

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

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SEARCHING
MAY - JU

ACC

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SEARCHING OF MINISTER OF JUSTICE BY MILITARY POLICE
MAY - JULY 1944

FILE CLOSED 7 JULY 1944

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

FOIA

ACC/4018/1/L

7 Jul 44

SUBJECT: Searching of Minister of Justice by Military Police

TO : R C & M G Sec

1. Reference your 388/B/CA of 5 Jul 44.

2. While the account given by the Minister differs from that of the Military Police as to the number of cigarettes involved in this particular incident, it looks as if circumstances will render any further difficulties improbable after the next few days. Despite the possibility that a few cigarettes, etc., may be carried along in official cars it would seem better that searches of passenger cars of ministers should not be made. Nothing much is gained from a law enforcement standpoint. On the other hand undesirable friction does result.

RICHARD H. WILMER.21
Colonel, C.A.C.
Acting Chief Legal Officer.

4018/1 ~~4018~~

HEAD HEADQUARTERS
 CHIEF OF POLICE
 Public Safety Sub-Commission
 APO 194

9A

ACC/11408/PS

4th July, 1964

SUBJECT : Searching of Minister of Justice by
 Military Police.

TO : HC & MI Section.

1. Reference your 398/13/SA dated 18 June addressed to No. 3 District copy to Legal and Public Safety Sub-Commission.
2. The recent correspondence in connection with this incident is as under and copies are attached.

ROC/MI dated 12 May to Italian Liaison Section.
 Rear HQ ACC from Deputy Chief Commissioner.

Memo from Italian Liaison Section dated 26 April
 to Capt. Slaughter.

Translation of letter File No. 4182 dated 5th May
 to ACC from under-secretary of State.

Memo ROC 200.2 dated 17th May to Executive Commissioner
 from Deputy Chief Commissioner.

Letter Ref/429/5/CA dated 10th May to IPI District (for
 57 and 54 Sub-Area). HC Region III, P.D.F. and Public
 Safety Sub-Comm. from HC & MI Section.

Memo R 138/PPH dated 10 June to HC & MI Sec. from AFI,
 57 Area.

Letter Ref. 429/5/CA dated 14 June to Adm. Sec. (for
 Public Safety Sub-Comm.) dated 14th June from Deputy
 Executive Commission.

Letter ACC/11408/PS dated 17 June to HC & MI Sec. (through
 V.R. Adm. Sec.) from C.P.S.

3. Legal Sub-Comm. has been advised of the situation and
 Italian Liaison Section has been asked to verify the fact
 that the placards are being used.

Copy to: Legal Sub-Comm. ✓

CC/MI/hgd

PAUL G. HIRSH, Chief Counsel
 Colonel, Inf. 15
 Chief, Public Safety
 Sub-Commission Italian Section

CL-RKS

Col. Hirsch
 for information
 no action

20

COMMISSIO

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

FJS/mip

12 May 1944

MEMORANDUM TO: Italian Liaison Section, Rear Hq. ACC.

Subject: Display of Identification Placards by Members of the Italian Government.

The display of the attached placards by members of the Royal family and ministers of the Italian Government are approved.

Instructions should be given that the placard will be displayed only when the vehicle is occupied by a person or persons authorized to display the sign.

Notification of the above is being furnished to 94 Area, PLS and 57 Area with request that any assistance possible to facilitate their movement be given.

ELLERY W. STONE
Captain, USNR
Deputy Chief Commissioner

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DCC 200.2

17 May 1944.

MEMO TO: Executive Commissioner

SUBJECT: Display of Identification Placards by
Members of the Italian Government.

1. The display of the attached placards has been approved by the Commission and by the Italian Government. See attached copy of letter No. 4422, dated 5 May 1944, from the Presidency of the Council of Ministers.

2. A copy of the formal notification to the Italian Liaison Section is attached.

3. It is desired that PBS, 57 and 94 Sub-Areas be informed in substance as follows:

"The attached identification placards have been authorized by the Allied Control Commission for use of, and have been accepted by the Italian Government.

"The attached list shows those who are currently authorized to display the placard.

"This identification placard does not in any way entitle the user to any special privileges other than those ordinarily rendered to members of the Italian Government, but serves as a ready means of identification, and it is requested that all assistance possible be given to facilitate the movement of a car displaying this sign."

