letter of AAI that:

"We have no statistics available to show the average sentence given for offenses of this nature (wire cutting), but it appears that they may vary between approximately 8 days and 20 years". And I feel certain that a comparable variance would be found if we examined a large number of sentences for any of the common offenses. While admittedly sentences in individual cases must vary depending on circumstances, the ^{marked} variance which I have observed in the past year cannot be explained on this basis, but is due principally to the different views taken by judges as to what are appropriate sentences. These different views are often based on a misconception of the functions of military courts. To illustrate, in your letter of 4 Dec. '44, you refer to the ^{views} of the Legal Sub-Commission on sentences in wire cutting cases, which you say are well known to me. I know ~~only~~ that you take a "serious" view of such cases, but when it comes to translating that "serious" view into years of imprisonment, I am not so sure. Take the cases now under discussion. Two officers thought 5,000 Lire to be an adequate sentence. I have asked other officers and have received answers ranging from 6 months to 10 years. My point is that it is useless to tell officers to take a "serious" view of a case, unless you give them some guide as to what the Army feels is a "serious" view, for the reason that experience has shown that different people take a different view of what "serious" means.

As matters now stand, the only machinery available to equalize sentences to any degree, is by action of the reviewing authority. But here again, we have 9 or 10 independent reviewing authorities each with his own ideas as to appropriate sentences, and with no effort made to coordinate their actions.

You will recall that when you were RLO of Region 5, you were irked considerably by the variance in sentences for such simple offenses, circulation and

given for offenses of this nature (wire cutting), but it appears that they may vary between approximately 3 days and 20 years". And I feel certain that a comparable variance would be found if we examined a large number of sentences for any of the common offenses. While admittedly sentences in individual cases must vary depending on circumstances, the ~~next~~ variance which I have observed in the past year cannot be explained on this basis, but is due principally to the different views taken by judges as to what are appropriate sentences. These different views are often based on a misconception of the functions of military courts. To illustrate, in your letter of 4 Dec. '44, you refer to the ~~news~~ of the Legal Sub-Commission on sentences in wire cutting cases, which you say are well known to me. I know ~~early~~ that you take a "serious" view of such cases, but when it comes to translating that "serious" view into years of imprisonment, I am not so sure. Take the cases now under discussion. Two officers thought 5,000 Lire to be an adequate sentence. I have asked other officers and have received answers ranging from 6 months to 10 years. My point is that it is useless to tell officers to take a "serious" view of a case, unless you give them some guide as to what the Army feels is a "serious" view, for the reason that experience has shown that different people take a different view of what "serious" means.

As matters now stand, the only machinery available to equalize sentences to any degree, is by action of the reviewing authority. But here again, we have 9 or 10 independent reviewing authorities each with his own ideas as to appropriate sentences, and with no effort made to coordinate their actions.

You will recall that when you were RLO of Region 5, you were irked considerably by the variance in sentences for such simple offenses, circulation and possession. Finally in order to achieve some degree of uniformity and a proper level of sentences, it was deemed necessary and advisable to "informally" advise CACs as to what you considered to be appropriate sentences for the common types of offenses, where there were no unusual circumstances.

I have been informed in the past that it is contrary to AC/AG "policy" to issue any directive as to what are considered appropriate sentences. On the other hand, I think it is recognized as appropriate, where military interests are involved, for higher authority to inform an officer holding military courts that it considers his sentences in certain types of cases to be inadequate. This does not interfere with the judge's discretion to find a particular accused guilty or innocent. It merely requires him, once he has found an accused guilty, to impose an adequate sentence, having due regard to the necessity of military courts imposing deterrent sentences.

I feel that if it is proper to tell an officer that his sentences are too lenient, it is also proper to indicate to him what higher authority considers to be appropriate sentences for particular offenses, where there are no mitigating or aggravating circumstances.

ACG courts have been operating over a year. Many thousands of cases have been tried during that period of time, and I imagine that 90% of these cases involve no more than 5 or 6 different types of offenses, e.g., circulation, dur-
few, theft or possession of W.D. property, possession of arms, etc.

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C O N F I D E N T I A L

To my way of thinking, it is not "justice" to have one judge impose fines of 200 Lire for circulation violations and another, under almost identical circumstances, to impose sentences of 30 days imprisonment. I do not believe the answer is for the RLO to try to cut the higher level down on review. Even the RLO may have unsound ideas as to sentences.

