

ACC

10000/142/1020

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MINUTES OF MEETINGS
NOV. 1943 - JAN. 1944

331

Minutes of meeting at Brindisi 3 Jan. 44.
at 11.30 hrs.

Between Major A. B. Thackrah

Maj. J. G. Seabrook

Com. Spinnelli.

Copies of Correspondence:

1. Maj. Thackrah requested that in future all communications from the Ministry should include a copy for sub-Commission files, and that copies of all past correspondence should be supplied for the same reason. This was agreed to.

Letters for Transmission:

2. A number of letters were handed in for transmission, and Major Thackrah requested that all envelopes should be delivered unsealed in future.

3. Discriminatory Legislation:
A copy of the draft decree abolishing racial discrimination was handed to Major Thackrah as a confidential communication, due to the fact that the complete draft had not yet been seen by all Ministers. The portion dealing with property rights still contains an unsealed clause relating to improvements under Article 1152 C.C.

Conference:

4. A Conference to discuss the above-mentioned decree was fixed for ~~Saturday~~ Saty 5 Jan 44.

Judicial Inquiry Meets:

5. The Minister especially requests that facilities be given for a judicial commissioner, Cav. Giuseppe Guidi to visit Sicily to enquire into the conduct of the judges there involved in an assault case. Formal application to be made in due course.

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1736
AGENDA FOR MEETING AT MINISTRY OF JUSTICE (Jan. 8, 1944).

1. Reform of Court of Assizes. This is a question of policy and should be decided by the Italian Govt. rather than by the Allied authorities.
2. Draft Decree repealing discriminatory laws. See the attached memo.
3. Detached Section of Court of Appeal of Bari in Puglia.
 - (a) Lucera is the only possible place.
 - (b) Do you have enough personnel to send it there.
 - (c) What appeals should be passed upon in Bari and what in Lucera.AMG prefers that all appeals go to Lucera.
(d) In Article 4, CCA should be substituted by DCCA.
(e) *delegare alla Regione*
4. Appointment and dismissal of judicial officials by AMGOT. Policy and machinery. Minister's letters of 27 Dec. 43. Our letter of 7 Jan. 44.
5. Distribution of Official Gazette to Prefetti in AMG territory and Regions.
6. Judge CACCINI kidnapped from Conenza kidnapped at Bari. What must not happen again and the judge must return immediately.
7. Move of the Ministry of Justice to Salerno.
8. Property Control.
 - (a) The Italian Government must assure continuance of custody of property presently held by the Controller. (property of all United Nations)
 - (b) The Italian Govt must pass a necessary decree giving powers to mortgage, etc. to the Controller.
 - (c) All that is necessary to prevent attorneys of Allied property holders roaming around Italy.
9. Presenting lists of judges from Region 2, 3 & Puglia Province.
10. Lists of judges for Rome and for Court of Cassation. Do they wish us to wait with reopening of the latter. Or do they wish us to reopen it.

CURRENT

1. Unmarried judicial officials. Retroactive effect of the repealing decree.
2. No exams can be held for Procuratori at Naples because of lack of transportation. For the same reason the candidates from Naples cannot be allowed to travel to Bari to take exams there. It might be different in March.
3. Requisition by the Ministry of Justice of a car belonging to a physician.
4. Mario DeSantis. General Taylor, head of the Military Section, promised to send down the request for repatriation.
5. Presenting following papers:

- (c) that appeals should be passed upon in 10 days.
 AMG prefers that all appeals go to Lucera.
 (a) In Article 4, UCA should be substituted by DOCA.
 (b) *to replace the UCA*
4. Appointment and dismissal of judicial officials by AMGOT. Policy and machinery. Minister's letters of 27 Dec. 43. Our letter of 7 Jan. 44.
 5. Distribution of Official Gazette to Prefetti in AMG territory and Regions.
 6. Judge GARDURI kidnapped from Cosenza kidnapped at Bari. That must not happen again and the judge must return immediately.
 7. Move of the Ministry of Justice to Palermo.
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1. Unmarried judicial officials. Retrospective effect of the revealing decree.
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3. Requisition by the Ministry of Justice of a car belonging to a physician.
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5. Presenting following papers:
 - ✓ Petition Convertino for action by the Minister.
 - ✓ Siccarelli. Minister should write C. to reply for pass to Bari at his present seat. He should go back to Palermo. 53
 - 6. Thefts of Allied property at Taranto.
 - 7. Return of some correspondence for transmittal.
 - 8. Agente VISSIMIO and ROCCO. Minister's letter does not reveal the seat of the former.
 - 9. Salaries of AMG appointees Region 2.

N.B. met searched at Camps on Jan 10th - bringing up at next meeting.

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Agencies for handling

Re ,13 January 1944
No 2 dist.HQ

1. Pellicera Francesco, Cancelliere, detained in Bari.
2. Release of Italian Prisoners, Reg. II
3. Release of Pro-Allied spies, Barletta.
4. Beretta Emilio, Pro-German Italian soldier.
5. Presenting letter on Fascist Property.

MEMORANDUM

Remarks of Major Howe on Correspondence of the Ministry addressed to 15th Army Group Territory (Meeting on 15 Jan 43).

1. Requests for transfers of officials, whatever their grade may be, should be discouraged. Such transfers create confusion and irritation and transport difficulties do not permit moving of officials. No such requests should be accepted except in very special cases and even in such cases the Ministry should set forth the reasons for the requested transfers.
2. Documents regarding payment of salaries, premiums and indemnities are sent by Maj. Howe to the competent finance officials.
3. No applications for leave of officials should be accepted from the Ministry. The interested official should apply to the competent AMG Authority.
4. In letters to AMG territory the Ministry should refrain from referring to the Badoglio legislation published subsequent to the date of occupation.
5. In Region III all Vice Pretori whose terms of office have expired have been reappointed by a Regional Order until further provision is made. Similar Order will be issued in the whole of the 15th Army Group territory.

1. Where they want to transfer an official of Grade X holding a position grade X-1 then if they have a person available to take the higher post, request welcomed.

2. Other case transfers only in special & detailed cases.

3. No application for leave - They should apply to AMG.

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MEMORANDUM FOR LEGAL CONFERENCE WITH ITALIAN GOVERNMENT.

The following observations and suggestions are of an exploratory nature and do not bear the character of official pronouncements or decisions.

1. The aim is to hand over a substantial part of occupied territory to the Italian Government the seat of which we assume will be at Sorrento.
2. On this footing we should like to know if the Minister has a plan for the administration of the Italian courts from Sorrento including such questions as the remuneration of personnel, organization of records and other matters of administrative detail.
3. That until there has been sufficient time to investigate all appointments of judicial officers made by the Allied Military Government and of those magistrates who have continued to sit, the principle should be that they should continue in office.
4. It is agreed that as soon as possible an organization should be set up in which the Italians will be running themselves with the help of advisers ^{suitably} the Allied Nations to examine the ~~cases~~ of all judges and officials. As soon as possible a list of all judges and court officials now in office ^{in occupied territory} will be supplied to the Italian Government. The principle of setting up a mixed commission to deal with these questions is agreed, and the Italian Government therefore is asked to furnish the names of the members and advisers chosen on their side.
5. There is a strong feeling in Sicily by a section of judicial officers ^{at Palermo} there in favor of setting up a ^{sectional} court of Cassation. In the United Nations' view this involves a difficult matter of policy and perhaps it should be left over until Italian administration has got into its stride.

6. That it would plainly be to the advantage of both the United Nations and of Italy to continue certain provisions initiated under Allied Military

the administration of the Italian courts from Sorrento including such questions as the remuneration of personnel, organization of records and other matters of administrative detail.

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4. It is agreed that as soon as possible an organization should be set up in which the ~~Italians will be running themselves with the help of advisers of the Allied Nations~~ ^{substantially} to examine the ~~cases~~ ^{in occupied territory} of all judges and officials. As soon as possible a list of all judges and court officials now in office will be supplied to the Italian Government. The principle of setting up a mixed commission to deal with these questions is agreed, and the Italian Government therefore is asked to furnish the names of the members and advisors chosen on their side.
5. There is a strong feeling in Sicily by a section of judicial officers there in favor of setting up a ^{sectional} court of Cassation ^{at Palermo.} In the United Nations' view this involves a difficult matter of policy and perhaps it should be left over until Italian administration has got into its stride.
6. That it would plainly be to the advantage of both the United Nations and of Italy to continue certain provisions initiated under Allied Military Government as a temporary measure. A list of such provisions will be supplied setting out such matters as it is necessary to enact at an early date. These may have been covered by existing ~~Italian~~ Proclamations, e.g. price controls, wage levels, control of railways and communications, censorship, wireless, continuance of Allied Military Courts in certain cases and so on. 39
The important question to consider is the means by which these enactments are to be made in view of the impossibility of convening the Chambers. This is a

matter on which the views of the Italian Government are desired as soon as possible. In this connection it is not desired that the King should continue to govern under martial law but that a civil administration should be set up. We wish to be advised whether there could be any possible doubt as to the validity of any decrees, etc. executed by the King in such circumstances.

7. In future discussions the question of the abolition of discriminatory laws must be given an early place. In view of the difficulties which may have been alluded to by the Italian Government and which appear to be worthy of further consideration, it is thought better to leave this matter over at the present so that it may be considered as soon as a mutual organization is working.

8. It will be necessary for all future decrees to be submitted to the Legal Subcommittee by whatever department prepares them together with a translation, and for the Italian Government to obtain the formal fiat of the A.S.C. prior to the publication of any Decree, decree or the like. Furthermore no future decrees, etc. will bear the mention of Albania or Ethiopia.

9. In future organization it is suggested that the best way of working will be by frequent meetings to discuss problems as they arise, meetings to be between not more than 2 or 3 delegates on either side who will discuss the reconstruction of Italian legal machinery and cognate problems, e.g. vetting of judges and officials and consideration of the means of carrying out the decisions reached.

The decrees will be circulated in occupied territories save ~~as~~ ^{as an} ~~formally~~ ^{informative} measure with a view to instructing provincial authorities as to the law which they will have to administer as and when territory is restored.

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THE OFFICIALS

Date: 24 Nov. 1943.

Place: Prato, Italy.

Present: H.S. Giuseppe de Santis, Minister of Justice.

Gen. Spicchi, Chief of Cabinet.

Major A.R. Tachet.

Sgt E. Stein.

Col. Neri, Chief Political Liaison Officer introduced Maj. Tachet and Sgt Stein and then excused himself.

1. Maj. Tachet first took up the matter of legislation concerning dissolution of fascist organizations. The Minister declared that decrees in point were issued by the Fascist Government at Rome, i.e. D.L. of 2 August 1943 n. 704 dissolving the National Fascist Party and the R. D.L. of 4 of the same date n. 705 dissolving the Gran Consiglio delle Corporazioni. Copies of both laws will be made and delivered to the Legal Subordination this afternoon.

2. When asked whether any legislation was published in the matter of abrogating discriminatory laws the Minister replied that the Government has prepared a complete draft going away with all the discriminatory provisions ^{old} has been approved by the Cabinet and needs only to be signed. However, the government is hesitating to enact the bill because fearing that property restored to Jews by the bill will be destroyed by the Germans in the territory held by them and further steps taken against them. About all Italian Jews reside in the German occupied territory.

It was suggested that the political rights be restored first, leaving the economic provisions for later. The Minister thought that such a decision

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3. Answering Maj. Macfar's question as to whether special investigations are being conducted against fascist officials guilty of abuse of power and corruption, the Chief of Cabinet pointed out that the Special Commission set up by the Badoglio Government for that purpose unfortunately remained at home. However, the Procuratori del Re are conducting investigation on basis of general penal law. A survey of these ^{investigations} ~~expansions~~ is being made and its result will be communicated.

4. (a) As to the present state of administration of justice in the unoccupied four provinces, the Minister pointed out that all courts without any exception are in operation. Establishment of a Section of Corte di Cassazione in Bari for dealing with resources is under consideration and the Allied view on this matter would be appreciated.

(b) As to the occupied territory the following points were made by the Minister:

(i) The occupied Province of Foggia has no Corte d'Appello and the appeals from its courts would have to go ^{to} the Court in the unoccupied territory. The government is therefore thinking of establishing a section of a Court of Appeal at Foggia. The Allied view is requested.

(ii) The Ministry would desire permission to conduct a survey of all judicial personnel in occupied territory and to distribute all decrees and Acts of the Italian Government to all administrative and judicial officers in that territory.

(iii) Complaint in made of an excessive leniency of Allied judges in matters of public disorder and outrages against Italian officials.

(iv) All cases dealing with violations of food rationing laws should be dealt with by Italian courts.

(v) The fact that civil courts do not function in occupied

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(v) The fact that civil courts do not function in occupied territory is unfortunate and causes hardship, especially in probate cases.

So e.g. no action can be taken to insure that chattels of the deceased be secured and inventory made so that they cannot be easily stolen.

(vi) The Minister also complained of removal of a Procuratore del Re at Lucca by the Allied Military Govt. officials. He took up the matter with General Martin and will submit a memorandum on that subject.

5. Cav. Spinnelli pointed out that in the very near future the Government in unoccupied territory will operate by means of decrees instead of military Decree (Proclamations) which were used until now. It was agreed that 2 copies of the Gazette officielle, the first number of which appears today and in which all decrees will be published, shall be sent to the Legal Subordination.

6. It was agreed that a memorandum on all points raised by the Minister will be sent to the Legal Subordination through the Chief Political Liaison Officer.

7. It was also agreed that further discussions will be held between the Ministry and the Legal Subordination representative whenever the need arises.

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MINUTES OF MEETING

Date: 26 Nov. 1943.

Place: Prefecture, Brindisi.

Present: Col. G.R. Upjohn.
Major Thackeray.
Sgt. Stein.

H.M. Giuseppe de Santis, Minister of Justice.
Gen. Spinelli, Chief of Cabinet.

1. At the outset of the meeting Col. Upjohn emphasized that the discussion is of a purely informative character and that no pronouncement will amount to an official decision. The question of the transfer of the administration of justice of the presently occupied territory to the Italian Ministry was first raised. The Minister declared that since the courts in that territory operate either fully or at least partially, the transfer of control by itself would not involve any difficulties. However, if the Italian Government should move to Sorrento or any other place North of Bari, the question of telegraph and telephone communications, room space for office employees and their families would be a great problem. The gravest obstacle, however, would be the fact that no legal reference material is available at Sorrento and that none is probably available at Naples where the libraries were destroyed. If there should be a library available at Naples it still would be highly inconvenient to have to travel there from Sorrento for every reference.

The Palazzo Reale of Portici with about 200 rooms is being considered because it is nearer to Naples. The Ministry of Justice will have a staff of about 15 to 20 officials. The total number of employees of the entire government will be about 300. Although the Minister would prefer that all Government offices be located in the same place, the above mentioned considerations applying specifically to the Ministry of Justice would suggest that it would be better to move the Ministry to Bari now and have it stay there

Cav. Spinelli, Chief of Cabinet.

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The Palazzo Reale of Portici with about 200 rooms is being considered because it is nearer to Naples. The Ministry of Justice will have a staff of about 15 to 20 officials. The total number of employees of the entire Government will be about 500. Although the Minister would prefer that all Government offices be located in the same place, the above mentioned considerations applying specifically to the Ministry of Justice would suggest that it would be better to move the Ministry to Bari now and have it stay there even if the rest of the Government should move from Brindisi. Bagoglio's view will be procured before tonight. The legal subcommission should move to Bari in the Palace of Justice, one floor of which is at present occupied by British troops. The Minister and Cav. Spinelli agree that 1 to 2 months would be required to set up the necessary means of communication and to complete the work preparatory to the transfer and to the moving of the Government.

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2. Major Thackrah then explained the plan for handover and the demarcation line between the restored zone and the AMOT zone as they will appear after the transfer. The Minister asked to include the entire Province of Bari into the restored zone. At present 2 or 3 Communes of that Province (Alto, Mura, Gravina, Spinazzola) form part of the occupied territory. Col. Upjohn promised to take up the question with the proper authorities.

3. The Minister then brought up the question of the legality of closing up civilian courts in occupied territory. Col. Upjohn assured him that he will do all that he can to render it possible that the civilian courts in the entire territory excepting the operational zone be reopened as soon as possible and pointed to the fact that such courts function already in Sicily.

