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10000/142/651

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CASE OF CARUSO PIETRO
JULY-SEPT. 1944

FILE CLOSED 12 September 1944.

TO legal S/C

5871

~~from the~~

" Cause Trial "

R E P O R T

of the

COMMISSION OF ENQUIRY INTO THE INCIDENTS

WHICH TOOK PLACE ON SEPTEMBER THE 18th 1944

AT THE PALACE OF JUSTICE IN ROME

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SUBJECT OF THE ENQUIRY

1. - The trial of the ex-Chief of the Roman Police, Pietro Caruso and of his Secretary Robert Cocchetto, charged with the crime contemplated in art. 5 of the Decree-Law no. 159 dated 27 July 1944, in connection with art. 5 of the military penal code and 61, no. 9 of the penal code, was scheduled to take place on the morning of 18th September 1944 before the High Court of Justice in the main Court Room of the Court of Cassation.

For reasons which will be illustrated later the Roman population was eagerly waiting for the trial to start and an enormous crowd gathered since early morning in the front of the entrance gates of the Palace of Justice. The crowd was out of all proportion with the limited number of people who could be accommodated in the space reserved to the public in the Court Room.

Notwithstanding the measures taken it was not possible to keep this mass of people out of the Palace of Justice. A great many managed to get into the building and some even inside the Court Room where, subsequently, a large group, more daring, rushed in creating a state of confusion and disorder that rendered necessary the postponement of the trial.

But before the Court Room was cleared, one of the prosecution witnesses, Dr. Donato Carretta, former director of the Regina Coeli prison, was pointed out as one of the responsible persons for the persecutions suffered during the unhappy period of German military occupation, and subjected, first to acts of violence, and subsequently

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4.

Saved with difficulty from this first aggression and placed in safety in one of the back rooms next to the Court Room, Dr. Carretta came out shortly after in the corridors; but he was recognised and a tumultuous crowd pressed round him; the charges were again made against him and the aggression flared up more violently than before. The crowd manhandled him, dragged him down the main staircase to the entrance, pushed him out of the Palace of Justice and continued to attack him until, from the parapet of Ponte Umberto, he was thrown into the Tiber. Carretta, borne by the current towards the bathing establishment of Fabio Tulli, on the bank of Ponte Umberto, tried in vain to escape death by grasping first a pole of the fence round the establishment and subsequently a boat anchored to a buoy, but each time he was prevented from carrying out his intentions.

The body, washed by the current to the bank of the river, was taken up to the embankment, dragged to the Regina Coeli prison and hanged with a rope to an iron bar of a window in the building assigned to the management.

In consideration of the exceptional gravity of the fact, 95 the Presidency of the Council of Ministers immediately appointed a commission of enquiry with the task of promptly investigating and report on the incidents which had taken place and in particular on the death of Dr. Carretta.

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The High Commissioner for sanctions against fascism handed the President of the Commission a questionnaire drafted on the same subject by the Allied Commission. The questions asked in the said questionnaire, synthetically summarized, concern the investigation of eventual deficiencies in the preparation of Caruso's trial and in the organization and execution of the service of public order during the proceedings.

The Commission, coordinating the questions with the duties entrusted them, believe they have to carry out a triple investigation:

A) Ascertain whether in the preliminary arrangements for the trial against Pietro Caruso there has been omission of adequate precautions and whether, should that be the case, that omission has contributed to the origin of the incidents;

B) Ascertain if there have been omissions, errors or deficiencies in the organization and execution of the service of public order;

D) Ascertain the succession of facts and incidents that culminated in the aggression and death of Dr. Carretta, and determine their causes and nature.

In relation to these three principal points of the enquiry, the report has been divided into three parts.

In the first two parts are set out in full the answers to the questions put by Allied Commission, but these answers have been summarized in a few conclusive propositions contained in an enclosed report.

F I R S T P A R T

2. = The Commission must examine in the first place the point sub A, which concerns a general enquiry as regards eventual omissions of necessary precautions in the preparation of the trial and, in particular, bearing in mind the questionnaire of the Allied Commission, carries the enquiry on the following aspects:

A) = choice of the Court Room and subsequent arrangements made to render it suitable for the trial;

B) = issue of tickets to enter into the galleries, who issued them, in what number and to whom;

C) = disposition of the chairs in the Court Room;

D) = measures adopted for the protection of the accused;

E) = measures adopted to receive and protect the witnesses.

When the sitting was postponed, what further measures of protection were adopted in their respect? Measures for the organisation of the service of public order during the sitting;

F) = intervention of the relatives of the victims as plaintiffs. Who ordered it? Measures adopted in their regards;

G) = installation in the Court Room of reflectors, microphones, cinematograph and other such apparatuses unusual in a Court Room.

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3. = AS it appears from the letter of August the 2nd 1944 addressed to the High Commissioner for sanctions against fascism (doc.

f.39), the choice of the main Court Room of the Court of Cassation for the sitting of the High Court of Justice was made by the President Etторе Casati, in agreement with the office of maintenance of the Palace of Justice as well as with the competent General Direction of Ministry of Justice.

The criterium that prevailed in the choice of the Court Room was that of conferring "greater prestige and decorum to the High Court".

To render however the Court Room, used till then only for the hearing of civil cases, suitable for the hearings of a penal trial, the following arrangements were carried out (see dep.f.65):

a) suppression of the benches of the State Prosecutor and of the chancellor so as to bring closer the table of the barristers and of the press;

b) construction of a small wooden square enclosure for the accused, of about m.2,50 each side;

c) as it was impossible to place a fixed and strong wooden barrier between the space reserved to the public and the dais, it was decided that this division should have a symbolic character and should be therefore formed by a rope held up by small metal pillars.

In the Commission's opinion the reasons of high prestige and decorum that suggested the choice of the main Court Room of the Court of Cassation for the sittings of the High Court of Justice, though they should not have been neglected in consideration of the importance of the High Court, could not form the principal motive

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However, these motives should have been reconsidered when, owing to the powers conferred upon the High Commissioner for sanctions

against fascism, the Commission of the High Court was entrusted with the trial against the former Chief of Police Carnac; such a reconsideration would have immediately brought to light the unsuitability of the chosen court room for the proceedings of a penal trial, awaited by the Roman population with so much excitement and expectation.

The Court Rooms reserved for penal trials and in particular those of the Court of Assises, where the most serious trials take place, are specially equipped. They contain a small and robust enclosure for the accused and often a special and separate entry for them; one and even two solid barriers between the dais and the space reserved for the public which is always rather large, as it is well known that many people attend penal trials. They contain, furthermore, an adjacent safety-room for the accused and one for the witnesses. So as to ensure themselves of this fact the Commission have inspected the Court of Assises of the Palace of Justice, which is furnished, furthermore, with numerous exits that are built in such a way as to form a single body, that in case of necessity can be more easily isolated and protected.

The main Court Room did not answer to any of these requirements, as it was built for the solemn ceremonies of the inauguration of the judicial term and subsequently destined to the sittings of the United Civil Sections.

It is not fitted with safety exits, especially equipped adjoining rooms, enclosure for the accused not with a wooden or iron barrier to prevent the public from invading the space reserved to the Court, and therefore in case of an exceptional affluence of

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causing confusion and disorder, as in fact it unfortunately happened.

The Authorities had to obviate these drawbacks, which only a radical transformation of the Court Room and of the adjoining rooms could have eliminated, by adopting measures which proved to be inadequate. Only arrangements for box for the accused were made, limiting them to a small and weak enclosure, that anybody could have climbed over. No importance was given to the absence of exits for the public other than through the entrance door and, as regards the division between the two parts of the Court Room, it was thought (dep.f.65) that the cloth rope that already was in use would have been sufficient to hold back the public in the small space reserved for it, although it was foreseen that the public would have been numerous and threatening.

These drawbacks, the impossibility of carrying out transformation in the structure and in the interior of the Court Room and the consequent insufficiency of the improvised adaptations should have advised, in the Commission's opinion, against the choice of the main Court Room, even at the last moment, in consideration of the exceptional situation which had arisen. And even if it should have been desired, for understandable reasons of opportunity, to hold the trial in the Palace of Justice, the large and severe court room of the first section of the Court of Assises, conveniently fitted in keeping with the importance of the Court, could have served that purpose, all the more so as, being placed on the ground floor it would have needed a smaller number of policemen to ensure order.

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Lastly it must also be borne in mind that the very appearance of the Court Room, with its rich architectural and pictorial decoration could not but prove a strange motive of contrast with the figure of the accused who had provoked so much hatred against himself, and

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determine an environment apt to excite the public even more, as in fact the course of the enquiry has ascertained actually happened.

B) Issue of tickets to enter in to the galleries. Who issued them, in what number and to whom.

4. - It has been ascertained, through the statements of certain witnesses (dep. f. 16, 27, 31) that the President of the High Court was not in favour of issuing invitation tickets for the galleries, but that, following insistent requests on the part of high personalities and also of diplomats, he changed his mind. It is here opportune to report all that President Casati has stated on the subject (doc.f.76):

"At first it had been my intention not to allow admittance to any of the galleries, also for reasons of personal security of the members of the High Court. Later, however, I was obliged to alter my mind owing to the pressing, reiterated and insistent requests addressed to me by high State official bodies and by the Allied Commission. In fact, requests for admittance to the galleries reserved for certain categories were addressed to me by the Presidency of the Council, by the High Commissioner for the epuration of the Ministries of Justice and Foreign Affairs, by the Secretaries of the Ministries without Portfolio and by Diplomatic Legations (Portugal).

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"I then directed that the four galleries were to be reserved for the personalities that would be officially indicated by Heads of Ministries and other Offices, with the exception of Magistrates and their families well-known to the Court Offices; that the admittance

to the galleries was to be strictly supervised by policemen, who were to check the identity of the persons whose names were on the invitation ticket, signed by the Chief Chancellor of the High Court".

In accordance with these directions, in the course of the meeting of 15th September, in which H.E. Casati did not take part, but Comm. Maroni, who substituted him in the handling of the proceedings, was present, it was decided to reserve Gallery A for officials of the Allied Command, Gallery B for members of the Government, diplomats and politicians, Galleries C and D being larger, were reserved, the first for high-ranking Magistrates and their families and for the families of the members of the High Court, the second for different persons who had applied for tickets and who had been recommended by authoritative personalities. During the afternoon of 15th September the Chief Chancellor, Gr.Uff. Campana, ordered the preparation of the invitation tickets, in accordance with authorization he had received from President Marone.

The aggregate number of tickets issued was of 171, of which 18 16 for Gallery A, 10 for Gallery B, 69 for Gallery C and 76 for Gallery D: to this number another ticket must be added issued to Signora Leonelli who had received special concession from H.E. Casati. The records show also the name list of the persons invited, included in a note to the Enquiry Commission from President Maroni (doc.f.45, 50) wherein he states that the persons invited to Gallery D had been strictly selected, so as to exclude any elements that might cause disturbances.

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The above total figure does not include the tickets for the Italian and foreign press correspondents which were issued separately and amounted to 58.

Apart from the fact that the presence of the public in the

galleries contributed to create an environment, which, as it will be seen later, favoured the transformation of the public in an agitated and tumultuous mob, the Commission is of opinion that although realizing that control was exercised in the issue of tickets, their number was excessive. The very fact that the President of the High Court was unfavourable to granting admittance to the galleries, should have served as a restraint later on, so that the admittance to the galleries should have been limited to a smaller number of persons.

Furthermore, it happened that many people, being uncomfortable in the galleries, found it more convenient to occupy the seats in the Court Room, making thus more apparent the privilege they had been granted and contributing towards the first incidents which took place when the relatives of the victims, finding their seats occupied, claimed them for themselves.

C) - Disposition of the chairs in the Court Room.

5. - According to the above mentioned statement by President Casati (doc. f. 78), the proposal to place in the Court Room several rows of chairs, which might form almost a barrier between the space reserved at the back of the Court for the ordinary public and the rest of the Court, came from the technician Amoroso. He insisted that a way be found to limit the access of the public to the Court, pointing out the damages that an overwhelming number of people caused a few weeks previously, at the Bentivegna trial, to the walls and

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H.E.Casati adhered to the proposal and in a general way furthermore directed that when the chairs would be all occupied by

the first arrivals, nobody else should be allowed to approach the Court. However, all decisions were postponed until after the meeting fixed for September 15th. But at this meeting, which President Casati was unable to attend, whilst the suggestion of placing a certain number of chairs behind the press bench was approved, it was arranged to reserve the chairs not to the ordinary public, as had been the intention of H.E. Casati, but to lawyers and magistrates wishing to attend the trial (dep. f. 4-61-65-73). In such a way only the small space between the steps and the entrance door, where not over 60 persons could find room, was left at the disposal of the public (dep. f. 65). This was in accordance with the abovementioned suggestion to limit to the minimum - not over 300 persons in the aggregate - the concourse of the public.

In the course of a subsequent inspection of the Court Room made by Assistant Chief of Police Lener, on the morning of the 17th, he noticed that the rows of chairs had been placed at large intervals, and therefore gave order that the rows should be brought closer so as to leave a larger space for the ordinary public. Subsequently, however, two more rows of chairs were added, frustrating therefore this intention and the number of chairs, without counting those reserved for the press, rose to 132.