I do not recommend that judges be told, for example, that in all circulation cases their sentences should be a fine of 500-700 Lire. But I do feel they could be told that it is considered that in the average case, where there are no mitigating or aggravating circumstances and based on past experience and military interests, an appropriate sentence is considered to be a fine of 500-700 Lire. Perhaps, a distinction could be made between cases occurring in Army areas and rear areas. At the same time, it should be stated that the suggested sentences are only guides and not intended to bind a judge in a particular case.

I know if something could be worked out along these lines, it would be received with pleasure and relief by CAOs, and I believe it would prevent people getting from "8 days to 20 years" for cutting signal lines.

Perhaps, you might bring this general subject up for discussion at the next RLO's meeting.

Sincerely,

Bill Lint

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CONFIDENTIAL

4002/5
HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

7 Dec 44

RVIII/19/43.

SUBJECT : Sabotage of Communications.

TO : HQ, AC (Att: Legal Sub-Commission).

1. Reference the attached letters 716/GSI dated 26 Nov 44 and 14LCS/058 dated 20 Nov 44. — 8C

2. It is pointed out that there are obstacles to the suggestion made in para 3 of 716/GSI.

a. SCAO's of Fifth and Eighth Armies have laid down the policy that offences against the laws of occupation should be tried by Military Government Courts in Army Areas.

b. In the back areas of this Region the organization and functioning of the Italian Courts is being carried out and these try cases under the Italian Penal Code.

3. In view of these two distinct forms of legislation may this HQ please be informed of your policy for dealing with the proposal of treating all cases of theft of live wire and cable as "furto aggravato" under present Italian Law.

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

DMF/an.

Copy to:- R.L.O.

LEGAL SUB-COMMISSION
CLO
ASST CLO
Chief Counsel
CLO
Italian Section
CLERKS
11 DEC 1944



ALLIED COMMISSION
 LEGAL SUB-COMMISSION

WES/ma.

5 December 1944.

AG/1402/15/1.

SUBJECT : Wire Cutting.

TO : Hq No. 1 District.

1. The AGC Lazio-Umbria Region have forwarded to this Hq your 715/GSI of 26 Nov 1944 with a request to reply thereto.

2. In AGC Territory any person found in possession of D cable can be prosecuted in AGC Courts for illegal possession (under AGC Proc 1, Art. IV, Sec 17 or Art. V, Sec 27); or, if the evidence warrants, for theft (under same ~~provisions~~); or when actual cutting of the wire can be proved, for damaging telephone wire (Art. IV, Sec 12).

3. Frequent instructions have been issued by this Hq that heavy sentences are to be awarded in all cases of wire cutting and interference with communications.

4. In AGC Territory and, if desired, in AGC Territory, the cases can be referred to the Italian Courts for trial under Italian law. The Italian law provides drastic remedies, whether as punishment for auto-aggravate or for interference with communications, and the Minister of Justice has issued circulars to Italian Courts stressing the importance of adequate sentences. No further legislation is necessary to provide protection for the Allied Forces.

5. It is agreed that Regional and Provincial Legal Officers should approach the appropriate Procuratori Generali and Procuratori del Regno in order to ensure that the seriousness of the offence is realized. It is also agreed that publicity is eminently desirable, and the AGC is being approached to take the necessary action. All court cases should be reported to this Hq to provide material for this purpose.

For the Chief Commissioner :

W. A. BOWEN.

Colonel,

Deputy Chief Legal Advisor.

Copy to :

AG for AGC TOSCANIA Region
 " " " LIGURIA-UMBRIA
 " " " ABRUZZO-MARCHE
 " " " EMILIA

(for action to report publicity material),
 for action as in paragraph 5.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

9A

6 December 1944. /mt.

AC/4002/15/L.

SUBJECT : Wire Cutting.
TO : PRO.

1. Complaints are again pouring in from the forward areas of the frequency of wire cutting offences.
2. Hq No. 1 District request a publicity campaign.
3. There are no particular cases available at the moment, but details are being requested.

W. E. BYRNES,
Colonel,
Deputy Chief Legal Advisor.

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Copy to: AC/4009/L.

