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Declassified E.O. 12356 Section 3.3/NND No. 785016

10000/142/880

FIRM OF MANETTI - ROBERTS (FLORENCE)
APR. - JUN. 1945

FILE CLOSED 22 June 1945

31

No. 785016

[illegible]

6.5.1951

22 July 1945

3875

AD 018/173 EncO

22 June 1945

SUBJECT: Interference with Italian Administration of Justice.

TO: Commanding General
15th Army Group
APO 777

Attached in letter, Headquarters Allied Commission, Legal Sub-Commission, file AC/4175/S/L, dated 1 June 1945, subject as above, for investigation, necessary action and report of action taken.

BY ORDER OF FIELD MARSHAL ALEXANDER:

Ensign, USN
and Adjutant Gen

24 JUN 1945

ROBERT V. BENJAM
Captain, AGO
Asst Adjutant General

1 Incl
1 Mr. HQ, AG, File
AG/4175/3/L, doc
1 June 1946.

Copy furnished:
ALCON (w/incl).

only 3
times.

JB COMMISSION

23 JUN 1945

RESTRICTED

Chief Commissioner, Allied Commission, ATO 394

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4175/3/L

1 June 1945

Subject : Interference with Italian Administration of
Justice

To : AFHQ G-5

1. There is at present under investigation in FLORENCE a criminal prosecution against various officials of the company of MAKETTI-ROBERTS, including one Dott MASI. The prosecution is entirely in the hands of the local Italian courts, since the accused are Italian citizens, officials of an Italian company, and are alleged to have contravened certain provisions of Italian law. Allied Military Government has no concern with the case, although from time to time considerable pressure has been brought to bear upon the local AMG officers by interested parties who have requested AMG to interfere on the entirely irrelevant ground that certain British shareholders held a minority interest in the company.

2. It appears from correspondence in the AMG legal office at FLORENCE (the writer has now left) that a Lieut (Mr) L.H. Murray, G-2 S Force, 15 Army Group was interested in these proceedings on behalf of Dott MASI but was informed that AMG could not interfere.

3. On the 25 May 1945 two gentlemen, believed to be Lieut Murray and Lt Col Yound, GSC, 15 Army Group telephoned to AMG legal officer in FLORENCE about the case. They were invited to speak to the Chief Legal Officer, Col J.R. Weber, but did not do so. They visited, separately, the Procurators Generale of the Florence Court of Appeal, the Procurators del Regno and the Consigliere Istruttore. To all three of these gentlemen they were abusive and demanded that Dott MASI should be released on provisional liberty (bail).

4. Dott MASI has not been released and the Italian authorities have been informed that they should proceed with the case in accordance with normal Italian rules.

5. It would be appreciated if this matter could be investigated, and if it is discovered that the officers concerned were in fact Lt Col Young and Lieut Murray, that they should be instructed not to approach Italian judicial officials in this manner.

Incl #1

BASIC: Ltr, Hq Allied Commission, Legal Sub-Commission,
dtd 1 June 45, subj: Interference with Italian
Administration of Justice

For the Chief Commissioner:

/s/ G. R. Upjohn, Brig,
/t/ G. R. UPJOHN, Brig,
VP CA Sec HQ AC

ALLIED HARBOR AND COAST GUARD
APO 394
LEGAL SUB-COMMISSION

4A

AC/6475/3/L

1 June 1945

Subject : Interference with Italian Administration of Justice

To : AFHQ G-5

1. There is at present under investigation in FLORENCE a criminal prosecution against various officials of the company of MASOTTI-ROBERTI, including one Dott MASI. The prosecution is entirely in the hands of the local Italian courts, since the accused are Italian citizens, officials of an Italian company and are alleged to have contravened certain provisions of Italian law. Allied Military Government has no concern with the case, although from time to time considerable pressure has been brought to bear upon the local AMG officers by interested parties who have requested AMG to interfere on the entirely irrelevant ground that certain British shareholders hold a minority interest in the company.

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For the Chief Commissioner :

G. R. HUGHES, Brig.
V. CA Sec HQ AC

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HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

Legal (3A)
JKW/ejg.

29 May 1945.

Rfm/19/5008
SUBJECT : Manetti-Roberts.

TO : Chief Legal Officer, Headquarters, A.C.

1. Report is here made for whatever action, if any, that may be desired to be taken in connection with an incident occurring in the above case.
2. On the afternoon of 25 May 1945, a person believed to be a Mr. L. H. Murray G-2, S. Forces, 15th Army Group had a conversation with Lt. F. J. Stimpson and his secretary. (See Exhibit A; also Exhibit B).
3. On the morning of 26 May 45 I received a letter from the Procuratore del Regno, which is Exhibit C.
4. Upon becoming informed of the contents of the letter, I arranged for Major Henry Glenn to meet with Lt. Stimpson, Lt. Feldman and me in the office of the Procuratore, where I understood Mr. Murray and the Lt. Colonel, believed to be Lt. Colonel Young, General Staff Corps, 15th Army Group, would be present. These men were not present; thereafter the Procuratore and others made the statements which are contained in Exhibit D, which have been transcribed from shorthand taken at this meeting.
5. It appears from the files of Major Holt that on or about 27 February 45, a Mr. Murray was interested in the proceedings against Dr. Masi. (See Exhibit F).
6. At no time during these events did either of these men communicate with me, though I was ready, willing and able to discuss the case with them.
7. As directed in your letter 2 May 45, AC/4175/37L, the Italian authorities had been directed to proceed in this case in conformity with normal Italian law and procedure.