The Commission finds that the suggestion of placing seats in the Court Room cannot be approved and even less approval finds the measure adopted at the last minute to reserve these seats for a specified category of persons.

It is not out of place to recall here that art. 426 of the

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It is not out of place to recall here that art. 426 of the Code of penal procedure, as an acknowledgment of the principle of equality of all citizens before the law, expressly prohibits to

reserve special seats in the Courts of Justice.

Furthermore, the fact had not been taken into consideration that the arrangement of chairs in the Court would always have been a cause of ill-feeling in the public, giving it an opportunity to protest, and particularly, owing to the atmosphere that the Caruso trial had created, would have increased the sense of unrest and nervous tension in the public contributing to create those environment conditions that favoured the beginning of the incidents.

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D) - Measures adopted for the protection of the accused.

6. - As already mentioned, the Court lacked a proper stand for the accused, and therefore a rough square one was built, the sides being formed by weak boards at a considerable distance from each other, about one meter in height.

As safety chamber, two rooms of the mezzanine were used, reached by a small corridor alongside the rear door of the Court. This corridor, through another door, also communicates with an open vestibule on the large corridor running north of the Palace of Justice.

During their permanence in the safety chamber the accused were protected by an adequate number of Carabinieri.

The insufficiency of the stand for the accused has already been mentioned. It is here necessary to remark that this insufficiency would not, in all probability, have failed to produce other tragic consequences if the incidents had taken place after the proceedings had started, when the accused would have taken their places in the Court

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Furthermore, most unsuitable were also the premises intended to be used as safety chamber inasmuch as in order to reach them the accused were obliged to cross the above mentioned vestibule, through the same door used by the Registrars of the High Court, by the officials of the Chancellery, by the witnesses and by the staff, in order to enter the Court Room, and therefore could not remain locked. This arrangement would have represented a serious danger to the safety of the accused, should the crowd, that had attempted to rush in the Court Room from the rear and was with difficulty prevented to do so by the police after an hour's fight, have been able to penetrate in the small corridor, within therefore, easy reach of the rooms for the accused on the mezzanine.

Fortunately, the timely arrival of a group of Carabinieri stemmed the crush of the crowd and therefore the intentions of the mob to get hold of Garuso were thwarted.

But the fact that an incident, which could have had very serious consequences, had been averted does not impair in any way the value of the statement that the premises used as safety chamber for the accused, owing to their structure and location, were absolutely unsuitable to ensure adequate protection to the accused.

E) - Measures adopted to receive and protect the witnesses.

When the sitting was postponed, what further measures of protection were adopted in their respect? Measures for the organisation of the

the same door used by the Magistrates of the High Court, by the officials of the Chancellery, by the witnesses and by the staff, in order to enter the Court Room, and therefore could not remain locked. This arrangement would have represented a serious danger to the safety of the accused, should the crowd, that had attempted to rush in the Court Room from the rear and was with difficulty prevented to do so by the police after an hour's fight, have been able to penetrate in the small corridor, within therefore, easy reach of the rooms for the accused on the mezzanine.

Fortunately, the timely arrival of a group of Carabinieri stemmed the crush of the crowd and therefore the intentions of the mob to get hold of Garuso were thwarted.

But the fact that an incident, which could have had very serious consequences, had been averted does not impair in any way the value of the statement that the premises used as safety chamber for the accused, owing to their structure and location, were absolutely unsuitable to ensure adequate protection to the accused.

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5) - Measures adopted to receive and protect the witnesses.
When the sitting was postponed, what further measures of protection
were adopted in their respect? Measures for the organisation of the
service of public order during the sitting.

7. - A room was allocated to the witnesses where they were

to remain until called to give evidence, and it was therefore arranged (dep. f. 9,27,47) that the court official should see that the witnesses were collected in that room even before the opening of the sittings.

As there were no available rooms nearby the Court Room, the Barrister's Room, located at about 80 meters from the Court Room, was chosen for the purpose.

At the meeting of 15th September the suggestion was also put forth to add one or more ushers as aids to the Court official in charge of services, but this proposal was never put in act. (dep. f. 47,65).

Instead, at the last moment, foreseeing that it would have been uncomfortable for the witnesses to enter from the entrance door, through the crowded Court Room, it was decided that the witnesses should do a longer but more comfortable itinerary, by going through two corridors and a vestibule and enter the Court Room from the rear. This however was never actuated owing to the incidents that later took place.

It has however been ascertained that the Court official Venturi (dep. f. 27, 47) before the beginning of the sitting, called the names of the witnesses inviting them to proceed to the room assigned to them. The invitation however found no response and some of the witnesses, amongst whom Dott. Carretta, preferred to remain in the Court Room.

No measures whatever were ordered to ensure the protection of the witnesses after the proceedings were postponed.

From the above exposition of facts it is clear how absolutely insufficient were the measures adopted for the protection of the witnesses. It may be affirmed that this was one of the most neglected

were directed in that room even before the opening of the sittings. As there were no available rooms nearby the Court Room, the Barrister's Room, located at about 30 meters from the Court Room, was chosen for the purpose.

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From the above exposition of facts it is clear how absolutely insufficient were the measures adopted for the protection of the witnesses. It may be affirmed that this was one of the most neglected services; and this omission is all the more noticeable owing to the contrast offered by the excessive care taken as regards the spectacular part of the proceedings, and in view of the fact that one of

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the reasons for holding the meeting on the 15th September (dep.f.3I) was exactly that of deciding adequate measures for the protection of the witnesses. No decision was however reached, not even concerning the appointment of a second Court official for the sittings.

Nor can the Commission refrain from criticizing the choice of the room where the witnesses were to collect after their first call and ~~the~~ where they were to remain until called to give evidence, according to their respective order. Apart from the distance, a source in itself of many drawbacks, which had already been pointed out, the said room is not, on two sides, closed in by walls, but by large glass windows, so that the witnesses, whilst in the room, were exposed to the view of the crowd, who could easily have molested them with remarks and intimidations, with the consequent interference with that calm and serenity which they needed before giving evidence.

But, besides all this, no measures had been taken to meet them, to accompany them to the room assigned to them, and to protect them. The state of ferment of the public was known, and a particularly heavy attendance was foreseen. Obvious cautionary reasons, those very same reasons that had dictated an extraordinary police service to keep order, should have suggested therefore to arrange for the witnesses, who were called to perform a public function, a special entrance to the Palace of Justice, as had been done for those who had been invited to attend, and on their arrival to have them accompanied by police agents to the room assigned to them. Furthermore, the witnesses' room should have been guarded in order to avoid the witnesses leaving before and during the proceedings.

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F) = Intervention of the relatives of the victims as plaintiffs,
Who ordered it? Measures adopted in their regards.

8. = Since September 12th, the President of the High Court had approached the local Police Station in order that, after previous identification of the nearest relatives of the 50 victims of the Ardeatine Caves (subject of the charge against Caruso) shown in enclosed list, the Police should immediately summon them to appear, if willing, as injured parties by the crime. Course was at once given to this request, as shown by a Note in reply from the Police Station (doc. f. 69) dated 14th September, wherein it was stated that only in respect of nine of the victims had not been possible to summon the relatives, either because they were not Rome residents or because they had left for unknown localities (doc. f. 69).

H.E.Casati was anxious that the relatives of the victims summoned to attend as injured parties should not remain in the Court Room, until the High Court should have decided on the application presented by some of them to appear as Plaintiffs, and to this effect he had a conversation with the Chief Chancellor of the High Court, Gr. Uff. Campana, with whom he arranged that the said injured parties would have to be collected in a room for the purpose, separated from that of the witnesses, to be chosen at the meeting arranged for the morning of the 15th. These circumstances have, in their general lines, been confirmed by the witness Donzelli, attached to the First Presidency of the Court of Cassation (dep. f. 36). It does not appear, however, = as none of the present seem to remember - that at the said meeting any details were discussed or fixed concerning all that H.E.Casati had ordered in general lines.

Therefore, no measures were adopted and the list of the

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Therefore, no measures were adopted and the list of the injured parties was not even communicated to the Court official.

The Commission remarks that, having decided to summon the relatives of the 50 victims, they were, by law, subject to the same discipline as the witnesses and therefore it was indispensable, also in their respect, that a room should ^{be} assigned them and that the list of their names should be communicated to the Court official. Precautions these all the more necessary inasmuch as the High Court was to give its decision in the course of the sitting as to the admission of the examination of the injured parties, and also in view of the large number of persons involved who would be difficult at the last moment to collect and form into groups.

But also under another aspect the Commission must remark on the omission of all precautions in respect of the relatives of the victims, independently of the fact that they might or might not have been summoned to appear as injured parties by the crime.

Reasons of respect and precaution should have advised to afford them a special treatment, avoiding in any case, that they remain in the Court Room. It was in fact the lack of all signs of respect, namely, the fact of having found, besides the galleries, also the chairs all occupied, that increased the irritation of these people who claimed the first rows of seats for themselves, causing thereby the first incidents, as it will be explained later.

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G) - Installation in the Court Room of reflectors, microphones, cinematograph and other such apparatuses unusual in a Court Room.

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G) = Installation in the Court Room of reflectors, microphones, cinematograph and other such apparatuses unusual in a Court Room.

9. = It appears that authorization to instal in the Court Room reflectors, microphones and cinematograph was given by the High

Commissioner for Sanctions against Fascism following the urgent requests of Allied officials, who stated it was an absolute necessity for public opinion in the United States and Great Britain (doc. 2.3).

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16. - Summarizing the judgment in respect of the first part of the enquiry, the Commission remarks that in the preliminary arrangements made for the proceedings, many omissions of precautions have been registered, as for instance:

- a) in the choice of the Court Room and in the insufficient adaptations made thereto, which were absolutely unsuitable to ensure objective conditions for the regular course of the proceedings;
- b) in opening the galleries and in the arrangement of the chairs in the space assigned to the public, creating, for the occasion a privileged public who could comfortably attend the trial, whilst the ordinary public was relegated to a small space at the back of the Court Room.

Furthermore, the lack of protective measures adequate to the exceptional situation, in respect of the witnesses, must here be registered; whilst the problem of making convenient arrangements for both the relatives of the victims summoned to appear as injured parties, and the other relatives who had voluntarily intervened, had not been given due consideration.

All these factors have contributed to create the environment conditions.

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All these factors have contributed to create the environment conditions.

The examination of the point whether such environment conditions have had a causal function in the incidents that took place in the Court Room will be the subject of the Third Part of the Report.

as regards the omission of precautions in the preliminary

arrangements it is to be noted that the responsibility for the choice of the Court Room for the sittings of the High Court of Justice, for the adaptations effected in the Court Room, for the issue of admittance tickets to the galleries, for the arrangements of the chairs in the Court Room, falls on the President of the High Court, H.E.Casati.

More delicate is to ascertain the responsibility in respect of lack of precautionary measures adequate to the exceptional event, as regards the witnesses, the relatives of the victims summoned to appear as injured parties, and of all other relatives of the victims of the Ardeatine Caves who, although not summoned to appear, was to be expected would have attended the trial.

Strictly speaking, in this instance also the responsibility should principally fall on the person entrusted with the procedure of the trial, Dott. Lorenzo Maroni. But the fact must not be lost sight of that Dott. Maroni undertook the task only a few days before the date fixed for the opening of the trial, namely, on the 15th, owing to the sudden substitution of the President, H.E.Casati, and therefore he cannot be held responsible for the omissions of precautionary measures in respect of the abovementioned persons. Dott. Maroni was in fact obliged to devote himself to the study and examination of the procedure of the trial and had every reason to think that his predecessor, in collaboration with the Chief Chancellor, Gr.Uff.Campana, had made every necessary arrangements for the protection of the witnesses and injured parties to the trial and all other details. It appears therefore logical that Maroni on this point completely trusted in the experience and capacity of Campana.

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Undoubtedly the responsibility of the latter cannot be appreciated on the basis of a strict discrimination of duties, but only in respect of the functions that Maroni actually performed.

Campana, an intelligent and most experienced official, as Chief Chancellor of the Court of Cassation, enjoyed the unconditional confidence of President Casati and was by the latter called to perform also the functions of Chief Chancellor of the High Court, for the specific purpose of being efficiently assisted in the organization necessary to place the High Court of Justice in a condition to function in the initial period of its experiment. The active participation of Campana in the evidence connected with the organization is shown by numerous elements and by the statements of President Casati.

Furthermore, Campana was acquainted with all the preliminary arrangements connected with the trial and of the intentions of the President regarding other measures to be adopted, of the state of ferment and agitation of the Roman population caused by the Caruso trial and of the concern of the President regarding public order. The unexpected absence of H.E. Casati rendered, therefore, indispensable Maroni's direct intervention in the preliminary arrangements necessary for the regular course of the public proceedings. Also he was perfectly aware of his duties, otherwise there would be no explanation for his participation in the meeting of September 15th and for his definite instructions concerning the issue of the invitation tickets for admission to the galleries.

Now, Campana, owing exactly to the situation that had arisen during the last few days preceding the trial, cannot be immune from guilt for not having foreseen that it would be necessary to take, in regard to the witnesses, protective measures adequate to the exceptional situation, that it was necessary to arrange for a convenient room,

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voluntarily present, should enter the Court Room in almost immediate contact with the accused: this ^{could} have been avoided by placing at the complete disposal of the relatives of the victims one of the galleries, either C or D.