4. Cav. Spinelli stressed the need of the Ministry being able to communicate with its employees in the occupied territory. It was agreed that all communications from the Ministry to its organs in the occupied territory will be done through the Legal Subcommission of the Allied Control Commission. Cav. Spinelli then mentioned a specific case of an official located at present in Sicily whose services are now required at the Ministry. Agreed that in this case and in all similar cases arising in the future the Ministry will submit the name and address of the requested official with reasons for the request to the Legal Subcommission of the Allied Control Commission, which would route it to the respective AMOT authorities. Any direct communication with occupied territory is excluded. Similarly, the Gazzetta Ufficiale and other instructions which the Ministry will wish to send to the occupied territory for information purpose in preparation of the "hand-over" must be channeled through the Legal Subcommission of the Allied Control Commission.

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5. All judges functioning at the time of the "handover" in the territory which is to be restored, whether appointed by the Allied Military Government or by the Italian Government before the occupation, will remain in office. The Legal Subcommission of the Allied Control Commission will immediately arrange that a list of all such judges be compiled and forwarded to the Ministry. When that is done a mixed Allied-Italian Commission will set up to pass upon the suitability of all above mentioned judges. The Minister then inquired as to what aspects of suitability the Commission will consider,

pointing again to the principle of International Law which stresses the minimum interference with the judicial system of an occupied country. Col. Upjohn assured the Minister that although all aspects will be examined, the opinion of Italian members on the question of technical suitability of the judges will be followed closely. Cav. Spinelli thought that no such procedure would be necessary due to the fact that the Ministry provided already for the transfer of all judges who held political positions in their localities to other localities. Agreed that details of the functioning of the Commission could be dealt with at a later occasion. The Minister pointed out that the Commission could not decree a forced transfer. The only body competent to do that is the Disciplinary Court at Rome.

5. Major Macgregor explained that the validity of certain provisions contained in the Proclamations issued by the AMG must continue after the "handing-over". The question suggests itself as to whether the Italian Government in its present form has a power from the Constitutional point of view to enact valid laws decreasing the continuance of the above mentioned provisions. The Cav. Spinelli assured the meeting in the affirmative pointing to the law of 31 January 1926 No. 100 on emergency legislation and to the new decree of the 30 October 1943 relative to the publication of the decrees in the special series of the *Brindisi Gazzetta Ufficiale*. All the Acts of the Government will be presented to the Parliament when convened for confirmation. From now on the Government will exercise its power through decrees only. Asked how long it would take to enact the necessary decrees for continuance, the Minister said that in order to answer that he would have to see the

list of the proposed provisions. The Cabinet would have to pass upon that list and if it assented, the necessary legislation could be published without delay.

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6. Major Trabucchi explained that the validity of certain provisions contained in the Proclamations issued by the King must continue after the "handing-over". The question suggests itself as to whether the Italian Government in its present form has a power from the Constitutional point of view to enact valid laws decreeing the continuance of the above mentioned provisions. The Cav. Spirelli assured the meeting in the affirmative pointing to the law of 31 January 1926 No. 100 on emergency legislation and to the new Decree of the 30 October 1943 relative to the publication of the decrees in the special series of the *Brindisi Gazzetta Ufficiale*. All the Acts of the Government will be presented to the Parliament when convened for confirmation. From now on the Government will exercise its power through decrees only. Asked how long it would take to enact the necessary decrees for continuance, the Minister said that in order to answer that he would have to see the list of the proposed provisions. The Cabinet would have to pass upon that list and if it assented, the necessary legislation could be published without delay.

7. As to the section of the Court of Cassation which was proposed to be set up in Palermo the Minister is of the opinion that such action is not at all necessary. It should be dealt with, if at all, at a later date. 23

8. Agreed that the establishment of the Ministry of Justice and of the Legal Subcommission at Bari will be brought up to General Joyce and Marshal Badoglio respectively.

MINUTES ON MEETING

Date: 26 Nov. 1943 (Evening).

Place: Prefettura, Brindisi.

Present: Col. E.A. Upjohn.
Major Thuchman.
Sgt Stein.

M.A. Giuseppe de Santis, Minister of Justice.
Gov. Spinelli, Chief of Cabinet.

1. Col. Upjohn presents a memorandum on the points discussed this morning, the copy of which (in Italian and English) is attached to these minutes. At this occasion he pointed out that the provisions dealt with in paras 3 & 4 of that memorandum concern exclusively the zones to be restored.
2. Questioned on the state of the bill covering the abrogation of discriminatory laws the Minister declared that the prepared draft will be examined in the Cabinet meeting on Dec. 1. A great caution must be exercised to prevent destruction by the Germans of the property to be restored to the Jews. The possibility of enacting only a partial bill restoring the political and civil rights and leaving the property aspects for a later solution might be considered. The Allied view on the question is urgently requested. Agreed that the draft as approved by the Cabinet will be presented to the Legal Subcommittee before its publication. Provided that the Cabinet would assent to such presentation.
3. Agreed that the Legal Subcommittee will forward a formal letter requesting the Minister to present any Decreto and Decreto Legge after it has been approved by the Cabinet, but before publication, to that Subcommittee. The Minister personally does not have any objection against that but must obtain a Cabinet opinion on this question.

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4. In regard to the 3 Communes of the Province of Bari at present included in the occupied territory and in regard to the establishment of the Court of Appeal at Foggia all steps will be taken by the Legal Subcommittee to obtain a favorable ruling from the Allied Military Government.
5. The Minister reports that he saw Adoglio in the matter of the next seat of the Ministry of Justice. The Marshal declared that the matter lies completely with General Joyce's discretion. The fact that discussions will have to be

conducted on every law before its publication with the Legal Subcommission under it imperative for both parties that both the Ministry of Justice and the Legal Subcommission be located at the same place as the entire Italian Government and the Allied Control Commission; likewise a continuous interdepartmental consultation must be possible. It is suggested that law books could be loaned from the Bari University and transported to the new seat of the Government. Agreed that the Education Subcommission and the Ministry of Education will be consulted.

6. Agreed that the Italian King from now on will not use his title of "King of Albania and Emperor of Ethiopia". A decree draft in that sense has been presented by the Minister to the meeting. However, it appears that the decrees published in the No. 1 Fascist Reichsgesetzblatt, Special Berlin, still bear the old titles. Part of this issue has already been distributed. Agreed that distribution of that issue will be suspended until further notice. The Minister proposes any of the following 3 solutions:

- (1) Issue No. 1 will be distributed within the 4 free provinces only.
- (11) It will be distributed as under (i) and will be sent to the occupied territory later together with issue No. 2 containing the decrees abolishing the titles.

(111) It will be distributed as under (i). At the time of the "handing over" a new decree will be issued extending the validity of the decrees contained in issue No. 1, especially modifying, however, the King's titles.

The Minister stresses that the only way to change the decrees contained in No. 1, contained already in the 4 Provinces by the act of publication, would be to repeal and re-enact them with the desired modifications. Col. Bajko promised General Joyce's decision by tomorrow at 0900 hrs.

mont. Agreed that the Education Subcommission and the Ministry of Education will be consulted.

6. Agreed that the Italian King can now on all not use his title of "King of Albania and Emperor of Ethiopia". A decree draft in that sense has been presented by the Ministry to the meeting. However, it appears that the decrees published in the No. 1 Gazzetta Ufficiale, Special Series, still bear the old title. Part of this issue has already been distributed. Agreed that distribution of that issue will be suspended until further notice. The Minister proposes any of the following 3 solutions:

- (1) Issue No. 1 will be distributed within the 4 Provinces only.
- (2) It will be distributed as under (1) and will be sent to the occupied territory later together with issue No. 2 containing the second abolishing the titles.

(iii) It will be distributed as under (1). At the time of the "handing over" a new decree will be issued extending the validity of the decrees contained in issue No. 1, expressly modifying, however, the King's titles.

The Minister stresses that the only way to change the decrees contained in No. 1, enacted already in the 4 Provinces by the act of publication, would be to repeal and re-enact them with the desired modifications. Col. E. John proposed General Joyce's decision by tomorrow at 0900 hrs.

7. Asked whether there are any further suggestions to be made the Minister stated that one of the most urgent problems is that of improving the prisons, for which purpose several millions of Liras will be required. Agreed that this question can be taken up only after the full organization of both the Government and the Allied Commission has been accomplished.

8. The Minister assured that all persons held in prisons of the 4 Provinces

on political charges have been released. Some of the releases effected by the Allied Military Government officials in the occupied territory cannot be justified. Agreed that this problem as applied to the restored territory will be handled in full cooperation between the Ministry and the Legal Affairs Sub-commission.

9. Agreed that Col. Byjorn will arrange that all Proclamations issued in the occupied territory by the Allied Military Government be sent and all changes in the judicial structure and procedure effected by the Allied Military Government be communicated to the Minister from Palermo.

10. Agreed that arrangements will be made for next meeting to be held on Thursday morning after the Wednesday Cabinet Session.

es/gmf

(Adjourned at 1900 hrs).

9. Agreed that the occupied territory by the Allied Military Government be sent and all changes in the judicial structure and procedure effected by the Allied Military Government be communicated to the Minister from Palermo.

10. Agreed that arrangements will be made for next meeting to be held on Thursday morning after the Wednesday Cabinet Session.

es/gmf

(Adjourned at 1900 hrs).

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- 3 -

Appunti sulla concordanza fra S.E. il Ministro di Grazia e Giustizia
ed i rappresentanti della Commissione Alleata di Controllo

di data odierna.

1. Tutte le comunicazioni ai funzionari nelle zone attualmente occupate saranno inviate per tramite del Reparto Legale della Commissione Alleata di Controllo ed in nessun caso direttamente.

2. Qualvolta si desidera la presenza di qualsiasi funzionario che trovasi in zona occupata, se ne farà richiesta attraverso il Reparto Legale, che se ne interesserà.

nota.

3. Ogni giudice or ufficiale giudiziario che è rimasto in carica dalla data d'occupazione o che è stato nominato dal Governo Militare Alleato, rimarrà in carica pendente essere istituito dal comitato descritto nel paragrafo 4.

4. Un comitato costituito da ufficiali nominati dal Reparto Legale della Commissione Alleata di Controllo e dal Ministero di Grazia e Giustizia avrà il compito di esaminare tutti i giudici ed ufficiali giudiziari attualmente in carica e di fare raccomandazioni in merito a trasferimento, licenziamento o conferma di carica.

5. Il Reparto Legale della Commissione Alleata di Controllo fornirà al Ministero di Grazia e Giustizia i dettagli di quei provvedimenti emanati dal Governo Militare Alleato, considerati necessari di essere continuati fin quando ce ne sarà bisogno, ed al cui riguardo il Ministero intraprenderà di provvedere per rispettivi decreti.

6. Allo scopo di assistere alla riorganizzazione dell'ordinamento giudiziario nelle zone restituite al Governo Italiano uno o più ufficiali legali della Commissione Alleata di Controllo saranno aggiunti al Primo Presidente d'oggi. Come d'appello in capacità consultiva e per il collegamento delle comuni-

inviato per tramite del Reparto Legale della Commissione Alleata di Controllo ed in nessun caso direttamente.

2. Qualvolta si desidera la presenza di qualsiasi funzionario che trovasi in zona occupata, se ne farà richiesta attraverso il Reparto Legale, che se ne interesserà.

3. Ogni giudice or ufficiale giudiziario che è rimasto in carica dalla data d'occupazione o che è stato nominato dal Governo Militare Alleato, rimarrà in carica pendente essere istituito dal comitato descritto nel paragrafo 4.

4. Un comitato costituito da ufficiali nominati dal Reparto Legale della Commissione Alleata di Controllo e dal Ministero di Grazia e Giustizia avrà il compito di esaminare tutti i giudici ed ufficiali giudiziari attualmente in carica e di fare raccomandazioni in merito a trasferimento, licenziamento o conferma di carica.

5. Il Reparto Legale della Commissione Alleata di Controllo fornirà al Ministero di Grazia e Giustizia i dettagli di quei provvedimenti emanati dal Governo Militare Alleato, considerati necessari di essere continuati fin quando ce ne sarà bisogno, ed al cui riguardo il Ministero intraprenderà di provvedere nei rispettivi decreti.

6. Allo scopo di assistere alla riorganizzazione dell'ordinamento giudiziario nelle zone restituite al Governo Italiano uno o più ufficiali legali della Commissione Alleata di Controllo saranno assegnati al Primo Presidente di ogni Corte d'appello in capacità consultativa e per il collegamento delle commissioni.

26 Novembre 1943

G.R. Upjohn,
Reparto Legale, Commissione Alleata
di Controllo.

Appunti sulla conferenza tra S.E. il Ministro di Grazia e Giustizia
ed i rappresentanti della Commissione Alleata di Controllo
di data odierna.

1. Tutte le comunicazioni ai funzionari nelle zone attualmente occupate saranno inviate per tramite del Reparto Legale della Commissione Alleata di Controllo ed in nessun caso direttamente.
2. Qualvolta si desidera la presenza di qualsiasi funzionario che lavori in zona occupata, se ne farà richiesta attraverso il Reparto Legale, che ne ha interesse.
3. Ogni giudice or ufficiale giudiziario che è rimasto in carica dalla data d'occupazione o che è stato nominato dal Governo Alleato, rimasta in carica per tanto come invitato dal comitato descritto nel paragrafo 4.
4. Il comitato costituito da ufficiali nominati dal Reparto Legale della Commissione Alleata di Controllo e dal Ministero di Grazia e Giustizia avrà il compito di esaminare tutti i giudici ed ufficiali giudiziari attualmente in carica e di fare raccomandazioni in merito a trasferimento, licenziamento o conferma di carica.
5. Il Reparto Legale della Commissione Alleata di Controllo fornirà al Ministero di Grazia e Giustizia i dettagli di quei provvedimenti emanati dal Governo Alleato, considerati necessari di essere continuati fin quando ce ne sarà bisogno, ed al cui riguardo il Ministero intraprenderà di provvedere per rispettivi decreti.
6. Allo scopo di assistere alla riorganizzazione dell'ordinamento giudiziario nelle zone restituite al Governo Italiano uno o più ufficiali legali della Commissione Alleata di Controllo saranno aggiunti al Primo Presidente d'ogni Corte d'appello in carica consultativa e per il collegamento della comunità.

1. Tutte le comunicazioni al Funzionari nelle zone attualmente occupate saranno inviate per tramite del Reparto Legale della Commissione Alleata di Controllo ed in nessun caso altrimenti.

2. Qualvolta si desidera la presenza di qualsiasi funzionario che trovi in zona occupata, se ne deve richiesta attraverso il Reparto Legale, che se ne interessa.

sare.

3. Ogni giudice o ufficiale giudiziario che è ritenuto in carica dalla data d'occupazione o che è stato nominato dal Governo Militare Alleato, rinviato in carica per incarico essere istituito dal comitato descritto nel paragrafo 4.

4. Un comitato costituito da ufficiali nominati dal Reparto Legale della Commissione Alleata di Controllo e dal Ministero di Grazia e Giustizia avrà il compito di esaminare tutti i giudici ed ufficiali giudiziari attualmente in carica e di fare raccomandazioni in merito a trasferimento, licenziamento o conferma di carica.

5. Il Reparto Legale della Commissione Alleata di Controllo fornirà al Ministero di Grazia e Giustizia i dettagli di quei provvedimenti emanati dal Governo Militare Alleato, considerati necessari di essere continuati fin quando ce ne sarà bisogno, ed al cui riguardo il Ministero intraprenderà di provvedere nei rispettivi decreti.

6. Allo scopo di assicurare alla riorganizzazione dell'ordinamento giudiziario nelle zone restituite al Governo Italiano uso e più ufficiali legali della Commissione Alleata di Controllo saranno aggiunti al Primo Presidente d'Ogni Corte d'Appello in carica consultativa e per il collegamento delle ordinazioni.

26 Novembre 1943

C.R. Dujin,
Reparto Legale, Commissione Alleata
di Controllo.

MINUTES OF MEETING

Date: 27 November 45.