18

ELLERY W. STONE
Captain, USNR
Deputy Chief Commissioner

4 Incls:

- Incl 1 - Ltr Council of Ministers #4422, 5 May 1944
- Incl 2 - Ltr DCC 200.2, 12 May 44 to Italian Liaison Section
- Incl 3 - List of Officials entitled to placards
- Incl 4 - Designs for placards.

TRANSLATION

Presidency of the Council of Ministers.
Cabinet.

File No. 4422

Salerno 5 May 1944

Subject: Insignia for automobiles of the Members of the Government.

To ; Allied Control Commission,
Salerno.

We wish to confirm the adoption of the attached insignia, already approved by the Commission, for the cars of Ministers, Under Secretaries of State, Cabinet Heads of the Ministers and High Commissioners.

The Under-Secretary of State

/a/ (illegible)

Translation No. 398 - DSG - 10 May 44 - Sgt Sorisi/ ajp

17

C O P Y

LIAISON OFFICE to A.C.C. REAR H.Q.
-----MEMORANDUM for Captain SLAUGHTER

Following members of Royal House would be entitled to display on their cars, when on board, crown insignia:

H.M.	THE	King
H.M.	"	Queen
H.R.H.	"	Crown Prince
H.R.H.	"	Duke of Genova
H.R.H.	"	Duchess of Genova
H.R.H.	"	Duke of Aosta
H.R.H.	"	Duchess of Aosta (Mother)

Following High Officials would be entitled to display on their cars, when on board, yellow and red insignia:

Ministers and their Chiefs of Cabinet
Undersecretaries of State and their Chiefs of Cabinet
Secretary General of Foreign Affairs and his Chief of Cabinet
High Commissioners and their 1st Secretaries

April 26 1944

/s/P. Apostolo
/t/P. APOSTOLO LT, RMR.
Liaison Officer A.C.C. Rear H.Q.

16

C O P Y

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

Ref/429/6/CA.

20 May 1944.

SUBJECT : Display of Identification Placards by
Members of the Italian Government.

TO : III District (for 57 and 94 Areas)
R.C. Region III
P.B.S.
Public Safety Sub-Commission.

1. The display on automobiles of placards as attached has been approved by the Allied Control Commission and by the Italian Government as follows:

Crown Insignia

H.M.	The King
H.M.	" Queen
H.R.H.	" Crown Prince
H.R.H.	" Duke of Genoa
H.R.H.	" Duchess of Genoa
H.R.H.	" Duke of Aosta
H.R.H.	" Duchess of Aosta (Mother)

Yellow and Red RCI Insignia

Ministers and their Chiefs of Cabinet.
Undersecretaries of State and their Chief of Cabinet.
Secretary General of Foreign Affairs and his Chief of Cabinet.
High Commissioners and their 1st Secretaries.

2. Instructions have been given that the placard will be displayed only when the vehicle is occupied by the person or persons authorized to display the sign.

3. The identification placard does not in any way entitle the user to any special privileges other than those ordinarily rendered to members of the Italian Government, but serves as a ready means of identification, and it is requested that all assistance possible be given to facilitate the movement of a car displaying this sign.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner.

Copy to:

Deputy Chief Commissioner (ref. your ACC/200.2 of 17 May 1944)

SUBJECT: RGI and Crown Insignia.

R & MG Sec.
A.C.C. AFO 394

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May this office please be supplied with copy of your 429/6/CA dated 20 May 1944, together with 6 specimens of the RGI and Crown Insignia for issue to Military Police units under command.

10 June 1944.

Major,
Assistant Provost Marshal
Headquarters 57 Area.

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

14 June 1944.

Ref/429/9/CA

SUBJECT : RGI and Crown Insigna.

TO : Admin. Section. (for Public Safety Sub-Comm.)

Reference the attached copy letter from AMP 57 Area dated 10 June 1944, can you forward a few more copies of placards for the use of the APM.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner.

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

17 June, 1944.

ACG/14408/PS.

SUBJECT : R.G.I. and Crown Insignia.

TO : RC & MD Section (through V.P. Admin. Section)

1. Reference your letter 429/9/CA, dated 14 June, 1944.
2. Forwarded herewith are six (6) specimens of the Crown and R.G.I. placards for issue to APM, 57 Area.

Paul G. KIRK,
Colonel, Inf.
Chief Public Safety
Sub-Commission.Enclosure:Six specimen Crown cards.
Six specimen R.G.I. cards.Copy:

Italian Liaison Section.

RECEIVED
6 JUL 1944
MISSION
HQ. A.C.C.