But even if these responsibilities of a directive character could be attenuated, there would always remain the other emissions of an executive character and which consist in not having placed the Court official Venturi in a position to rightly perform his duties, by giving him as aids one or two ushers, and in not even having handed to Venturi the name list of the injured parties.

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S E C O N D P A R T

11. = The Second Part of the enquiry that the Commission must carry out is directed to ascertain whether there have been omissions, errors and deficiencies in the police service arranged in respect of the proceedings against Caruso.

Obviously, the enquiry includes both the phase concerning the organization and the executive phase of the police service, and, in order to be complete, must be carried out under the following aspects:

- A) = preventive measures of police service;
- B) = measures concerning the organization of police measures;
- C) = execution of police measures: initial posting and displacement;
- D) = remarks on the organization of the police service;
- E) = remarks on the execution of the police service;
- F) = Behaviour of the Police official and agents;
- G) = responsibility of the Police officials.

A) = PREVENTIVE MEASURES OF POLICE SERVICE.

12. = It must be recalled that the President of the High Court of Justice, in his letter dated 4th September, informed the Chief of Rome Police of the date of the beginning of the proceedings against Caruso, and that owing to the increasing daily signs of impatience, ferment and threats, he considered indispensable that for the trial

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12. - It must be recalled that the President of the High Court of Justice, in his letter dated 4th September, informed the Chief of Rome Police of the date of the beginning of the proceedings against Caruso, and that owing to the increasing daily signs of impatience, ferment and threats, he considered indispensable that for the trial in question there should be "an extraordinary police service with an adequate number of agents, in order to ensure public order in the

Court Room and in its surroundings and to guarantee the safety of the Judges and of the accused".

With this aim he made an appointment, with the official chosen for the direction of the service, for the 15th September, in order to fix together - after a visit to the premises where this exceptional police service was to take place - all the relevant details.

The Chief of the Police, fully appreciating the situation, issued a circular on the 6th September wherein he emphasized to his subordinate offices, that the figure of the accused, Caruso, owing to his nefarious activity whilst he was at the head of the Rome Police, had awakened the hatred of the Roman population and consequently the trial against him had created an atmosphere of febrile expectancy and of ferment, whereby it was to be foreseen that the sitting of 18th September and subsequent sittings would attract an exceptional crowd. "wherefore - added the circular - besides the necessity of maintaining order through a strict police service, both in the Court Room and surroundings, it is indispensable that thorough measures be taken in order to guarantee the security of the Judges and the personal safety of the accused, it not being improbable that rough elements might endeavour to disturb the regular course of the trial".

Further, in fixing the aims of the police service arrangements, Dott. Morazzini did not limit his indications to the aims of the police service within the Court Room and immediate surroundings, the various sections, the entrances, the basement, the safety chambers, the floors above as well as the nearby streets and squares, but emphasized "any other necessity that might result from a direct examination of the

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Further, in fixing the aims of the police service arrangements, Dott. Morazzini did not limit his indications to the aims of the police service within the Court Room and immediate surroundings, the various sections, the entrances, the basement, the safety chambers, the floors above as well as the nearby streets and squares, but emphasized "any other necessity that might result from a direct examination of the entire zone affected by the trial". In paragraph 2) of the phonogram, Morazzini furthermore explicitly included amongst the aims "the arrangement of eventual police barriers in case of necessity, both

within and without the Palace of Justice, in order to prevent the public from entering the Court Room".

The circular further provided for the "checking of persons living in, and consequent placing of guards at, the Palace of Justice and premises located in the surrounding streets and in Piazza Cavour, in agreement with the Superintendent of the Prati Police Station". Lastly, the circular made obligatory on the Chiefs of sectional Police Stations to proceed from that date "to arrange for a suitable watch to be kept in their respective jurisdictions and to bring up to ~~the~~ ^{the} personal information in order to keep a check of turbulent elements and of Fascist faith". Police Chiefs were, furthermore invited to pay particular attention to hotels, boarding houses, landladies and to public premises in order to have immediate knowledge of all those people who with their behaviour might give grounds for suspicions and in any case considered dangerous.

In accordance with the order received and after having, on September 11th, visited the Palace of Justice, Dott. Loner transmitted to the Chief of Police his proposals (doc. F. 12) which subdivided the police service into two zones. For the first external zone, to be entrusted to a capable official assisted by four subordinates, 150 policemen were requested, in order to be able to form at least "ten mobile squads in the zone itself and keep a good reserve to meet any necessity that might arise".

As regards the second internal zone, 300 policemen were requested, under the direction of another capable official with six subordinates, pointing out the necessity that during the days of the

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As regards the second internal zone, 300 policemen were requested, under the direction of another capable official with six subordinates, pointing out the necessity that during the days of the proceedings all the offices of the Palace of Justice should be kept closed.

Actually, the police force requested by the Assistant Chief of

Police Lener amounted in the aggregate to 450 men (and not to 500 as he subsequently stated) (doc. F. 10) with two superior officials and ten subordinates.

Lastly, Lener reported having had information from a reliable source, that turbulent element would have attempted to get possession of Garuso in order to take the law in their own hand.

From the above it appears manifest that, in relation to the² grave situation that had developed by the eve of the trial, it was necessary to organize a police service of an exceptional character.

Was this necessity borne in mind in organizing and arranging the police service for September 18th? This is the first point that the Commission must examine.

On the morning of September 15th, according to previous arrangement, a conversation took place at the Palace of Justice between Dott. Maroni, appointed to preside the proceedings in substitution of H. E. Casati, and the assistant Chief of Police Lener. There were also present the Chancellery staff of the High Court, the technician Amoroso in charge of establishment upkeep and Dott. Farina, on the staff of the Chief of Rome Police, who was entrusted with the task of taking notes, in accordance with previous understanding, to be used for drawing up the ordinance of the following day, the 16th, n. 20069 that was issued by Police Chief Morazzini.

President Maroni states that in the course of the above-mentioned meeting "as regards the admittance of the public it was decided, in agreement with the Assistant Chief of Police Lener, that the entrance of Via Ulpiano should be reserved to the members of the

source, that turbulent element would have attempted to get possession of flames in order to take the law in their own hands.

From the above it appears manifest that, in relation to the² grave situation that had developed by the eve of the trial, it was necessary to organize a police service of an exceptional character.

Was this necessity borne in mind in organizing and arranging the police service for September 13th? This is the first point that the Commission must examine.

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President Maroni states that in the course of the above-mentioned meeting "as regards the admittance of the public it was decided, in agreement with the Assistant Chief of Police Lener, that the entrance of Via Ulpiano should be reserved to the members of the High Court and other authorities who had a right to admittance to Galleries A and B. The entrance facing the embankment was to used by the ordinary public and by the holders of tickets for Galleries C. and D.

But, actually, all the three normal entrances to the Palace of Justice remained open.

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B) = MEASURES CONCERNING THE ORGANIZATION OF POLICE MEASURES.

13. = These measures were ordered with the abovementioned ordinance of 16th September, issued by Dott. Morazzini. It appears that it was actually drawn up by Commissioner Dott. Rateni, chef de cabinet of the Chief of Police, on the basis of the notes taken by his subordinate vice-commissioner Dott. Farina, on the 15th.

From the simple reading of this ordinance its imperfections appear evident; of these imperfections Dott. Morazzini cannot be held responsible, inasmuch as he - the chief of such an important Police Station in such difficult moments owing also to lack of adequate means which imposes the constant employ of expedients - cannot certainly, in the course of this strenuous daily work, have the possibility of checking minutely every detail of the complex work he carries out and therefore he must be able to rely implicitly on the diligent collaboration of the members of his staff.

The ordinance in fact, whilst in its basic conception answers the necessities of the police measures for the 18th September, by recalling in the 3rd, 4th, and 5th paragraphs the preceding circular of the 6th, makes very clear the exceptional character of these police services.

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13. = These measures were ordered with the abovementioned ordinance of 16th September, issued by Dott. Morazzini. It appears that it was actually drawn up by Commissioner Dott. Rateni, chef de cabinet of the Chief of Police, on the basis of the notes taken by his subordinate vice-commissioner Dott. Parina, on the 15th.

From the simple reading of this ordinance its imperfections appear evident; of these imperfections Dott. Morazzini cannot be held responsible, inasmuch as he - the chief of such an important Police Station in such difficult moments owing also to lack of adequate means which imposes the constant employ of expedients - cannot certainly, in the course of this strenuous daily work, have the possibility of checking minutely every detail of the complex work he carries out and therefore he must be able to rely implicitly on the diligent collaboration of the members of his staff.

The ordinance in fact, whilst in its basic conception answers the necessities of the police measures for the 18th September, by recalling in the 3rd, 4th, and 5th paragraphs the preceding circular of the 6th, makes very clear the exceptional character of these police services.

If however we examine the details, where for instance are indicated, the aims of the police service, the ordinance gives rise to the following remarks:

- 1°) no mention is made of the precautions to be taken to guarantee the safety of witnesses and the defending Counsel;
- 2°) there is mention of one hundred chairs to be arranged in the Court Room for persons invited by the Presidency of the High Court, whilst invitation tickets were issued for admittance to the galleries and for the chairs;
- 3°) no provision was contemplated in respect of the access of the public to the Court Room in relation to its limited capacity, so that the access from the Ponte Umberto Gates, open for this purpose, could be timely stopped when the Court Room would be filled;
- 4°) accesses to the Palace of Justice and therefore to the Court Room were, by the ornamance, limited only to the two entrances of Piazza Cavour and Ponte Umberto: all other entrances were to ^{be} remain closed. That of Piazza Cavour was reserved to members of the Government and Diplomatic Corps, for the Allies and the members of the Judging High Court; the Ponte Umberto entrance was to be used by high-ranking magistrates, and all other guests as well as by officials and employees of the magistracy, lawyers and all other persons who for professional reasons, or on legal business, or other proven reasons had necessity to enter the Palace of Justice: they would reach the different offices by following the pre-arranged route.

On this point however there is a deep disagreement between the statements of Dott. Maroni and the officials of the High Court, which agree, and that made by Assistant Chief of Police Lener. This disagreement does not concern the essential circumstance that the entrances should be only two, but the detail, as whether the entrance

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and others maintain. In this respect the Commission remarks that the possibility of a misunderstanding is not to be excluded, the effects of which will be seen later.

5°) the ordinance lays down that, in order to keep completely clear the courtyard located between the glass windows of the corridors, to the left and to the right of the entrance of Ponte Umberto, and the stairs leading to the Main Court Room, the corresponding openings into the courtyard "shall be blocked by elements of the police", and also lays down that "efficient guard services shall also be arranged along the corridors running either side and at the rear of the Court Room, in order that the Court Room shall be kept completely isolated and protected by a zone of absolute safety". Although immediately after the ordinance calls these guard services "barriers" it is evident that services effected by single elements, such as guards placed at intervals, cannot be considered "barriers". It was not possible to expect to guarantee in such manner the zone of absolute safety, rightly recommended in view of the expected "exceptional affluence of public, journalists and people attending the trial out of curiosity", an explicitly prescribed by the said ordinance.

The Ordinance further subdivided the police service, the direction of which was entrusted to Assistant Chief of Police Leher, into two zones, as he had himself suggested. The first zone was in charge of Chief Commissioner Marchi, assisted by Dott. Magliozzi, Dott. Iadevaia, Dott. Marsulli, Dott. Antonio Gentile. Force at their disposal: 80 agents in uniform = 20 plainclothes agents = 100 carabinieri, of whom 4 in full uniform for the guard of honour within the

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The task of Dott. Marchi was to arrange for police supervision within the Place of Justice, particularly as regards the Court Room,

and of the Piazza Cavour and Ponte Umberto entrances, having care to isolate with adequate police barriers the corridors leading to the Main Court Room. He was also charged with the task of regulating the entrance of the invited persons and of all other persons to the Palace of Justice in accordance with the modalities prescribed in the Ordinance. Lastly he was to arrange suitable observation services in order to prevent a crowd assembling and to adopt all other measures as circumstances required.

The second zone was entrusted to Chief Commissioner Dott. Borgomanero assisted by Dott. Vincenzo Gentile and by Dott. Luigi Basile. Force at his disposal: 50 agents in uniform = 50 Carabinieri = 10 mounted police agents = 10 mounted Carabinieri; these last to be kept in reserve, in the basement of the Palace of Justice, to be used in case of necessity.

Dott. Borgomanero was, in conjunction with the director of services of the first zone, entrusted also with the supervision of the outside perimeter of the Palace of Justice, namely, in Piazza Cavour, Via Ulpiano, Ponte Umberto, Via Triboniano as well as all the surroundings.

In the aggregate the police force placed at the disposal of Dott. Lener amounted to 320 men, and not to 450 as he had proposed in his letter dated 11th September.

Furthermore, the ordinance laid down that the two mounted squads were to be kept as reserve, to be used in case of necessity, in the basement of the Palace of Justice, but actually and fortunately this was not done, as it would have been a grave error to bottle-neck

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C) EXECUTION OF POLICE MEASURES - INITIAL POSTING AND DISPLACEMENT.