Place: Prefettura, Brindisi.

Present: Col. C.R. Upjohn.
Major Thackeray.
Sgt Stein.

M.E. Innocente, Chief of Radoglio Cabinet.
R.M. Giuseppe de Santis, Minister of Justice.
Cav. Spinelli, Chief of Cabinet, *Ministry of Justice.*

The meeting began at 1130 hours.

1. Cav. Spinelli reported that the wish of General Joyce concerning the immediate confiscation of all the copies of the No. 1 Issue Gazzetta Ufficiale has been complied with. All copies which have been distributed were returned and only 3 copies are unaccounted for. Agreed that a certificate to that effect will be prepared by the Minister and sent to the Legal Subcommission by tomorrow morning. Mr. Innocente stressed the good faith of the Italian authorities. All the decrees contained in the No. 1 Issue will be reprinted with the objectionable styles omitted. A corrected copy has been presented to Col. Upjohn by the Minister with a request that it be approved and returned. The Issue No. 2 will contain a decree retrodated to the day of the Armistice and modifying the Monarch's titles. A draft of that decree was shown to the meeting by Mr. Innocente.

2. Agreed that Col. Upjohn will send all the information on Sicilian Courts and Proclamations to the Minister.

3. The Minister handed over to Col. Upjohn a copy of a letter signed by the Procuratore Generale del Re of 24 Nov. 43 concerning the damage caused by British troops to the office of the Pretor in Catania.

The meeting began at 11:40 hours.

1. Cav. Spinelli reported that the wish of General Joyce concerning the immediate confiscation of all the copies of the No. 1 Issue Gazzetta Ufficiale has been complied with. All copies which have been distributed were returned and only 3 copies are unaccounted for. Agreed that a certificate to that effect will be prepared by the Minister and sent to the Legal Subcommission by tomorrow morning. Mr. Innocente stressed the good faith of the Italian authorities. All the decrees contained in the No. 1 Issue will be reprinted with the objectionable styles omitted. A corrected copy has been presented to Col. Upjohn by the Minister with a request that it be approved and returned. The Issue No. 2 will contain a decree retrodated to the day of the Amistice and modifying the Monarch's titles. A draft of that decree was shown to the meeting by Mr. Innocente.

2. Agreed that Col. Upjohn will send all the information on Sicilian Courts and Proclamations to the Minister.

3. The Minister handed over to Col. Upjohn a copy of a letter signed by ^{de Santis} the Procuratore Generale del Re of 24 Nov. 43 concerning the damage caused by British tanks to the offices of the Pretor in Catania.

4. It appears that the entire Province of Bari is within the free zone. ³¹
The 3 Communes mentioned in yesterday's meeting were occupied only temporarily and have since been restored so that no further action is required.

5. Agreed that one legal officer will be attached as soon as possible to each Court of Appeal in the territory to be restored. He will act purely in an advisory capacity and will facilitate communications between the Italian

authorities and the Legal Subcommittee. The Minister will prepare a letter addressed to the 1st Presidents of the Courts of Appeal in Sicily, Calabria and Potenza informing them on the above.

6. The Minister stresses his desire to discuss the technical question of his Department with the Legal Subcommittee and since this Department is planning to move to Bari he would appreciate that the transfer of the Legal Subcommittee to that city be considered. Both bodies would stay in Bari until their transfer to Sorrento.

7. Agreed that next meeting be held on Thursday at 1030 hours and that Major Thachrah shall visit Palazzo di Giustizia of Bari Monday morning.

Meeting adjourned 1220 hours.

es/mef

6. The Minister stresses his desire to discuss the technical question of his Department with the Legal Subcommittee and since this Department is planning to move to Bari he would appreciate that the transfer of the Legal Subcommittee to that city be considered. Both bodies would stay in Bari until their transfer to Sorrento.

7. Agreed that next meeting be held on Thursday at 1000 hours and that Major Macleod shall visit Palazzo di Giustizia of Bari Monday morning.

Meeting adjourned 1220 hours.

es/gmf

MINUTES OF MEETING

Date: 2 December 1943.

Place: Presettura, Messina.

Present: Col. G.P. Upjohn.
Major Thackeray.
Sgt. Stein.

H.M. Giuseppe de Santis, Minister of Justice.
Cav. Spinelli, Chief of Cabinet, Ministry of Justice.
Interpreter.

Meeting opened at 1630 hrs.

1. "Takeover" documents.

Colonel Upjohn stated that these documents will be presented to the Ministry in a few days.

2. Courts in Occupied Territory.

Col. Upjohn informed the Minister that all Courts of Region II with possible exception of Reggio di Calabria (Section of Corte d'Appello) of which nothing is known, and all courts in Sicily function normally in both penal and civilian matters. The personnel of some courts is not complete.

3. Damage to Lontanova Prison.

Major Thackeray states that proper authorities have been advised.

4. Requisition of penitentiary of Piana.

Maj. Thackeray reports that British Military authorities at Bari have been contacted and the necessity of obtaining from the requisition was advanced to them.

5. Dott. Chenico, Noto.

According to Col. Upjohn this official will arrive here from Catania shortly.

6. Proclamations Reg. 2, Sicily Gazette, and

Meeting opened at 1630 hrs.

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3. Damage to Courtroom Prison.

Major Thackerah states that proper authorities have been advised.

4. Remission of Penitentiary of Bari.

Maj. Thackerah reports that British Military authorities at Bari have been contacted and the necessity of abstaining from the requisition was stressed to them.

5. Pott, Cherico, Neto.

According to Col. Upjohn this official will arrive here from Catania shortly.

6. Proclamations Reg. 2, Sicily Gazette, and

Causes of Sicilian Liberties containing matters pertaining to administration of justice presented to the Minister by Maj. Thackerah.

7. Lists of judges in territory to be restored.

Maj. Thackerah promises to forward a list of Presidents and Judges of Corte d'Appello shortly and the complete lists later on.

8. Judges Messina, Casarati, Mirabile.

Col. Upjohn points out that Judge Messina of Sicily would be at Minister's disposition. Cav. Spinelli says they do not need him for the moment, but they should like to know where he is. He also would appreciate if the Subcommission would find out the present whereabouts of Judge Casarati, First President of Court of Cassation of Rome, and Judge Mirabile, Section President of the same court, ^{both} last heard of at Palermo. Agreed that the subcommission will inquire into the matter.

9. Regulation of penitentiary in Lecce by British Troops.

Agreed that Major Tacknash will arrange that Staff Sgt. G. F. Subarea (Capt. Byre) will settle the matter with Procurement del. Is at Lecce.

10. Foggia Court of Appeal Section.

Minister reports the wish of the Cabinet and the Marshall to set up the above mentioned section. Agreed to delay the matter until the extent of evacuation of Foggia is known.

11. Moving of Royal Subcommission to Bari.

This is impossible on account of lack of transportation and other reasons.

12. Salerno - Palazzo di Giustizia.

Col. Upjohn points out that since this building will be requisitioned for Italian governmental purposes the Ministry will have to find another place for the Tribunal now located there. Minister is thoroughly opposed to moving it to Potenza.

13. Law books from Bari University Library.

Col. Upjohn mentioned that Col. T. V. Smith (Education) took up the matter with the Italian Minister for Education. Both agreed that these books could be moved to Salerno. The Minister thinks that collections of laws are available at Salerno and consularies might be brought from Bari from time to time as

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court, last hour of at Palermo. Agreed that the subcommission will inquire into the matter.

9. Requisition of penitentiary in Lecce by British Troops.

Agreed that Major Thackeray will arrange that Staff Sgt. G. J. Sabara (Capt. 2nd) will settle the matter with Procuratore del Re at Lecce.

10. Foggia Court of Appeal Session.

< Minister reports the wish of the Cabinet and the Marshall to set up the above mentioned section. Agreed to delay the matter until the extent of evacuation of Foggia is known.

11. Moving of Local Subcommission to Bari.

This is impossible on account of lack of transportation and other reasons.

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Col. Upjohn mentioned that Col. T. V. Smith (Education) took up the matter with the Italian Minister for Education. Both agreed that these books could be moved to Salerno. The Minister thinks that collections of laws are available at Salerno and commentaries might be brought from Bari from time to time as needed.

14. Discontinuation Laws - Abrogation.

The Minister informs the meeting that ~~no~~ definite date has yet set for consideration of these laws by the Cabinet. The next council session will be held on Dec. 8 at which the supply questions will be discussed. Immediately thereafter this point will be dealt with. However, it will probably not be considered in the next two sessions.

Meeting adjourned 1730

MINUTES OF MEETING

Date: 8 December 1943.

Place: Post Office, Brindley.

Present: Col. A.R. Tugwell.
Major Macdonald.
Sgt. Stein.R.D. Giuseppe de Santis, Minister of Justice.
Comm. Spivack, Chief of Cabinet, Ministry of Justice.
Judge Vesti.
Indeyreter.

Meeting opened at 11.30 hrs.

1. Repeal of Discriminatory Laws and Revamping of Proofs of Gazette Officials.

In answer to our letter of Dec. 4, (430/1/110) the Minister declares his consent to submit the draft decree regarding discriminatory laws (after it has been signed by the King and before its publication) to us in order to insure simultaneous publication of the decree and of the proclamation containing identical provisions. However, before dealing any further with the matter, in accordance with the Marshall's wishes our request that a proof of every issue of Gazette Officials be forwarded to us before its publication (see para 5 Minutes of Meeting of 26 Nov. 1943) should be considered by direct correspondence between General Jones and the Marshall.

Agreed:

(a) that it will not be necessary for the Minister to submit the proof of the issues of Gazette Officials before their publication.

(b) that the draft decree regarding discriminatory legislation (after its signature by the King) will be shown to the Legal Subcommittee for the purpose of confirming its publication with that of a proclamation containing identical provisions to be issued in Occupied Territory.

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Hon. Enrique de Soria, Minister of Justice.
Com. Espinosa, Chief of Cabinet, Ministry of Justice.
Judge Nard.
Interpreter.

Meeting opened at 1130 hrs.

1. Repeal of Discriminatory Laws and Forwarding of Proofs of Cassette Officials.

In answer to our letter of Dec. 4, (400/1/110) the Minister declares his consent to submit the draft decree repealing discriminatory laws (after it has been signed by the King and before its publication) to us in order to insure simultaneous publication of the decree and of the proclamation containing identical provisions. However, before dealing any further with the matter, in accordance with the Marshall's wishes our request that a proof of every issue of the Gaceta Oficial be forwarded to us before its publication (see para 5 Minutes of Meeting of 26 Nov. 1952) should be confirmed by direct correspondence between General Joyce and the Marshall.

Agreed:

- (a) that it will not be necessary for the Minister to submit the proof of the issues of Gaceta Oficial before their publication;
- (b) that the draft decree repealing discriminatory legislation (after its signature by the King) will be shown to the Legal Subsecretary for the purpose of coordinating its publication with that of a proclamation containing identical provisions to be issued in Occupied Territory;
- (c) that only such provision of the prepared draft decree will be published which undertakes to restore civil and political rights to the Jews leaving that part of the decree dealing with property rights for the future. However, the entire draft decree will be presented at least 15 days before its contemplated publication in the Gaceta Oficial.

The Minister states that he will send us a letter confirming the above agreement.

2. Proclamation No. 5, Art. III. Transfer in of rights in land on non-Sent only.

Minister inquires as to how many applications for consent under this Article have been received in Sicily, how many granted and with what effect upon economic life. Col. Ugojn provides to supply this information from Palermo in a few days and points out that the provision in question is an anti-inflationary measure tending to prevent speculation with land. Its second purpose is to prevent Fascists from transferring unduly acquired realty. Col. Ugojn points out that this Article is one of the provisions to be re-enacted in the restored territory and to be administered by the Italian officials. Com. Scinelli mentions that the Italian Government has attempted to reach the same purpose by a special high tax upon transfers but such legislation did not prove effective.

3. General Order No. 12. Advantages and Disadvantages.

Col. Ugojn asked whether the Minister would wish that the Order should also be published in Region II or whether the question should be settled after restoration by the Italians themselves. The Minister will study this problem and will answer in a few days.

4. Train Mollissima-Venit.

Com. Scinelli presents a memorandum on the necessity of prolonging the train connection on the above line (see 402/2/III). Col. Ugojn points out the difficulty of any interference with railroads but promises to do his best.

5. Requisition of Prisons in Lecce.

Capt. Dyre (Staff Capt. Q 71 5th Area) and Procuratore del Re of Lecce agreed on a plan according to which one floor of the prison would be used

upon economic life. Col. Upjohn promises to supply this information from Palermo in a few days and points out that the provision in question is an anti-inflationary measure tending to prevent speculation with land. Its second purpose is to prevent fascists from transferring money acquired illegally. Col. Upjohn points out that this article is one of the provisions to be re-enacted in the restored territory and to be administered by the Italian officials. Comm. Spinelletti mentions that the Italian Government has attempted to reach the same purpose by a special high tax upon transfers but such legislation did not prove effective.

3. General Order No. 12. Arrests and Procurators.

Col. Upjohn asked whether the Minister would wish that the Order should also be published in Region III or whether the question should be settled after restoration by the Italians themselves. The Minister will study this problem and will answer in a few days.

4. Trein Molteni-Panni.

Comm. Spinelletti presents a memorandum on the necessity of maintaining the train connection on the above line (see 100/1/111). Col. Upjohn points out the difficulty of any interference with railroads but promises to do his best.

5. Redistribution of Prisons in Lecce.

Capt. Tyne (Staff Capt. of 71 Sub Area) and Procuratore del Re of Lecce agreed on a plan according to which one floor of the prison would be used by the British troops. Capt. Tyne promised to recommend this plan to his superiors. Maj. Thacker will call him up.

6. 2 Letters (2 copies of each) from Procuratore Generale del Re, Lecce to Minister of Judicial Affairs in Rome.

Presented to Maj. Thacker. Comm. Spinelletti would like to know why 18 people arrested in consequence of bread riots at Monteleone were released from the Lecce prison against the advice of the Procuratore.

7. Complaint against Allied Attempt to requisition Col. Joyce.

Gen. Spinalli relates an incident at Bari where a British Officer attempted to requisition his car. Col. Mighan assumes that he will involve into the matter and see Col. Mighan.

8. Mr. Enrico Greco - Information.

(See for particulars 400/4/100, letter from Col. Mighan to Gen. Joyce).

The matter is anticipated with the explanation that Mr. Greco was ordered interned as prisoner of war and several civilians similarly detained at a mis- use of public safety of Allied Forces.

9. Next Meeting.

Agreed that next meeting will be held next Monday at 1150.

Meeting adjourned at 1310.

The Minister is satisfied with the explanation that Mr. Gibson was ordered interned as prisoner of war and several civilians similarly detained as a means of public safety of Allied Forces.

9. Next Meeting.

Agreed that next meeting will be held next Monday at 1130.

Meeting adjourned at 1310.

MINUTES OF MEETING

Date: 13 December 1942.

Place: Washington, D.C.

Present: Col. C. S. Johnson
Sgt. Starn

B. H. Edwards, Esq., Minister of Justice,
Gen. Spindler, Chief of Council, Ministry of Justice,
Interpretation.

Meeting opened at 11:40 AM

1. Objections to recommendation of arrest in War Relocation Authority.
Agreed that when the names for recommendation of officials will be submitted to the Minister by the proper Italian authorities in all cases out the names of Vice Director 19331, Chief of Recommendation and RECOMMENDATION, MINISTRO of Bergamo.

These officials, although still in office, were subject to arrest by the U.S.

2. Transmission of the Homeless Prisoner of War.

No such regulation is indicated any more.

3. Recruitment of the Prisoner of War.

Agreement is consideration of the last proposal was provided by the

and District, D.C.

4. Minister of Justice, Council of Council, Bergamo.

The letter written by the President of the above mentioned Council of
Council is presented to the Minister in which the President request re-
assignment of Judge Cisterna to his Court. The Minister states that he
cannot reassign his Judge but is sending a telegram to Judge Cisterna
assigned to Bergamo when last August ordering him to take up his new office

Mr. Giuseppe Di Santis, Minister of Justice.
Don. Spadolini, Chief of Cabinet, Ministry of Justice.
Interpreter.

