

ACC

10000/142/636

CASE  
JUN.



10000/142/636

CASE OF COSTANTINO LOMBARDO  
JUN. 1946 - MAR. 1947



4083/101

LOMBARDO COSTANTINO

in safe



GABINETTO

Cat.

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

785016

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|      |                      | 1.   | Nigro                | ETI 21   |                      |      |                      |      |                      |
|      |                      |      | NAPOLITANO           | EMANUELA |                      |      |                      |      |                      |
|      |                      |      | NAPOLITANO           | ROSA     |                      |      |                      |      |                      |
|      |                      |      | Nerola               |          |                      |      |                      |      |                      |
|      |                      |      | VARRIRO              | SABINO   |                      |      |                      |      |                      |



[illegible]



AC/4083/101/L.

Opened : 14 June 1945.

Closed :

SUBJECT : CASE OF COSTA RICAN IMMIGRANTS.

THIS FOLDER



SUBJECT : CAST OF COSTANTINO LAMARCA.

THIS FOLDER

CONTAINS PAPERS

FROM

*June - 1946*

TO

*March - 1947*

CATALOGUE - 10000/142/636



TO : Chief Commissioner.

1. As directed, we have made inquiry concerning the conviction in the Italian Courts of LOMBARDI Costantino referred to in letter 4 A.
2. An official copy of the sentence has been furnished by the Minister of Grace and Justice, 8 B. For translation see 9 B.
3. The case is before the Court of Cassation (Supreme Court).
4. No sound reasons have been advanced why we should interfere in this case.

19 October 1946.

*John K. Weber*  
JOHN K. WEBER,  
Colonel, Infantry,  
Chief Legal Advisor.

Col. Weber —

*Pls draft letter for me to  
Michael Lombardi — as follow-up  
on 7 A*

*22/x*

*WWS  
cc*

*24 Oct 46*

To: Chief Commissioner.

*Letter to Michael Lombardi is forwarded  
herewith as requested.*

*11 A*



file

LIAISON AND CIVIL AFFAIRS BRANCH  
LEGAL DIVISION  
ROME  
APO 794

LACAE/4083/10/L

6 March 1947

Mr. Michele Lombardo  
80 Underhill Avenue  
Brooklyn, New York.

My dear Mr. Lombardo:

Your letter of 15 February 1947 addressed to the Allied Commission has been received. The Allied Commission was abolished on 31 January 1947.

As has been stated in prior correspondence, the case wherein your brother has been convicted is of Italian origin and concern. It has followed the normal Italian legal process of trial and appeal. Jurisdiction has at all times been with the Italian Courts. We are not aware of any authority vested in us whereby we are permitted to concern ourselves in matters of Italian domestic law.

It has been our thought that the injustice of which you complain properly should be brought to the attention of the Italian Courts after the manner of Italian law provided in such cases. That task rightfully belongs to the advocate employed by your brother, and charged with the conduct of the case. We take the liberty again to give expression to such thought for whatever value it may have.

Very truly yours,

JOHN K. WEBER  
Colonel, Infantry  
Chief Legal Advisor



HC

4083 / 101

My dear Mrs. Lombardo

Letter of 18 February 1947 addressed  
to the Allied Commission has  
been received. The Allied  
Commission was abolished  
on 31 January 1947.

As has been stated ~~in~~  
~~your letter~~ in prior correspondence  
concerning the case wherein your  
brother has been convicted  
of Italian origin and concern.  
It has followed the normal Italian  
legal process of trial and  
appeal. Jurisdiction has at  
all times been with the Italian  
Courts. We are not aware of  
any authority vested in us  
whereby we <sup>are permitted to</sup> concern our-  
selves in matters of Italian  
domestic law.



It has been <sup>our</sup> thought that the  
injustice of which you complain  
should be brought to the atten-  
tion of the Italian Courts after  
the manner of Italian law pro-  
vided in such cases. That task  
naturally belongs to the advocate employed  
by your brother, and charged  
with the conduct of the case. We  
take the liberty again to give  
expression to such thought for  
whatever value it may have.