14. - One hour in advance of that fixed by the ordinance, the posting of the police service began at 6.30 and all the men were at their posts by 7.30.

Their initial displacement is shown in the tables (enclosures 2 and 4), but in order to have a clearer vision it has been shown also on the ground-floor plan and on that of the first floor of the Palace of Justice, enclosures 3 and 5 of the Report. An examination of this displacement, as shown on the two plans, will give at once an idea of the manner in which the police services were initially arranged, and of their scarce adequateness to the exceptional situation, clearly foreseen, that had to be faced.

The disposition of police services, once effected, had traduced into act the directions of the ordinance more in the letter than in the spirit. To this the ordinance lent itself by the inaccuracy of certain terms used and by the gaps in which the writer had incurred. It is however a fact that, also on the basis of the police force made available and in relation to the area of the corridors, vestibules, steps and staircases, of the courtyard and entrances to the Palace of Justice, it had not been adequately provided - as it was necessary and as the ordinance laid down - for the formation of barriers and above all for the isolation of the Court Room which, besides being isolated, should also have been protected by a zone of absolute safety.

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As shown by the plans, it is out of the question to speak of "barriers", and "blocks", inasmuch as the force employed principally as guards ended up by being disseminated throughout the courtyard, the stairs and corridors, and even those that were meant to form barriers

could not be considered sufficient for the purpose given their scarce number in relation to the vastity and above all to the length of the corridors, specially the main corridors which ran from one end of the Palace to the other and are furthermore very wide. It was to be fore seen that there would be wide and deep columns of people who would try to force an opening through the corridors. The physical force of a few men posted there as barrier could not by itself prevent a rush, without having recourse to arms which, owing to the delicate circumstances of the moment, had been previously strictly prohibited.

Similar remarks, and certainly graver, must be passed as regards the police service posted outside the Palace of Justice, inasmuch as, owing to the greater space in front of its entrances (Piazza ^{Ca-}avour and, on the other side, the opening of Ponte Umberto and the vast embankment), the crowd that could collect there would be considerable and might have been even greatly superior in number to that that had collected there on the morning of the 18th September.

Given that any emergency on the outside had to be met with 114 men, 10 of whom mounted, in order to reinforce the stress at the entrances, the advisability should have been considered of employing wooden barriers for the protection not only of the police, but also in order to restrain, in case of need, the crowd until the arrival of reinforcement, drawn from the reserve. This all the more so as, according to the directions issued, it was absolutely necessary to guarantee the Palace of Justice against an invasion by the crowd from outside.

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D) REMARKS ON THE ORGANIZATION OF THE POLICE SERVICE.

15. - From the above considerations regarding the organization of the police service, the most important points examined are as follows:

1°) the exceptional character of the services, to which there did not correspond adequate measures of an exceptional character and a more rational employment of the police force, on the points where an interruption of the crowd was to be foreseen. Whilst in order to reach this aim real and efficient police barriers were necessary, reinforced at the entrances by wooden barriers, suitably posted and commanded, it all ended by disseminating the men and employing them as guards. This arrangement could not, and did not, prove of any use in face of a mass interruption;

2°) the deficiency in liaison work - due also to the non-functioning of the small internal telephone exchange owing to lack of electric power - which delayed the intervention of reinforcements and the reserve both from inside and outside;

3°) the importance of the misunderstanding concerning the entrance to be kept open, after Dott. Lener had been informed that through the Via Ulpiano entrance would pass all the personalities indicated to him, even if in a small number.

Dott. Lener, having been informed of this on the morning of the 17th, had ample time in which to clear the misunderstanding and to insist on the closing of the Via Ulpiano entrance: on the contrary he accepted the change.

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Dott. Lener, having been informed of this on the morning of the 17th, had ample time in which to clear the misunderstanding and to insist on the closing of the Via Ulpiano entrance: on the contrary he accepted the change.

This should have suggested to him measures for the closing of the Piazza Cavour entrance, given that in accordance with the Ordinance only two entrances were to remain open. Lener, however,

having acquiesced in the opening of the gates in Via Ulpiano, did not even provide to increase the number of the agents guarding it; just as he did not provide to reinforce the police service posted on the stairs and in the corridors that from that side lead towards the Court Room, which, therefore, remained neither isolated nor protected;

4°) the lack of provisions or however of agreed measures on the spot by the Director of police services to establish the number of persons to be admitted to the Court Room, and therefore to have the admittance of the public strictly and constantly controlled, so as to proportion the number of people admitted to the capacity of the Court Room. It therefore happened that admittance was not denied to anybody when at 8.15 the Court Room had already become crowded and as a matter of fact, about one hundred people were allowed admittance from the Ponte Umberto gate, as mentioned by Dott. Borgomanero in his statement (dep. I. 58).

This negligence bears an aspect of exceptional gravity if it is considered that at the meeting of September 15th, according to the statement of Dott. Maroni (doc.n.76) it was pointed out to Assistant Chief of Police Lener the necessity of not admitting any more people in the Court Room once this had been completely occupied by the public which, for intuitive reasons, was to be limited.

B) REMARKS ON THE EXECUTION OF THE POLICE SERVICE.

16. - The Commission, before remarking on the manner in which

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B) REMARKS ON THE EXECUTION OF THE POLICE SERVICE.

16. - The Commission, before remarking on the manner in which the police service was effected, deems it opportune to examine briefly the actual situation as it had developed on the morning of the 18th. A few considerations will follow later.

In the introductory part of the Report mention has already been made that, since the early morning of the 18th September, the affluence of the public at the entrances of the Palace of Justice was not only large, but considerably out of proportion to the small space allotted to the public at the back of the Court Room.

In this space there might have been accommodated about 60 people, standing and not too comfortably, whilst the number aspiring to enter the Court Room amounted to several thousands. The gates of the Palace of Justice, guarded by the police, were closed to the mass of the public, but every now and then they were slightly opened to let through holders of invitation tickets for the galleries, magistrates and lawyers who, although not being connected with the Caruso trial, had necessity or said they had necessity, to enter the Palace of Justice for carrying out their normal occupation there. At the sight of this preferential treatment, the public violently protested and taking advantage of the passage of the privileged persons, little by little managed to get through and reach the Court Room. Others managed to penetrate into the Palace and reach the Court Room by climbing over the gates: in this way a considerable number of people managed to enter the Court Room and when, about 3.15, the gate of Ponte Umberto, where the first fights took place to jump over it, was opened to admit about one hundred people, the Court Room was already crowded.

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It must be borne in mind that, owing to its configuration, the Palace of Justice offers great difficulties in preventing the public from entering it. There are large and numerous gates, easy to climb and, besides, whilst the ordinance of 16th September laid down that only two of the entrance gates were to be opened to the

public, in practice on the morning of the 18th, owing to an unfortunate misunderstanding, the three entrance gates, normally used by the public to enter the Palace of Justice, were left open and guarded by the police.

Towards 8.45, about 250 persons, pushing against the gate of Via Ulpiano, managed to enter the Palace of Justice. This crowd not knowing the exact route to follow in order to reach the Court Room, went along the corridors of the first floor. A vast group managed to enter the Court Room by pushing the public in the semicircle towards the Presidential dais and the Judge's benches. Another group of about 80 persons, attempted an irruption in the Court Room from the rear[?] from where the premises of the Council Chamber are reached.

Owing to the determined intervention of the police the crowd did not succeed in bursting the door which, through a small corridor, communicates with the Court Room and, through a small stairway, with the room where the accused had been placed. The fight to prevent the crowd entering through that door lasted about one hour, when the crowd was obliged to leave.

Meanwhile, a confused and restless situation had arisen. The attitude of the excited crowd had rendered indispensable the postponement of the trial, following which the police force, headed by Colonel Pollock and the Chief of Police Morazzini, had to be employed slowly to clear the galleries and the Court Room.

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The first aggression against Dott. Carretta took place in an atmosphere pregnant with extraordinary excitement. He was saved owing to the intervention of police officials and agents.

Unfortunately, however, when the aggression was renewed in the corridors of the Palace of Justice, and in the successive phases of

violence against Carretta, both within and without the Palace of Justice, which led to the horrible lynching, the intervention of the Police was inadequate to protect the life of the unfortunate man, for reasons that will later be explained.

Now, in order to make an exact and complete valuation of the inadequacies and errors in the execution of the police service and of the behaviour of the police officials and agents, it is necessary to consider first the influence of certain factors of a psychological order that have a sure effect on police officials and agents. Allusion is here made to the state of mind of the public towards the police which created a condition of criticism and of transitory turmoil that still persists.

For different and contrasting motives not a day passes without there being grave and unfair attacks against the police on the part of the press of the various parties, often depicting their actions, purposely deformed, under the blackest colour without reflecting that never as in these moments their function, which draws force from the general consensus, far from being assisted and supported, is often represented and considered as an obstacle to the freedom gained, after long years of all kinds of restrictions, thus contributing to raise a feeling of hatred. This explains the widespread attitude, almost of defiance and derision, that the members of the police meet with when they are obliged to keep public order and to enforce the observance of the law. In order to avoid serious situations which, at the present moment could give rise to grave disorders, they endure, without re-

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This state of mind - fundamentally unjust because eventual individual excesses, always, however, adequately repressed, cannot nor must be extended, without offending it, to the masses that instead modestly and silently do their duties - must be taken into account in the serious crisis prevailing in the various police corps, already however on the way of being overcome through "epurations" that are taking place both in the staff and in the re-organization of the police corps, although it must be added that this re-organization is only just beginning.

Now, in effecting this re-organization the question of means must also be considered - from arms to equipment, from housing of the force to the possibility of disposing of speedy means of communication, which unfortunately are lacking owing to the looting and destruction by the Nazi-Fascists. It has not yet been possible to reorganize the latter with the necessary speed.

In normal times the Capital could rely on adequate and well-equipped units specialized in keeping public order. Reference is here made to the mobile battalions of Carabineers and Police agents particularly well-orientated, also morally and spiritually towards these delicate and difficult duties. For the carrying out of these duties of maintaining order, on September 18th, instead the police agents employed were drawn, as already explained, from the various police stations of the Capital, so that they found themselves under the orders of superiors unknown to them and by whom they were equally unknown.

By the above considerations the Commission has no intention

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By the above considerations the Commission has no intention of justifying a priori the errors and the inadequacies, which actually happened, but merely to set forth all those elements that permit to give an equitable and serene judgment.

Therefore, as regards the modalities followed in the execution of the police service, the Commission remarks that:

1°) there were no previous formations of agents under the orders of their direct superiors, officers and N.O.O. with whom the officials directing the police service should have kept in contact in order to facilitate the employment of the police.

Therefore, there was no logic coordination between the various formations and the prearranged cooperation which is indispensable in aiding the police when faced by armed violence. On the contrary, the officials followed the system of proceeding directly to the displacements of the police force, employing the higher ranks only for liaison and control purposes. The result was that the best use was not made of the police agents who were left isolated and disorientated and above all, undecided in their action at the most critical moment and, therefore, the spirit of initiative when faced by the seriousness of the events that followed, was in most of the police agents considerably below the normal.

2°) in consequence of the errors and omissions and of the deficiencies in the organization, hereinbefore indicated, the action of the police ended by being, on the whole, uncertain, fragmentary and incoherent.

Actually, when the crowd entered the Palace of Justice by the entrance of Via Ulpiano and, through the corridor to the north endeavoured to rush in the Court Room from the rear, overwhelming the resistance of the few agents displaced both in the corridor and on the steps of the small vestibule through which the Court Room is

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Therefore, there was no logic coordination between the various formations and the prearranged cooperation which is indispensable in aiding the police when faced by ~~ordm~~ violence. On the contrary, the officials followed the system of proceeding directly to the displacement of the police force, employing the higher ranks only for liaison and control purposes. The result was that the best use was not made of the police agents who were left isolated and disorientated and above all, undecided in their action at the most critical moment and, therefore, the spirit of initiative when faced by the seriousness of the events that followed, was in most of the police agents considerably below the normal.

2°) in consequence of the errors and omissions and of the deficiencies in the organization, heretofore indicated, the action of the police ended by being, on the whole, uncertain, fragmentary and incoherent.

Actually, when the crowd entered the Palace of Justice by the entrance of Via Ulpiano and, through the corridor to the north endeavoured to rush in the Court Room from the rear, overwhelming the resistance of the few agents displaced both in the corridor and on the steps of the small vestibule through which the Court Room is reached, it was found necessary to call for the reinforcement within the Palace of Justice. The intervention of the reserve, however, through faulty liaison work, took place with a certain delay, which

diminished the efficiency of its employment. On the other hand, the call for reinforcement from within the Palace of Justice made it impossible to supply the reinforcement subsequently urgently requested for the outside, when the savage scenes against Carretta took place on the Square of the Palace.

Inside the Court Room also, where the crowd was becoming violent, the action of the police was fragmentary, as the officials present were unable to give directions in order to coordinate the individual efforts and bring the most violent to order.

Equally, for the above stated reasons, the employment of the two mounted squads was inadequate: the mounted police because of the delay in calling it, arriving at Via Ulpiano when the crowd had already invaded the Palace of Justice; the mounted Carabinieri, because notwithstanding their timely arrival, did not decisively charge the crowd, with the result that having the more daring taken hold of the horses' reins, it was unable to manouver.

