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Memo: PIRA-1432

11 September 1947

SECRET AND PERSONAL

TO : Lt. Colonel G. F. BLUNDA
AC of S, G-2, HPOUSA

SUBJECT : Comment on G-5 Memo 934.43-1 of 21 August 1947,
Subject: "Clemency—Espionage and Sabotage"

ORIGIN : []

1. Subject memorandum makes the recommendation for immediate release of the following (Category A) enemy agents:

ACQUA, Gaetano	FALCONI, Mario
ALBERTI, Emilio	GORGA, Aldo
ANSALONE, Emilia	GORGA, Enrico
ANTONUCCIO, Giorgio	MAGISTRELLI, Adolfo
BANDINO, Carlo	MEI, Ugo Enzo
BARALDI, Giovanna	MICELLI, Silvio
BARDANI, Ivo	MONTALDI, Bruno
BARELLI, Franco	PAGANOTTO, Fabio
BARGHIGLIONI, Carlo	PELLEGRINI, Carlo
BEVILACQUA, Emilio	PUCCIA, Antonio
BONI, Tecla	RAVERO, Valerio
CELESTI, Letterio Secondo	RICHELON, Gastone
CHECCHI, Fernanda	DE SANTIS, Vincenzo
CONCA, Domenico	SERRA, Erodio
COSTA, Carla	SPIERA, Olga
CURRELLI, Mario	TRIFIRO, Mario
DIONISIO, Francesco	LO VASTO, Vincenzo
FABBI, Aristide	

2. Subject memorandum makes the recommendation for review of the following (Category B) enemy agents:

BENDANDI, Leopoldo	GALVAGNO, Claudio
Dei BRENTIS, Anna Maria	MINICHELLI, Giovanni
COVELLA, Federico	RACAGNI, Natale
FERRARI, Giuseppe	PICKNEL, Liselot
FUGARDI, Francesco	VASCOGNI, Giorgio

3. These recommendations are supported by the following lines of reasoning, outlined in paragraphs 3-6 of Subject memorandum:

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- a) Interest has been shown in the cases by the Italian Government, and especially by the Vatican;
 - b) That in 26 of those cases the persons sentenced were under 21 years of age;
 - c) That in many cases no overt acts had been committed;
 - d) That in many cases the only concrete evidence was the accused's own statement;
 - e) That in 36 of the 46 cases there was no evidence that the arrested had ever done anything inimical to Allied interests.
4. It is in agreement that clemency should be granted in many of the cases cited. It does not, however, concur in the reasoning set forth in Subject memorandum, in general or in particular, as providing a satisfactory basis for such action either from the standpoint of facts alleged or as a precedent.
5. It is our view that the findings of Allied military tribunals which sat in these cases are res adjudicata, and the logic behind a subsequent appeal for clemency should be based upon the discretionary power of the Commanding General of this theater of operations to grant such, rather than upon what is in effect an arbitrary re-judging of the facts of each case under circumstances which in no way parallel those of the court of law in which they were originally heard. Attention is directed specifically to the comments on each case appended to subject memo on the basis of which the judgments set forth in paragraphs 3-6 of the memo itself were formulated. We are in no position to discuss cases from the above group which originated with British CI units; however, a review of our files on cases originating with this unit indicates that the comments made on these cases in the appendix of the memo in many instances omit relevant facts which are of vital importance to a review of the case.
6. Attention is directed in particular to the five cases commented upon below:
- a) ANTONUCCIO Giorgio: This person was an ABT/VI, stay-behind agent, apprehended in Rome. Under interrogation he withheld numerous details, particularly the facts relating to his first mission to Sabandia with one FIANDRO. He lied consistently in an attempt to create the impression that he had no intention of working for the German IS after the fall of Rome; however, in a letter written in his own handwriting to one ASCHIERI it was established very clearly his intention to do so, and thus provided the basis for his trial. It is correct that ANTONUCCIO did not engage in an overt act so far as was known to Allied CI; nor was it necessary to show such in view of the clear indication of intention which he gave in his letter.
 - b) BEVILACQUA Emilio: This person was an agent of FAK 190, apprehended while attempting to cross into German territory upon the completion of his second parachute mission into AOT. His first mission to the Bari area, according to the interrogation of the GIS officer who briefed him, resulted in information on shipping movements in Bari harbor and identifications of Allied military units. Following his second parachute drop and capture, he admitted that he had made observations at the Foligno Air Field and to have purchased articles which he had been asked to take back to EOT by the GIS officer who had trained him. BEVILACQUA was a convinced Fascist up to the time of his recruitment, and despite his forthrightness and essential honesty, left no doubt as to his political preferences. The observation made in the comment on his case in the appendix of subject memorandum, that the evidence in his case rested only upon his own statement, is hardly relevant nor is it believed that there was an implied promise of immunity or special treatment made by his interrogators. The rules of the evidence on this point were as closely adhered to in espionage trials in this theater and it is certain that BEVILACQUA's defense would have been based on this point if it had any bearing.