Meeting opened at 11:10 AM.

1. Discussion to recruitment of personnel from Italian Republic.

Agreed that when the lists for recruitment of officials will be submitted to the Minister by the proper Italian authorities will come out the names of Vice President Rossi, Chief of Administration and President, University of Genoa.

These officials, although will be Italian, more eligible to act.

2. Recruitment of the House of Representatives at Rome.

No need recruitment to include any more.

3. Recruitment of the President of the Republic.

Available consideration of the last proposal not presented by the

2nd Division, Rome.

4. Recruitment of Vice President of the Republic, the President.

The letter written by the President of the above mentioned Court of Appeal is presented to the Minister in which the President requests an assignment of Vice Judges to his Court. The Minister also says that he cannot recommend this Judge but in sending a telegram to Judge Magno assigned to Catanzaro since last August ordering him to take up his new office at Catanzaro.

5. Recruitment of General Order No. 12 in Rome, 2/6/5.

The Minister points out that it is a plan of the Government to solve all the syndicates and establish the proper legal organizations. Therefore the plan is not limited to the legal profession and must be

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resolved in cooperation with other Departments of the Indian Government.

That would take some time. Agreed that we shall inquire whether there are pressing reasons for this system and if so we shall write a letter to the Minister in this sense which he will present to his colleagues in the Council as a matter of urgency on the subject. The Minister has no objection against enactment of this Order in occupied territory if the War Office feel that a delay is not desirable.

Note: Comm. Spindell points out that General Order No. 12 as published in Staffy coincides with the solution intended by the Minister except for the limitations of the number of Tribunals within the Indian occupied area.

6. Article 449 of 1911 on Council of Judges.

It is generally agreed that the present state of Indian courts is undesirable and that the institution of assessors be abolished. The Minister visualizes such court consisting of one President of Session of Court of Appeal 1st grade and 4 Counselors of Court of Appeal grade 5. There will be one such court for each Court of Appeal District in the rest of the Court of Appeal. Due to the present scarcity of Judges of higher grade 2 or 3 Counselors could be temporarily substituted for by Judges of lower grade but of exceptional qualities. The Minister recognizes the need of this reform but thinks it would take some time. He would appreciate very much if we could meet the above mentioned change in the occupied territory so that assistance could be granted as to the workability. Agreed that we shall present a letter pointing out the urgency of the problem.

7. List of judicial officials in Potence handed over to the Minister.

ALL officials feel that a delay is not desirable.

Notes: Comm. Spindel points out that General Order No. 12 as published in Sicily coincides with the solution intended by the Minister except for the limitations of the number of Prosecutors which the Italians would maintain.

6. Article 242 of 1937 on Court of Appeal.

It is generally agreed that the present state of these courts is undesirable and that the institution of assessors be abolished. The Minister visualized such court consisting of one President of Section of Court of Appeal 4th grade and 4 Consiliari of Court of Appeal grade 5. There will be one such court for each Court of Appeal District in the head of the Court of Appeal. Due to the present scarcity of Judges of higher grades 2 or 3 Consigliari could be temporarily substituted for by Judges of lower grade but of exceptional qualities. The Minister recognizes the need of this reform but thinks it would take some time. He would appreciate very much if we would enact the above mentioned change in the occupied territory so that experience could be gained as to its feasibility. Agreed that we shall present a letter pointing out the urgency of the problem.

7. List of judicial officials in Palermo handed over to the Minister.

8. List meeting Thursday at 11:30 hrs.

MINUTES OF MEETING

Date: 10 December 1943.

Place: Washington, D.C.

Present: Col. Nathan
Maj. Thompson
Sgt. Glavin

U.S. Attorney General, Under Secretary of State.
Gen. Clegg
Mr. Glavin

Meeting opened at 11:30 a.m.

1. Review of the Departmental Legislation.

In answer to our letter of Dec. 30 (100/117, log no. 33) Department of Justice the undersigned has the honor to inform:

The review has not yet been discussed by the Council of Ministers. When it comes to the Departmental Legislation, the entire review will be published only the first part concerning political and civil rights be enacted and that the part restoring property rights to be enacted. In the case of the review, the Departmental Legislation will ask for authorization to submit the entire review to us. We did arrange that publication of the review will be held up for 35 days. The agreement on this point is confirmed. Col. Nathan has been that this procedure applies only to this specific review. No other review will be presented to us by the Ministry before publication except if the government should feel that some other review should be published simultaneously in both countries of unoccupied France. Now, we would of course that the Ministry consider review. Now, I think that some of the review contained in the review of the Council of Ministers might be considered by us for publication in the occupied territory.

2. Publication of the Review of the Departmental Legislation.

It is requested with emphasis that 2 copies of each issue must be delivered directly to the legal Service Section of the day of publication. Issues No. 2 & 3 containing the one book will appear today; No. 4 probably a day after tomorrow.

3. Revisions for Review in Occupied Territory.

Reference our letter (10 Dec. 100/117, log no. 33) the undersigned asks that the Ministry of the Interior that all revisions for publication be referred to the Ministry of the Interior. He also asks that this has been done and that attention is called to the instructions cited in the above mentioned letter.

Meeting opened at 10:30 a.m.

1. Review of the Disposition of Legislation.

In response to our letter of Dec. 14, 1941, Vol. 10, 63, Regulation of Espionage, the Undersecretary states as follows:
The Government has not yet been determined by the Council of Ministers. When it comes to the Undersecretary still remains the entire decision but will propose that only the third part concerning political and civil rights be enacted with that the part regarding property rights be left for later. If the decision is approved, the Undersecretary will ask for authorization to submit the entire decision to us. He will arrange that publication of the decision will be held up for 15 days. The agreement on this point is reaffirmed. Col. H. John reiterates that this procedure applies only to this specific decision. No other decision will be presented to us by the Ministry before publication except if the government should both occupied and unoccupied territories (convinced of course by the military law of course). Comm. 5 finally feels that some of the measures contained in the Annex of the Espionage Bill might be considered by us for publication in the modified territory.

2. Consideration of Copies of the Espionage Legislation.

It is suggested with emphasis that 2 copies of each issue must be delivered directly to the Legal Commission on the day of publication. Issues 10, 2 & 3 containing the old laws will appear today; No. 4 probably a day or two tomorrow.

3. Petitions for Pardon in Certain Territory.

Regarding our letter (Vol. 10, 107/121, Dec. 10, 41) the Undersecretary states that the Government has indicated that all petitions for pardon be referred to the Military Governor. It is then the case that this has been done and his attention is called to the instructions cited in the above mentioned letter.

4. Inspection of the Espionage Legislation.

According to our reports from Palermo they do not seem to be finished. The Espionage Legislation are being undertaken.

5. Extension of the Espionage Legislation.

British Espionage Legislation provided to do all they can.

6. Conclusion.

When our request Comm. Espionage provided to receive the text of laws regulating the power of the Government in this field from the Undersecretary of Interior.

7. General Orders, P. M., 16.

One copy of each handed by Maj. Dardash to the Undersecretary.

8. Reorganization of the Legal Profession.

Administrative and legal decrees regulating the organizations for procurators are presented to us for approval of provisions affecting the presently occupied territory.

9. Legal Assistance.

Agreed that the authors as discussed in the last meeting should definitely be entered in a list of the occupied territory as an experiment (concerning of course the consent of the Military Government). The experiment will be made to abolish appeals from court of justice. That will be done by the Government after restoration and upon completion of a study of statistics showing the number of cases actually dealt with by each court in the past. The Ministry has already requested such statistics from the Bar Court of appeal. Our reform will deal solely with abolishing the institution of appeals. The Ministry will submit a draft at or before the next meeting. There would seem to be best fitted for the experiment.

10. All appointments: Reorganization.

The Undersecretary points out that it appears from the lists of judges of Botana Province presented by us that some judges have been appointed for positions calling for a higher court grade than they held at the time of appointment. The Ministry feels that these appointments should not be considered as promotions into the respective higher grades but merely as appointments into higher functions. There should be no corresponding increase of salary. The appointing authority was necessarily limited to locally available judges and many judicial officials with far better qualifications would be prejudiced if the appointments should be of a permanent character. Agreed that:

(1) Before filling vacant positions in occupied territory which is about to be restored, the recommendation of the Ministry will be heard.

(2) The Ministry will call to our attention those individuals and cases of all appointments in each territory where according to local opinion a change is desirable in the interest of justice and discipline.

(3) All judges and magistrates in office, by decision appointed, will be examined by a special commission composed of representatives of the Ministry and of the Legal Administration.

11. Dr. Dardash of Note.

This official has arrived here. The Undersecretary wishes to enlist our cooperation in assisting Dardash to return to Beilby for the purpose of strengthening his position in the Ministry and in the arranging the transportation for his family.

12. Next Meeting.

Will be held on next Wednesday.

Agreed that the reform as discussed in the last meeting should be fully be checked in a part of the occupied territory as an experiment (removing of some the common of the military formation). No attempt will be made to abolish suspension court of law. This will be done by the Government after restoration and upon completion of a study of statistics showing the number of cases actually dealt with by each court in the past. The Ministry has already requested such statistics from the High Court of Appeal. Our reform will deal solely with abolishing the institution of assizes. The Ministry will submit a draft of a bill at or before the next meeting. Though would want to be best suited for the experiment.

10. Appointments: Recommendations.

The Undersecretary pointed out that it appears from the lists of judges of Potomac Division presented by us that some judges have been appointed for positions calling for a higher career grade than they held at the time of appointment. The Ministry feels that these appointments should not be considered as promotions into the respective higher grades but merely as appointments into higher functions. There should be no corresponding increase of salary. The appointing authority was necessarily limited to locally available judges and many judicial officials with far better qualifications would be preferred if the appointments should be of a permanent character.

Agreed that:

- (a) Before filling vacant positions in occupied territory which is about to be restored, the recommendations of the Ministry will be heard.
- (b) The Ministry will call to our attention those individual cases of appointments in such territory where according to their opinion a change is desirable in the interest of justice and discipline.
- (c) All judges and magistrates in office, by agreement concluded, will be continued by a mixed commission composed of representatives of the Ministry and of the Legal Administration.

11. Dr. Gajdoo of Note.

This official has arrived here. The Undersecretary wished to visit our cooperation in understanding English to return to Sicily for the purpose of investigating the trials in the territory and aid for arranging the transportation for his family.

12. Next Meeting.

Will be held on next Wednesday. No time fixed.

Meeting adjourned at 1250 hrs.

MEMORANDUM FOR THE RECORD ON 24 DEC. 43.

1. No examinations for procurator should be held at Naples because of transportation difficulties; for this same reason it will not be possible to allow candidates to travel from Naples to Bari to write the examinations there. The situation might be different by next March.
2. The reorganization of the legal profession should be delayed at least until the Regions are organized in the 15th Army Op territory. Maj. ~~XXXXXX~~ will write to Legal Officers to speed out the urgency for this provision. If he decides to proceed with the reorganization he will do so by posting them. Order 12 in its present form. He will not follow the Italian practice of limiting the number of admitted procurators because (1) he doesn't like such restrictions as a matter of principle - as limiting itself badly in discrimination and favoritism. (2) we should be consistent in our practice and carry on the Sicilian way.
3. Certified copy of Decree. It is signed given to us. Original will be kept in 15th A.G. CIO's file.
4. In answer to Col. Wilmer's query as to the status of detainees intending to commit a war offense or to engage in any political or other activity, etc. (Protocol. 2, Art VII Sec. 2) Major ~~XXXXXX~~ says that initially these persons should be treated as P.W.s but at present they are not accorded such treatment and are interned permanently in jails. While a few cases happened where people were interned and their status was not defined for a considerable time. It would be better to set up a camp for these people. Major has no intention that such camp is being established in Sicily.
5. Italian Decretes. (Lt. Col. Bodd's letter). In 15th A.G. territory the Italian Courts Martial will not be permitted to try apprehension which occurred between July 10 and Sept. 8. It would be futile to undertake a distinction between cases of desertion in interests of allied appeals and those committed from other motives.
Instructions will be issued to Legal Officers, 15th A.G. to watch for disciplinary actions undertaken by Italian law units in circumstances of above and as a substitute for the courts martial trials.
6. Major Ross fully agrees with the simultaneous publication of the decree repealing discriminatory laws and a similar proclamation. However, he thinks an absolutely simultaneous publication will hardly be possible.
7. Court of Cassation. Major Ross is opposed to setting up in Reggio an extraordinary Court of Cassation composed exclusively of learned judges because (1) an experiment in forward areas would not give a proper picture due to the unusual conditions.
(2) we should not experiment for the Italians.
8. The Cassetta Ufficielle will not be distributed in 15th A.G. area for the moment - at least not before the Regions are organized. The letters from the Director of Intendance concerning the subscriptions to it will be routed to the CPO.

cannot be present with the recommendation be will do so by pointing out. Order 12 in its present form. He will not follow the Italian practice of limiting the number of admitted procurators because (1) he doesn't like such restrictions as a matter of principle - as limiting itself easily to discrimination and favoritism. (2) we should be consistent in our practice and carry on the Sicilian way.

3. Certified copy of Proclamation. It is signed given to us. Original will be kept in 15th A.C. CLO's file.

4. In answer to Col. Wilmer's query as to the status of detainees intending to commit a war offense or to engage in any political or other activity, etc. (Proclamation, 2, Art VII Sec. 2) Major ^{W.C.} ~~W.C.~~ says that undoubtedly these persons should be treated as P.W.s but at present they are not accorded such treatment and are interned permanently in jails. Quite a few cases happened where people were interned and their status was not defined for a considerable time. It would be better to set up a camp for these people. Major Lowe understands that such camp is being established in Sicily.

5. Italian despatches. (Lt. Col. Bold's letter). In 15th A.C. territory the Italian Courts Martial will not be permitted to try any desertion which occurred between July 10 and Sept. 8. It would be futile to undertake a distinction between cases of desertion in terms of allied appeals and those committed from other motives.

Instructions will be issued to Legal Office, 15th A.C. to watch for disciplinary actions undertaken by Italian Army units in circumvention of above and as a substitute for the courts martial trials.

6. Major Lowe fully agrees with the simultaneous publication of the decree revealing disciplinary laws and a similar proclamation. However, he thinks an absolutely simultaneous publication will hardly be possible.

7. Court of Appeals. Major Lowe is opposed to setting up in Reggio an experimental Court of Appeals composed exclusively of learned judges because (1) an experiment in forward areas would give a proper picture due to the anomalous conditions, (2) we should not experiment for the Italians.

8. The Sanatoria officials will not be distributed in 15th A.C. area for the moment - at least not before the Regiments are organized. The letters from the Director of Intendance concerning the subscriptions to it will be routed to the CP.

9. Major Lowe agrees that Art. 640 of Italian Penal Code (see 10/11/50) does not confer upon Italian Courts jurisdiction to try violations of the enactments. Nor does he think that Italian Courts may try such violations directly under the regulations or orders in spite of the fact that these enactments are part of the law of the land. Theoretically, he says, the authorities may refer to these cases involving such violations to be tried under the Proclamation or Order but distinction would arise as to what type of Italian Court should be entrusted with each case. The jurisdiction of Ital. Courts is determined by limits of the type of imprisonment or amount of time which may be imposed by each type of Court. But no such limits are fixed by the penal clauses of the 1941 Proclamation or Order.

10. List of letters delivered to Major Howe and their disposition:

LETTERS

DISPOSITIONS

- | | | |
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| (1) | Letters addressed by State employees (2 copies). | To S. Regional Officers for information. |
| (2) | Report for diligence, etc. (Prot. N. 612, 819, 613-614) | C. Divorce Officer for consideration - probably will be followed. |
| (3) | Application of MIL 188 of 6 Dec. 1943 (Salary increases). Similar Decree increasing salaries with retroactive force will be issued by AMG for 15th AG territory. | C. Financial Officer. |
| (4) | Request that Consigliere di Corte d'Appello De Socio not at Guajonasi to come to Bari. | Local Legal Officer. |
| (5) | Request for release from internment by the English - Laura de Maio (Giuseppe de Maio) arrested at BELLICHO, Reggio. | Local Legal Officers. |
| (6) | Agente di Custodia Sereno Gio-vani, Lucena. | Local Legal Officers. |
| (7) | Letter for Grada: Biagio (for Proc. Gen. Naples) Lenoni (for Proc. Gen. Napoli) Sabato (for Proc. Gen. Naples) | Will be passed on to Italian Authorities. |
| (8) | Pagamento della competenza al dipartimento dello Stato - al Proc. Gen. Rodi Garganico. | To local legal officer. |
| (9) | Giudice straniero - Trib. Reggio | To local legal officer. |

1993 (Salary Increases). Minimum
 Deuce increasing salaries with
 retroactive force will be issued
 by 15th of territory.