Very truly yours,



Lombardo Base

4083/101

Legal

15 February 1947

TO THE ALLIED COMMISSION,  
ANGLO-AMERICAN ARMY,  
Rome, Italy.

The painful fate that has befallen my close of kin  
Constantino anguishes me, torments me and tears at my heart.

I am more than confident that my say, imploring help, succor,  
protection and assistance to the transgression erroneously attributed to him  
replies to the irrefutable truth and I dare present the facts in minute details,  
confident that this Commission would kindly evaluate same and consider it duty-  
bound to grant his liberation.

My brother, Constantino Lombardo, son of Gio. Battista, re-  
siding at S. Giovanni a Teducci (Naples) 157 Via Ottaviana, in 199 rendered his  
services as interpreter in the Military Police at Corso Garibaldi office of  
Giulio Lusi. In the pursuance of the operations of said office, it seems that  
some of the agents of the M. P. has seized a quantity of gold, belonging to the  
following ladies: Mrs. Stella La Rocca, the sisters of Anna and Nunzia Barrelli,  
and Mrs. Assunta Jacobelli. Said incident resulted in my unfortunates's  
brother's plight who in pursuing his occupation was accompanying the police.

The said persons who held my brother's assistance in suspicion,  
who while he was the comrade of the operations completed both by the allies in  
which they thought he was an informer conspired together, and not being in a  
position to denounce the simulated crime of the said agents and accusing them  
of reprisals instead accused my brother of violence and other crimes. Following  
the accusation, the Marshall of P.S. L. named La Piccirella, at present also  
detained in jail at Poggioreale, Naples, for extortion, and also the sweetheart  
of one of the plaintiffs namely: Stella La Rocca, on April 4, 1944, arrested my  
brother, and after sixteen long days of unmentionable servitude and tortures,  
ended the mistreatments only when my brother exhausted, and grateful of retaining  
his life agreed, and assented to all the accusations of which he was literally  
unaware. Transferred to the jail of Naples that Allied Superior Court absolved  
him for insufficient evidence and remanded him to the jurisdiction of the Italian  
Court of the Assizes in which the 1st section on February 16, 1946, notwithstand-  
ing the overwhelming proofs of innocence, condemned him to 15 years of detention,  
fined him 20,000 lire, and banished forever of holding public office.

Now, the unfortunate Constantino, finds himself paying the  
penalty of a sentence which was inflicted upon him through the wilful conspiring  
of others, and which is only making him the victim.

I, across the tender voice of blood relationship and far  
removed from my beloved country perceive the echo of his imprecations at his  
adverse destiny. The cry of despair of his unhappy spouse, not to mention the  
wailing of his two little offsprings, deprived of any wholesome nourishment due  
to the absence of the parent who languishes in prison from the flighted fate of



of the melevolence of his accusers, I deem it duty bound to interest myself, in his actual sad position which is worthy of being taken into exceptional consideration and am hereby directing my appeal to the Allied Commission that they may intervene to the Court of Cassation for a more diligent revision of the trail or to the Minister of Grace and Justice, to obtain a review of the innocence of my brother and restore him to his country, to society and to his family which languishes in the most squalid misery amidst harsh and bitter sorrow.

Confident of your kind consideration, I extend my deepest gratitude and devout obedience.

Brooklyn, N. Y.

Humbly and with extreme indebtedness,

*Michele Lombardo*  
Michele Lombardo  
80 Underhill Avenue,  
Brooklyn, N. Y.



November 11, 1946

Dear Sir:

I have received your letter informing me about my brother, Contantino, Lombardi, and appreciate you sending me a detailed copy of his trial and sentence.

7 I know all about the Cassation court and his chances of the sentence being lowered, but isn't there anything the American authorities can do? Such as having an army or American civilian lawyer. Would that help any?

7 I do want to thank you very much for your untiring efforts in this case. Would having your there help any. I just know it would. I wish you could explain about the three (3) years, is it that his sentence may be lowered to that minimum or has it some other meaning, please explain.