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- c) CONCA Domenico (and CURRELLI Mario): This person was a W/T operator of a post-occupational team mounted by FAK 150. He was detained originally, with his teammate CURRELLI, with whom he was arrested by the partisans who turned them over to Allied CI. When arrested, CONCA was in possession of a notebook containing a clear-text message. One page was missing from the notebook, and CONCA admitted that it had contained the enciphered text of the message. He said that he had never broadcast the message, but admitted to having set up his W/T set and having been prevented from broadcasting by an air raid.
- d) COSTA Carla: This person was an agent of FAK 190, with a secondary mission from Fascist Republican Intelligence. She was apprehended by CIC while returning to German occupied territory on her third mission into AOT. She was exceedingly difficult and uncooperative throughout her interrogation by CIC, and maintained a defiant Fascist attitude throughout her trial. Following her second mission, she was received personally by MUSSOLINI. Information gained from the interrogation of the GIS officer who had directed her work, indicated that from her two successful missions into AOT, she had brought back information on air fields as well as political, economic, and propaganda materials (see CSDIC interrogation of Hauptmann Kurt KROPP). The statement in the comments that she was "really more of a propagandist than spy" is unsupported by all of the information available on this case. The allegation that she was tortured and that her confession was the result of ill treatment received, is completely without foundation. COSTA was reinterrogated in Rome on specific aspects of her GIS contacts by a person who is still on duty in this theater, who can vouch for the fact that no forceful means of any kind were used in the handling of her interrogation by American intelligence agents either at CIC 5th Army, or in Rome. It should be further pointed out that COSTA never confessed in the sense of giving, spontaneously, detailed information on her activity. The fact that she had carried out previously two missions in AOT was known to American CI prior to her capture from the interrogations of other captured agents with whom she had come through the lines on these occasions. When confronted with these facts during her interrogation, she found herself unable to avoid an explanation; it was only in this way that portions of her activity were reconstructed by her own admission. The fundamental point in this case, however, is the fact that she had carried out two missions successfully and was in the process of completing her third when apprehended.
- e) DIONISIO Francesco: This person was recruited from the Xth MAS by ABT VI/S and given a course in sabotage. Prior to his dispatch he was turned over to the representative of ABT VI/Z (Major BRAITENBURG) by whom he was briefed for the mission of penetrating Allied intelligence in Florence. According to his briefing, he was to surrender immediately upon entering Allied territory and ask to be taken to CIC where he was to relate a cover story in which he would admit that he was an agent of the GIS engaged, however, in a technical reconnaissance mission. He was to confess all details of his alleged GIS recruitment and training and briefing for this mission. Having "confessed" these details, it was felt by the ABT VI/Z representative that DIONISIO would (a) stand a good chance of being doubled and sent back into EOT by Allied Intelligence; or (b) that he would be interned or released, after which he would attempt to escape and return to EOT. It must be emphasized that the plan and the skill with which DIONISIO was briefed for this mission was brought to the attention of all CI officials in the European and Mediterranean theaters of operation, as this was the first case of its kind to come to the attention of Allied Intelligence. The technique of a "cover story within a cover story" which was employed in this case was one of great subtlety and represented a great potential threat. The statement of the case in the attachment to subject memorandum has missed the point of this case completely. It was of the essence of DIONISIO's mission that he surrender immediately upon crossing the lines. He did so, thus ipso facto embarking upon the execution of his mission. His first story under interrogation was the

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cover given to him by his German sponsor to tell Allied Intelligence, and it was only after lengthy and repeated interrogation by other agencies that he was finally "broken" by a member of SCI/Z and admitted that his initial cover story was no more than a part of a larger plan designed for the penetration of Allied Intelligence.

7. The upshot of the review of the above cases, raises the question of whether the comments made in the appendix of subject memorandum on other cases are sufficiently complete, accurate, or objective to provide a basis for an appraisal of the individual merits of each plea for clemency. It is our opinion that the discretionary power of the supreme commander in this theater of operations to grant clemency in these cases should be exercised after an objective and complete review of the facts of each case as they were established by the court which tried the case, taking into account the question of whether the punishment thusfar suffered by the individual espionage or sabotage agent is to be considered a just or sufficient expiation of the crime which has been committed. We are in agreement with the opinion of the AC of S, G-2 that none of those named should be released until the total evacuation of Allied troops and CI personnel from Italy, as in a number of cases American and British CI officers directly involved in the handling of these cases are still attached to the Armed Forces in this theater.
8. In the determination of whether clemency is warranted, it is believed that the number of missions carried out by an individual should be taken as the main point of the departure for the appraisal of the case. It is our opinion that a person who committed more than one mission cannot plead ignorance or immaturity or extenuating circumstances of any kind even during interrogation two years after the fact. In such cases it is believed that sentences should be scaled down, but not wiped out.

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