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|-----|--|--|
| (4) | Request that Consiglieri di
Corte d'Appello di Savoia now at
Cagliari to come to Bari. | Local Legal Officer. |
| (5) | Request for valente from in-
terment by the English -
Laura de Maio (Guineo de Maio)
arrested at DELMUNO, Poggio. | Local Legal Officers. |
| (6) | Agente di Custodia Sorino Gio-
vanni, Loro. | Local Legal Officers. |
| (7) | Interno per Guardia:
Biagio (for Proc. Gen. Naples)
Romani (for Proc. Gen. Poggia)
Sabato (for Proc. Gen. Naples) | Will be passed on to Italian author-
ities. |
| (8) | Ragioniere delle conestanze di
dipendenti dallo Stato - Al Proc.
Gen. Rodi Garganico. | To local legal officer. |
| (9) | Giudice Straniero - Trib. Poggia | To local legal officer. |

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AGENDA JR MEETING ON 23RD DEC. 1943

1. Draft Decrees on the organization of the Legal Professions. (Present corrected copy of the Italian originals). The possibility of holding examinations at Naples will be discussed with 15th Army Group.
 2. Womens Prison at Trani (Capt. Dellmassi's letter of 5 Dec. 1943).
 3. Castanaro, Salvatore (Our letter Dec. 14, 1943).
 4. Application of block on real estate transfers in Sicily. ^{by} Proclamation 5. (Present wire from ~~the~~ Salerno of Dec. 18).
 5. Request Undersecretary to insert the name of the Province in all letters to be transmitted by us. (Return 3 letters because the Province to which they are addressed is not known).
 6. Sicilian criminals at Lecce Prison. Present a Petition for Pardon.
 7. Italian law and censorship. (Comm. Spinelli promised to procure these laws).
 8. Ask what would be the best machinery in case civilian delinquents against Allied interests are arrested by the Allied authorities and handed over to the ~~Italian~~ Italians. Both the handing over authorities and the ACC should be informed on the outcome of the trial.
 9. Move to Salerno. If the Minister decides to stay in Bari he will have to appoint a responsible representative for Salerno. Is he ready to provide accommodations for our liaison group to be attached to him at Bari. *(Both office & living accom.)*
 10. The Minister is invited to make all preparatory steps by way of notices to the First Presidents of the Courts of Appeal in the Territory to be restored.
 11. Out of the material for transmittal to 15th Army territory and sent to us last week only part has been forwarded. All documents amounting to executive instructions or attempting to regulate salaries of officials have been withheld until 15th Army Group Legal Officer can be contacted. *(See file copy in letter to 15th Army Gp. 21 Dec. 43) Gazzetta Ufficiale cannot be distributed w/ AG security.*
 12. All documents delivered to us for transmittal to Regions 1 & 2 have been forwarded. However, it is understood that none of these documents can have the force of binding instructions before restoration. Neither can the Minister make any direct appointments before transfer. (File copy of our letter 21 Dec. to Region 2).
 13. Is the Decree on Discriminatory Legislation ready?
 14. Is the Draft Decree on the Court of Assize reform ready?
 15. Lists of Judges for Region 1 will be available shortly for the 15th Army Group Territory after Dec. 30.
 16. Doctor Chirico.
- in 15AG no probab paid*

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14. Is the Draft Decree on the Court of Assize reform ready?
15. Lists of Judges for Region 1 will be available shortly, for the 15th Army Group Territory after Dec. 30.
16. Doctor Chirico.
17. AMG appointed judges in 15 AG are probably paid the salary of the grade of their appointment *meanst*
18. Would you like that any provisions contained in Law. 44. 13-43 be published in 15 AG territory. *Leg. 44. 13-43*
19. Prison Lecce. Requirement. Letters from 2 District.

MINUTES OF MEETING

Place: Prefettura, Brindisi.

Date: December 23, 1943.

Present: Lt. Col. Wilmer
Major Thackrah
Sgt. Stein

H.E. Giuseppe de Santis.
Comm. Spinelli.

Meeting opened at 1115 hours.

1. Draft Ministerial decrees on holding examinations for procuratori.

Returned by us with corrections. Copies as corrected filed in ACC/L/121. (The reference to Court of Appeal of Naples omitted, some other minor corrections made).

Agreed that we will discuss the possibility of holding examinations of Procuratori at Naples with CIO 15th Army Gp.

(or of allowing candidates from Naples to go to Bari for examinations)

2. Women's Prison at Trani.

No requisition will be made by 2nd District without consent of the ACC. (Capt. DeMassi's letter, 5 Dec. 1943 filed ACC/L/200).

3. Castanaro, Salvatore, saboteur, handed over to Italian Police by British M.P.

The Undersecretary claims he never received our letter of Dec. 14, 1943 ACC/L/350. Will have our file copy copied and consider it.

4. Block on real estate transfers - Proclamation No. 5 - Sicilian experience.

Major Thackrah states that although no statistical data is available, it appears that majority of applications involved small property and were granted. This provision of the Proclam. 5 definitely helped to accomplish the purpose intended by this Proclamation.

5. Addresses in letters delivered to us for transmittal.

Agreed that name of Province will be included in all these addresses.

6. Petition for Pardon of the Sicilian delinquents serving sentences in the Lecce Prison.

Handed over to the Undersecretary to be routed to the King.

7. Italian Censorship Laws.

H.E. Giuseppe de Santis.
Comm. Spinelli.

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Handed over to the Undersecretary to be routed to the King.

7. Italian Censorship Laws.

Comm. Spinelli promised again to procure copies of laws on this subject.

8. Civilian Italian delinquents arrested by Allied Police in free Italy for crimes against Allied interests and handed over to Italians.

Asked what machinery should be used to keep the Allied Police informed on the outcome of the trial of these delinquents the Undersecretary promised to issue directives to Procuratori del Re to give such information to the nearest Allied Police office. On the other hand he requested that the Allied Police be advised not to give any instructions to the Italians as to the handling of these delinquents. In many cases of minor offenses, the Allied police recommended that the delinquents be released. It makes the Italians appear unkindly harsh if such recommendation has not been followed. Comm. Spinelli asked that we put our request as stated above in writing.

9. Accommodations for Legal Subcommittee Liaison Office at Bari.

The possibility of obtaining office rooms at Palazzo di Giustizia at present requisitioned by Americans but not actually used is discussed. Major Thackrah will go to Bari tomorrow on Friday, 24 Dec. and take it up with Allied authorities.

10. Letters of the Ministry handed to us for transmittal to Italian Authorities in occupied territories.

Major Thackrah repeated that no executive instruction of any kind issued by the Italian Government or any transfer or appointment ordered by it can have effect in occupied territory. Some of the documents of the Ministry sent to us for transmittal were of such character. Those addressed to Italian officials in Regions 1 & 2 were forwarded to our officers with instructions that all these documents are for information and in preparation of the transfer. None of such documents addressed to 15th Army Gp territory has been sent on. We shall ask the CIO 15th Army Gp whether he cares to peruse some of these documents for his own information.

The Undersecretary declared that it is utterly within our discretion to deal with the letters as we please and he would appreciate if we could decide just what type of letters he is permitted to write to his officials in occupied territory. Comm. Spinelli asked that letters withheld be returned to him.

11. Draft Decree abrogating discriminatory legislation.

Has still not been considered by the Cabinet.

12. Court of Assize Reform.

The draft decree for the new Court of Assize at Foggia will be ready today and sent to us. It should be coupled with a decree setting up a Court of Appeal Section at Foggia as discussed in previous meetings, the personnel of which would also serve at Assizes.

13. Doctor Chirico.

His request to Region 1 sent by air with our recommendation.

14. Lists of Judges.

Comm. Spinelli stresses that the Ministry needs these lists urgently. Maj. Thackrah assured him the lists will be available shortly.

15. Salaries of AMG appointees.

Answering this query Maj. Thackrah stated that we were informed that in the Naples area these appointees are paid according to their new appointment rather than according to their career grade.

16. Prison in Lecce.

According to the letter from HQ 2nd District this prison must be entirely evacuated by the Italians. Comm. Spinelli states that he will attend to the

by the Italian Government or any transfer or appointment ordered by it can have effect in occupied territory. Some of the documents of the Ministry sent to us for transmittal were of such character. Those addressed to Italian officials in Regions 1 & 2 were forwarded to our officers with instructions that all these documents are for information and in preparation of the transfer. None of such documents addressed to 15th Army Gp territory has been sent on. We shall ask the CLO 15th Army Gp whether he cares to peruse some of these documents for his own information.

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The draft decree for the new Court of Assize at ^{Com. Order} Foggia will be ready today and sent to us. It should be coupled with a decree setting up a Court of Appeal Section at Foggia as discussed in previous meetings, the personnel of which would also serve at Assizes.

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16. Prison in Lecce.

According to the letter from HQ 2nd District this prison must be entirely evacuated by the Italians. Comm. Spinelli states that he will attend to the matter immediately after Christmas.

17. The Undersecretary requests that if possible his nephew Mario de Santis di MAZIO, former Italian Army officer, captured at ASMARA, now civilian internee, matricola 379461, POW Camp 337 Postal Section Sudan, be repatriated. He has a weak heart. Major Thackrah promised to bring this up with Gen. Joyce.

18. Temporary Court of Cassation.

The Minister states that such court with jurisdiction over all of liberated territory would be desirable and a draft decree setting up such court will be presented to us.

19. No time fixed for next meeting.

Meeting adjourned at 1300 hrs.

Minutes of Meeting at Ministry of Justice, Bari
Friday, 31 Dec. 1943.

At noon: Present - Major G. B. Hannaford
Major A. R. Thackrah

H.E. de Santis (later)
Com. Spinelli

1. Judicial Set-up Region I. Major Hannaford produced to Com. Spinelli lists of Magisterial and judicial officials in office and appointments made by AMG in Sicily, and described the general conditions under which the courts and legal professions are working. Later the names of Messina, Baviera and Baroni(?) were mentioned in conversation with the M. of J. who expressed the desire to have the benefit of these high officials' experience in the work of reorganization in Sicily.
2. Repeal of Discriminatory Laws. Text as settled was produced divided into two parts as foreshadowed, one to be published dealing with civil status and personnel rights and other property rights. Decree, subject to formalities of Royal assent, will be ready in any case for handing to Major Thackrah on Monday morning, Jan. 3rd. Conference with Chief Legal Officer thereon to be arranged for Friday or Saturday, Jan. 7 or 8 - day to be confirmed by M. of J. Agreed that no communication be made to Press until text fully examined by CLO.
3. Lecce Prison, Requisition by Military. Com. Spinelli produced a letter, seemingly emanating from Italian liaison section with No. 2 District, indicating certain modified proposals regarding prison accommodations at Lecce. Major Thackrah observed that so far as ACC was concerned the matter was closed by definite decision of No. 2 District to requisition and that if negotiations were reopened direct with Italian authorities at Lecce this was a matter for direct settlement.
4. Celibate Judicial Officials. Com. Spinelli stated that the legal Sub-commissions observations on the apparent injustice caused by the repeal of the Fascist law in the matter of the promotion of unmarried officials was having attention. But as officials in all branches of the administration were similarly affected any modification in the law would have to be carried out in agreement with the other departments of Govt.
5. Allied Military Tribunals - ref. letter 21 Dec. ACC/L/111.
Com. Spinelli expressed agreement with the observations meeting the statements made by the Minister regarding procedure and jurisdiction of Allied Military Tribunals, but omitted to state whether any concrete cases could be quoted.
6. Case of Castomaro - Sabotage, Barletta.
Letter from Pretore produced stating that Procurator had ordered formal enquiry into case and that an examination of witnesses was fixed for Dec. 27th.

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21

Meeting with representatives of Justice to be held at East. 15 Jan. 44.

1. Draft Deeree restoring property rights of Jews: approved.
2. Allied soldier prisoners escaping jail of Brindisi. The Allied military authorities at Brindisi stated that they do not desire to interfere with the present system of guarding the prison and that steps have been taken to restrict the prisoners which the risk involved in an attempt to escape.
3. Major Horn's views on requests for transfers of officials in 17th Army territory. Also the views of Legion 2 CIO on the same subject.
4. Appointment of vice-procurator in the Naples area and in Naples 2.
5. Reply to Minister's letters on requesting transfers of officials.
 - (a) Transfer of GEMELLI, Antonio, Court of Appeal at Palermo disapproved.
 - (b) Transfer of RICHIELLO, Antonio, Tribunale di Palermo disapproved. No objection by MG but RICHIELLO wishes to remain in Palermo.
 - (c) Transfer of RICHIELLO, Antonio, Tribunale di Palermo from Palermo.
6. Following comments returned to the Ministry of Justice by 17th Army Group CIO, who refused further transmittal.
 - (a) RICHIELLO - Transfer to metropolitan at Naples.
 - (b) Exchange of Registrars RICHIELLO and RICHIELLO.
 - (c) Agent RICHIELLO - Request for leave.
 - (d) Transfer of Cav. RICHIELLO, Tribunale di Palermo.
 - (e) Transfer of Registrar RICHIELLO from Palermo.
 - (f) Transfer of Cav. RICHIELLO from Palermo to Bari.
 - (g) Transfer of RICHIELLO from Palermo to Naples.
7. Reasons for refusal: scarcity of judges, management difficulties.
8. Refusal of the following letters for reconsideration of transfers: Cav. RICHIELLO, Tribunale di Palermo.
9. Return of book "Il Diritto della Guerra" to Cav. RICHIELLO.
10. The following documents are transmitted to the Indemnity:
11. List of personnel of Tribunale di Palermo, Palermo Province.
12. List of personnel (Court of Appeal, Tribunale) with reports on minor criminal investigations within the district of that Court.
13. List of courts of Cassazione criminal.
14. List of courts in officials, Palermo Province.
15. List of judicial personnel, Palermo Province.
16. List of judicial personnel, Reggio Calabria.
17. Letter on the state of officials Courts.
18. Letter on the state of courts in Reggio Province.
19. Letter from Ist. President, Court of Appeal, Palermo on retirement of Registrar, letter from Ist. President, Court of Appeal, Palermo on retirement of Registrar.

3. After Karp's views on requests for transfers of officials in 19th Army territory. Also the views of Region 2 CIO on the same subject.
4. Reassignment of vice present in the Region area and in Region 2.
5. Reply to Minister's letters in requesting transfers of officials.
 - (a) Transfer of CIVILLIA, Antonio, Court of Appeal at Potenza (disapproved).
 - (b) Transfer of CIVILLIA, Antonio, Court of Appeal at Potenza (disapproved).
 - (c) Transfer of CIVILLIA, Antonio, Court of Appeal at Potenza (disapproved).
6. Following comments returned to the Ministry of Justice by 19th Army Group CIO, who refused further transmittal.

- (a) BATTISTA ULRIC - Transfer to refectory at Avola.
- (b) Exchange of Magistrate SERRA and MAGNIFICENT.
- (c) Agent CIVILLIA - Reassign the leave.
- (d) Transfer of Civ. Philippella, Section 21 Bologna.
- (e) Transfer of Magistrate SERRA from Avola.
- (f) Transfer of Civ. Carvelli from Avola to Avola.
- (g) Transfer of SERRA from Avola to Avola.

Reasons for refusal: Security of Avola, transport difficulties.
 Return also the following letter for consideration of reasons: Civ.
 Drusillo, Tribunale Turd.