You, the representative of the American authorities are the only one we, my family can write too.

Again I thank you fully for your cooperation in handling this case as far as keeping me in information as to what is happening. Closing,

I remain,

Michael Lombardo

80 Underhill Ave.,

Brooklyn New York



HEAD QUARTERS ALLIED COMMISSION  
AFB 794  
LEGAL DIVISION



AC/4983/101/1

MR/NS  
15 novembre 1946

OGGETTO : LOMBARDI Costantino.

A : Procura Generale della Corte  
di Cassazione.

Questa Divisione Legale gradirebbe conoscere se il ricorso per Cassazione proposto dal nominato in oggetto avverso la sentenza di cui estratto in copia allegata è stato già discusso e, nell'ipotesi affermativa, il relativo risultato.

Si gradirebbe altresì conoscere il nome del patrocinante.

Dette informazioni potranno essere comunicate alla nostra Sezione Italiana anche telefonicamente al nostro legale dott. Mario Fiore tel. 483041, int. 278.

JOHN K. WEBER,  
Colonel, Infantry,  
Chief Legal Advisor.

Otelto:

Return to Dott. Fiore



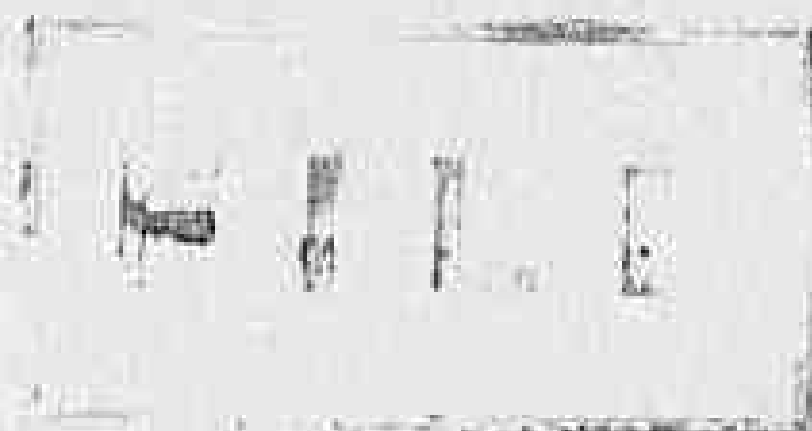
4093/101

FROM: COL. JOHN R. WEBER

13A

HQ ALLIED COMMISSION  
LEGAL DIVISION  
APO 794

12 November 1946



My dear Mr. Lombardi,

I wish to acknowledge receipt of your letter of 21 October 1946.

The Chief Commissioner, Admiral Stone, has advised you by letter dated 24 October 1946 concerning your brother's case. No doubt you have received such letter by this time.

Very truly Yours,

JOHN R. WEBER,  
Colonel, Infantry,  
Chief Legal Advisor.

Mr. Michael Lombardi  
80 Underhill Ave.,  
BROOKLYN, N.Y.



4083/101

Oct 21, 1946

12A

Dear Sir

In compliance with your letter in reference to one Mr. Costantino Lombardi, case No. A.C./4083/23/L.

I am Michael Lombardi Brother of the accused, so please try to help me all you can. I am trying my utmost to help him.

First, he was born on American soil, he has six brothers here in America all very good citizens and willing to help with time and money in order that



he get a fair trial, am  
appealing to you again to  
help as best you can, which  
I know you will.

Have you found out  
anything from the Italian  
Judiciary Officials concerning  
my brother?

We the Brothers will  
stand responsibilities about  
my brother, all we here  
know is he was sentenced  
to fifteen years and unjustly  
told. I know you as an  
American Colonel will see



Justice done, the American way.