C-O-N-F-I-D-E-N-T-I-A-L
CONFIDENTIAL

(8A)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO-UMBRIA REGION, LEGAL DIVISION
APO 394

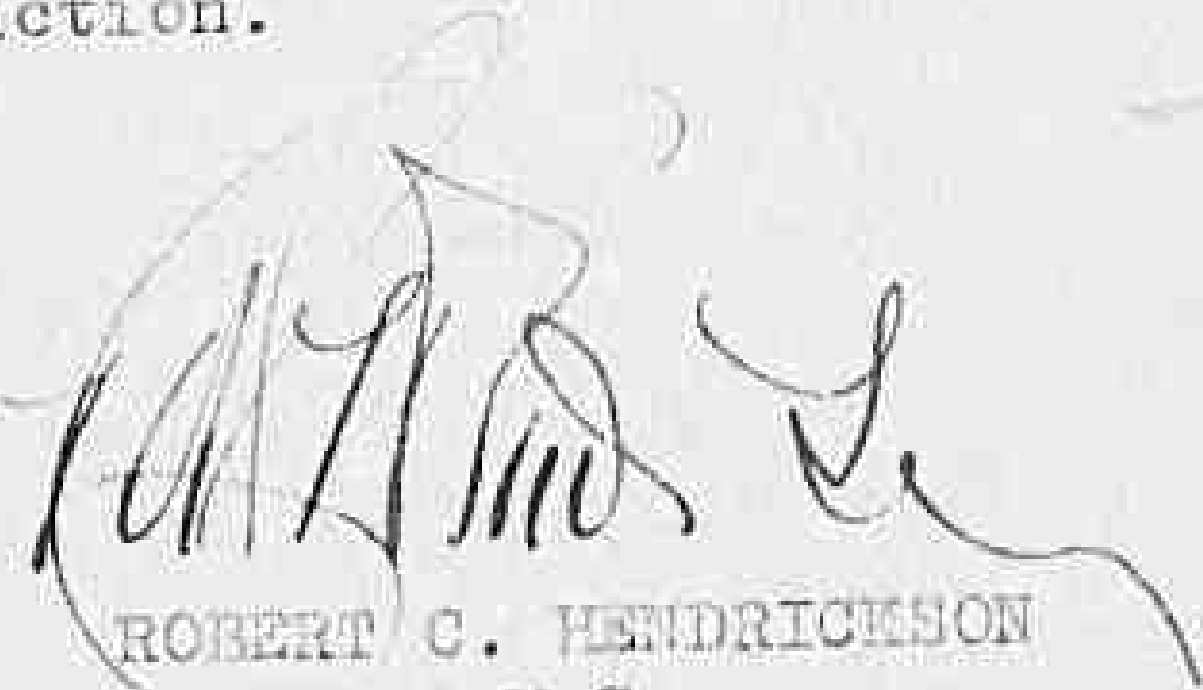
L/1038

2 December 1944

SUBJECT : Sabotage of Communications.
TO : Chief Judicial Officer,
Legal Sub-Commission
(attention Lt.Col. Campbell)
HEADQUARTERS ALLIED COMMISSION

1. Herewith please find copy of letter with reference to our telephone conversation of this date morning.

2. Obviously the question here posed involves a matter of policy, which should be decided so as to afford uniformity in all Regions, under our jurisdiction.


ROBERT C. HENDRICKSON
Major, A.U.S.
Regional Legal Officer.

2 Incls.

Incl.1. : 1 copy of letter 716/GSI, 26/11/1944, from Major General Commanding No.1 District.
Incl.2. : 1 copy of letter 14LCS/058, 20/11/44 from Lt.Col. H.W.C. Stephens.

RCH/GV.

CONFIDENTIAL
C-O-N-F-I-D-E-N-T-I-A-L

CONFIDENTIAL

SUBJECT: Sabotage of communication

HQ. A.E.G.

TOSCANA Region

716/GSI/

26 Nov. 1944

Reference attached copy letter 14GIS/058 dated 20 Nov. 1944, in particular para 3.

1. It would appear from the fact that the wire was found in the possession of the four civilians that this was an obvious case of being an illegal possession of W.D. property, and it would, therefore, seem unnecessary to charge the persons in question with "interrupting communications", for which it is agreed the culprits would probably have to be caught in the act of cutting the cable.