6. Return of book "Il Mistero della Stupa" to Civ. Spadelli.

7. The following documents are transmitted to the Undersecretary:

- (a) List of personnel of Conciliatori, Cassano Province.
- (b) List of personnel Court of Appeal, Cassano with request on under or-
 rations investigations within the district of that court.
- (c) List of courts of Cassano Province.
- (d) List of courts and officials, Cassano Province.
- (e) List of judicial personnel, Cassano Province.
- (f) List of judicial personnel, Reggio Calabria.
- (g) Letter on the state of judicial courts.
- (h) Letter on the state of courts in Reggio Province.
- (i) Letter from Ist. President, Court of Appeal, Cassano on retirement of
 Magistrate, letter from Civ. gen., Cassano on suspension of activities
 of officials Court Civil; letter from Civ. gen., Cassano on retirement of
 Magistrate; letter from Civ. gen., Cassano on suspension of activities of
 vice present and other officials in Cassano & Potenza.

331 Interview with Maj. Mattei, 2nd District, at Bari, 19 Jan. 44.

✓ 1. Pellicera Francesco. He is an ardent fascist and will be transferred to PW Camp 371 within 7-10 days.

✓ 2. Release of Italian Prisoners from Italian Prisons.

The order issued by No. 2 Dist. that no detained Italians should be released without a consent of the British Police concerns only internees and not prisoners serving sentences.

✓ 3. Release of pro-Allied spies, Barletta.

2nd Dist. will take this up with AFHQ.

X 4. PERETTA EMILIO, pro-German Italian soldier.

We will take up this case and give instructions for his trial.

✓ 5. Presenting letter on Removing of Fascist property without receipt. Maj. Mattei accepted the letter and agreed with its terms.

✓ 6. Registering foreigners. This is a matter for Ministry of Interior.

X 7. Italian legislation on sabotage. (Wire cutting, pilferage).

We shall do research on this. Means for wide publicity of such legislation and its application to Allied property will be considered.

MINUTES OF MEETING

Date: 8 January 1944.

Place: Prefettura, Brindisi.

Present: Colonel. Upjohn
Major Thackrah
Major Hannaford
Major Palmieri
Sgt. Stein

H.E. De Santis
Comm. Spinelli
Judge Testi
Lt. Sforza

Meeting opened at 11:00 AM.

1. Comm. Spinelli presents to us:

- (a) The decree for restoration to Italian Jews of their property rights (2 cop.).
- (b) List of Italian laws on censorship (2 copies).
- (c) Documents for transmittal into occupied territory.

2. Transfer of Officials.

The Ministry has requested our approval of transfers of many officials of minor importance and has sent to us numerous letters on this subject to be transmitted to occupied territory. It would be appreciated if answers would be forthcoming.

3. Draft decree restoring political and civil rights of Jews.

Agreed that only general principles will be discussed now and details will be left for later.

(a) Title of the decree.

Major Thackrah points out that the title is too narrow in that it does not mention (i) half breeds, (ii) foreign Jews whose rights are being restored by the repeal of the R.D.L. 7 Sept. 1938, no. 1581.

The Undersect. points out that as:

re(i) above, it was not the intention of the Government to restore the status of halfbreeds. Another decree will deal with this matter. Comm. Spinelli explains that for psychological reasons it is intended to separate the legislation pertaining to Jews from that concerning the halfbreeds. How-

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re (ii) above, the title will be amended to read as follows: Royal Decree Law N.....containing provisions for restoration of political and civil rights to Italian citizens and foreigners declared to be of Jewish race or considered as being of Jewish race.

(b) Major Thackrah points out that Art. 404 Civil Code should be included among other articles of the C.C. which are expressly repealed. The Undersect. agreed to that.

(c) Automatic restoration of citizenship.

Major Harnaford explains that some difficulties might arise if citizenship is restored automatically to the Jews who have been deprived of it by racial laws and who might have acquired other than Italian citizenship in the

meantime. Comm. Spinelli suggests that a clause should be inserted that those whose citizenship has been restored may renounce it within a certain period of time. The Undersect. disagrees on the ground that these people should be definitely and automatically restored into their status which they held before the racial laws were enacted. They may renounce their Italian citizenship at any time as any other citizen may do.

(d) Racial entries in civil status registers (Art 3 of the draft decree)

Questioned as to the reasons why the entries are to remain in the registers and may be made known even after the effective date of the draft decree the Undersect. replies that it was felt that there is no infamy in being a member of the Jewish race; thus there is no reason for deleting these entries. He also added that objection has been raised to using the phrase "of Jewish race" instead of "Jewish religion". However, since many members of Jewish race are not of Jewish religion and were hit by the discriminatory laws and since the discriminatory laws use that phrase, it is necessary to repeat it in repealing law.

(e) Major Thackrah suggests that an Article should be inserted reserving the restoration of property rights for another decree to be passed as soon as the situation allows. The Undersect. expresses doubts as to this suggestion on the ground that not only fascists and Germans but also third persons who hold the Jewish property at present would be given warning of things to come, which might endanger the Jewish property and Jewish owners. Agreed that this is a good reason to omit any mentioning of the restoration of property rights.

The draft decree has not been signed so as to keep open a possibility to make such amendments as might be agreed upon. Both parts of the draft decree will be discussed in detail at a meeting to be held on Monday 12 1100 in Brindisi.

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4. Court of Appeal Section in Foggia.

(a) The Undersecret. fully agrees that the section be set up at Lucera instead of at Foggia.

(b) He states that the Ministry would provide necessary personnel but would appreciate if the judges and other personnel could commute from Bari. There is a "Littorina" going daily from Bari to Foggia and could be prolonged to Lucera on the days of hearings.

(c) Agreed that we will recommend ^{to} Maj. Howe that only appeals filed after 30 Sept. 1943 will be dealt with at Lucera.

(d) Some minor changes in the Italian draft decree will be suggested by us ^{to the Undersecretary} after a further discussion with Maj. Howe. (Appeals from Magistratura di Lavoro, DCCA instead of CCA, etc.).

5. Reform of Corte d'Assize.

Major Hannaford states that this matter has important political implications and we feel it would be premature for AMC to undertake a solution at present. The fascists by establishing the present form of Courts of Assize, reduced the influence of the popular element in courts. The reform proposed by the Italian Govt. would exclude such influence altogether. Col. Unjohn points out that of course the Italian Govt may deal with the matter as they please in the territory under their control. The Undersect. states that in some places as e.g. Bari the assessors institution works all right but on the whole it must be changed. The opinions of Presidents of Courts of Appeal in this question is expected.

6. Salerno Move.

The Undersect. plans to send a group of officials to Salerno to serve as liaison with other Italian Ministries and with ACC. He and Spinelli will stay at Bari with other group of officials but he will travel to Salerno every week.

7. Gazzetta Ufficiale.

Agreed that:

(a) In view of the imminent restoration no copies will be sent to Reg. 1 & 2 "for information only".

(b) The Ministry will send us 12 copies of each issue which will be forwarded to 15th Army Gp. for information.

8. The "kidnapping" of Judge Caccaurri.

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8. The "Kidnapping" of Judge Caccurri.

The Undersect. emphasizes that this judge organically belongs to the Bari Court. He arrived at Bari with intent to return but decided to stay for family reasons. The Minister wishes to use him in the Ministry. He will order on Monday by telegraph that Judge Pitrelli go to Cosenza in Caccurri's place. Col. Upjohn agrees on condition that this will be the last case of this type.

9. Opening of the Court of Cassation of Rome.

The Undersect. prefers that not attempt be made by the AMG to open this Court. The matter should be left for the Italian Government after the restoration

of Rome territory. Lists of Court of Cassation Judges who are to go to Rome will not be compiled, but names of officials who may be designated to go with ACC Advance Party to take charge of Ministry of Justice will be supplied.

10. Property Control - Italian Legislation.

The need of Italian legislation continuing the present status of the Property Controller and broadening his powers so as to include power to mortgage etc is stressed by Major Thackrah. Agreed that we will prepare a resume of our wishes on this subject. This resume will be handed to the Undersect. on Monday and will be discussed in detail some time next week at Bari. It is indicated to the Undersect. that this will entail a restriction of the sovereignty of the Italian Crown but that it will relieve them of considerable responsibility and thus the government will not be subjected to claims from Allied companies and individuals holding property in Italy.

11. The Petition for pardon of Convertino addressed by the petitioner erroneously to ACC is handed over by us for action by the Ministry.

12. Lists of Judges.

Such lists from Region 2 (2 copies), Region 3 (2 copies) and Foggia Province (1 copy) presented to Comm. Spinelli.

13. Next Meeting. Monday 10 Jan. '44, 1100 hrs at Brindisi.

Meeting adjourned at 1310 hrs.

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Place: Prefettura, Brindisi.

Present: Major Palmieri
Major Thackrah

H.E. De Santis
Comm. Spinelli
Lt. Sforza

Meeting opened at 1100 hours.

1. Personnel for Temporary Section of Court of Appeal, Lucera.

The following have been suggested as personnel for temporary Section of Court of Appeal of Lucera:

Pres: Consigliere di Cassazione Uff. Chieffo, Raffaele

Av. Genl: Ruggiero, Ruggeri

Consigliere: Ciccarelli, Acadia

presso Foggia

D'Erario - Cons. a Bari

Francovilla, Fr. " "

Tomasini, Ginetino " "

2. Legislation on Property Control.

A memorandum outlining the powers for a Property Controller was handed over. Undersecretary De Santis says that it will be studied and an appointment was made for Friday, 14 January 1944 at 1100 hours for a general discussion of this topic.

3. Repeal of Discriminatory Laws.

(a) The Undersecretary states that the Italian Government will give back citizenship and restore status retroactively. He further argued that one cannot tie a string to it and say that you can get it back only by asking for it. The Italian Government cannot quarrel if a Jewish citizen has since acquired a new and different citizenship and refuses to avail himself of this law, but the Government cannot say, "You are restored into Italian citizenship if you do this, etc."

(b) Article 8 gives great latitude to power of the Chief of Government to issue executive decrees. As we go along we can establish rules covering various situations arising under the main decree law. This Article contains the formula established by Minister Jung under Fascism and permits the widest application within the spirit of the law. We are not tied down by detailed provisions which would undertake to regulate special cases.

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4. Italians Arrested by Allied Police and Handed over to Italian Authorities for Prosecution.

(a) Minister DeSantis gave a paper to Major Thackrah which purported to be a circular of instructions on this subject intended for Procuratori.

(b) Major Thackrah points out that everytime a case arises involving an Italian arrested by the Allied Police and handed over to the Italians, the Allied Police must be advised of the disposition of the case.

(c) Minister DeSantis states a willingness that we interrogate the Procuratore at ~~Tramonti~~ directly on this subject. He adds that British authorities themselves have intervened frequently with the Italian Police to secure the release of thieves that have been arrested by the Allied Police and handed over to Italians.

5. Next meeting at Bari, Friday 14 Jan. at 1100 hrs.

(Adjourned at 1300 hrs).

MINUTES OF MEETING

Place: Palazzo di Giustizia, Bari.

Date: 19 Jan. 1944

Present: Col. Upjohn
Major Parlin
Major Thackrah
Sgt Stein

Undersecretary of State (de Santis)

Comm. Spinelli

Mr. Masi (President of Court of Assizes, Foggia.)

Meeting opened at 1100 hrs.

1. Draft decree restoring property rights of the Jews.

Major Thackrah expresses full approval of this draft decree and states that we do not have anything to add. According to the Undersec, the draft decree will be presented for signature tomorrow and possibly will be signed the same day.

Agreed that it will appear in the Gazzette Ufficiale on the 9 Feb. 1944.

2. Court of Assizes, Foggia.

Mr. Masi wishes that an assurance be given by us that the composition of the Court will be in strict conformance with the Italian law so as to avoid the errors which occurred at the Court of Assizes at Potenza. Col. Upjohn answers that our only interest is to exclude fascist assessors. Mr. Masi points out that under the present law and in view of the war conditions he could not select the required 5 fascist assessors from the lists. Comm. Spinelli suggests that AMG issue an order replacing temporarily the assessors by learned judges. Col. Upjohn answers that the Allies will not take initiative in eliminating the lay element from the Courts and that if the Italian Government passes a law on this subject in free Italy we shall republish it in the occupied territory, including Foggia. The Undersec. estimates that it would take one month to prepare and pass such law. Col. Upjohn further suggests that an AMG Order could vest the President of the Court of Assizes at Foggia with the power to add new names to the lists of assessors. Mr. Masi retorts that "this would be contrary to Italian Law"; on the other hand if the court should work on the basis of old lists, the assessors (if any can be found in the area) will be fascist. Col. Upjohn again points out that the easiest way out would be if the Italian Government would pass the law replacing the assessors by learned judges which law could be republished in occupied territory. The Undersec. thinks that the Government cannot afford to act hastily on this subject and would have to hear opinions of Presidents of Courts of Appeal. The Bari president already presented his opinion agreeing with the proposed Reform Act, pleading for delay due to the extraordinary times. The Minister adds that the Courts of Assizes at Bari, Trani and Lecce are working satisfactorily with old assessors. Col. Upjohn emphasizes that the same reasons which motivate the Italian Government to act with caution on the reform, he also suggests that since the above

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Agreed that it will appear in the Gazzette Ufficiale on the 9 Feb. 1944.

2. Court of Assizes, Foggia.

Mr. Masi wishes that an assurance be given by us that the composition of the Court will be in strict conformance with the Italian law so as to avoid the errors which occurred at the Court of Assizes at Potenza. Col. Upjohn answers that our only interest is to exclude fascist assessors. Mr. Masi points out that under the present law and in view of the war conditions he could not select the required 5 fascist assessors from the lists. Comm. Spinelli suggests that AMG issue an order replacing temporarily the assessors by learned judges. Col. Upjohn answers that the Allies will not take initiative in eliminating the lay element from the Courts and that if the Italian Government passes a law on this subject in free Italy we shall republish it in the occupied territory, including Foggia. The Undersec. estimates that it would take one month to prepare and pass such law. Col. Upjohn further suggests that an AMG Order could vest the President of the Court of Assizes at Foggia with the power to add new names to the lists of assessors. Mr. Masi retorts that "this would be contrary to Italian law"; on the other hand if the court should work on the basis of old lists, the assessors (if any can be found in the area) will be fascist. Col. Upjohn again points out that the easiest way out would be if the Italian Government would pass the law replacing the assessors by learned judges which law could be republished in occupied territory. The Undersec. thinks that the Government cannot afford to act hastily on this subject and would have to hear opinions of Presidents of Courts of Appeal. The Bari president already presented his opinion agreeing with the proposed Reform Act, pleading for delay due to the extraordinary times. The Minister adds that the Courts of Assizes at Bari, Trani and Lecce are working satisfactorily with old assessors. Col. Upjohn emphasizes that the same reasons which motivate the Italian Government to act with caution on the reform, make the Allies take a hands off stand; he also suggests that since the above mentioned Courts of Assize work reasonably well with old assessors, the Foggia-ucera Court of Assizes should follow their lead.

Agreed: that the Foggia Court will be held with assessors selected from the old lists in strict compliance with Italian law. Agreed also that the Legal Subcommittee will undertake to provide a lorry for transport of the parties and lawyers from Bari to Lucera on the days of hearings of the Court. There are 15 cases to be dealt with. The 1st session will be held from 21 Feb. to 24 March, the 2nd from 19 April to 17 May, 1944. *He 17 computation in 10 6 provided for by the local authorities, at Lucera*

3. Escape of Allied Military Prisoners from the Brindisi Prison.

In answer to the inquiry of the Director of the said prison, transmitted to us by the Ministry, Maj. Thackrah states that the 71 Sub-Area agreed that the rules governing the guarding of Italian prisoners will be applied equally

to Allied prisoners and that the latter were informed of the risks involved in an attempt to escape.

4. Lists of Judges and other documents (see Agenda for the meeting no. 6, 7 a-i) handed to the Undersecretary.

5. Transfers of Judicial Officials.

(a) Maj. Thackrah explains that due to the transport and other difficulties no requests for transfer will be granted except in special cases and then only upon full statement of reasons. All applications for leave should be directed to the local AMG authorities. However, if an official is holding an office lower than that corresponding to his career grade, the Ministry may suggest transfer of another available official of appropriate grade to such office.