For the Regional Commissioner:

LEGAL SUB COMMISSION

CLO

→ DCLO

Chief Counsel

CJO

Italian Section

PL RKS

31 MAY 1945

HEADQUARTERS
30 MAY 1945

John K. Weber
JOHN K. WEBER,
Colonel, Infantry,
Regional Legal Officer.

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Case of Firm of Mannetti-Roberts.

Enclosures to letter of HQ Toscana Region (Legal)
reference RVIII/19/3008 of 29 May 1945

Statement by Lieut. STIMPSON, F.J. 233320.

I am Legal Officer acting as Assistant to Col. I. Weber, the Regional Legal Officer, Toscana Region with offices at Palazzo Vecchio Florence. I am also officer i/c Italian Courts with an office at the Corte D' Assize, Florence.

About 1530 hours on the 25th May 1945, my typist at the Corte D' Assize office (Miss Sears) telephoned me at the Regional Legal Office, Palazzo Vecchio and said that an American Officer wished to speak to me. A male voice with an American accent then took up the conversation and said that his name Murray (I believe, but am not certain, that he said he was a Lieut.) He said he understood that I had taken over Major Holt's job, and that he desired to discuss the Manetti-Roberts case with me. He said "you are British, aren't you" and I said "Yes". I told him that the Manetti-Roberts case was being dealt with personally by Colonel Weber. He asked me who Col. Weber was, and I said he was the Chief Legal Officer for Toscana Region. He said that he had a Colonel with him and that they wanted to talk about the case. I replied that Col. Weber was in the office and that they could come over straight away to see him. This he promised to do. I told him that we were at the Palazzo Vecchio. I reported this conversation to Colonel Weber and he agreed to see the officers. He and I remained in the Regional Legal Office until approximately 1830 hours, but nobody attended to discuss the case. It was never reported to me that the Officers contemplated going directly to any Italian Official. The next I heard of the matter was when the letter from the Procuratore Generale reached Col. Weber.


Lieut. F.J. STIMPSON. *hmt*

RA.
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Statement of Miss M.G. Sears

About 3.30 in the afternoon of 25th May 1945 a man of about 26 or 28 years came to the office of the Corte D' Assise where I am a typist. He was dressed as an American Officer, & I believe his rank was Captain, but I am not certain. I cannot remember what name he gave, but I remember that he called himself "Mister" & not by any military rank. He said that he was from Washington & had a Colonel downstairs in the car. He asked to see Major Holt, & when I told him Major Holt was gone, he asked how long he had been gone & where he had gone to. I said that Lieut Simpson had taken Major Holt's place & in answer to his enquiry I added that Lieut Simpson was British. He asked me the address of the Procureur del Re

+ I told him at Pretina Piazza S. Firenze
He replied that he wanted the private address
as he had to go there at once. When I said that
I did not know the private address, he told me to
get it. I made enquiries of the Usher, & while
he was finding out, I telephoned Lieut Simpson
& put him into direct touch with the American
Officer. I heard the American Officer say that
he wanted to speak about the Manetti - Roberts
case, confirm that Lieut Simpson was British,
say that he had a Colonel with him, & that he
would go over to Palazzo Vecchio right away to
see Lieut Simpson. While I was on the
telephone, the Usher came in with the private address
of the Procura del Re, & when the American Officer had
finished speaking on the telephone, I wrote down the
address for him. He asked if the Procura del Re
was on the telephone & I looked at the records &
said that I had no note of it. He also looked to
confirm what I said.

He did not say why he desired to see
the Procura del Re.

He was in the office about 5 minutes
altogether.

26 May 1945

Mariagloria Sears -

Exhibit B

PROCURA GENERALE DEL REGNO
FLORENCE

FLORENCE, 26 May 1945

SUBJECT: Provisional liberty to Dott. Masi
charged with cornering medicines.

TO : Col. Weber, Palazzo Vecchio,
Major Glenn, P.L.O.

I feel it advisable and dutiful to advise your Honours of an event of some seriousness which occurred yesterday.

About 4.30 p.m. two American officers, a Colonel and another younger officer whose rank I was unable to see, called at my house in Via Aurelio Saffi, No. 6 in this city. The latter spoke correct Italian and without any form of introduction stated at once that the object of his visit was to obtain provisional liberty for Dott. Masi belonging to the Manetti & Roberts Corporation of this city, charged with having cornered very large quantities of medicines. The Proceedings against the above, as perhaps you know, have excited and are still exciting some animation in town, owing to the quality and character (personality) of the accused and for other reasons I needn't mention. All I know about the proceedings in question is the summary information I received through a preliminary report of the Procuratore del Regno and some further hints regarding the release of the confiscated goods. For the first time today I was made aware that the granting of provisional liberty to the above mentioned accused had been asked for and was under discussion. Independently thereof, I pointed out to the above mentioned officers the following circumstances.