2. This case is passed to you as being typical of several cases which have occurred in SICILY and ITALY, which, though obviously not sabotage nor even wilful damage, constitute a theft which in effect, if not in intention, is tantamount to interrupting communications. At times the number of these incidents has reached serious proportions, and experiences show that this type of offence can be stamped out of existence only by extremely severe sentences whenever the thief is caught.

3. There seems to be no reason why all cases of theft of live signal wire and cable should not be treated, under present Italian law, as "furto aggravato" for which the maximum sentence of 6 years plus a severe fine would do much to dissuade others from attempting similar thefts.

This would entail no additional legislation, as the crime of "furto aggravato" already exists in the Italian Penal Code. A letter from Regional HQ's AMG/ACC instructing all Legal Offices to ensure that the suggestion made in this para be carried out in Italian Civil Courts would presumably have the desired effect.

4. Should you be in agreement with the proposal made in para 3 above, it is further suggested that publicity be given, in the press and by proclamation, to the intention of dealing with theft of wire and

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This would entail no additional legislation, as the crime of "furto aggravato" already exists in the Italian Penal Code. A letter from Regional HQ's AMG/ACC instructing all Legal Offices to ensure that the suggestion made in this para be carried out in Italian Civil Courts would presumably have the desired effect.

4. Should you be in agreement with the proposal made in para 3 above, it is further suggested that publicity be given, in the press and by proclamation, to the intention of dealing with theft of wire and cable with increased severity, and that all exemplary sentences given in the future be likewise publicised.

S/
T/ Major General, Commanding
No. 1 District.

C.M.F.
ILL/JAT

Copy to: GSI (b), Adv HQ, A.A.I.
HQ AMG LAZIO Region
HQ AMG ABRUZZI-MARCHE Region) hereby requested.
CSO No.1 District. (ref your X/9/3 dated 23/11/44).

di lettere
bus Pa.

C O P Y

SUBJECT : Cable sabotage

(8c)
 14 L. of C Signals, CMF
 14LCS/058
 20 Nov. 1944

CSO No 1 District

Copy to : CSO L. of C ITALY

1. In the last few weeks our local telephone has been frequently out of order owing to the local inhabitants removing pieces of cable. In view of this, an inspection was carried out of the neighbourhood and four different cases found of locals being in possession of cable.

2. It would appear that it is used for

- (a) fencing
- (b) Tying loads on carts.

It would also seem that when going up a hill and the load starts to shift on a cart, to cut out a little bit of an old cable and tie it on, is fairly common practice from information received from local farmers.

3. I gave names of the four people to the Public Security Officer, A.M.C., FLORENCE, who promised to try and prevent recurrences. He seemed concerned because the offence was interrupting communications but in order to take action against individuals stated it was really necessary to catch them in the act of cutting the cable.

4. In the above four cases, as the individuals were taken in a caged truck by my RSM and as they believed that ~~xxxx~~ they were being taken to jail and were quite scared, they are themselves unlikely to repeat the offence.

5. However it would seem to be much easier to stop interruption of ¹³ communications if it could be made a serious offence for Italians to be in possession of telephone cable. At the moment, a house to house inspection in the neighbourhood would merely incriminate most inhabitants.

Signed H.W.C. SPENCER.

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Signed H.W.C. STETSON,
Lt. Col R Signals,
Cmd 14 L of C signals.

Confidential

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(7A)

AC/4002/4/L.

WEB/ap.
4 December 1944.

SUBJECT : Wire Cutting.

TO : Regional Commissioner, Emilia Region
(for Regional Legal Officer).

1. Herewith 3 copies of letters from AFHQ and HQ AAI which are self explanatory.
2. Please obtain from the judges concerned and report to this Sub-Commission the desired information.
3. Please notify to the judges concerned and all other judges the views of this Sub-Commission on sentences in wire cutting cases which are well known to you.

By command of Commodore STONE:

W. E. BEHRENS, Colonel
Deputy Chief Legal Advisor.

Incls.

12

CONFIDENTIAL

4002/4
ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

-3 DEC 1944

(60)

G-5: 383.4

30 November 1944

SUBJECT: Damage to Allied Communications.

3 DEC 1944

TO : Headquarters, Allied Commission, APO 394

1. Attached is copy of AAI letter 1407/2/GSI(b) — 6R
dated 24 November 44.

2. Prime facie the sentences in the two cases mentioned appear dangerously inadequate in view of the disastrous results that may accrue from wilfull damage to operational lines.