(b) Comm. Spinelli presents a list of outstanding requests for transfers. Agreed that we shall inquire whether the AMG authorities have acted upon the requests. In this connection Comm. Spinelli is advised that the AMG officials have disapproved the request for the transfer of Judge Gentile from Potenza on the ground that he is needed there. On the other hand, Aiutante di Cancelleria ROMANELLI ANTONIO may be transferred from Rossano Calabria as requested but the official himself wishes to remain in Rossano. Comm. Spinelli suggests that he will send Judge Erede to Potenza and would appreciate if after the arrival of the latter, Judge Gentile would be released. Col. Ugo John agrees to that and states that in all cases of transfer, the substitute must arrive at the official seat before the requested official is released. Of course any request for transfer must be previously approved by us.
Agreed: that matters concerning Courts and Judicial personnel of Potenza will be discussed at the next meeting in Maj. Palmieri's presence.

6. Substitute for Judge Mege, Catanzaro.

Maj. Thackrah refuses to procure air transport for Judge Erede to the Court of Catanzaro and advises that the Italian Air Transport authorities be contacted by the Ministry if the Judge is unable to travel by train. Comm. Spinelli decides that Erede be sent to Potenza (see above under 5b) and Judge Antonacci will be ordered by a decree to be signed tomorrow to proceed to Catanzaro immediately to fill the vacancy there.

7. Vice-Pretori whose term expired on 31 Dec. 43.

Major Thackrah informs the Ministry that these vice-pretori have been confirmed in Allied Controlled territory until further provision. The Undersec. states that the competent Italian authority in Naples asked for 6 months time to eliminate fascists from the vice-pretori lists, but that he, the Undersec., refused to allow such long term.

8. Sabotage Castagnaro.

R. Procurator asked that the record of the case be returned to Court of Assizes at Trani for trial. The Ministry wired an order to speed up the proceeding.

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9. Italian Prisons.

(Capt. Burke's absence is excused). Asked whether he has any suggestions to make on this subject to be dealt with by another Subcommission. The Undersec. expressed the desire to know what the Allied officials in charge of prisons found upon inspecting various prisons and what improvements could be made in the interest of both Allied and Italian prisoners.

10. Law on Registration of Foreigners.

This law is still on the books. The Undersec. promised to write to the Police and ask to what extent the law is being applied in free Italy. He will communicate the answer to us so that we may contact the Ministry of Interior to undertake full enforcement.

11. Lists of Judges for Rome.

Comm. Spinelli says that 2 Judges have been definitely selected, others are being considered.

12. Move to Salerno.

No news on that.

13. Next Meeting: Brindisi, Tuesday, 25 Jan. 44 at 1030.

Acting at Ministry of Justice (25 Jan. 1941)

UNIT 1

1. Handing over the draft of an order to be issued by 15th A.S. concerning transactions in lands and buildings.
2. Italian legislation on sabotage e.g. signal wire cutting, and possibility of its application to Allied installations. (See enclosure)
3. Pellicere Francesco. Returning the application of his wife. This man is an ardent fascist and will be interned in the F.W. Camp 371.
4. Do you have any answer from the ~~KW~~ police as to the enforcement of the law on registration of foreigners.
5. The law restoring civil rights to Jews. Can we have the date of signature and the number in the G.U. How did you correct the drafting mistake pointed out to Judge Testi in regard to abrogation of Article 404 C.C.
6. Potenza matters. a) GIACOMO VITA
b) Assize Court at Potenza.
c) Court of Appeal, Potenza.
7. Annulment of amnesty provisions in Iacania.
8. Requisition of Pretura di Mollugno. Your complaint was telephoned on Jan. 24 to the competent military authority which promised investigation.
9. Taranto. (a) The pilfering is still going on.
(b) Is it true that the Procuratore del Re was a squadrista?
10. Order of Region 3 confirming until further orders Comm. CECCHIA as substitute Procurator General, Naples.
11. Prison of Laccera. 15th Army Gd authorized ROAC Region 4 to refuse the transfer of this prison to the Franciscan brothers.
12. Handing over list of officials, Salerno and a copy (extract) of a letter on Salerno Courts. (Tribunale, ~~Procuratore~~ ^{Procuratore})

13. Salmo mru

116. Reducing papers to unity. 1-6

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14. Returning papers to Ministry. 1-6

MINUTES OF MEETING

Place: Prefettura, Brindisi.

Date: 25 January 1944.

Present: Major Palmieri
Major Thackrah
Sgt Stein

Undersecretary DeSantis
Comm. Spinelli
Judge Testi
Interpreter

Meeting opened at 1045.

1. Draft Order on Transactions in Lands and buildings.

A copy handed to the Undersec.

2. Italian Legislation on sabotage and pilferage.

A letter handed over to the Undersec. asking for information on this point.

3. Pellicero Francesco.

The application filed by the wife of Pellicero and transmitted to us by the Ministry is returned with the statement that Pellicero was arrested as a dangerous fascist and is interned in a P.W. camp.

4. Registration of foreigners.

The Undersec. produces a copy of a circular whereby he is requesting information from the police authorities on the enforcement of the registration laws.

5. Requisition of the premises of Pretura di Modugno.

Major Thackrah stated that he telephoned the military authorities at Bari who promised immediate investigation.

6. Damage to the Tribunale & Corte di Assize di Lucera.

The Undersec. complains that it will cost the Comune of Lucera 700,000 lire to refurbish the judicial offices.

7. Taranto Thefts.

Major Thackrah points out that although remedy was promised long ago and the jail for civilians is ready, the situation has not changed; according to our information the Procuratore of Taranto has an unaccountable past. The Under

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Major Thackrah points out that although remedy was promised long ago and the jail for civilians is ready, the situation has not changed; according to our information the Procurator of Taranto has an unacceptable past. The Undersec. announces that a new Procuratore was ordered to Taranto. It is Mr. De, former Procuratore of Brindisi. Maj. Thackrah thinks that a new Questore should be appointed at Taranto and the Undersec. refers him to the Ministry of Interior. (Maj. Palmieri excused himself to see Undersec. Reale on this matter who promised to investigate the Questore of Taranto at once).

8. Transfers of Officials.

Comm. Spinelli emphasizes that it is imperative for the Ministry to be able to suggest disciplinary transfers in occupied territory. The reasons for such transfers are often of such a delicate character that can not be set forth in detail. Maj. Thackrah answers that as stated at previous meetings transport difficulties and danger of suspension of work necessarily connected with transfer render it impossible to allow transfers in military zones.

9. Draft Decree restoring political rights of the J.

The date of signature is 20 Jan. 1944, the number will be 25. The decree will be published in the Gazzetta Ufficiale of 9 Feb. 44 and on the same day a communiqué will be published in the Gazzetta di Mezzogiorno giving the content of the decree. The Undersec. suggests that we may draft the text of the communiqué together.

10. Giacomo Vita.

Major Palmieri relates the results of his trip to Potenza (see memo to CLO, ACC by Maj. Palmieri). There is nothing definite against Vito personally but other members of his family were ardent fascists. Comm. Spinelli pointed out that there was no objection against Vita during his stay at Bari. Spinelli's brother took Vita's place with the Ufficio Usi Civili at Bari and there were no complaints against Vita. Agreed that it is not desirable that he be appointed to an important and exposed job as a liaison man of the Ministry at Salerno.

11. Court of Assizes, Potenza.

Major Palmieri informs the Undersec. that the irregularities in appointing assessors were due to the pressure by Capt. Paty, AGC, to reopen the Court. The AGC and Italian authorities are willing to approve the changes of personnel deemed necessary by the Minister provided that substitutes for transferred officials be available on time. Comm. Spinelli thinks, that he will send immediately a president of the Court of Assize and later on another official to the Court of Appeal Section.

12. Court of Appeal Section, Potenza.

Major Palmieri reports as per memo cited above on the difficulties caused by the fact that this Section is lacking (a) administrative autonomy, (b) jurisdiction in labor cases and suits against the State. The transport troubles render the dependency from Naples rather unreasonable; however, the question will be for the Italian Government to be solved and their suggestions on this point are invited. Comm. Spinelli thinks that disciplinary powers and jurisdiction in labor appeals should be conferred upon the Section but it should not be made autonomous. Undersec. promised to consider this matter.

13. Fascist Amnesties.

Maj. Palmieri explained the working of the Committee of investigating fascist enrichments and crimes, the prosecution of which was suppressed by application of political pressure. (See the memo referred to above.). He pointed out that fascist amnesties prevent prosecution of many such crimes. A special Italian tribunal or investigating office might prove useful. The Undersec. thinks that political and procedural considerations are definitely opposed to any special tribunal and suggests sending over a special independent investigator, unknown in Potenza, to look into the cases. Major Palmieri emphasizes that there are other places where these cases have arisen and an overall solution should be considered. The Undersec. points out that one of the first Badoglio decrees at Rome established a Commission charged with investigation of fascist unjust enrichment cases and composed of the Presi-

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for him setting forth the more recent cases dealt with by the Potenza Committee and suggesting any action which we deem proper. He would then send a special investigator to Potenza; he also promises to investigate why the Prefect of Tolve has filed ^{any} complaints against Dott. Delfino without consent of the Procuratore del Re.

12. Lucera Prisons.

Major Thackerah informs the Undersec. that the ANS authorities in pursuance to our intervention forbade any transfer of these prisoners to the Franciscans.

13. Correspondence for transmittal returned to the Ministry. (Proposals of transfers, see list filed ACC/14/113/4).

14. Lists of judicial officials of Salerno and copy of a report on the state of courts at Salerno handed over to Comm. Spinelli.

15. Next meeting on Monday, 31 Jan. 44 at 1100, Brindisi.

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100-100000
 UNITED STATES GOVERNMENT
 MAIL PERMIT NO. 1000
 WASHINGTON, D.C.

under of 25 Jan

File one in 33/ can 7
 one in 111A

24 January 1944

MEMORANDUM:

SUBJECT: Conference at Potomac on 20-21-22 January 1944.

TO : C.J.O., Hq., A.S.G., Beltsville.

1. Pursuant to your instructions, I attended a conference at Potomac on 20 January 1944 at the office of Captain Ritz, 1st Lt. (Colonel) Coulson, and Mr. Rotundo were present. I attended several other conferences on the succeeding two days at Potomac with other persons. I will take up separately the matters which you outlined in your letter of instructions of 27 January 1944 addressed to Major Townsend.

CLARENCE VITA

2. The opposition to Vita is based largely on the statement of Mr. Rotundo, a member of the Bar at Potomac. Captain Ritz stated that he had full confidence in this gentleman's opinions. I believe the various statements made by Region 2 officers concerning Vita had been inspired by opinion expressed by Mr. Rotundo.

3. Mr. Rotundo's objection to the appointment of Clarence Vita was embodied in a letter which he handed me for delivery, if possible, to his friend and colleague, Under-Secretary of the Interior, Mr. Neale, who comes from Potomac. A copy of this letter is attached to this report. It states, in substance, the following:

- (a) That the father of Vita avoided the payment of his just debts and was a man of bad moral habits.
- (b) That the brother of Vita was high in Sovietist circles; was unscrupulous in business dealings, and was the object of an "investigation" by the United States Secret Service (of which Mr. Rotundo was a member).
- (c) That another brother of Vita was employed in a building, was unscrupulous in the conversion of State funds and corruption notwithstanding Sovietist prohibition.
- (d) That there are rumors concerning acts of favoritism and corruption on the part of Vita when he was a member (for several years between 1930 and 1940) of the Comintern in the United States. This was a special court having jurisdiction over cases concerning the administration and liquidation of former rights derived from Soviet bonds, as for instance, the right to cut wood in forests, and rights of pasture.

4. It will be noted that none of the information offered by Mr. Rotundo was of a reliable nature, and that most of it concerned Vita's family and not Vita himself.

5. At the time of my personal interview with Mr. Rotundo on 21 Jan-

1. Pursuant to your instructions, I attended a conference at Potenza on 20 January 1944 at the office of Captain Rely, Legal Officer, Colonel Gordini, and Sig. Rotunno were present. I attended several other conferences on the succeeding two days at Potenza with other persons. I will take up separately the matters which you outlined in your letter of instructions of 27 January 1944 addressed to Major Rumboldt.

GIANNI VITA

2. The opposition to Vita is based largely on the statements of Sig. Rotunno, a member of the Bar at Potenza. Captain Rely stated that he had full confidence in this gentleman's evidence. I believe that various statements made by Captain Rely concerning Vita had been inspired by evidence furnished by Sig. Rotunno.

3. Sig. Rotunno's objection to the appointment of Giacomo Vita was explained in a letter which he handed in for delivery, if possible, to his friends and colleagues, Under-Secretary of the Interior Vito Rocco, who comes from Potenza. A copy of this letter is attached to this report. It states, in substance, the following:

(a) That the father of Vita evaded the payment of his just debts and was a man of sound moral reprobation.

(b) That the brother of Vita was high in Fascist circles, was unscrupulous in business dealings, and was the object of an "unofficial" by the Allied Military Commission (of which Sig. Rotunno was a member).

(c) That another brother of Vita engaged in a kidnapping, was convicted for commission of false checks and corruption notwithstanding Fascist protection.

(d) That there are rumors concerning acts of subversion and corruption on the part of Vita when he was a member (for several years between 1930 and 1933) of the Commissione dei Giudici di Bari. This was a special court having jurisdiction over cases concerning the administration and liquidation of former rights derived from feudal tenure, as for instance, the right to cut wood in forests, and rights of pasture.

4. It will be noted that none of the information offered by Sig. Rotunno was of a precise nature, and that most of it concerned Vita's family and not Vita himself.

5. At the time of my second interview with Sig. Rotunno on 21 January 1944, I pointed this out to him. He replied with great emphasis that Vita was rendered unreliable by the conduct of his close relatives and that rumors about the dysfunctional integrity of a man were generally based on fact. Sig. Rotunno went at one point and spoke with much feeling of the necessity of removing the Fascist curse from Italy, and of doing it thoroughly.

6. Sig. Rotunno informed me at the second interview that one Rocco, an on-Commissario di Pubblica Sicurezza was in Potenza and that this person had personal knowledge concerning the corrupt activities of Vita when he was a member of the Court at Bari.

7. I arranged to see Rotaru later that day. At his request, I arranged to have the masters of Rotaru, Chisno, John the master. Both these men had heard the rumors that were alluded to by Sig. Rotaru in his letter, and said that they believed there was a file in the masters' office. After several telephone calls to the masters, I learned nothing. On the 22nd day, 22 January 1944, the search proved fruitless. The only files that could be found at the masters' office were a brother of Chisno's file. It is interesting to note that Rotaru was formerly connected with O.V.R.A. at Naples and was removed from his position as a police official by the Allied Military Government.

8. There was a third conference with Sig. Rotaru at which Captain Paly was present on the afternoon of 22 January 1944. I presented both gentlemen for specific facts concerning Vita's fascist activities. I pointed out to Captain Paly that Major Bonifazio had referred to Chisno with no one of the most important fascists in Southern Italy. It developed from our discussion that it was fairly certain that Chisno Vita was an enrolled member of the party. When Chisno Vita had spent most of his time in Bari and Naples, Sig. Rotaru had practically no personal knowledge of Vita's activities. There was nothing to indicate that Vita had conducted any position whatever in the fascist circles either of an honorary or a subsidiary nature. Both Captain Paly and Major Rotaru placed great emphasis on the fact that the brothers of Vita in Rotaru had been active fascists and that one of them had been the last fascist leader of Rotaru.

By investigation of these conferences concerning Chisno Vita was that his family name had been so closely allied with fascist activities that the reputation of his brother, that his reputation by the Ministry of Justice would not be irreparably damaged at either Rotaru or, probably, also, where.

9. With regard to the report of the rumors concerning Vita's alleged corruption in his judicial capacity, an investigation at Bari would have to be undertaken.

REPORT FROM THE BARI

10. Colonel Gennaro and Captain Paly stated that they had no objection to the transfer of judges contemplated by the Minister of Justice in his letter of 15 January 1944. I conferred with the Procureur General Gennaro and the Assistant Procureur del Re Gennaro. The latter said that investigations had been conducted at the Justice Court and the Government had been chosen without regard to the law. The latter, having seen to his office very recently, knew nothing about the matter.