1. That I had not seen the records of the case, as preliminary proceedings were still pending; that the Procuratore del Regno, Dott. Giudice had told me ~~recently~~ recently that the proceedings in question would be completed within ten days ²⁶ more.

2. That the granting of such provisional liberty previous to the decisions of the Public Prosecutor came within the jurisdiction of the Giudice Istruttore.

3. That, therefore, the persons in question should they think it advisable ought to contact the Procuratore del Regno and the Giudice Istruttore.

- 2 -

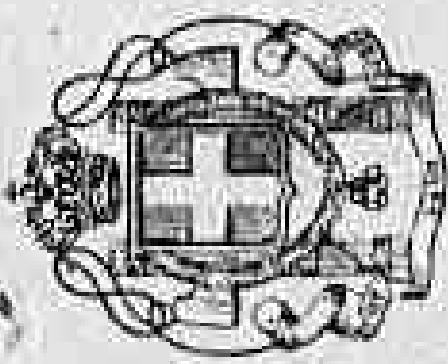
The above officers there broke out into expressions that I shall be pleased to call energetic, saying that in Italy justice wasn't done that the liberty of citizens was not respected here, that the accused were kept in prison for unheard of lengths of time, and so forth.

To calm their agitation I was obliged to give them a letter addressed to the Procuratore del Regno Dott. Giudice, in which I repeated more or less what I had already told my visitors, stating that I had no objection in principle to the granting of provisional liberty provided that the charge lodged against Dott. Masi and the conditions of proceedings allowed it. I handed this letter to one of my sons, who on hearing the heated words of the Officers who spoke Italian, had come to see what the discussion was about. My son and the two Officers went first to see Dott. Giudice, then Avv. Querci, who says he is the attorney of Dott. Masi, and finally the Consigliere Istruttore Dott. Agostini. I was told by my son that in all three places the Officer speaking Italian used more or less the same language. It was agreed between them that this morning at 9 a.m. the two Officers would present themselves at the Tribunale as they wished to define the question re. the provisional liberty of Dr. Masi that had been asked for and insisting that such provisional liberty should be granted before their departure from Florence at an early date.

I have no idea in what capacity and for what reason the two Officers have interfered in the above manner, which does not certainly appear to be very recommendable, and therefore in referring the case to your Honours, I submit it to you so that you can eventually take it up.

For the Procuratore Generale
del Regno

Marri



Procura Generale del Regno

FIRENZE

Firenze, li 26 maggio 1945

Prot. N. Risposta al foglio

Oggetto

Libertà provvisoria Dott. Masi imputato accaparramento medicinale.

Sig. Colonnello Weber- Palazzo Vecchio
Magg. Glenn Ufficio Affari Legali della
Provincia

FIRENZE

Ritengo opportuno e doveroso comunicare alle SS. LL. un fatto di una certa gravità verificatosi ieri.

Circa le ore 16,30 si presentarono alla mia abitazione in Via Aurelio Saffi 6 di questa città due Ufficiali Americani, un Colonnello ed altro più giovane di cui non distinsi il grado. Quest'ultimo parlava correntemente la lingua italiana, e senza alcun preambolo dichiarò subito lo scopo della sua visita era quello di far ottenere la libertà provvisoria al Dott. Masi,

della Ditta Roberts Manetti di questa città, imputato di accaparramento di inerte quantitativo di medicinali. Il relativo procedimento, come forse è noto alle SS. LL. destò e desta una certa animazione fra la cittadinanza, attesa la qualità e personalità degli imputati e per altri motivi che è qui superfluo esporre. Del procedimento in parola io sono a notizia soltanto sommariamente al seguito di un preliminare rapporto del Procuratore del Regno e di ulteriori accenni riflettenti lo svincolo della merce confiscata. Mai fino a questo giorno ho appreso che sia stata inoltrata e portata in discussione la concessione della libertà provvisoria all'imputato sopra nominato. Indipendentemente da ciò feci presente ai ridetti Ufficiali le seguenti circostanze:

1°) che io non conoscevo gli atti processuali in quanto alla istruttoria risultava ancora in corso; che il Procuratore del Regno Dott. Giudice mi aveva riferito recentemente che la istruttoria in parola fra una diecina di giorni sarebbe stata ultimata.

2°) Che l'invocato beneficio della libertà provvisoria, previe conclusioni

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2°) Che l'invocato beneficio della libertà provvisoria, previe conclusioni del P.R., era di competenza del Giudice Istruttore.

3°) Che pertanto i signori intervenuti avrebbero dovuto conferire, se del caso, col Procuratore del Regno e col Giudice Istruttore.

Gli Ufficiali suddetti allora uscirono in espressioni che mi limito a dichiarare energico, dicendo che in Italia non si faceva giustizia, che qui la libertà dei cittadini non era rispettata, che si tenevano in carcere gli imputati per periodi senza fine, e tante altre cose del genere.