3. Please investigate these cases and inform this HQ of any special circumstances affecting them.

4. A serious view is taken at this HQ of this type of case.

Charles M. Spofford
CHARLES M. SPOFFORD
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

Incl:
as above.

LEGAL SUBCOMMISSION	
CLO	
DCLO	✓
Chief Counsel	
CLERKS	
4 DEC 1944	

CONFIDENTIAL

5353

C O P Y

CONFIDENTIAL

(68)

SUBJECT: Sentences in respect of wilful damage to Allied Communications

ADV HQ ALLIED ARMIES IN ITALY

Tel:- FILPOT ADV 79

1407/2/GSI(b)

24 Nov 44

AFHQ

1. The following two cases have recently come to the notice of this HQ.

(a) On 8 Sep 44 an Italian named SANDRONI Onorato was arrested for cutting and removing one mile of Allied military signal line at S. GIOVANNI in MARGNANO (5 Corps area). He was brought to trial before an AMG Court at S. GIOVANNI on 9 Sep 44. He was convicted of the offence, and fined 5000 lire.

(b) On 12 Sep 44 another Italian named CIOTTI Agostino was arrested for cutting and removing one and a half miles of signal line serving a Pz Regt RA at MORCIANO (Cdn Corps area). He was brought to trial before an AMG Court at MORCIANO on 13 Sep 44, convicted of the offence and fined 5000 lire.

2. In both cases the signal lines concerned were operational.

3. Both offenders were charged under Proclamation No 1, Section 12. This reads: "Any person who interferes with communication by mail, courier, telegraph, telephone, cable or otherwise, or removes or damages any telegraph, telephone or electric power wire, shall, upon conviction by an Allied Military Court, be liable to punishment by death or by imprisonment or fine or both, as the Court may determine".

4. It is considered that the sentences imposed in these cases were totally inadequate in view of the seriousness of the offences.

5. Considerable trouble is being caused by wilful damage to Allied signal communications. In most cases the motive is probably theft rather than sabotage, but the detrimental effect on operational efficiency is the same.

6. It is far from easy to discover and arrest those responsible for acts of this nature: on the comparatively rare occasions when they are apprehended, therefore, it is considered essential that they should be punished with a proper severity, so that their punishment may act as a strong deterrent to others.

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- (b) On 12 Sep 44 another Italian named Grotti Agostino was arrested for cutting and removing one and a half miles of signal line serving a Fd Regt RA at MORCIANO (Cdn Corps area). He was brought to trial before an AMG Court at MORCIANO on 13 Sep 44, convicted of the offence and fined 5000 lire.
2. In both cases the signal lines concerned were operational.
 3. Both offenders were charged under Proclamation No 1, Section 12. This reads: "Any person who interferes with communication by mail, courier, telegraph, telephone, cable or otherwise, or removes or damages any telegraph, telephone or electric power wire, shall, upon conviction by an Allied Military Court, be liable to punishment by death or by imprisonment or fine or both, as the Court may determine".
 4. It is considered that the sentences imposed in these cases were totally inadequate in view of the seriousness of the offences.
 5. Considerable trouble is being caused by wilful damage to Allied signal communications. In most cases the motive is probably theft rather than sabotage, but the detrimental effect on operational efficiency is the same.
 6. It is far from easy to discover and arrest those responsible for acts of this nature: on the comparatively rare occasions when they are apprehended, therefore, it is considered essential that they should be punished with a proper severity, so that their punishment may act as a strong deterrent to others.
 7. There is no doubt that, if the offenders in these cases had been Allied soldiers, they would have suffered a far heavier penalty than a fine of 5000 lire. It is clearly wrong that Italian civilians, found guilty of interfering with Allied communications, should be treated more leniently, than would Allied soldiers in their place.
 8. This matter has already been taken up by this HQ with the Allied Commission, and a copy of our letter dated 30 May 44 addressed to the Executive Commissioner is attached. It appears, however, that this has not had the desired effect.
 9. It is urgently requested therefore that HQ Allied Commission be instructed that cases of this kind must be severely dealt with on account of the serious interference they cause with military operations.

/s/ 999999999 Lt. Gen.
for General,
Commander-in-Chief,

ALLIED ARMIES IN ITALY.

5388

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

Ref/319/72/CA.

1 June 1944.

SUBJECT: Sabotage and Theft of Signal Lines.