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F) BEHAVIOUR OF THE POLICE OFFICIALS AND AGENTS.

17. - In connection with this point it must be noted that the police officials, for reasons of opportunity intended to eliminate any reason of increasing excitement in the crowd, were not wearing the sash as prescribed by the Rules governing the execution of the law of public order in cases of assembled crowds. It is however unquestionable that in this manner they were not able to

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initiative. It cannot be denied that on the part of some of the agents, who have not been identified, there was lack of energy, not due to fear of violence, but in order not to excite further the crowd already giving signs of mass hysteria.

However, in the great majority, the police officials and agents endeavoured to calm the crowd, to persuade the public to clear the Court Room and, as already stated, they did succeed in withdrawing to safety Dott. Carretta in the first phase of the aggression.

Unfortunately, in the successive phases of violence against the unfortunate man, both within and without the Palace of Justice, the intervention of the police force was inadequate to the numerical superiority and savage frenzy of the crowd. It is however only fair to point out the behaviour of two police agents, La Fata and Marillaro, who succeeded in saving Carretta, when he was surrounded by the crowd in the corridor outside the Offices of the Court of Cassation, by making him take refuge in these premises. Mention must also be made of the behaviour of the N.C.O. of the Carabinieri, Tommaso Marfei, who, when he perceived that Carretta was being brutally dragged through the Palace towards the outside, although unarmed, he immediately rushed to assist Carretta and to save him from his aggressors and to this effect he actively cooperated with the few police agents in the successive stages of the aggression outside the Palace of Justice.

Particular mention deserves the action of a Lieutenant of the Carabinieri, Giambattista Vescovo, described in detail in his statement of 23rd and 25th September (doc. f. 84 and 92). His behaviour, highly praiseworthy, has been confirmed by the agreed statements of several

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unfair. Although a thorough search has been made for Rossi at the different addresses furnished, it has not been possible to trace him and therefore it has been impossible to interrogate him.

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G) RESPONSIBILITY OF THE POLICE OFFICIALS.

18. - The Enquiry clearly shows, instead, that precise and specific responsibility falls on the police officials employed in the direction and execution of the public order services and specifically on each official hereunder listed. In expressing a judgment however, the environment and the difficult situation must be taken into ¹⁾ consideration as attenuating circumstances:

- 1°) Assistant Chief of Police Dott. Mario Lener
- 2°) Chief Commissioner Dott. Alessandro Borgomanero
- 3°) Chief Commissioner Dott. Arminio Marchi
- 4°) Vice Commissioner Dott. Carlo Marsulli
- 5°) Assistant Commissioner Dott. Alfredo Magliozzi
- 6°) Commissioner Dott. Antonino Farina
- 7°) Assistant Commissioner Dott. Antonio Gentile

As regards the Chief of Police Dott. Morazzini who, although attending the trial as witness under summon, endeavoured in every way to stop the disorders within the Court Room and, through infinite difficulties, to have the Court Room cleared, the Commission is of opinion that the responsibility connected with the drafting of the ordinance of 16th September, issued in his name, is considerably

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issued for the execution of the police services on September 18th, were in fact in accordance with their exceptional importance, even if the details show indecisions and gaps due to the actual drafting of the ordinance, and that in any case the misunderstanding concerning the Via Ulpiano entrance cannot be attributed to him.

In fact, together with Assistance Chief of Police Lener, Dott. Morazzini arranged for the presence also of Dott. Farina, of his own office, at the meeting of 15th September with the aim - even if it was not reached - of having exact notes taken of the arrangements made on that occasion.

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THIRD PART

19. - The scope of the third part of the enquiry consists - as already mentioned - in ascertaining the manner in which took place the facts that led to the aggression and killing of Pott. Carretta, as well as in determining the causes, the character and physiognomy of the facts themselves, without however encroaching in the field reserved to the judicial authority in respect of penal responsibility.

The investigations of the Commission have been carried out with all possible speed, but at the same time with that diligence and careful weight that the importance of the task required. ¹⁴

The investigations began with the journey of the Commission to Prascati for the identification of the woman who, according to a written statement by Lawyer Tullio Tacirina (doc. f. 81) had had a preponderant part in the second aggression. The identification of this woman in the person of Maria Nicotini was facilitated by the indications furnished by the mayor of Prascati (doc. f. 13) and was most useful in the development of the subsequent investigations, in the course of which no means to obtain proof which might appear suitable towards the ascertainment of the truth has been neglected, as proved by the findings of the Enquiry.

Of great help have also been the cinema films placed at the disposal of the Commission.

By means of an accurate elaboration, coordination and critical judgment of all the elements collected, it has been possible to reconstruct the incident in all its particulars in all the circumstances.

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Of great help have also been the cinema films placed at the disposal of the Commission.

By means of an accurate elaboration, co-ordination and critical judgment of all the elements collected, it has been possible to reconstruct the incident in all its particulars, in all the circumstances and modalities and in the various phases in which it occurred: the first within the Court Room, the second in the corridor

leading to the offices of the Court of Cassation, and the third outside the Palace of Justice.

It must be borne in mind that between the first and the second phase there was an interval of about 20 minutes; but this notwithstanding the facts appear to be interconnected by an intimate thread of assuallity and by the unquestionable identity of the entire physiognomy.

20. - In order to explain the development of the events it is advisable to recall that the trial against the exwarden Pietro Caruso, owing to the figure of the accused against whom the hatred of the entire Roman population had risen during the ill-fated period of German military occupation and owing also to the nature and gravity of the charges brought against him, had from the very first awakened the greatest interest in the public. This interest had increased in the period of the preliminary stages of the trial and had gradually become transformed in an exasperated curiosity, in a feverish expectancy pregnant with impatience and ferment, and in a widespread grudge against the accused. In all verity this state of mind of the Roman population was fostered also by the attitude of the press of all the political parties which had not spared attacks against Caruso and criticisms for the delay in holding the trial.

The public agitation and the press criticisms undoubtedly reflected the political and peremptory necessity of inflicting speedily on Caruso a punishment adequate to his misdeeds: but not everybody realized the other fundamental necessity which the punishing

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The public agitation and the press criticisms undoubtedly reflected the political and peremptory necessity of inflicting speedily on Caruso a punishment adequate to his misdeeds: but not everybody realized the other fundamental necessity which the punishing magistracy must satisfy, if it is to be really effective, namely, the expression of justice and not an instrument of vengeance. This is only possible when the penalty issues from impartial jurisdictional

bodies through the observance of pre-established rules and with a minimum of guarantee for the defense of the accused.

The responsible authorities did not fail to realize that the sense of unrest and distrust that was widespread on the eve of the trial might be a source of trouble and incidents as shown by the already mentioned letters of the President of the High Court to the Chief of Police and by the circular issued by him (doc.f.10).

The facts proved that these apprehensions were justified.

In the introductory part of this report the extraordinary concourse of the public to the Palace of Justice and the manner in which the public succeeded in gaining the Court Room, which since 8.15 was crowded, have already been described. It is here necessary to specify that the first incidents were provoked in the Court Room by the entrance of the relatives of the victims, who finding the first rows of seats occupied claimed them for themselves. These incidents were overcome by the speedy intervention of the police officials and agents who induced the people who had occupied the seats to cede them to the claimants. This notwithstanding the relatives of the victims, and particularly a group of women, gave constant and clear signs of unrest and agitation. Authoritative witnesses recall the derogatory comments these women were making in respect of the trial, of the slowness of justice, and of the uselessness of having recourse to a tribunal legally organized and so ostentatious in order to try such an abject criminal as Caruso.

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The public shared these comments which found an echo in the voices and phrases that went across the Court Room. The confusion and excitement increased when, just before 9 o'clock, a large group of people entered into the Palace of Justice and burst into the Court

overturning the barrier formed by the chairs and pushing the public in the semicircle right up to the presidential podium and on the judges benches. The photographs enclosed in the findings of the enquiry (doc. F.163-165) offer an eloquent demonstration of the confusion and turmoil which ensued.

At 9.10 the Head of the Allied Police, Colonel Pollock, entered the Court and in every way endeavoured to restore order, but he quickly realized that, given the attitude of the crowd, the opening of the trial would fatally have given rise to grave incidents and therefore he did not hesitate to advise that the trial be postponed. The postponement was decided by the Legal College, but the announcement produced disappointment and irritation amongst the public as Colonel Pollock has clearly reported in his statement (dep.F.109). He deemed it opportune to again address the crowd, giving assurances that the trial would be reconvened on another day and that justice would be done. Meanwhile the Assistant High Commissioner for sanctions against Fascism also endeavoured to persuade the public to leave the Court.

The crowd began slowly to move toward the exit, but having someone invited the witnesses and the injured parties in the trial not to leave the Court, the hypothesis that the postponement was a trick and that the trial would take place behind closed doors, appeared to receive confirmation and the crowd turned back and started again a commotion.

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In such an atmosphere, teeming with electricity and passion the first aggression against Dott. Carretta suddenly broke out. Owing to the fact that the first spark that caused the explosion of collective frenzy against Carretta was set off by a group of women relatives of victims of Nazi-fascist oppression, it is opportune

to recall in what conditions of mind these women had attended the trial.

The woman Ricottini (doc. f.100) has stated that on 10th September she had been to the Campidoglio, where there are the offices for aid to political victims and there had met six or seven women relatives of victims of the barbarous German outrage. Together they had complained of the slowness of the course of justice, against the people responsible for their bereavement and having learnt that Caruso's trial was to take place on September 18th, they agreed on the necessity of attending the trial for the purpose of giving vent to their anger and grief and made an appointment for the 18th at the Palace of Justice. This advance appointment between the five of six women is confirmed by the statement of one of them, a certain Antonina Pitotti Marchesi, a widow (dep. f.101).

Ricottini has further stated that on that day her anxious condition had been particularly excited and exasperated by a dream she had had the previous night in the course of which the son who had been shot by the Germans had said to her: "Wake up, Mother, you must go". This dream must have had no little influence on Ricottini if her psycho-pathologic conditions are borne in mind.

It is therefore quite possible - as she states - that as soon as she entered the Court Room she fell under a hypnotic spell.

It is furthermore very probable that amongst the women who were together with Ricottini there were some with hysterical or hysteroid stigma.

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21. - The incident in respect of Carretta arose after the postponement of the trial in an environment which as already stated was for multiple reasons pregnant with excitement. According to

Ricottini's statement, a woman, of about 40 years, pointing with her hand to ex-warden Carretta, suddenly cried in an angry tone of voice: "there is the man who together with Bertoni is responsible for the death of my husband! Traitor!" and so yelling rushed towards Carretta.

It is easy to understand the effect this attack produced on that abnormal environment. The other woman joined in with shrieks and actions in the attack against Carretta, and nearly all those present joined in, through one of those phenomenon of collective psychology, the mechanism of which will be illustrated later. The general state of excitement immediately polarized against Carretta and the hatred⁹ felt toward Caruso was directed against Carretta, through one of those "transfers" that are so easy in a mob.

The woman who first called Carretta a traitor and who was the first to attack him with a blow on the face, has been identified as the above mentioned Antonina Pitotti, widow of Varchesi. The identification was arrived at from her own partial admissions, from particulars given by Ricottini and other witnesses and from the fact that in the course of the fight she received multiple injuries to her left leg and both arms.

Amongst the more excited, there was also another woman who in one of the enclosed photographs (no. 2) is seen facing Carretta with the forefinger of her right hand pointing directly at him. This woman had not been identified as yet but by the photograph she has been recognised by Police ^{Commissioner} ~~Commissioner~~ Monazzi, by Vice Commissioner of Police Cutuli and by the N.C.O. of the Carabinieri De Lucia, as one of the most fierce elements. The last named states having grabbed

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surprising that the first investive against Caruso - and it is really quite unimportant whether it was launched by Pitotti or by other people behind her, as she states - should so easily and so rapidly have produced the collective aggression that ensued, without the previous existence of an adequate cause of animosity against the person of Carretta. Pitotti, in fact, admits never having been near Carretta.

The reasons must lay in the fact that the first accusation against Carretta was launched in a strangely over-excited environment and therefore particularly suited to provoke a feeling of collective solidarity with the accuser.

The statement that Carretta had had an arrogant bearing in the Court Room, drawing on himself the attention of some of the people causing a reaction that quickly became collective, does not appear to have any foundation. On the contrary, the findings of the Enquiry authorize the exclusion of this hypothesis.

It is to be believed that the mere presence of Carretta in the Court would have been in itself sufficient to cause the incident. It is ^{quite} true that during the period of German occupation he had exerted himself in favour, within the limits of his possibilities, of political prisoners, and this circumstance was known to many. But it is also certain that he was habitually in contact with Bertoni, who exercised the functions of interpreter in the wing of the prison handed over to the German Authorities. These contacts however never reached the character of a real friendship.

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It appears that Bertoni was generally considered a spy and that in an ignoble manner he speculated on the political prisoners, receiving from their relatives remunerations, sometimes very considerable, for the services he offered to render, or that he was requested

to render, to the political prisoners. Having a certain influence with the German Command, Bertoni even promised the liberation of political prisoners and therefore the unfortunate families who had their relatives in prison always applied to him.