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11. Colonel Gennaro stated that he believed the matter had already been satisfactorily dealt with. He agreed that the Regio court should not go to Naples and that the civil side of the Court of Appeal should stay at Reggio.

a policy dictated by the Allied Military Government.

10. There was a third conference with Sig. Brasero at which Captain Ruty was present on the afternoon of 22 January 1944. I pressed both gentlemen for specific facts concerning Vita's Fascist activities. I pointed out to Captain Ruty that Major Brodhouse had referred to Giacomo Vita as one of the most prominent Fascists in Southern Italy. It developed from our discussion that it was fairly certain that Giacomo Vita was an enrolled member of the party. Since Giacomo Vita had spent most of his time in Bari and Naples, Sig. Brasero had practically no personal knowledge of Vita's activities. There was nothing to indicate that Vita had occupied any position whatever in Fascist circles either of an honorary or a disciplinary nature. Both Captain Ruty and Major Rotunno placed great emphasis on the fact that the brothers of Vita in Rotunno had been active Fascists and that one of them had been the last Fascist Podesta at Rotunno.

My discussion of these conferences concerning Giacomo Vita was that his family name has been so closely allied with Fascist activities through the participation of his brothers, that his involvement by the Ministry of Justice would not be favorably received at either Rotunno or, probably, elsewhere.

2. With regard to the report of the rumors concerning Vita's alleged corruption in his judicial capacity, an investigation at Bari would have to be undertaken.

APPROACHING OF ROTUNNO

10. Colonel Gosselin and Captain Ruty stated that they had no objection to the transfer of judges contemplated by the Minister of Justice in his letter of 13 January 1944. I conferred with the Procuratore Generale Marino and the Assistant Procuratore del Re Rotunno. The former said that investigation had been conducted at the Judicial Court and the consensus had been chosen without regard to the law. The latter, having been to his office very recently, knew nothing about the matter.

REPORT TO THE MINISTRY OF JUSTICE

11. Colonel Gosselin stated that he believed the matter had already been satisfactorily dealt with. He agreed that the Reggio court should not go to Modena and that the civil side of the Court of Appeal should stay at Reggio.

PROSECUTION VIA THE MINISTRY OF AGRICULTURE CONCERNING THE AFFAIRS OF ROTUNNO

12. This matter, like the Giacomo Vita matter, seems very largely from the views expressed to Captain Ruty by Sig. Rotunno. There are attached hereto the two alternative provisions of the plan submitted by Sig. Rotunno with the approval of a committee of lawyers. The first is to establish the Court of Appeals at Rotunno as an autonomous court, entirely independent of the Court of Appeals at Naples. This would permit the court to assume jurisdiction over all appeals which now go to Naples from Rotunno and would include the right to deal with all administrative and disciplinary matters.

13. In view of the breakdown of civilian transport, Italian citizens find themselves unable to resort to the Court of Appeals in Naples and they are consequently deprived of their normal rights. While the committee would prefer the establishment of the Appellate Court of Appeals permanently as a separate court, the President of the Court, Simonetti, with whom I conferred, believes that it should be established as a temporary measure pending the reestablishment of normal lines of communication and travel.

14. The second alternative proposal would give the Court of Appeals at Potenza administrative and disciplinary powers so that the delay and inconveniences attendant upon the necessity of communication with Naples could be obviated.

15. President Simonetti pointed out that it may be necessary to revise the statute dealing with appellate procedure so that certain categories of cases, viz., industrial accidents, suits against departments of the government, could be handled on appeal at Potenza.

AMNESTY PROVISIONS

16. The request for the abrogation of the Fascist amnesty laws and for the statutes of limitations dealing with many penal offenses was suggested by the Committee of Investigation for Iccania set up by the Allied Military Government at Potenza.

17. I conferred with Sig. Rotundo and Sig. Ruggione, who had been members of this Committee. The Committee has been receiving (since 22 Oct. 1943) complaints against offenders of the Italian Penal Code and was to undertake to arrange for the initiation of proceedings in the Italian Courts where they considered that a prima facie case existed.

18. I examined a number of the files which were offered by the Committee as examples of cases to be dealt with and in which the accused persons were favored by amnesty provisions. All of these cases presented very slight hope of successful prosecution as they were from 15 to 20 years old and the declarations of witnesses, recently procured, were extremely vague and uncertain. I pointed this out to Sig. Rotundo who replied that the cases had been investigated by the Carabinieri, who were corrupt, and that on proper investigation the truth would undoubtedly come out.

19. I learned that the Committee had the benefit of the services of Costantino Provenzano dei Re Casone, and I conferred with him in the evening of 22 January 1944. Sig. Casone agreed that the cases which I had examined did not offer any hope for effective prosecution. He discussed at some length some more recent cases which represented flagrant instances of unjust enrichment and the utter disregard of penal statutes by persons apparently in favor with the Fascist Regime. Sig. Casone had recently secured the conviction of a Dr. Delfino of Foligno, who was such a person. I examined the files in the Delfino case and conferred with the President of the Court of Appeals who had reviewed the matter. It seemed quite plain that Delfino had previously escaped prosecution due to the intervention of Fascist officials. In connection with this matter I made preliminary studies of the steps to be taken and arranged with Captain Paly a method of

15. President Sironetti pointed out that it may be necessary to revise the statute dealing with appellate procedure so that certain categories of cases, viz., industrial accidents, suits against departments of the government, could be handled on appeal at Potenza.

SUMMARY OF AMNESTY PROVISIONS

16. The request for the abrogation of the Fascist amnesty laws and for the statutes of limitations dealing with many penal offenses was suggested by the Committee of investigation for Liguria set up by the Allied Military Government at Potenza.

17. I conferred with Sig. Totuno and Sig. Tagliuso, who had been members of this Committee. The Committee has been receiving (since 22 Oct. 1945) complaints against offenders of the Italian Penal Code and was to undertake to arrange for the initiation of proceedings in the Italian Courts where they considered that a prima facie case existed.

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19. I learned that the Committee had the benefit of the services of Sostituto Procuratore dal Re Cascone, and I conferred with him in the evening of 22 January 1944. Sig. Cascone agreed that the cases which I had examined did not offer any hope for effective prosecution. We discussed at some length some more recent cases which represented flagrant instances of unjust enrichment and the utter disregard of penal statutes by persons apparently in favor with the Fascist Regime. Sig. Cascone had recently received the conviction of a Mr. Delfino of Foligno, who was such a person. I examined the files in the Delfino case and conferred with the President of the Court of Appeals who had reviewed the matter. It seemed quite plain that Delfino had previously escaped prosecution due to the intervention of Fascist officials. In connection with this matter I made preliminary studies of the steps to be taken and arranged with Captain Fuly a method of proceeding for investigating the acts of the local judges and local police officers at Foligno.

20. In conclusion, the opinion which I formed in accord with Captain Fuly, is as follows:

(a) That it is premature to request the abrogation of amnesty laws at this time.

(b) That a few of the more flagrant cases of unjust enrichment and abuse of political power should be investigated and proposed for possible prosecution.

(c) First from these cases have been prepared a suggested plan should be submitted, not only for settlement of the summary loss and the suspension of the statute of limitations, but for the trial of these cases.

(d) I suggested to Captain Rety that the Italian Government would immediately take a great interest in this matter and might be prepared to set up a special commission for the investigation of the execution of these cases, as well as a special tribunal to deal with them speedily. Captain Rety agreed that we should permit the Italian Government to explore the feasibility of setting up this special machinery, and that we would be in a position to deal more constructively with the problem at a later date after having gone into the cases indicated.

M. L. HARRIS, Major

...ability. ...agreed that we should ...the ...
...to explore the feasibility of ...the ...
...that we would be in a position to ...the ...
...and a letter ...the ...

R. J. ...

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A G E N D A

Meeting at Ministry of Justice, REINDISI
31 January 1944.

1. Message from De Santis' brother.
2. Sarno Nicoletta - petition for release of prisoner held in Lecce prison for refusal to enlist with Black Shirts (?).
3. Documents transmitted:
 - (a) Letter from Procura Generale, Catanzaro to M of J of 11 Jan 44 on Indebiti arricchimenti di ex gerarchi.
 - (b) Letter from Z. Questore of Cosenza to 1st President, Court of Appeal, Catanzaro of 1 Jan 44 on Indebiti arricchimenti di ex gerarchi.
 - (c) Letter from Questore di Cosenza to Ministero dell'Interno, etc. of 18 August 1943 on MARAVIGLIA Maurizio ex Consigliere Nazionale.
 - (d) Letter from Questore di Cosenza to Ministero dell'Interno of 18 August 1943 on Tucci Grand'Uff. Pasquale.
 - (e) Letter from Legione Territoriale dei Carabinieri Reali di Catanzaro Compagnia di Castrovillari to Regia Questura of Cosenza of 5 September 1943 on L'avv. Comm. G.M. FUCCI Pasquale.
 - (f) Letter from Questore di Cosenza to Ministero dell'Interno of 18 August 43 on Mangniello Raffaele.
 - (g) Letter from Questore di Cosenza to Ministero dell'Interno of 18 Aug. 43 on Guerreschi Agostino.
 - (h) Letter from Questore di Cosenza to Ministero dell'Interno of 18 Aug 43 on Pollicino Enrico, ex Consigliere Nazionale.
 - (i) Letter from Questore di Cosenza to Ministero dell'Interno of 18 Aug 43 on Mirabelli Filippo ex Consigliere Nazionale.
 - (j) Letter from Questore di Cosenza to Ministero dell'Interno of 18 Aug 43 on l'ing. Mancini Cino da Mollito (Cosenza), ex Consigliere Nazionale.
 - (k) Letter (petition) from FLORE, Antonio, ex-soldier sentenced to 10 years for desertion in fighting against the British asks to be enlisted in the Volunteer Corps to fight the invader (dated 27 Jan 44).
4. Information given to Ministry on removal of officials in Campobasso & Isernia for political reasons.
5. Transfer of officials: given content of following letters communicated

3. Documents transmitted:

- (a) Letter from Procura Generale, Catanzaro to M of J of 11 Jan 44 on Indebiti arricchimenti di ex gerarchi.
- (b) Letter from R. Questore of Cosenza to 1st President, Court of Appeal, Catanzaro of 1 Jan 44 on Indebiti arricchimenti di ex gerarchi.
- (c) Letter from Questore di Cosenza to Ministero dell'Interno, etc. of 18 August 1943 on MANFROTTO Maurizio ex Consigliere Nazionale.
- (d) Letter from Questore di Cosenza to Ministero dell'Interno of 18 August 1943 on Tucci Grand'Uff. Pasquale.
- (e) Letter from Legione Territoriale dei Carabinieri Reali di Catanzaro Compagnia di Gastrevillari to Regia Questura of Cosenza of 5 September 1943 on l'avv. Comm. G. M. TUCCI Pasquale.
- (f) Letter from Questore di Cosenza to Ministero dell'Interno of 18 August 43 on Manganiello Raffaele.
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4. Information given to Ministry on removal of officials in Catanzaro & Isernia for political reasons.

5. Transfer of officials: given content of following letters communicated to Ministry.

Letter of 27 Jan 44 from AMG HQ ACCEP to Rear AMG 8th Army on Cav. Uff. de Socio, Larino (cancelling letter of 24 Jan on same subject log no. 708).

Letter of 27 Jan 44 from AMG ACCEP to CLO ACC on Transfer of Judicial Officials (DE SOCIO). (No record on SERVICE, 4110000, 4110000)

6. Registration of Foreigners.

7. Sabotage and Pilferage. (1) Give information on these offences.

8. Property Control

MINUTES OF MEETING

Date: 31 January 44.

Place: Prefettura, Brindisi.

Present: Major Theckrah

Capt. Young, Public Safety Subcommission, AGC.

Sgt. Stein

H.E. De Santis

Comm. Spinelli

Interpreter

Meeting opened at 1100 hrs.

1. Capt. Young is introduced to the Undersecy and discusses with him matters concerning the administration of prisons.

2. Salerno Move,

The Ministry was ordered to have its furniture and documents ready to move on the train scheduled for 5 Feb. A group of Ministry officials will be moved first. This group will be gradually increased.

3. First President Giovanni Cuomo of Bari Court of Appeals.

The Cabinet considered in yesterday's session the question of retaining for duration the above judge despite the fact that he reached the age limit of 70. The Undersecy would appreciate it if Cuomo could be made first President of the Court of Naples for duration which office was promised to the latter by two Ministers under the last regime. The necessary decree would have to be signed before 12 Feb. on which day Cuomo would otherwise be retired. Major Theckrah promises to take up the matter with competent authorities.

4. Maj. Palmieri's message on his visit to the brother of the Undersecy is transmitted and accepted with thanks.

5. Petition of Sarno Nicoletta.

Handed over with request that the Subcommission be informed on the action taken in view of the alleged political character of the case.

6. Centomero Salvatore, Saboteur.

The trial was scheduled for 12 Feb. before the Court of Assizes, Bari Trani. Some difficulties arose from the fact that the Assize Court of Assizes is scheduled to sit on the same day but the Undersecy believes that the Trani trial will be held in spite of that.

7. Registration of Foreigners.

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4. Maj. Palmieri's message on his visit to the brother of the Undersecy is transmitted and accepted with thanks.

5. Petition of Sarno Nicoletta.

Handed over with request that the Subcommission be informed on the action taken in view of the alleged political character of the case.

6. Castagnaro Salvatore, Sanotem.

The trial was scheduled for 12 Feb. before the Court of Assizes, Bari Trani. Some difficulties arose from the fact that the Lucera Court of Assizes is scheduled to sit on the same day but the Undersecy believes that the Trani trial will be held in spite of that.

7. Registration of Foreigners.

No answer yet from the police on Ministry's inquiry.

8. Italian legislation on sabotage and pilferage.

Answer to our letter will be forthcoming shortly.

9. General Order 12.

Comm. Spinelli requests another copy.

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10. Property Control.

The Undersecretary thinks that our memo presented to him does not set forth data sufficient to prepare a decree; he wishes that more specific details be given to him. Comm. Spinelli thinks that the Controller of Property could be given a status of a public official for his personal protection; the necessary law will be drafted and enacted as soon as our request is clearly presented. Major Thackrah undertakes to communicate this to Col. Unjohn. *But has not sent it yet. Major Thackrah will have to provide for Unjohn's request of Unjohn's of the P.C. during the present period.*

11. Land transactions block.

Comm. Spinelli refers to the draft order presented at the last meeting and expresses his wish to know where the order has already been published.

12. Court of Appeal Section, Lucera.

A copy of the draft decree establishing this court is handed to us with request for communication on which date we wish that the court commence functioning. Major Thackrah promises to look over the decree and procure the communication.

13. Decree law restoring civil rights to Jews.

Comm. Spinelli points out that in the last moment Art. 4 of the decree had to be slightly changed. The law of 6 Jan 44 n. 9 has provided for reinstatement of officials dismissed by the fascist regime for political motives. Such reinstatement is to take place upon application of the official concerned. The Jewish decree, on the other hand, provides for automatic reinstatement of Jewish officials without any application. Thus, to prevent any misunderstanding, the respective provision of decree n. 9 is abrogated in relation to Jewish officials by the sentences inserted in Art. 4 of the Jewish decree (See new copy handed over to us by Comm. Spinelli who thinks that since the law n. 9 referred to above is not valid in the Allied Controlled territory there is no harm done if the said change of Art. 4 would not be made in the Order republishing the Jewish decree in that territory).

14. Transmittal of Documents.

Documents enumerated in para 3 of the attached copy of "Agenda" are handed over to Comm. Spinelli.

15. Transfer of Officials.

The content of Maj. Howe's letter on DeSocio et al. communicated to Comm. Spinelli (see para 5 of the agenda). Consigliere Erede left for Potenza last Wednesday to take the place of Judge Gentile who is now expected at Lecce.

Luigi Rocco who is at present at Lecce will go to Potenza shortly to assume the Office of President of the Court of Appeal Section. Cav. Masi will be sent to Potenza to preside over the Court of Assizes.

Comm. Spinelli presents a copy of a letter from Badoglio to all Ministries on relations between Italian and Allied authorities in Allied held provinces. Major Thackrah promises to study the letter.

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Meeting adjourned 1230.

ES/gmf

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