TO ✓ : Legal Sub-Commission.

1. Reference your ACC/14609/PS of 27 May 1944.
2. I attach copy of further letter dated 30 May 1944 from HQ AAI (BGS -(I)) on above subject.
3. It is thought you may care to discuss the matter with Brigadier Airey as early as possible and with this in mind, copy of the correspondence has also been sent to ACC Liaison Officer, HQ AAI.

LEGAL SUB COMMISSION

CLO

DCLO

Chief Counsel

CJO

Itolion Section

CL RKS

HE/RAC.

Copy to: HQ. A.A.I.

ACC Liaison, HQ AAI.

Public Safety Sub-Comm.

Alfred E. Fiske
for
NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

SUBJECT : Sabotage and theft of Signal Lines. ALLIED ARMIES IN ITALY

CONFIDENTIAL

AAI/1465/2/GSI(b)

30 May 44.

Executive Commissioner, A.C.C.

Ref our AAI/1465/2/GI(b) dated 22 May 44.

1. The scale on which our signal comms are being interrupted by sabotage or theft is causing serious concern. The following incidents which have recently been brought to our notice by the C.S.O. may be quoted as examples: on 28 May a section of the main permanent telephone route carrying the 5 Corps circuit was deliberately cut and communications disrupted: 52 A.A. Bde had lengths of cable cut on three nights in succession at the beginning of May in the POGGIA area: 4 A.A. Group had cables cut fourteen times in two months, and on one occasion (6 May) it had four hundred yards of five pair cable cut and removed.

2. We are anxious to ensure that all possible steps are taken to improve the situation, and in particular it is urged that such offences should be regarded as most serious, whatever the motive, since they are liable to have a direct prejudicial effect on the conduct of Allied operations.

3. In many cases it is not possible to detect and apprehend those responsible, but it is requested that, when offenders are caught, brought to trial and convicted, they should be punished sufficiently severely to act as an effective deterrent to others.

4. We have no statistics available to show the average sentence given for offences of this nature, but it appears that they vary between approx 6 days and 20 years, and that very light sentences are sometimes given when the motive is evidently theft rather than wilful sabotage.

5. It is pointed out, however, that whatever the motive may be, the result or effect of the offence is equally serious, and we should be glad if you would take the necessary measures to ensure that all such cases are treated with the severity which the military situation demands.

2. We are anxious to ensure that all possible steps are taken to improve the situation, and in particular it is urged that such offences should be regarded as most serious, whatever the motive, since they are liable to have a direct prejudicial effect on the conduct of Allied operations.
3. In many cases it is not possible to detect and apprehend those responsible, but it is requested that, when offenders are caught, brought to trial and convicted, they should be punished sufficient severely to act as an effective deterrent to others.
4. We have no statistics available to show the average sentence given for offences of this nature, but it appears that they vary between approx 8 days and 20 years, and that very light sentences are sometimes given when the motive is evidently theft rather than willful sabotage.
5. It is pointed out, however, that whatever the motive may be, the result or effect of the offence is equally serious, and we should be glad if you would take the necessary measures to ensure that all such cases are treated with the severity which the military situation demands.

JWP

Copy to: X Branch.

Brigadier,
B.C.S.(I)

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 594
ADMINISTRATIVE SECTION

(4A)

C
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100/14609/ES

27 May 44

SUBJECT : Theft of Signal Lines.

TO : IS & MC Section.

The Legal and Public Safety Sub-Commissions have considered your letter reference number 319/44, CL of 24 May 44 and are in agreement with the policy of deterrent punishments and publicity.

/s/ R.R. CRIPS,
Lieut. Colonel,
for the Admin Section.

8

Copy to: Legal Sub-Comm.

HEADQUARTERS
UNITED STATES COMMISSION
R.C. & H.C. Section
APO 394

COPY
30 Y
rlp

Ref/319/HA/CA.

24 May 1944.

SUBJECT : Sabotage and Theft of Signal Lines.

TO : Admin Section (2) - For Public Safety
and Legal Sub-Comm.
Public Relations Officer.

1. I attach copy of a letter received this day from
HQ, AIL, reference AIL/1265/2/GSI(b) of 22 May 1944.

2. Would you please let me have your comments as
early as possible.

/s/ Norman E. Fiske
NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

(38)

C
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rlp

SUBJECT : Sabotage and theft of Signal Lines.