Per calmare l'agitazione dei due intervenuti dovetti munirli di un biglietto diretto al Procuratore del Regno Dott. Giudice, nel quale in sostanza ripetetti quanto già avevo affermato agli intervenuti medesimi, dichiarando

./.

che a priori non mi opponevo alla libertà provvisoria sempre che la imputazione fosse fatta al Dott. Masi lo consentisse, e lo consentisse anche lo stato dell'istruttoria. Tale biglietto consegnai a di un mio figlio, che richiamato dalle voci concitate dell'Ufficiale che parlava italiano, era venuto per accertare l'oggetto della contestazione. Costui ed i due Ufficiali si presentarono al Dott. Giuffice, poi all'Avvocato Querci, che si dice difensore del Dott. Masi, ed infine dal Consigliere Istruttore Dott. Agostini. Mi fu riferito dal ridotto mio figlio che in tutti e tre i posti si ripeterono a un dipresso le stesse espressioni per parte dell'Ufficiale che parlava italiano. Fu stabilito che stamani alle ore 9 i due Ufficiali si sarebbero rappresentati in Tribunale, intendendo essi che fosse definita la questione della invocata libertà provvisoria del Dott. Masi, pretendendo costoro che la concessione dell'invocato beneficio avvenisse prima della loro prossima partenza da Firenze.

Ignoro in qual veste e per quale scopo i due Ufficiali siano intervenuti nella su esposta maniera, che apparisce tutt'altro che raccomandabile, e per tanto nel riferirne alle SS.LL., sottopongo il caso per un eventuale intervento.

P. IL PROCURATORE GENERALE DEL REGNO
L'Avvocato Generale

man

Building D.

This morning (May 26th) we received letter from the Procuratore Generale, as per copy attached. It 11:00 o'clock, Col. Weber, Major Glenn, Lt. Stimpson and Lt. Feldman met in the office of the Procuratore del Regno (Comm. Giudici). There were also present in the office of the Procuratore, besides the Procuratore himself, the Giudice Istruttore connected with the Manetti-Roberts case, Avv. Querci, who is the defending lawyer for Dr. Masi and Mrs. Vannini (stenographer). Upon request of Col. Weber, Avv. Querci was asked to leave the room and wait in the outer hall until he should be called.

The Procuratore then proceeded to relate the facts of the case which are as follows:

Yesterday afternoon (May 25) between 4 and 4:30 an officer said to be Lt. Col. Murray called upon the Procuratore Giudici at his home together with another officer whom he presented as a Colonel (could not remember name) with the intention of obliging the Procuratore to release one Dr. Masi, an accused in the Manetti-Roberts case. Said Murray spoke good Italian and did all of the talking although once in a while a conversation was carried on between him and the other officer in English. Their attitude was very arrogant and rude and their manner uneducated, speaking very loudly, smoking furiously etc. etc. Murray stated that it was unjust to keep a man in jail five months, that he would refer the matter to Washington and that he would take it up with On. Bonomi. Furthermore, that he must absolutely be released as he was not guilty, that another accused in this case (Sassoli) had been allowed provisional liberty etc. Comm. Giudici advised the officers that the matter did not rest entirely with him but that the question must also be brought before the Giudice Istruttore. However, he finally became rather intimidated and concluded by saying that he would not be contrary to the release of Dr. Masi provided the Procuratore Generale were in agreement. He stated however that he did not think the Procuratore Generale could help him because he did not know particulars of the case but that anyway he felt it his duty to communicate with the Procuratore Generale. The Officers then asked for the address of the Procuratore Generale which Comm. Giudici gave them. They then called on the Procuratore Generale, as is indicated in his letter of this morning.

About 45 minutes later they returned to the house of Comm. Giudici accompanied by the son of the Procuratore Generale and a letter from the latter to Comm. Giudici as per copy

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About 45 minutes later they returned to the house of Comm. Giudici accompanied by the son of the Procuratore Generale and a letter from the latter to Comm. Giudici as per copy attached. He advised the officers of the contents of the letter and repeated that the decision to grant provisional liberty to Masi did not rest entirely upon him. Murray immediately burst out saying that they were still applying the Fascist laws, that there was no justice in Italy and that one was trying to pass the buck on to the other and that nothing was concluded. He then stated very emphatically that the man Masi was to be released absolutely by 11 o'clock as they (the officers) were leaving Florence this evening and they wanted the man out before they left.

As already stated the conversation was carried on by Murray in Italian but once in a while words were exchanged between the two officers in English and the Procuratore could not say whether or not Murray were acting upon instructions of the other officer.

After this second visit to Comm. Giudici's house, they tried to contact the Giudice Istruttore Generale, but they could not find him so they went to see Avv. Querci, who is the defending lawyer of Masi telling him that Masi would be released the next day by 11 o'clock. They gave Querci their telephone number (1909) and asked him to call them up at 11 o'clock to confirm that Masi had been released. They also asked him for the address of the Giudice Istruttore. However, they never called on the said Giudice Istruttore.

Col. Weber requested that 1909 be called. A woman replied and upon being requested with whom we were speaking was answered that it was the house of Col. Young.