I am awaiting your reply to this letter and a forwarder from your last Official one to me dated this October 11, 1946

I have every confidence and believe in your ability to help unfortunates that is why I first wrote you about all this, will close with all the hope I can muster up at this moment,

over



<sup>IV</sup>  
In closing we remain  
sincerely thankful

As Ever

Mike Lombardi  
80 Underhill Ave  
Brooklyn  
N.Y.





Colonel John K. Weber  
H.Q. Allied Commission  
a.p.o 794  
Legal Sub Commission  
Rome, Italy

Mr Michael Lombardi  
8 Underhill Ave  
Brooklyn  
N.Y.



7

Rome, 24 October 1945.

My dear Mr. Lombardi,

In accordance with notification already forwarded to you I have caused inquiry to be made with Italian Judicial authorities concerning the status of the case of your brother and have been unable to discover any proper ground upon which may be based interference therein by the Allied Commission. In the course of the investigation made of the matter there was obtained a certified copy of the official record of sentence in the case, a translation of which I forward herewith for your information.

At the present time this matter is before the Court of Cassation, which is the highest Court of the land here, where in due course it will be considered on review. It is still possible, therefore, that at that time justification may be found for some favourable action in this connection.

Yours very truly,

Is/ Ellery V. Stone

ELLERY V. STONE  
Rear Admiral, USNR  
Chief Commissioner.

Mr. Michael Lombardi  
80 Underhill Ave.,  
Brooklyn, N.Y.

TRANSLATION

EXTRACT OF SENTENCE passed by the Court of Assize Naples against LOMBARDI Costantino son of Giambattista and Paia Margherita, born in New York on 11 July 1909 and residing at S. Giovanni a Teduccio (Naples).

Date of Trial : 16 February 1946  
Date of Arrest : 22 April 1944

Findings : Guilty of robbery, attempted robbery and insults to public officials in accordance with Arts. 110, 81, 29, 32, 230 and para 2 (1) of Art. 628 of the Penal Code as read with the Arts. 274, 488, 489 of the Code of Penal Procedure.

Sentenced to : 15 years imprisonment, and a fine of 20,000 liras to a perpetual interdiction from Public Offices. To a legal interdiction as established under Art. 32 of the Penal Code. Subject to supervised liberty for a period not less than 3 years. The penalty of one year imprisonment to be imposed for having insulted a public official is remitted in compliance with Royal Decree of 5 April 1944.

Appeal is now pending before the Court of Cassation.

Dated : Naples 9 October 1946.

This is a certified true copy

Signed: MAGLIANO



HEADQUARTERS ALLIED COMMISSION

APO 794

LEGAL SUB COMMISSION

FILE

MF/MS

17 October 1946

AC/1053/101  
27/10

OGGETTO : Costantino LOMHARDI.

A : Procuratore Generale della Repubblica  
presso la Corte d'Appello di  
NAPOLI.Mi riferisco a nota Div 2 No 452/44 della  
S.V. ill.ma in data 11 ottobre 1946 accompagnata da un  
allegato di cui si accusa ricevuta.Voglia la S.V. ill.ma gradire i migliori  
ringraziamenti di questa Sotto-Commissione Legale.

Con la migliore considerazione

JOHN E. TUBBS,  
Colonel, Infantry,  
Chief Legal Advisor.

EXTRACT OF SENTENCE passed by the court of Assize Naples  
against LOMBARDI Constantino son of Giambattista and Rosa  
Margherita, born in New York on 11 July 1909 and residing  
at S. Giovanni a Teduccio (Naples).

Date of Trial : 16 February 1944  
Date of Arrest : 22 April 1944

Findings : Guilty of robbery, attempted robbery and  
insults to public officials in accordance with  
Arts. 110, 81, 89, 32, 230 and para 2 (1) of  
Art. 623 of the Penal Code as read with the  
Arts. 274, 13, 439 of the Code of Penal Procedure.

Sentenced to 15 years imprisonment, and a fine of 20,000 liras  
to a perpetual interdiction from Public Offices.  
To a legal interdiction as established under  
Art. 32 of the Penal Code. Subject to supervised  
liberty for a period not less than 3 years.