HQ. ALLIED ARMIES IN ITALY

Executive Commissioner,
ACC.

AAI/1465/2/CSI(b)

22 May 44

1. We continue to receive frequent reports of damage to signal lines through sabotage or theft - mainly the latter.
2. Apart from the inconvenience and the waste of time, labor and material involved, the interruption of our line communications may have serious operational consequences.
3. A certain proportion of the offenders are caught, brought to trial and convicted, and it is considered that maximum publicity should be given to such convictions when the sentences imposed are such as to act as an effective deterrent.
4. It is requested that Regional and Provincial Commissioners and SCAGs be instructed to insure that such publicity is effected in appropriate cases.

Brigadier,
BGS (I)

JWF
Copy to: X Branch.

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

To C.I.A.

16 May 1944.

Ref/280/26/OA.

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

TO : No.3 District.

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

(a) De MICCA Agostino.

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

(b) NAPPO, Michele.

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

(c) MUNZIELLO Musella.

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

(d) VECCIONE Felice.

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

(e) PAVOLARDO Felice.

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

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

④ 1/2/44 C.I.

⑤ 1/2/44 C.I.

10

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

John W. Reakes, Maj
Major J. S. Reakes

M. S. LUSH,
Brigadier,
Executive Commissioner.

JSR/RAC.

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

LEGAL SUB-COM	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	

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

(1A)

Ref/280/20/CA.

18 April 1944.

SUBJECT: Sentences of Civilian Prisoners No.3 District.

TO : R.C. Region III.

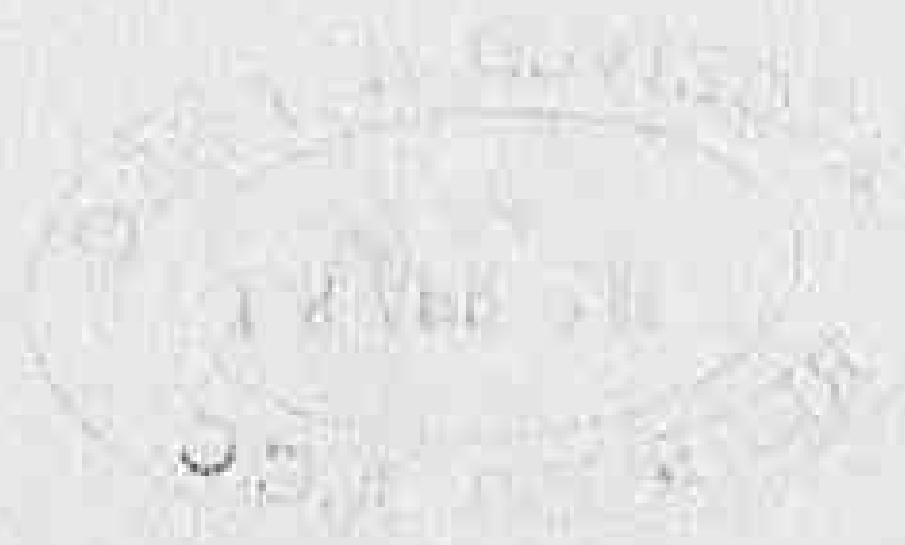
1. This Headquarters has received from Comd. No.3 District a letter on the above subject written by Comd. 57 Area. Copies of the correspondence are attached.
2. Will you please forward your comments as early as possible.

Not Supp Ltr

L
NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

3

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



CONFIDENTIAL

(2B)

SUBJECT: Ineffectiveness of ACC Courts and
legal procedure.

3 District
Tel Ext 10.
4/GSI.

10 April 44.

HQ Allied Control Commission
APO 394.

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

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

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

Maj Gen
Comd.

C O P Y

(1C)
CONFIDENTIAL.

Subject: Ineffectiveness of ACC Courts and
legal process.

G. 399/1

6 April 44.

G. 3 District.

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

2. DE MICCA Agostin.

(a) On 23 Jan 44 an Italian civilian called DE MICCA was observed in the act of removing a length of telephone cable running alongside the Autostrada. On being approached he ran away but was chased, caught, and handed over to the military police.

(b) DE MICCA then gave a false address and succeeded in escaping from the custody of the military police.

(c) On 31 Jan 44 DE MICCA was recaptured, denied that he had been apprehended two days before but later confessed to it and that he had given false particulars. He was placed in the civil jail.