It appears that the Procuratore del Regno, Comm. Giudici, met said Murray some two or three months ago at which time he told him that he was a Lt. Colonel and that he belonged to the American Intelligent Service. At that time he also told him that he was a good friend of Mr. Morgan, an Englishman who is a shareholder in the Manetti-Roberts Corp. He appeared to be very friendly and as a matter of fact helped Comm. Giudici get in touch with his brother in American and through him had a pair of eyeglasses sent. At about the same time a certain Avv. Prof. Enrico Pizzi, whom the Procuratore has known for a long time, on a visit to him, told him that these eyeglasses would be forthcoming through Col. Murray and on this occasion spoke to him of Murray saying that he was a big shot in the Ministry of Foreign Affairs and that he often went to the Headquarters of General Alexander.

Avv. Querci and this Avv. Pizzi had come to the office of the Procuratore del Regno at about 10.30 this morning and told the Procuratore that Col. Murray and another officer had come to see him (Avv. Querci) the day before stating that the Procuratore had promised to release Masi before 11 o'clock this morning and that Querci should come to the office of the Procuratore to confirm this. Querci told Murray that the granting of provisional liberty did not rest entirely upon the Procuratore del Regno but also

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avv. Querci was then asked to return to the room. The following statements were made by him:

- 3 -

Avv. Pizzi had said that Murray was the man of trust of Mr. Morgan and that he was attached to the American Intelligent Services. Col. Murray knew Dr. Masi previously, i.e. before the war and that Masi was in the trust of Morgan.

He (Avv. Querci) had not presented an application for provisional liberty previously for Masi because he had been told orally by the Giudice Istruttore that this would not be granted. However, he had presented a written application today upon the request of the Procuratore del Regno. Murray knew that no written request for provisional liberty had been made. Murray had ordered him to come to the office of the Procuratore del Regno this morning because Murray said that the Procuratore had promised to release him.

The officers spoke on their own initiative with no mention of speaking for higher officials.

C O P Y

Si sono presentate a me due ufficiali Americani per la libertà provvisoria del Dr. Nesi imputato insieme ad altri nel processo della Manetti Roberts. Dicono che all'altro imputato Sassoli è stato concesso un tale beneficio ed aggiungono che tu non saresti contrario a tale concessione se io dessi il mio benestare. A priori io non avrei difficoltà di sorta ma non conosco gli atti i quali non sono mai passati per il mio ufficio.

Pertanto vedi tu il da farsi.

(signed) Marri

TRANSLATION

Two American officers called on me for the provisional liberty of Dr. Nesi, accused together with others in the case of Manetti Roberts. They say that another accused, Sassoli has been given this benefit and add that you would have nothing to the contrary if I gave my approval. In principal I would have no difficulty but I do not know the particulars of this case which have never passed through my office.

In the meantime see what you can do

(signed) Marri

Exhibit E

27 Feb. 45.

Dr. Andrea MASI.

Mr. I. H. Murray, G+2, S. Forces. 15 Army Group.

1. I return herewith the memorandum which you kindly left with me recently for my information
2. I regret that circumstances will not permit me to interfere in the proceedings pending against Dr. MASI.

M. O. Holy Major
Officer i/c Italian Courts
Toscana Region.

MCH/mgh.

21

2A

HEAD, UNITED ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4375/3/L.

2 May 1945.

SUBJECT : MANETTI-ROBERTS.

TO : Regional Commissioner (Attn: Regional Legal Officer),
TOSCANA Region.

1. Receipt of your EVIII/19/3008 of 27 April 1945 is acknowledged.
2. AMG authorities have no jurisdiction or status to interfere with the action of the Italian judicial and police authorities in their disposition of the merchandize which has been seized from the firm of MANETTI-ROBERTS.
3. It is apparently that because there is a minority Allied interest in the firm it is the duty or the privilege of Allied Military Government to protect that firm, including the majority Italian interest, from the normal operation of Italian law. Such a suggestion is without foundation. Allied nationals who have acquired interests in Italy, acquired them subject to the operation of Italian law and presumably with the knowledge that they were so subject. It is not the function of Allied Military Government, or any section thereof, to protect such interests by interfering with the proper operation of Italian law.
4. I have not considered the question whether the Italian law is in fact being correctly applied in this case. In the first place I do not think that sufficient information is available to me for this purpose; secondly I do not understand that you ask me to do so; thirdly it is for the firm to obtain its own legal advice in exactly the same way as it would have to do if it were an entirely Italian concern.
5. I trust that you will find this advice helpful, but if there is any further assistance I can give please let me know.

By command of Rear Admiral STONE,

Copy to: Finance S/C.
(Property Control Div.)

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

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475/13 ✓
HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

LEONISLE

(1A)

File Ref: RVIII/19/3008

Date: 27 April 1945.

SUBJECT Manetti-Roberts.

TO : Legal Sub-Commission, Headquarters, A.C.

1. I am in need of advice on procedure to be followed in a case before the Italian Courts, Florence. The facts briefly stated are as follows:

The firm of MANETTI-ROBERTS has its head office in Florence, but has branches thru out Italy. It appears to be a distributing agency of medicines and drugs not only for the Allied Commission, but the Italian Government as well. It has international trade relations.