The penalty of one year imprisonment to be  
imposed for having insulted a public official  
is remitted in compliance with Royal Decree of  
5 April 1944.

Appeal is now pending before the Court of Cassation.

Dated : Naples 9 October 1945.

This is a certified true copy

Signed: Magliaro.

9 B

9 B



PROCURA GENERALE DEL REGNO  
PRESSO LA CORTE DI APPELLO DI NAPOLI

Div. 2<sup>a</sup> N. 452/44 Risposta a nota 16.9.1946 AC/4083/23/L  
N. Div.

OGGETTO: Costantino Lombardi.

Napoli, 11 ottobre 1946

ON. COMMISSIONE ALLEATA

Sottocommissione Legale

ROMA

In risposta alla nota di cui in oggetto, compio il dovere d'informare cotesta On. Commissione che il Lombardi, condannato con sentenza di questa Corte di Assise del 16 febbraio 1946 ad anni 15 di reclusione ed a L. 200000 di multa per varie rapine, non può beneficiare né dell'amnistia, né dell'indulto perchè da tali benefici sono stati espressamente esclusi i responsabili di rapina.

Accludo l'estratto della sentenza.

LEGAL SUB COMMISSION

IL PROCURATORE GENERALE

CIO-114

0010

CHIEF COUNSEL

ITA SECTION

Reg OCT 15 1946



# 8B Estratto autentico di sentenza

(Art. 576 cod. proc. pen.: art. 33 Reg. esecuz. cod. p. p. 28 maggio 1931, n. 603)

IN NOME DI SUA MAESTÀ  
**VITTORIO EMANUELE III**  
per grazia di Dio e per volontà della Nazione  
**RE D'ITALIA E DI ALBANIA**  
**IMPERATORE D'ETHIOPIA**  
**UMBERTO DI SAVOIA=PRINCIPE DI PIEMONTE=LUOGGERENENTE**  
**GENERALE DEL REGNO**

Ha Comandato di salvo di Napoli

con Sentenza del 16 Febbraio 1946

ha dichiarato:

1. (1) Lombardi Costantino fu Giambattista e fu Rita Margherita
2. ta, nato in America-New York l'11 Luglio 1909 donato a
3. S. Giovanni a Teduccio, arrestato il 2-4-1944
- 4.
- 5.

colpevole di rapina e di tentata rapina nonché di  
oltraggio ad Agente di P.S.

Ed in applicazione degli art. 110, 628, 2° capov. N. I, 81, 29, 30, 260,  
Cod. Pen. 271, 488, 489, C. P. P.

1 ha condannato alla pena della reclusione per anni quindici

alla multa di lire ventimila ~~di multa~~, all'interdizione perpetua  
dai pubblici uffici ed a quella legale durante la pena non  
all'ammenda di lire che alla libertà vigilata per non meno di

1) Generalità del condannato.  
\*) Il Cancelliere, nel giorno in cui la sentenza è divenuta esecutiva per non essere stata proposta impugnazione o al più tardi nel giorno successivo, trasmette al pubblico ministero o al pretore competente l'estratto autentico della sentenza con un certificato attestante che non fu proposta impugnazione. Il cancelliere della Corte di Cassazione trasmette l'estratto della sentenza soltanto nei casi indicati nell'ultimo capoverso dell'art. 550 cod. proc. pen. Nessun processo può essere mandato in archivio se non risultano dagli atti del processo stesso che l'estratto sia stato trasmesso a norma delle disposizioni precedenti v. art. 576 cod. proc. pen. (art. 33 Reg. cit.).



UMBERTO DI SAVOIA=PRINCIPE DI PIEMONTE=LUOGGERENTE

GENERALE DEL REGNO

4-La Corte di Cassazione di Napoli

con Sentenza del 16 Febbraio 1946

ha dichiarato :

1. (1) Lombardo Costantino fu Giambattista e fu Haia Margherita

2.ta, nato in America-New York l'11 Luglio 1909 dom.to a

3. S. Giovanni a Teduccio, arrestato il 22-4-1944

4.