Although Carretta, by reason of his functions, was not concerned with the German wing some witnesses state that rumours ran also in this respect.

Other elements contribute to give credit to these rumours.

In this respect, the episode told by Pitotti is significant. She stated that Signora Teresa Oretti persuaded her to pay her, as an advance, the sum of ten thousand lire, promising her to obtain the transfer of her husband held at Via Tasso to the Regina Coeli prison and in the presence of Pitotti telephoned the prison and made an appointment with Carretta. It is evident that it was all a trick to take advantage of Pitotti's good faith as Carretta could not exercise any power or interfere with the Via Tasso prisons. It is not to be excluded that those people who speculated on the anxieties and grief of the victims of political persecutions, had recourse to similar expedients to the detriment of Carretta.

Therefore it is understandable how, when the first rumours in the Court began to couple Carretta's name to that of Bertoni, deeply hated by the relatives of the victims, this simple connection was capable of setting off a wave of hatred against Carretta.

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22. - Carretta, repeatedly struck in the first aggression, had received several wounds; but the prompt intervention of the police managed to avoid graver consequences, restraining the violence of the aggressors and subsequently pushing him in a corner at the back of the Court Room. Soon after Carretta was made to leave the Court by the exit placed at the rear of the dais.

The incident would then have been closed without further consequences, if Carretta a few minutes after had not gone out again in the adjoining corridors, together with Sig. Strazzera, present Director of the Regina Coeli prison, and had not therefore been recognized by two young men who, taking him by the arm, said: "this man must come with us".

The two young men were followed by a group of other persons that went on increasing in numbers until they reached the entrance floor of one of the waiting rooms of the first President of the Court of Cassation where Carretta was surrounded; but he managed to free himself, also thanks to the intervention of two policemen, seeking protection, together with Strazzera, in the inner rooms and precisely in the office of the Chief Chancellor of the Court of Cassation. In the meantime the crowd had increased in numbers and thronged round the entrance door: at their head there was Ricottini who was crying but against the murderer of her son, invoking summary justice against him. The woman, a prey to a veritable "raptus freneticus", showed some letters of her son snatched on May 3th and confirmed her accusations claiming that Carretta had asked her for 200,000 lire to save her son from death, but that the execution had been inevitable because Ricottini had been able to collect only a small sum refused by Carretta. She referred to an absolutely inexistent fact built up by her morbid mind owing probably to the suggestion caused by a similar episode told by another woman, Pitotti, and that the Sig. ora Ricottini now believed to be perfectly true.

The invectives of the mother intensified the crowd's exasperation. The woman, a prey to a veritable "raptus freneticus", showed some letters of her son snatched on May 3th and confirmed her accusations claiming that Carretta had asked her for 200,000 lire to save her son from death, but that the execution had been inevitable because Ricottini had been able to collect only a small sum refused by Carretta. She referred to an absolutely inexistent fact built up by her morbid mind owing probably to the suggestion caused by a similar episode told by another woman, Pitotti, and that the Sig. ora Ricottini now believed to be perfectly true.

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The invectives of the mother intensified the crowd's exasperation and shouts were heard of: "Perisi let's imitate Paris!". A young man, among the most excited, that supported the senseless words

of Ricottini, got the woman to hand him the letters that should have offered the proof of Carretta's original action and managed to enter into the room together with Ricottini.

Any attempt to placate them immediately appeared to be quite useless.

A few minutes after, the young man reappeared in the doorway of the waiting room and stated that Carretta was being put into safety by officials of the Palace of Justice and incited the crowd to seize him. A group of about 15 persons, having overcome the resistance of the two policemen that protected the entrance, broke through and having seen Carretta who was escaping through the inner rooms in the hope of finding a refuge, reached him in the room n° 61 and dragged him 35 in the corridor kicking and hitting him. Carretta was pushed towards the principal staircase, with blood dripping from his face and thrown down the stairs. On reaching the main entrance, another crowd joined in in order to vent their rage on the body of the unfortunate man, who was struck all over with great violence also with sticks.

When Carretta was dragged through the gates into the road the scene reached a level of blind ferocity. The most perverse atavistic instincts of the human race re-emerged suddenly in the conscience of the crowd finding an outlet against the unfortunate Carretta.

Some policemen tried to save him from the fury of the crowd by making him enter into a taxi standing in the square; subsequently into another taxi that was expressly called and, lastly, on an American jeep, but in vain, for the crowd, paralyzing the efforts of a small group of police agents and officials, seized the body of

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In the meantime, a tramcar of the "Circulare Interna" had arrived from Via Ulpiano and had stopped in the square of Ponte Umberto. The frenzied mob took the body of Carretta and dragged it across the rails, trying to force the conductor to set the car in motion and so crush him. The conductor however although threatened and struck, refused and ran away.

Then the crowd, in prey to collective frenzy, shouted: "to the river, to the Tiber!". In a moment the body of Carretta was picked up, carried to the parapet to the left of Ponte Umberto and thrown into the water. Carretta, senseless, disappeared in the river but after a minute he again reappeared and having recovered his senses owing to the sudden shock of the cold water, and favoured by the current, he reached floating the enclosure in that part of the river which is reserved to the bathers of the Fabio Tullio Bathing establishment, situated on the right side of the Tiber, and caught hold of a pole.

The mob that thronged the bridge and embankment followed with pitiless curiosity the slow movements of Carretta; but when they saw that he was trying to save himself, they began again to abuse him; two men in bathing costume, who were on the platform of the bathing establishment, threw themselves into the water and drawing near to Carretta forced him, by striking his hands, to abandon the pole that he had grasped. Carretta then tried to swing towards the establishment but two other persons, also in bathing costume, took a boat and prevented him to come near the establishment and with their oars pushed him to the centre of the river. At the same time another

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and, using their oars, accomplished the horrible crime.

The body floated and, carried by the current, began to move slowly down stream.

The mob had followed the crime with shouts of approval.

In the meantime the body of Carretta, carried by the current, had now grounded on the right bank of the river. Some young men ran to fetch it, carried it to the embankment and dragged it, followed by the shouting mob, to the Regina Coeli prison. The corpse, half naked, disfigured by wounds, and still bleeding, was hung with a rope by the feet to an iron bar of the building, stoned and derided by the crowd. Later on the Italian police authorities came on the spot, cut down the body and carried it into the interior of the prison.

23. - Having thus objectively outlined the succession of the events it appears useful, before taking in consideration their physiognomy to put in evidence some factual remarks that can be of interest in the conclusive evaluation of the event.

The first point concerns the figure of Signora Ricottini, who, as we have seen, played a major part in the beginning of the second aggression. According to statements made by the Mayor of Frascati and by the Commander of the local Carabinieri, and according to the general opinion of her fellow citizens and to her hereditary tares - she was a sister affected by infantile paralysis who suffers from periods of lunacy, idiotism and hallucination - she appears to be

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In this morbid picture one must consider the accusation made by her against Carretta, accusation which has been proved quite groundless and that was certainly the fruit of suggestion.

On this point the enquiry has reached decisive results, inasmuch as it has established that the son of Ricottini, named Virgilio, 19 years old, arrested on February the 27th 1944, was transferred to the German wing of the prison on May the 8th 1944, under sentence of death pronounced by the German tribunal on April the 18th 1944 for violence to a German soldier, and the same day was handed over to the men of the P.A.I. so as to be taken to the place of execution (doc. f.104).

Ricottini saw for the first time Carretta in the afternoon of that same day when, with the necessary caution, he broke to her the news of her son's execution, as she herself admits in her statement.

The accusation against Carretta concerning the request of 200.000 lire to save her son, the impossibility of collecting the amount and the offer of a lower sum of money, was, therefore, a pure invention which drew force from a similar accusation launched against Carretta in the Court Room by another woman and which in Ricottini's diseased mind took the aspect and form of reality owing to the easy suggestibility of hysterical subjects and to their tendency to mistake for reality the product of their fantasy and hypnotic suggestion.

To the same morbid frame of mind must be attributed that "smiling" attitude ascribed to Carretta when he communicated to her the death of her son and which gave origin to her hatred and grudge

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To the same morbid frame of mind must be attributed that "smiling" attitude ascribed to Carretta when he communicated to her the death of her son and which gave origin to her hatred and grudge against Carretta personally.

Ricottini is a pathological subject worthy of being studied by a psychiatrist.

The second point worthy of attention is the participation of socially dangerous elements in the phenomenon of collective violence of which Carretta was the victim.

It has already been mentioned that whilst Carretta was crossing the corridor together with Strazzera he was stopped by two young men who ordered him to follow them. Now, the two young men have been recognized by Strazzera as two ex-prisoners for common offences and were seen by the same Strazzera as the most unruly in the crowd outside the Offices of the Court of Cassation. As experience shows that in collective disorders very often the upper-hand is taken by common offenders or anyway, by socially dangerous elements, it is very probable that the above mentioned young men had a preponderant part in supporting Ricottini's groundless accusations, giving a concrete form to, and putting into act, the feelings that were fermenting in the mind of the mob, and in taking violent action against the person of Carretta.

24. - Coming to the conclusive evaluation of the facts as they have been ascertained in their origin and development, in their multiple and complex concurring causes, the Commission considers that its judgment might be summarized and synthesized into two central points which form one whole:

- a) the exceptional character of the events;
- b) the typical characteristics of a mob crime of the events.

As regard the first point it is to be noted that the lack

of any pre-arrangement is shown by the manner in which the mob incident

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- a) the exceptional character of the events;
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As regard the first point it is to be noted that the lack of any pre-arrangement is shown by the manner in which the sad incident originated, by all the circumstances and modalities of its development, as above outlined.

Besides any preordination the political motive also is to be excluded, in the sense of an act on the part of a determined political current.

Undoubtedly in the crowd in the Court Room were also represented all the political tendencies which converged in a common hostile feeling towards the accused and in invoking full justice against him. There were, certainly, different grades of intensity in the manifestation of this feeling and there were clear signs of unrest and nervous tension, specially amongst the relatives of political victims, which could, suddenly, be transformed in a cause of disorders at the minimum incident. It is not to be excluded that, given the state of mind of the crowd, in such a highly strung atmosphere, the presence in the Court Room of the accused could have provoked incidents even more serious than those that took place. Therefore, to postpone the trial was a wise measure.

These elements, however, do not in anyway justify the hypothesis ventilated by some superficial and not dispassionate observer that the incident, with its sad ending, was provoked by a so called fifth column of Fascists with the aim of fomenting disorder. No elements has the enquiry brought to light that might confirm such hypothesis.

Equally without foundation appears the rumour that groups of persons belonging to the extreme political currents had attended the trial with the deliberate intention of causing incidents.

It is however true that at the proceedings were present many young men dressed in clothes unsuitable to the occasion, whose behaviour was not in keeping with the dignity of a Court Room, and who with their comments, excited the crowd. This attitude is confirmed

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It is however true that at the proceedings were present many young men dressed in clothes unsuitable to the occasion, whose behaviour was not in keeping with the dignity of a Court Room, and who with their comments, excited the crowd. This attitude is confirmed by the documentary film, shown to the Commission and from several photographs enclosed (doc. f. 163-165).

Undoubtedly amongst those young men there were some unruly elements: as regards the others even admitting that they belonged to political parties it is clear that the leaders of any political movement cannot be held responsible for their behaviour. Nor is it necessary to explain such behaviour by a deliberate intention, as the coincidence of certain circumstances would be sufficient. For instance, the obstacles to be overcome in order to reach the Court Room, their uncomfortable position vis-à-vis the privileged public and the Judges' benches would be sufficient to give rise to resentment and protests.

29

25. - The findings agree, instead, in making the event appear as a collective mob phenomenon which arose from an occasional cause of very slight importance in environment conditions particularly favourable to a burst of collective frenzy.

In this respect it is superfluous to recall that not every gathering, assembly or agglomeration (whether accidental or pre-arranged) of persons is sufficient to constitute, under the psychological aspect, a mob. In order to have a mob, in the strict sense of the word, it is necessary that, under the action of sudden events, the persons gathered together feel they are caught and dominated by a powerful psychological common factor that guides and draws them, orientating and directing ideas and feelings towards the same direction, forming therefore a kind of collective soul and conscience (the so-called mob-conscience) wherein the single conscient personality of the

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The well-known characteristics of this collective psyche are excitement, impulsiveness, suggestionability, thoughtlessness, instability, intolerance; weakening and often total absence of critical sense, of all control, lowering of moral standard, and, sometimes, the obliteration of all inhibitory restraint.

Now, in the particular instance, from the first phase, within the Court Room, occurred the transformation of the public, impatient and restless awaiting the beginning of the proceedings, into an aggressive and unruly mob.

The factors of this transformation (some of which were already present, whilst others were circumstantial) are due to the environment conditions, already illustrated, which had determined an abnormal state of unrest, excitement and a sense of deep anger against the accused; a sense of intolerance and an inclination towards acts of rebellion and violence.

The nature of the trial and the unrestrained press campaign in the immediately preceding days had, as already explained, produced in the Roman population a feeling of exasperated curiosity, of febrile impatience, a sense of angry resentment against the accused, considered as one of the most responsible persons for all the suffering endured during the ill-fated period of German military occupation. These psychological conditions affecting nearly all those present were more emphasized in the members of the victim's families and were intensified by the theatrical appearance of the Court Room, by the awkward structure of the Court Room, by the irritation caused by the presence of a privileged public which could attend the trial.