5 July 1944.

TO : Admin. Sect. (for Legal Sub-Comm.)

Plum Lake May

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

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LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	

Subject : Discipline

3 District
Tel Ext 18
146/4A

HQ Allied Control Commission
(Rc and MG Sec).

3 July 44.

A AAI
214 Gp RAF

Ref your 388/18/CA dated 28 Jun 44.

1. The attached report from the RAF Military Police who stopped the Minister's car is forwarded.

2. Ref para 4 of your letter, as 800 American and British cigarettes were found in the luggage do you still consider special passes should be issued exempting "High Italian Officials" and their families or friends from these snap checks for contraband?

Maj Gen
Comd

HBT/MH.

COPY

Officer i/e
Mobile Check Post.
No 3 District.

Sir,

I have to report that at about 0900 hrs. 22 June 44. I was on duty in company with Cpl. Nott. E. R.A.F. Police on the Scafati - Salerno Road, when in the course of our duty we had occasion to stop a civilian car containing three men and a lady.

Inside the car were several suitcases, and the driver seemed very reluctant over allowing them to be examined, stating that one of the passengers was a Minister of the Italian Government and that neither he nor any of his passengers were in possession of contraband or any Allied property. However on examination of the cases by Cpl Nott and myself we found that one of them contained about 800 American and British cigarettes, concealed underneath garments of clothing.

Each passenger was questioned in turn but none would accept ownership, they were accordingly confiscated.

During the examination of the vehicle the utmost respect and consideration was shown by Cpl Nott and myself towards the persons concerned. The attitude towards us however was not becoming, and they doubted our authority although we were correctly dressed in duty order and wearing arm-bands.

(Sgd) T M Hue Col
919362
R.A.F. Police

Field 24 June 44.

Sir,

I have read over the above report and corroborate.

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Legal
-1 JUL 1944LEGAL

(7A)

30 JUN 1944

Office of the Acting Chief Commissioner

Searching of Minister of Justice by
Military Police

A/CC 014.13

R.C. & M.G. Section, Hq ACC

30 June

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1. Reference is made to attached:

- a. Letter, Admin Sec Hq ACC, ACC/4018/L, dated 27 June 44.
- b. Letter, Legal Sub-Commission, Hq ACC, ACC/4018/L, 27 June 44.
- c. Letter, Ministry of Justice, dated 22 June 44 (translation).

2. The Acting Chief Commissioner requests that the strongest representations be made to the Military authorities requesting that appropriate instructions be issued to prevent future occurrences of this nature.

For the Acting Chief Commissioner:

L. D. DENSMORE
Colonel, Sig G
PA to A/CC

cc: Admin Section

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☒
Chief Counsel	☐
CJO	☐
Italian Section	☐
CL RKS	☐
	☐
	☐

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note for
Admin Sec at
Hq ACC
with Minister

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

3466

Ref/388/18/CA.

28 June 1944.

SUBJECT: Searching of Minister of Justice by Military Police.

TO : No.3 District.

1. Reference is made to telephone conversation by Major Reakes with your "A" Branch on the 22nd June 1944.
2. For your use is sent copy report by the Minister of Justice H.E. Tuppino setting out the facts of the case.
3. It is understood that the Minister's car bore the official markings and that both he and his Secretary were in possession of regular passes and identification papers.
4. It is suggested that instructions be given to the Military Police to use particular care when dealing with high Italian Officials. It may be that you may consider the need for the issue of special form of pass to high Italian Officials.
5. May this HQ be informed of the result of your enquiry into the incident.

LEGAL SUB-COMMISSION	
COUNSEL	
JUR/RAO.	
Copy to: Legal Sub-Commission (Your Ltr of 27 June refers)	
Public Safety Sub-Commission.	

John Reakes Maj

NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

Intercept *File* *5A*

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACC/4018/1

27 June 44

SUBJECT : Searching of Minister of Justice by Military Police.

TO : Acting Chief Commissioner.

- 1 The attached reports are forwarded for your information.
- 2 The suggestions by the Chief Legal Officer, contained in para 4 of his letter addressed to you are strongly endorsed. It is considered that Ministers should be excluded from searches of this kind and should be free to use all highways.

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STANSGATE,
VP Adm Sec.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ES/pa

(5B)
Rome

REFERENCE : ACC/4010/1/L.

24 Jun 44

SUBJECT : Examinations for Procuratori Legali.

TO : RLO (trhu RC) Region 3.
(Att. Officer i/c Italian Courts).