Certain officers of this establishment are charged with violations of Italian law and stocks of merchandise have been seized. The establishment itself no where is involved; about thirty percent of the shares being owned by Allied Nationals.

Presumably, because of the political back ground of the accused officials, the case became public property. At any rate it was announced to the public by an AMG spokesman thru the press that the stocks of merchandise would be disposed of by means of sales at appraised prices made by the prefect and the proceeds held in court until the outcome of the case was judicially determined.

The Property Custodian, acting in behalf of the Allied minority stock-holders challenges the sequestration. Even if regular, it was proposed that the goods sequestered be sold to the corporation. A new set of officers have been installed. Another proposal was for the court to return the merchandise to the corporation on the posting of a sizeable cash bond. I have been appealed to order that the court take action beneficial to the minority stock-holders, it appearing that the court was ordered to do what it did in the first instance, presumably by AMG authorities in Florence. At present the goods have not yet been sold.

2. What authority, if any, do I have in the premises? What action, if any, am I warranted in taking? By 'I' is meant, of course, the Regional Commissioner.

3. It is my distinct impression that because of the 'political' aspects and pressures which have been and are now being manifest in the ramifications, a sobering, clear cut, decisive mandate should be issued for the benefit of all concerned.

4. Your helpful advice is desired.

For the Regional Commissioner:

Manetti-Roberts

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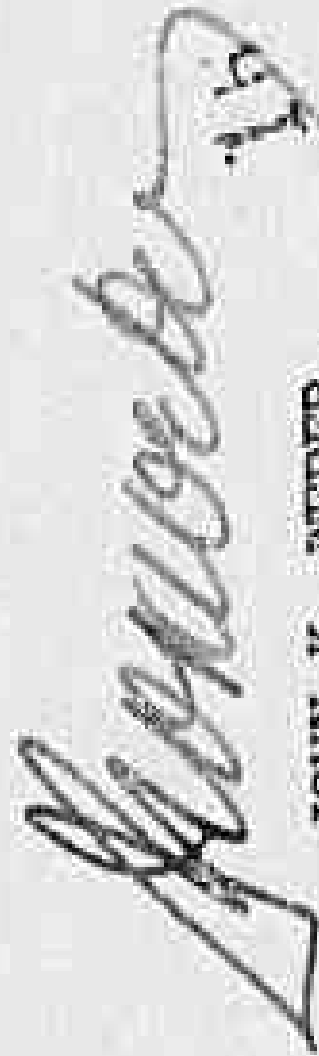
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4. Your helpful advice is desired.

For the Regional Commissioner:



JOHN K. WEBER,
Colonel, Infantry,
Regional Legal Officer.

RECEIVED
3 MAY 1945

CLARK

Chief Counsel

CLO

Italian Section

CLARK

1 MAY 1945

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref: MC/15/D717.

Date: 25th April 1945.

SUBJECT: MANETTI-ROBERTS case.

TO : Regional Legal Officer, Toscana Region.

1. Following our recent telephone conversation on the a/m subject, I forward to you herewith the report of the Procuratore del Regno of Florence (with translation attached), which indicates the procedure followed whereby the medicinal products and raw materials of the firm MANETTI-ROBERTS were in the first instance sequestered and later placed at the disposal of the Prefect of Florence.
2. As you probably know there is an Allied minority interest in this Company amounting, I believe, to about 30% of the capital stock.
3. In view of the Allied interest, the Regional Controller of Property has been concerned with the management of the Company since the arrest on criminal charges of the former directors.
4. While the procedure followed by the Judicial Authorities in Florence in turning the seized property over to the Prefect of Florence for sale and distribution to the public, is properly in accord with the provisions of the Italian law, such action has nevertheless created a situation which may warrant an interference by A.M.G. should the Prefect so exercise his discretion in the disposal of these products and raw materials as to prejudice the commercial interests of the Company.
5. The firm of MANETTI-ROBERTS, although its head-office is in Florence, is not a Provincial concern but has branches throughout Italy with international trade connections. It is the distributing agent of drugs and medicines for A.C. and the Italian

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5. The firm of MANETTI-ROBERTS, although its head-office is in Florence, is not a Provincial concern but has branches throughout Italy with international trade connections. It is the distributing agent of drugs and medicines for A.C. and the Italian Government.
6. In the opinion of the Regional Controller of Property the Company will suffer heavy damage should the seized property be distributed by the Prefect to its competitors, and there is also the danger that these products will find their way into the black-market if control is decentralized.
7. As the MANETTI-ROBERTS firm is prepared, and has offered, to put up the cash security required by the law, it is recommended that the Prefect be instructed to return the sequestered medicines and raw materials to the MANETTI-ROBERTS Company on

= 2 =

deposit or use said security.

8. Local politics and local public opinion have, it is believed, so influenced the Prefect that action will have to be taken at the regional level to prevent damage being done to the Company, which is not itself charged with any penal offence.