(d) On 1 Feb 44 the PSO 312 PB Sec made a report to the Public Safety Division AMG Region 3 attaching signed statements by witnesses.

(e) The next information received was that DE MICCA had been released on bail pending trial despite his behaviour on first being apprehended.

(f) A letter was then sent by this HQ to the Regional Commissioner AMG Region 3 complaining of the action taken, to which a reply was received on 4 Mar which stated.

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

DE MICCA was not re-arrested and did not surrender to his bail

- (c) On 31 Jan 44 DE MICCA was reapprehended, recalled to it and that apprehended two days before but later confessed to it and that he had given false particulars. He was placed in the civil jail.
 - (d) On 1 Feb 44 the PSC 312 PS Sec made a report to the Public Safety Division AMG Region 3 attaching signed statements by witnesses.
 - (e) The next information received was that DE MICCA had been released on bail pending trial despite his behaviour on first being apprehended.
 - (f) A letter was then sent by this HQ to the Regional Commissioner AMG Region 3 complaining of the action taken, to which a reply was received on 4 Mar which stated.
 " when your communication reached the desk of the Regional Legal Officer, he immediately ordered cancellation of the bail and the re-arrest and immediate trial of the accused."
 - DE MICCA was not re-arrested and did not surrender to his bail at the trial on 20 Mar.
 - (g) Sub Poenas for witnesses were not prepared in due time and at the last moment the PSC 312 PS Sec secured the attendance of the witnesses.
3. NAFFO Michele and NUNZIELLO Musella.
- (a) On 7 Feb 44 two Italians named above were stopped by CMP for being in possession of lengths of telephone cable and a pick. While being questioned NUNZIELLO ran away and was recaptured by the CCRR on 8 Feb 44.
 - (b) The lengths of cable were identified as part of the main telephone cable which runs along the Autostrada.
 - (c) All particulars of the evidence were passed to Public Safety Division AMG Region 3 by PSC 312 PS Sec on 11 Feb 44. The PSC finished his report by stating,

...../

...

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

(d) After repeated applications to the prosecutions department at the Tribunal it was ascertained that the two accused were tried at NAPLES Summary Court, Nunziello on 13 Feb 44 received 8 days imprisonment, and MAPPO on 15 Feb 44 and case dismissed. No witnesses were called, nor were the exhibits called for, despite the fact that copies of all statements of witnesses and full briefs had been lodged with the prosecuting department by the PSO 312 PS Sec.

4. PAPPALARDO Felice.

The above was arrested at TORRE ANNUNZIATA by an NCO of 312 PS Sec in Feb 44 and charged with selling spurious whiskey to troops. All evidence and exhibits were ready but the case was transferred by ACC to an Italian Court in NAPLES and accused was dismissed. No evidence was sought.

5. VECCIONE Felice.

(a) VECCIONE a baker was charged with having bribed two youths working for 16 BAD to procure for him 3 in mortar augmenting charges in exchange for bread. 20 charges were found in his house together with empty 12 bore sporting cartridges, shot and cartridge making machine.

(b) The youths admitted giving him the charges. ACC agreed to produce the youths in the Court on 21 Mar 44 as witnesses but only one appeared and it is reported that he then gave different evidence.

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

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

and exhibits were ready but the case was transferred by ACC to an Italian Court in NAPLES and accused was dismissed. No evidence was sought.

5. VECCHIONE Police.

- (a) VECCHIONE a baker was charged with having bribed two youths working for 16 BAD to procure for him 3 in mortar augmenting charges in exchange for bread. 10 charged were found in his house together with empty 12 bore sporting-cartridges, shot and cartridge making machine.
 - (b) The youths admitted giving him the charges, ACC agreed to produce the youths in the Court on 21 Mar 44 as witnesses but only one appeared and it is reported that he then gave different evidence.
 - (c) Notwithstanding the fact that the charges were found in his house the case against VECCHIONE was dismissed.
6. I have repeatedly asked ACC to treat such offences with more severity and care, but have not been very successful in obtaining results. I would appreciate if the matter could be strongly taken up as the present ineffective action is no deterrent to others and is disheartening to those military personnel endeavouring to bring these civilians to justice.

(Sgd) J.G. Brunner-Randall,
Brigadier,
Commander,
57 Ares.



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