5.

colpevole di rapine e di tentata rapina nonché di  
oltraggio ad agente di P.S.

Ed in applicazione degli art. 110, 622, 4° capov. N°1, 21, 22, 32, 230,  
Cod. Pen. 274, 422, 423, 3° P.R.

1 ha condannato alla pena della reclusione per anni quindici

alla multa di lire ventimila ~~in~~, all'interdizione perpetua  
dai pubblici uffici ed a quella legale durante la pena non  
all'ammenda di lire che alla libertà vigilata per non meno di  
anni tre. Visto il R.D. 5 aprile 1944 dichiara condannato  
anno uno di reclusione inflittogli per l'oltraggio.  
ai danni verso la parte lesa

Coop. Tip. Forense

N. Reg. gener.

N. Reg. esec. sent.

1) Generalità del condannato.  
2) Il Cancelliere, nel giorno in cui la sentenza è divenuta esecutiva per non essere stata proposta impugnazione o al più tardi nel giorno successivo, trasmette al pubblico ministero o al pretore competente l'estratto autentico della sentenza con un certificato attestante che non fu proposta impugnazione. Il cancelliere della Corte di Cassazione trasmette l'estratto della sentenza soltanto nei casi indicati nell'ultimo capoverso dell'art. 550 cod. proc. pen. Nessun processo può essere mandato in archivio se non risultati dagli atti del processo stesso che l'estratto sia stato trasmesso a norma delle disposizioni precedenti v. art. 576 cod. proc. pen. (art. 33 Reg. cit.).

ed alle spese del procedimento verso l'Erario dello Stato

avverso la emendicata sentenza. Pende ricorso per cassazione.

Napoli, li, 9/10/1945

ufficio



Per estratto conforme uso  
IL CANCELLIERE

Cancelleria del di

Io sottoscritto Cancelliere certifico che contro la retro indicata sentenza non è stata proposta impugnazione.

194 Anno XIX

IL CANCELLIERE

SUSPENSEHEADQUARTERS ALLIED COMMISSION  
147 GPO  
LEGAL COUNCIL COMMISSION

MV/ns

11 October 1946

AC/10037/101/1

SUBJECT : Costantino BOMBARDI.

TO : Michael BOMBARDI  
10 Underhill Ave.  
BROOKLYN, N.Y.

Sir,

In compliance with the desire of the Chief Commissioner I am inquiring with the Italian Judicial Authorities about your brother.

You will be informed of the outcome at the earliest possible date.

Very truly yours,

JOHN E. RUBIN,  
Colonel, Infantry,  
Chief Legal Advisor.



HEADQUARTERS ALLIED COMMISSION  
AIO 794  
LEGAL SUB COMMISSION

EP/rm

1 October 1946

AC/4083/23/L

OGGETTO : COSTANTINO LOMBARDI.

A : Procuratore Generale  
presso la Corte d'Appello di

NAPOLI

Di seguito a nota AC/4083/23/L in data  
16 Sett. 1946 indirizzata a codesta Procura si gra-  
direbbe conoscere la risposta a quanto richiesto con  
detta nota.

G.C. HANNATORD,  
Lt.Colonel,  
Deputy Chief Legal Advisor.

Copia : Ministero di Grazia e  
Giustizia  
Ufficio Gabinetto.

- COPY -



HEADQUARTERS ALLIED COMMISSION  
APO 794  
LEGAL SUB COMMISSION

157A  
Spare

NO/4083/101/1

EF/na  
16 September 1946

OGGETTO : Costantino LO BARDI

A : Procuratore Generale presso  
la Corte d'Appello di  
NAPOLI.

Questa Sotto-Commissione è informata che  
la Corte d'Assise di Napoli ha emesso in data 16-2-1946  
sentenza di condanna a 15 anni di reclusione nei con-  
fini di certo Costantino LO BARDI.

Si gradirebbe molto copia della sentenza  
e tutte le informazioni possibili quanto alla possibilità  
di una richiesta di declaratoria di amnistia.