M. C. Holt
M.C. HOLT, Major
Officer i/c Italian Courts
Toscana Region.

- P.S. This is a Regional matter on account of
- a. The national operations of the Company,
 - And,
 - b. The case will come before the Court of
Assizes.

M. C. Holt

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Officer i/c Italian Courts
Toscana Region.

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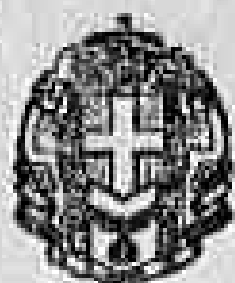
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M. C. Holt

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REGNO
**PROCURA DEL RE IMPERATORE PRESSO IL TRIBUNALE
 DI FIRENZE**

(1D)

N. 50/45 D.C. di spediz. - N. di posiz.

Firenze, li 24 Aprile

194 5^{XXI}

Risposta a Nota N. Uff.

del di 194

A R.L.O.

Allegati N.

TOSCANA REGION

OGGETTO

ATTENTION COL. WEBER

Sequestro di prodotti e di
 materie prime medicinali alla
 Società Manetti Roberts.

F I R E N Z E

In relazione alla denuncia a carico dei dirigenti la Società Manetti Roberts, denuncia presentata dai carabinieri della squadra investigativa di Firenze con verbali in data 8 e 15 Gennaio 1945, faccio noto che i predetti carabinieri hanno provveduto al sequestro di ingenti quantitativi di materie prime medicinali e di specialità e prodotti medicinali.

Tale sequestro è da ritenersi pienamente legittimo secondo le leggi italiane, perché le merci sopra indicate costituiscono il corpo del reato, essendo i dirigenti della Società Manetti Roberts imputati di accaparramento di medicinali e di materie prime medicinali, ai sensi dell'art. 7 capv. del R.D.L. 22.4.1943 n°245.

A seguito di un invito dato telefonicamente il giorno 12 marzo 1945 dal Maggiore Henry Glenn, questo Ufficio ha richiesto al Giudice Istruttore, che procede alla istruttoria del processo in questione, che le materie prime ed i medicinali sequestrati alla Manetti Roberts fossero immessi al consumo cioè fossero venduti agli enti o alle persone da indicarsi dal Prefetto di Firenze.

Tale provvedimento è stato emanato dal Giudice Istruttore con ordinanza in data 13 Marzo 1944, ai sensi degli art. 3 e 4 D.L.L. 28.12.1944 n°442, che stabiliscono che le cose mobili sequestrate

in occasione dell'accertamento di un reato contro la disciplina dei consumi, se appartengano all'imputato ovvero se soggette a confisca, possono essere restituite in tutto od in parte al consumo.

Copia dell'ordinanza è stata trasmessa al Prefetto, che, ai sensi dell'art. 5 del Decreto sopra citato, dovrà provvedere per la distribuzione delle merci sequestrate agli enti da lui designati.

Tali enti dovranno, prima di ricevere la merce, pagare il prezzo relativo fissato preventivamente da un perito nominato dal Prefetto e le somme pagate dagli assegnatari della merce saranno versate in un libretto postale infruttifero intestato al nome degli imputati.

Appare opportuno rilevare al riguardo che il Giudice Istruttore non poteva ordinare, nel corso dell'istruttoria, la restituzione della merce sequestrata alla Società Manetti Roberts, peroné ciò era contrario alle disposizioni sopra ricordate e, d'altra parte, i diritti sia degli imputati che della Società Manetti Roberts, sono in ogni caso salvaguardati dal fatto che, in caso di assoluzione degli imputati, il Tribunale, che giudicherà della causa, dovrà ordinare la restituzione delle somme ricavate dalla vendita delle merci sequestrate ai proprietari delle merci stesse.

Con ossequi

IL PROCURATORE DEL REGNO



PIURA DEL REGNO AT THE TRIBUNAL
of Florence

Nº 50/45 D.C.

Florence, 24th April 1945.

Subject : Sequestration of medicinal products and raw materials
of MANETTI-ROBERTS Co.

To : Regional Legal Officer.
(Attention Col. WEBER) = Florence. Toscana Region.

With reference to the accusation brought against the directors of the MANETTI-ROBERTS Firm, denunciation presented by the Carabinieri or the investigation section of Florence, with reports dated 8th and 15th January 1945, I inform you that the a/m Carabinieri have provided for the sequestration of large quantities of medicinal specialities, products and raw materials.

This sequestration is to be considered fully legitimate according to Italian law the a/m merchandise constitutes the 'corpus delicti' as the directors of the MANETTI-ROBERTS Firm are accused of hoarding medicinals and medicinal raw materials, as is contemplated in Article 7 of R.D.L. 22-4-1943, nº 245.

Following a telephonic invitation of the 12th March 1945 from Major Henry GLENN, this office requested the Instructional Judge in charge of the instruction of the case in question, that the raw materials and medicinals sequestered from MANETTI-ROBERTS be put in commerce, that is sold to the institutions or persons to be indicated by the Prefect of Florence.