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of political victims (more given to excesses) had attended with the fixed intention to stir up trouble and to give vent to their angry resentment against the accused.

The irruption in the Court Room of a group of people who up till then had been unable to enter gave rise to a certain confusion and panic and contributed thus to render the environment climate even more suitable to the transformation of the public into a mob.

The accusation unfortunately directed by a woman against Dott. Carretta was the spark that started the incident, the occasional cause that resulted in the impulsive and violent collective aggression. It is not strange that the aggression exploded without any body having felt the need to check the foundations of that accusation: extreme credulity and, rather, the easy tendency to deform, to exaggerate, and to pervert the truth, together with the uncontrollable power of suggestion, is a peculiar characteristic of mob psychology. 27

Is equally part of the most significant characteristics of collective psychology, the facility with which a mob, under the action of merely accidental factors changes the subject towards which were directed its angry feelings: in this instance, the "transfer" of the hatred and resentment first felt against Caruso, was conveyed and directed later against Carretta.

However, the overwhelming power of the feelings and emotions which arise in the conscience of the mob increases and takes gigantic proportions progressively with its development. Therefore, in that initial first phase it did not have very serious manifestations: and it was possible to save Carretta from the onrush of the aggressors

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However, the overwhelming power of the feelings and emotions which arise in the conscience of the mob increases and takes gigantic proportions progressively with its development. Therefore, in that initial first phase it did not have very serious manifestations: and it was possible to save Carretta from the onrush of the aggressors without very great difficulty.

During the second phase, the fact that Carretta rashly came out in the corridors and was recognized, immediately determined the

formation of a new crowd, heterogeneous and amorphous, comprising in part elements already present in the Court Room and still under the influence of those feelings and emotions, and in part by the newly arrived who immediately fell under the spell of suggestion and psychological contagion.

In this first phase, is to be noted the exciting action exercised by a psycho-pathological subject, such as Ricottini and by certain common offenders who probably wanted to vent against Carretta the grudge that all prisoners have towards the directors of prisons.

The new crowd considerably increased and consolidated at the exit of the Palace of Justice, with the addition of elements qualitatively worse and therefore more suitable to accentuate the tendency and predisposition to violence.

As it generally happens in these contingencies, the sight of blood that was flowing from the body of Carretta must have contributed to inflame the blind sanguinary impulse of the mob.

It must not be forgotten that in these collective phenomena are prevalent and come to the surface the psychic forms of the subconscious, the atavistic and bestial instinct; the paleo-psychic strata predominate, whilst the higher ethical inhibitory restraint, discernment, self-control, critical sense, seem to become attenuated and disappear. The emotions of anger, of vengeance and hatred break out with an intensity that reaches frenzy. There is a kind of psychological fermentation which causes to rise from the depths of the psyche all primitive feelings, whose strength is multiplied in the crucible of union, in the uncontrollable power of suggestion and contagion, in the

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transformed, in the nebulous collective conscience in the exercise of a right and in the fulfillment of a duty and in the persuasion of being an infallible instrument of a higher justice.

It is naturally outside the province of the task entrusted to the Commission, to evaluate and determine what influence this collective psychological state of mind of the unruly mob might have on the imputability and penal responsibility of each person, in relation to the various phases and episodes.

The unquestionable physiognomy of a mob crime is herein pointed out only in view of a social and political evaluation of the event, which with its phases, in its origin and in its development does not differ from many other events that have happened in similar contingencies in all times and even in the most civilized countries: events not less serious and painful where innocents have lost their lives and the killing was accompanied by the most atrocious tortures and horrifying excesses.

One last remark appears to be however necessary, namely, that in the evaluation of the events that led to Carretta's death, the last stages that were evolved in the waters of the Tiber, should be separated from the previous, that is, when Carretta clinging to a pole of the enclosure of the bathing establishment, was struck and obliged to let go; when, subsequently, he neared the bathing establishment, in the hope of receiving help, a number of people cut off all means of escape, pushing him towards the centre of the river; when, lastly, two individuals arrived in a boat on the spot where Carretta was fighting to avoid certain death and finished the

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One last remark appears to be however necessary, namely, that in the evaluation of the events that led to Carretta's death, the last stages that were evolved in the waters of the Tiber, should be separated from the previous, that is, when Carretta clinging to a pole of the enclosure of the bathing establishment, was struck and obliged to let go; when, subsequently, he neared the bathing establishment, in the hope of receiving help, a number of people cut off all means of escape, pushing him towards the centre of the river; when, lastly, two individuals arrived in a boat on the spot where Carretta was fighting to avoid certain death, and finished the slaughter with the oars.

These last events seem to show that the typical form of a mob crime appears somewhat attenuated, both because it is a question of isolated individual actions, and because they took place away from the mob that assisted at the macabre scene as spectators from the parapet of Ponte Umberto and the Embankment. It remains to examine, in its proper place, whether the excitement of the crowd exercised such an immediate and powerful suggestion as to deaden the individual conscious responsibility of the authors.

25. -

The Commission, in the course of its enquiry, has necessarily examined also the figure of Dott. Carretta in order to establish whether, with his character and behaviour, he could have given rise to hatred and grudge and therefore constitute a motive for the violent acts of which he was a victim. The report would not be complete if did not mention this point also.

The records of the enquiry contain ample documentation, furnished also by the Allied Police Authorities, which permits of expressing a considered judgment on Carretta's behaviour.

His career records, summarized in the report of the Direction General of Penal Establishments, and in the statements of his superiors, show that Carretta was a most capable official, honest, with a great sense of duty, but inspired in his task by a deep sense of justice and by humanitarian sentiments towards the prisoners.

As all State officials he had been a member of the Fascist Party, but had taken no active part in politics, nor had he held

of isolated individual actions, and because they took place away from the mob that assisted at the macabre scene as spectators from the parapet of Ponte Umberto and the Embankment. It remains to examine, in its proper place, whether the excitement of the crowd exercised such an immediate and powerful suggestion as to deaden the individual conscious responsibility of the authors.

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During his permanence at the Asinara he was placed under

inquiry concerning administrative irregularities, but not affecting in any way his personal integrity. The findings of this inquiry were favourable to Carretta, who was subsequently called to direct the important Penal Establishment of Civitavecchia, where political prisoners were mostly detained.

It was exactly in this Penitentiary that rumours began which gave rise to the accusation launched by several papers, after September 18th, that Carretta, during his permanence at Civitavecchia, had shown a repugnant harshness and particular inflexibility towards the political prisoners.

Having invited the directors of the newspapers to specify the source of their information, one of them was unable to give any explanation, stating that he had learnt the information from rumours circulating in Rome and that had been collected by reporters (b.doc. 112), the other gave no reply.

On the other hand, the Chief Inspector of the Ministry ²³ Comm. Narmacino, has explained the probable origin of these rumours which affected Carretta only by reflection, inasmuch as he was made responsible for the extremely harsh behaviour of a head warder, a wicked Fascist and a member of the party, towards the political prisoners (v. dep. F. 46,47,48). The rumours and malicious accusations appear however devoid of any sound base there not being any proof of any specific fact attributable to Carretta. There are, as a matter of fact, elements to believe that these rumours have no foundation whatever.

But the figure of Carretta emerges in a clearer light, and

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But the figure of Carretta emerges in a clearer light, and such as to dissipate any shadow of doubt, in the examination of his work in favour of political prisoners detained in the prison of Regina Coeli. In this part of his most praiseworthy work, carried

out in an atmosphere of extreme danger, in the very same environment where the hatred and savagery of the German dominators reigned, the following have amply testified, agreeing in every point: Signor Strazzera, then President of the Prisoner's Assistance Board and member of the Committee of Liberation; Monsignor Bonaldi, then Chaplain of the Regina Coeli prison; Dott. Monaco, night doctor of the prison and an exponent of the Military Junta of the socialist party, and several other witnesses. The representatives of the various parties on the Liberation Committee, and in particular the secretary of the socialist party have all testified to Carretta's humane work. They have all felt the necessity to render homage to the spirit of abnegation and courage showed by Carretta who on many occasions, and in the most extraordinary manner, came to the help of the political prisoners, ensuring them communications with their families and with their political comrades; ordering in respect of many of them, in accord with the doctors, their transfer to the ²² Prison Infirmary and to Hospitals, where the treatment was more humane and supervision less strict; and favouring the escape of some of them to avoid certain death. In his own apartment, a few yards from the "German wing", he gave refuge to political prisoners and persecuted men whom he aided to escape under a disguise. For long months he was in close contact, through doctor Monaco, with the Military Junta of the socialist party, he made possible the transportation of arms from one end of Rome to the other, placing at the disposal of the patriots the prison's van; he informed in useful

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even maintaining to the Germans and Fascists that the men were ill and unable to undertake the journey.

All the witnesses have agreed in stating that Carretta's name could not be tainted with even the most far-fetched suspicion of self-interest. Carretta not only never asked, but never even accepted any payment for all he did to save the prisoners who were subjected to political persecution.

The report has already explained what origin might have had the accusations launched against him by the women relatives of the political victims who with their hysterical frenzy had given rise to the first incident in the Court Room against Carretta: these accusations appear to be absolutely unfounded.

All these elements serve to illustrate the most important and agreeable aspect of Carretta's life: that of the citizen aware of his duties in the gravest days of his Country.

Justice requires that for this reason respectful homage be paid to his memory.

SUMMARIZED CONCLUSIONS

In handing result of the work carried out with the maximum objectivity and with the consciousness of carrying out a high civic duty, the Commission considers it opportune to summarize and synthesize the findings in the following propositions:

All the witnesses have agreed in stating that Carretta's name could not be tainted with even the most far-fetched suspicion of self-interest. Carretta not only never asked, but never even accepted any payment for all he did to save the prisoners who were subjected to political persecution.

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SUMMARIZED CONCLUSIONS

In handing result of the work carried out with the maximum objectivity and with the consciousness of carrying out a high civic duty, the Commission considers it opportune to summarize and synthesize the findings in the following propositions:

I.

In the manner in which the preliminary arrangements were made for the proceedings against the ex Rome Chief of Police, Pietro Caruso,

omissions of precautions have been found, such as:

a.) the choice of the Court Room and the insufficient adaptations therein made, unsuitable to the exigencies of the proceedings;

b.) the issue of admittance tickets to the galleries and the arrangement of chairs in the Court Room in the space reserved to the public, which, on this occasion, constituted a privileged public formed of magistrates, lawyers and relatives of the victims who could comfortably attend the proceedings, whilst the ordinary public was relegated to an extremely small space at the back of the Court Room.

Furthermore the lack of protective measures adequate to the exceptional situation, specially in respect of the witnesses, has been registered.

2.

-20

The police service arranged for the maintenance of public order during the proceedings proved to be, when applied, inadequate both from the point of view of organization and under the executive aspect for the reasons already explained in the Report, with the result that the action of the Police officials and agents was uncertain, fragmentary and incoherent. These deficiencies have contributed to aggravate the development and the consequences of the incidents that took place within and without the Palace of Justice on the morning of September 18th, 1944.

3.

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3.

The incidents that led to the aggression, in their various phases, and to the death of Dott. Carretta, are due to a sudden explosion of collective frenzy: any preordination even indirect is

therefore to be excluded.

The incidents have the typical configuration of a mob crime. Multiple factors contributed to creating environment conditions that favoured the formation of a mob and the climate suitable to the explosion of popular frenzy; some of the factors being occasional; others instead, concomitant and pre-existing, could have been avoided, such for instance, as the lack of adequate measures of protection, particularly in respect of the witnesses, deficiencies and errors in the organization and execution of the police service for the maintenance of public order.

4.

As regards Dott. Donato Carretta, the enquiry has ascertained:

- a) that he was a capable and most honest official, with a high sense of duty, but at the same time inspired by sentiments of humanity towards the prisoners;
- b) that the accusations of self-interest launched against him during the aggression are the product of pure fantasy;
- c) that the rumours published by some papers, according to which, during his period of office in the Penal Establishment of Civitavecchia he had harshly treated the political prisoners, have not been corroborated by any proof;
- d) that as Director of the Regina Coeli prison, during the turbid period of German occupation, he endeavoured in every way, exposing himself to serious personal risks, to favour the political prisoners. This particular aspect of his activity is shown in a

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d) that as Director of the Regina Coeli prison, during the turbid period of German occupation, he endeavoured in every way, exposing himself to serious personal risks, to favour the political prisoners. This particular aspect of his activity is shown in a series of documents, by the agreed statements of numerous witnesses, amongst whom are authoritative party representatives on the Committee

71.

of National Liberation and by various instances of abnegation and courage that place the figure of Carretta in a light so clear as to dissipate any shadow that might have overcast it in the past.

Rome, 16th October, 1944.

sgd. EMANUELE PIGA
President of the Enquiry Commission

sgd. CARLO ROSATI
sgd. CRISPINO AGOSTINUCCI

Members of the Commission.

18



4087/1

ALTA CC TE DI GIUSTIZIA

PER LE

SANZIONI CONTRO IL FASCISMO

(14)

N.