1. The Ministry has suggested to this Sub-Commission that the validity of the Ministerial Decree on the above subject dated 9 May 1944 and published in the Gazzetta Ufficiale No. 26 of 27 May 1944, be extended to all territory with the view of holding the examins here at Naples.

2. Would you kindly let us have your opinion at your earliest convenience.

ay
A. B. THORNTON,
Lt. Colonel,
for Chief Legal Officer.

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copy to : ACC/4010/1/L.
" " ACC/4018/1/L

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
No 394.

27 June 1944.

REFERENCE : ACC/4018/L.

SUBJECT : Searching of Minister of Justice by Military Police.

TO : Acting Chief Commissioner (thru V.P. Admin Sec).

1. Attached for your information is a report from the Minister of Justice, His Excellency Tuppins, concerning the searching of his own and his secretary's person as well as his car and official documents and private papers by members of the Allied Military Police on 22 June.

2. On learning of this incident on the afternoon of the same day, I telephoned to the R.C. & M.C. Section at ACC HQ., asking them to take the matter up immediately with No. 3 District. The result of the enquiry is awaited.

3. I understand that the Minister's car bore the official markings and that both he and his Secretary were in possession of regular passes and identification papers.

4. It is suggested that as any repetition of such incidents would be likely to have most unfortunate repercussions at a high level, instructions be given with all due speed to the Military Police to use particular care when dealing with high Italian officials, and that furthermore some form of special pass be established for such persons which will entitle them to free passage and exemption from such formalities.

GERALD R. UPJOHN.
Colonel,
Chief Legal Officer.

Encl : 1 copy report.

Copy to : Public Safety Sub-Commission.

Deputy Executive Commissioner (whose 388/13/CA
of 23 Jun 44 refers) - 3A

4018

File

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

Ref/388/13/CA.

23 June 1944.

SUBJECT: C.M.P. Activities.

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

Reference telephone conversation (Col. Upjohn - Major Reakes speaking) the incident has been reported to No. 3 District. "A" Branch ask for a fuller report of the incident in which a Minister of Justice was searched at 0830 hrs on 22 June 1944 in POMFETI by a C.M.P. despite the fact that he was carrying an official pass. More details such as description of the C.M.P., witnesses etc are required.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CL. RKS	

JSR/RAC.

Stewart Reakes Maj.
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NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
AFC 394

2A

23 June 1944.

REFERENCE : ACC/HOIS/L.

SUBJECT : Military Police action.

TO : H. E. Minister of Justice.

1. I am directed to acknowledge the receipt of the report drawn up by Your Excellency's Secretary, Dr. DONATO, on the subject of the searching of your person and your car on the 22 June instant.

2. Necessary steps have been taken to draw attention of the Military Authorities concerned to this incident and to make suitable provision for the avoidance of such procedure in the future.

3. Regret is again expressed that Your Excellency should have been put to this inconvenience.

Ref 2

A. R. THACKRAH.
Lieutenant-Colonel,
for Chief Legal Officer.

LJF/wcw.

TRANSLATION1A
Rome 22.6.44

Ministry of Pardon and Justice.

To the Allied Control Subcommission.

SUBJECT: Report on incident involving His Excellency the Minister.

On 22 June 44 at about 8 or 8.15 A.M. the car of His Excellency Tupini, Minister of Justice, was stopped at the police block in the outskirts of Pompei on the Naples autostrada. His Excellency was travelling from Salerno to Naples on official business for the purpose of attending a meeting with the other Ministers of the Cabinet of S.A.R. il Luogotenente del Rege.

In spite of the fact that the status of His Excellency appeared on the paper fixed to the wind-screen of the car and in spite of the fact that this status was declared orally and set out in his personal papers, the soldiers of the Allied Military Police having stopped the car proceeded to search everything in it, and even searched the person of H.E. Tupini, of his private Secretary Dr. Dondom and the driver. In the process of this search about a dozen "Old Gold" cigarettes were confiscated from Dr. Dondom, which he had in his pocket and also an empty petrol tin kept in the luggage "boot". The official papers and the private correspondence of the Minister and of those who were with him were examined.

Only after strong remonstrance and having stopped the car for about a quarter of an hour did the soldiers of the Allied Police allow His Excellency the Minister to proceed to Naples.

For your information and such action as may be fit.

Obediently

Dr. Dondom

Private Secretary to H.E. the Minister
for Pardon and Justice.

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