This provision has been ordered by the Instructional Judge with decree dated 15th March 1945, according to Articles 3 and 4 of D.L.L. 28-12-1944 nº 442 which establish that movable goods sequestered at the moment of the discovery of an offence against the Rationing Laws, when they are property of the accused or otherwise subject to confiscation, may be all or in part redistri-

With reference to the accusation brought against the directors of the MANETTI-ROBERTS firm, denunciation presented by the carabinieri of the investigation section of Florence, with reports dated 8th and 15th January 1945, I inform you that the a/m Carabinieri have provided for the sequestration of large quantities of medicinal specialities, products and raw materials.

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This provision has been ordered by the Instructional Judge with decree dated 17th March 1945, according to Articles 3 and 4 of D.L.L. 28-12-1944 n° 442 which establish that movable goods sequestered at the moment of the discovery of an offence against the rationing laws, when they are property of the accused or otherwise subject to confiscation, may be all or in part redistributed for normal consumption.

A copy of the decree has been transmitted to the Prefect who, according to Art. 5 of the a/m decree, must provide for the distribution of the sequestered goods to the institutions to which he may destine them.

Such institutions must, before receiving the merchandise, pay the relative price, fixed in advance by an expert nominated by the Prefect, and the sums paid by persons receiving the goods will be deposited in an ^{ad hoc} ~~unofficial~~ ^{special} postal account to the name or names of the accused.

It appears opportune to point out, with regard to this, that the Instructional Judge could not order, in the course of the instruction, the restitution of the merchandise to the MANETTI-ROBERTS firm because this would be contrary to the a/m dispositions and, on the other hand, the rights, both of the accused and of the firm, are safeguarded in any case, by the fact that in the event of the acquittal of the accused, the Tribunal which will judge the case must order the restitution of the sums deriving from the sale of the sequestered goods to the owners of the said goods.

Respectfully,

The Procuratore del Regno

s/ Giudicef

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Respectfully,

The Procuratore del Regno

s/ Giudice

HEADQUARTERS
FLORENCE PROVINCE
ARMED MILITARY GOVERNMENT

RLD

1F

HL/33

20 April 1945

SUBJECT: MANETTI - ROBERTS case

TO : R.L.O.

1. Referring to your buck sheet of April 15th requesting advice with respect to the part the Provincial Legal Office has taken in the Manetti-Roberts case, the first contact with this case arose as a result of the question by the Florence papers at the weekly press conference held at HQ AMG Florence City as to whether the medicines which had been sequestered in connection with the charges against the officials of the Manetti-Roberts Corporation would be made available for public consumption in view of the pre-existing scarcity of medicines. The press were advised that in accordance with Italian law sequestered materials of this kind were returned to consumption by means of sales at an appraised price to outlets chosen by the Prefect and the proceeds of sale held in lieu thereof pending decision by the court on confiscation.

2. Subsequently Major Gulland of the Regional Property Control Office interceded on behalf of minority stockholders, suggesting that the sequestration should not have been made and that in any event the property should be sold back to Manetti-Roberts Corp. The new President of the Corporation also wrote me a letter making the same request. I told them both that the sequestration was a matter that was within the discretion of the Italian Authorities, but that I would urge the Provincial Commissioner and the Prefect to see that the material, or at least a substantial part, was sold back to Manetti-Roberts, and subsequently the Prefect agreed to direct that at least a substantial part be sold to Manetti-Roberts. Subsequently a petition addressed to the Instructional Judge was left with me by the new President of the Corporation for my approval. The petition requested the revocation of the former decree of the Instructional Judge, which made the sequestered material subject to the orders of the Prefect for return to consumption and which apparently contemplated the subsequent lifting of the sequestration.

3. I returned the petition to the President with my letter of 12 April, copy of which is enclosed. Apparently

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- 2 -

the petition was subsequently presented to the Instructional Judge and the sequestration lifted, and a monetary deposit made by the Corporation as stated by the Regional Property Control Officer. The only other letter I wrote on this case is that of 24 March, copy of which is enclosed.

4. I do not understand why the Regional Property Control officer should write you requesting "confirmation of the present status," and my advice is that it would be unwise to give any approval or disapproval to the action taken by the Italian authorities as the matter should be one for which they assume full responsibility. The Italian law relating to a cornering of the market and the responsibility of a Corporation whose officials are engaged in such operations appears to be extremely intricate and one on which the officials of the Procura del Regno themselves disagree. It was for this reason that I refused to approve or disapprove the President's petition to the Instructional Judge.

5. The Procuratore del Regno has been subjected to pressure from all sides, including several Allied Officers, until trying to please everyone he did not know what to do; nor was he any too clear about the case. For that reason he tried to get me to decide what he should do. I told him I had ^{no} intention of making the decision for him and that he and the ^{no} other Italian Officials concerned must assume the responsibility and make their decision in accordance with the Italian law to the best of their ability.

6. If you desire any further information in regard to this, please let me know. The matter was referred to in my monthly report for the month of March (page 3, par.9 and 10).

HLG/TV

Encl.

Henry L. Glenn
HENRY L. GLENN, Major, JAGD.,
Legal Officer for the Province
and City of Florence

0127

03-24