Pro C

Roma, 12 settembre 1944

Risposta a nota del

N.

Alleg.

OGGETTO: processo contro CARUSO PIETRO . Teste
Alianello Raffaele.

Stampetta Reale di Roma

AL CAPO
DELLA SOTTOCOMMISSIONE LEGALE
A. C. C.

ROMA

=====

Per l'udienza del 18 settembre p.v., nel processo a carico dell'ex questore Caruso Pietro, si è disposta la citazione, tra gli altri, del teste Commissario di P.S. ALIANELLO RAFFAELE.

Intanto è risultato che detto teste è internato nel campo di concentramento di Afragola, a disposizione della Polizia Alleata.

Ciò stante, debbo pregare cotesto Comando di voler tempestivamente disporre affinché il ripetuto teste ALIANELLO sia tradotto per il 18 corr. a Roma, a disposizione di questa Alta Corte.

IL PRESIDENTE

*Scu by
ghul Sc.
13/9/44*

40871
✓
~~CONFIDENTIAL~~

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION IV, LEGAL DIVISION
A.P.O. 394

Legal 13A
7072
18 August 1944

L/c/1003
L/1007

SUBJECT : CARUSO Pietro

TO : Chief Legal Officer,
Legal Sub Commission, A.C.C.

10A

1. Please be assured of the immediate compliance with the instructions of 10/8/1944 with respect to the above.



Robert C. Hendrickson
Robert C. Hendrickson,
Major, A.U.S.
Regional Legal Officer,

RCH/PA.

15

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

~~CONFIDENTIAL~~

Ente

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

(12A)

ACQ/4087/1/L.

11 Aug 44

Your Excellency,

CARUSO, Pietro

I am instructed to inform your Excellency that arrangements have been made for CARUSO to be handed over to the Italian Government. Perhaps your Excellency will be good enough to ask your police authorities to make their arrangements direct with the Regional Public Safety officer of Region IV.

Believe me
Your Excellency
yours truly

RM

H.E. BERLINGUERI,
L'Alto Commissariato per le Sanzioni
contro il Fascismo,
Palazzo del Viminale
ROMA

Cpy to ROMG
RPSO (through *RG*) R. IV

14.

4082/1
S-E-C-R-E-T

(110)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION IV
LEGAL DIVISION
A.F.O. 394

11 AUG 1944

L/1007

10 August 1944

SUBJECT : CARUSO Pietro
THRU :: Regional Commissioner.
TO : Chief of Administration Section,
Allied Control Commission.
(attention Lt.Col. S. H. White)

1. Reference your letter of 5 August, (4082/3/L).
2. This defendant is now in Allied custody in "Regina Coeli" and all responsible authorities in both the Legal Division and Public Safety Division of this Region have been carefully instructed that Caruso is to remain in our custody until his presence is required for trial by the Italian Government.

Robert C. Hendrickson
Robert C. Hendrickson,
Major, A.U.S.
Regional Legal Officer.

RCH/PA.

RCH

13

S-E-C-R-E-T

(4082)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4087/1/L.

/rlp.
10 August 1944.

SUBJECT : CARUSO Pietro.

TO : Regional Legal Officer (THRU: Regional Commissioner), Region IV.

1. I enclose herewith the copy of a letter dated 8 August 1944 from the office of the High Commissioner for sanctions against fascism. The High Commissioner apparently wrote to this sub-commission because he is without knowledge of how these matters are handled in this organization.

2. I have no doubt that it may well be that you have the requested information or can tell me where it is located. In any event, any information you may have should be sent direct to the Administrative Section, ACC which is dealing with cases arising under the recent decrees of the Italian Government.

1 Incl.

RICHARD H. WILMER,
Colonel, GAC,
Acting Chief Legal Officer. 12

TRANSLATION9A
Translation

HIGH COMMISSARIAT FOR PUNISHMENT OF OFFENCES AND ILLICITS
OF FASCISM.

Ref. Prot.1166

Rome 8 Aug 44

SUBJECT : CARUSO Pietro- Former "Questore"

TO : Allied Control Commission, Legal Sub-Commission.

This High Commissariat has initiated proceedings against the former "questore" of Rome, CARUSO PIETRO, charged of having actively cooperated with the Germans, and other offences.

To our knowledge, your Sub-Commission has already investigated an offence of theft committed by the aforesaid CARUSO and we therefore beg you that his file be sent to this Commissariat as we deem advisable to attach it to the proceedings prepared by this High Commissariat, so as to better illustrate his personality and criminal character. -

THE HIGH COMMISSIONER " AGGIUNTO"

(RECEIVED) - RELINQUER
A

4087/1

(9A)

ALTO COMMISSARIATO PER LA PUNIZIONE DEI DELITTI E DEGLI ILLECITI DEL FASCISMO

L'ALTO COMMISSARIO

Prot. N. 1156

Roma 18 agosto 1944

Risposta alla lettera N.

del

OGGETTO

Ex questore Caruso Pietro. =

ALLA COMMISSIONE ALLEATA DI
CONTROLLO

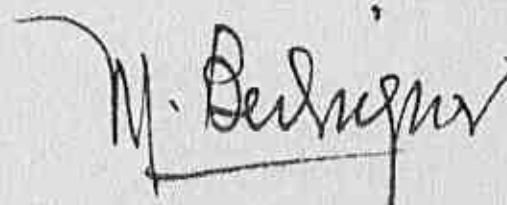
Divisione Legale

R O M A

Questo Alto Commissariato ha iniziato procedimento contro l'ex questore di Roma Caruso Pietro, imputato di cooperazione attiva con i tedeschi e di altri reati.

Poichè risulta che codesta On.le Commissione ha compiuto indagini relativamente ad un reato di furto commesso dallo stesso Caruso, si prega volere inviare i relativi atti a questo Alto Commissariato, sembrando opportuno che essi siano riuniti a quelli del procedimento che è già in corso presso questo Alto Commissariato, per porre meglio in evidenza la personalità del Caruso e la sua capacità a delinquere.

L'ALTO COMMISSARIO AGGIUNTO



1500 White Adm. P.C. 4087/1 local 7600
Henderson (RLO Region IV) was speaking
to me about other things & asked
me to pass the following message
to you.

Ref your letter about CARUSO case.
Arrest precautions taken. An answer
to your letter will follow.

1630 Lrs.
7 Aug 44

J. C. Roberts
CFO

8A

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

4087/1/L
4087/3/L

6 Aug 44.

SUBJECT : CARUSO Pietro.
TO : H E Bellingier.

Herewith copy of process served on Signor CARUSO.
Service acknowledged by him and a certificate of service signed by Capt
GILBERT.

Kindly acknowledge receipt.

*Ricevuto e depositato
my mandante Caruso -
Roma 2.8.44*

Ext 469
SHW/gal

Robino Italy

S.H. WHITE Lt Col,
for A/NA Admin Sec.

8

RC ALLIED AREA COMMAND
Office of the AG of S, G-2
APO 794, US ARMY

78

5 August 1944

SUBJECT: CARUSO Pietro.

TO : Col. G.R. Upjohn, A/Hd Admin. Sec., ACC.

1. Reference your letter ACC/4082/3/L of the 3 August relating to the above.

2. CARUSO is not in fact now held by this section on Security grounds. He is in the custody of the Department of Public Safety (Major Battersbey) who is dealing with the criminal aspect since CARUSO is not of security interest. He is confined in Regina Coeli prison.

J.W. FISCHER,
Lt. Col., GSC,
AG of S, G-2.

1st Ind.

4082/3/L

RLO Region IV (through Regional Commissioner).

Reference the above. CARUSO is required for trial by the Italian Government on a capital charge. He will remain in Allied custody until his presence is required for trial when he should be handed over to the Italian authorities.

Will you please make the necessary arrangements and inform this HQ when they have been made.

ADMIN SEC
6 Aug 44.

S.H. WHITE, Lt Col
for A/Head Admin Sec.
Allied Control Commission.

7

40822/3.

Rec'd Jan Aug 14th 44

5A

HEADQUARTERS
ROME REGION
ALLIED CONTROL COMMISSION
A.P.O. 394 U.S. ARMY

31 July 1944

Subject: Service of citation on CARUSO PIETRO.

For: Maj. Robert C. Hendrickson, Regional Legal Officer.

1. Attached is copy of citation with receipt of accused, and my return showing service of copy.

2. Attached also is letter of Col. Wilmer to you, dated 25 July 1944.

S. B. Gilreath
S. B. Gilreath Capt.

Summary Court Prosecutor
First endorsement

FROM : Regional Legal Officer, Region IV, AMG, APO 394, US Army
4 August 1944.

TO : Chief Legal Officer, Legal Sub-Commission, ACC.

1. Forwarded herewith is return of service of official citation on CARUSO Pietro at Regina Coeli, Rome, Italy. The citation was personally served upon CARUSO Pietro by S. B. Gilreath, Captain, US Army

Robert C. Hendrickson
ROBERT C. HENDRICKSON
MAJOR A.U.S.
REGIONAL LEGAL OFFICER

Enter out

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

Legal

(4A)

ACC/4082/3/L

3 Aug 44

SUBJECT : CARUSO

TO : CIC, RAAC. (Attn: Col FISHER).

It is understood that CARUSO is at present held on Security Grounds as required by the Italian Government for trial on a very grave charge. The Italian Government is content that he should remain in Allied custody until trial but would like it confirmed that he will in due course be handed over to them for trial they would be prepared to undertake to hand him back to us if he is not convicted.

SRV

G.R. UPJOHN, Col.
A/Head, Admin Sec.

Copy to: Public Safety Sub-Commission.

Ext: 469
SHW/is

5

✓ *Julius and ...*

R- S-T-R-I-C-T-E-D

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROME REGION
LEGAL DIVISION
A.P.O. 394

30 July 1944

SUBJECT : CARUSO Pietro,

THRU : Legal Commissioner,

TO : Chief Legal Officer,
Allied Control Commission,

1. The official citation from the High Commissioner of Defascistization and Epuration enclosed in your letter of 25 June 1944 with respect to the above, reached my desk late yesterday. Its delivery was no doubt delayed due to our recent change of quarters.

2. Please be assured that service will be made immediately.

Robert C. Hendrickson,
Major, A.U.S.
Regional Legal Officer,

RCH/PA.

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

R-E-S-T-R-I-C-T-E-D

L E-S-T-R-I-C-T-E-D

Legal JDA (2A)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROME REGION
LEGAL DIVISION
A.P.O. 394

26 JULY 1944.

SUBJECT : Case of CARUSO Pietro.
THRU : Regional Commissioner,
TO : Vice President Administrative Section,
Allied Control Commission.

1. In our files, in the above matter, we find that C.I.C. Agent, R. P. Baquerre was the officer who executed the formal receipt at the time of the arrest, which seems to be clear indication that this is a security case.

2. This information is forwarded for the reason that your office had been advised that C.I.C. denies any responsibility in the case.

Robert C. Hendrickson

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

RCH/FA.

R/
HQ, AMG, ROME REGION, APO 394, 29 JULY 1944.

1st Ind.

TO: Vice President Administrative Section, HQ ACC

For the Regional Commissioner:

3

1 → CLO
CLO
Chief Counsel
CLO
2 → Italian

Julius Byles
JULIUS BYLES,
Captain, FA,
Adjutant.

file

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 794

RRW/pa

(1A)

Tel. No. 563

REFERENCE : ACC/4082/3/L.

25 Jul 44.

SUBJECT : CARUSO Pietro.

TO : RLO (THRU: Regional Commissioner) ROME Region.

1. I am transmitting in duplicate an official citation from the High Commissioner of Defascistization and Epuration to be served on CARUSO Pietro whom I understand to be in custody in Rome. While no specific directions are given me I feel this should be served by an Allied Officer.
2. One copy should be served on CARUSO and one copy returned to me either bearing receipt signed by CARUSO or bearing proof of service in substantially the following terms:

On the day of July at hours I
personally served on CARUSO Pietro at a
copy of the above citation.

(Name and rank of officer)

3. I am also enclosing an unofficial copy of the citation which you may think desirable to leave with the person in charge of the place of detention for his information and guidance.

RICHARD H. WILMER, 2
Colonel, C.A.C.
Acting Chief Legal Officer.

C O P I A

(13)

L'Alto Commissario per la punizione dei delitti fascisti.

Poiché dalle indagini preliminari o dalle accuse pubblicamente precisate dalla stampa risulta che Caruso Pietro, questore in Roma del Governo Fascista Repubblicano, prestò attiva collaborazione con i tedeschi che si concretò nel concorrere ad abbattere la sovranità italiana su parte del territorio nazionale e l'esercizio delle legittime potestà delle istituzioni - in numerosi omicidi, stragi, saccheggi e sequestri di persona, perquisizioni ed arresti illegali, abusi di autorità.

Ritenuto che per i reati sopradetti è obbligatoria l'omissione dell'ordine di cattura visto l'Art.253 C.P.P. ordina la cattura di Caruso Pietro e che il medesimo sia condotto in carcere a disposizione di questo alto Commissariato.

L'ALTO COMMISSARIO

F/to : Berlinguer

Roma, 24/7/1944

P.....C.....C.....

Il Cancelliere

(sgd) _____

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