Vogliate considerare la questione con cor-  
tese urgenza.

Con la migliore considerazione

JOHN K. WEBER,  
Colonel, Infantry,  
Chief Legal Advisor.

4H  
Michael Lombardi  
80 Underhill Ave.  
Brooklyn, N. Y.

our letter 4083/23  
of 14 June 46 refers

August 14, 1946.

101  
AC/4083/23/L

Subject: Costantino Lombardi

Headquarters Allied Commission,  
Office of the Chief Commissioner,  
A. P. O. 794.

Dear Mr. Stone:

I am writing to you in hope that you might be able to aid in lessening the sentence given to my brother, Costantino Lombardi. I think the following information will be helpful.

He was arrested April 22, 1944 and was sentenced on February 16, 1946 at the Court of Assi of Naples. A prison sentence of 15 years was given him.

I feel that inasmuch as he was born in the United States, you might be able to help him. His imprisonment will also cause suffering to his wife and two children.

I would greatly appreciate your interest in this matter. Thanking you for your cooperation, I am,

Very truly yours,

Michael... Lombardi

P. S. Enclosed you will find a book showing that he was fighting against Germany. I think this will be of help.

1  
H "A"

TESSELA N. 4448



FIRMA



Cognome Lombardi (HB)  
me Costantino  
di Battista  
e di Alfina Margherita  
nato America  
il 11-7-909  
professione elettricista  
domicilio Via Marconi 154 - S. J. B. B. B.  
è regolarmente iscritto al "Nuovo Risorgimento Italiano ..."

SEGRETARIO

IL PRESIDENTE



785016

COMANDO  
GRUPPI RIUNITI PATRIOTI D'ITALIA  
SEZIONE

Il Patriota Combattente

appartiene al gruppo

CAPO GRUPPO

IL COMANDANTE

IL COMANDANTE REGIONALE

(Vincenzo Barra Coraciolo)

Nel nome d'Italia i Patrioti combattono e vincono  
per mantenere il patriottismo d'onore e per riportare  
onore di nuova gloria, le bandiere spiegate del Martir  
del Risorgimento.

TIP. GIANNINI - NAPOLI

Nuova Risorgimento Italiano  
MOVIMENTO PATRIOTI D'ITALIA



COME MORTI SIAMO  
PIU VIVI DI PRIMA

TESSERAMENTO 1945



Col. Weber <sup>376</sup>

For report,  
pls

Ans

cc

Mr. Michael Lombardi  
80 Underhill Avenue  
Brooklyn, New York

2H



Headquarters Allied Commission  
Mr. Ellery W. Stone - Chief Commissioner  
Rear Admiral, USNR  
Rome Italy

COPY

HEADQUARTERS ALLIED COMMISSION  
APC 724  
LEGAL SUB-COMMISSION

AC/4083/23/1.

JKN/na.  
14 June 1946.

Memo to Chief Commissioner:

The letter in question complains of a conviction of an accused by the Italian Court of Naples, in Naples. It is urged that he is innocent of the crime because the Allied Superior Court of Naples had "discharged" him for the same crimes.

A diligent search of the records in Archives fails to disclose a case wherein this accused was ever before an Allied Superior Court in Naples, much less that he was tried and acquitted for an offence. At the time given in the letter, 16 February 1946, there were no Allied Superior Courts in operation at Naples. Further, for sometime prior to the 16 February 1946, it was the policy to hand over to Italian Authorities whenever and however possible, cases involving Allied interests.

The writer is not claiming that the accused is an American citizen, but contents himself with the assertion that the accused was born in the United States. A person can be born in the United States, and can thereafter change his citizenship. Incidentally, the rights of citizenship are bottomed on more secure grounds than those of what a person may "consider" his status to be.

I see nothing in the letter which occasions any action in the matter.

(S-4)

JOHN K. WEBER,  
Colonel, Infantry,  
Chief Legal Advisor.

2 2 4 8