

Declassified E.O. 12356 Section 3.3/NND No. 785015

ACC

10000/101/413

Declassified E.O. 12356 Section 3.3/NND No. 785015

/101/413

DEFASCISTIZATION
FEB. - SEPT. 1944

Q. M. F. Form 152 (Old No. 400)
Revised July 26, 1948

LIST OF PAPERS

File under No. 000.5

(3)

HQ ACC. APO 394
Sec Y Gen.

DEFASCISTIZATION

B-77M

SERIAL NUMBER	FROM	DATE	TO	SYNOPSIS
54) A/c 250	CAPT. STONE	21 AUG	AFHQ G5	PELLEGRINI: RELEASED, MAY HAVE SERIOUS POLITICAL REPERCUSSIONS
55) A/c 250	GEN. NICHOLS, CSO AAI CAPT. STONE	9 " 21 "	C/S AFHQ HQ AAI	PELLEGRINI CASE: TWO COPIES OF CORRESPONDENCE BETWEEN AFHQ & ACC & AAI FOR INFO.
56) A/c 250	CAPT. STONE	22 "	G5 AFHQ	EVACUATION OF ITAL OFFICIALS WORKING IN COLLABORATION WITH ALLIES
57) "	"	23 " COS	BONOMI	PAYMENT OF SALARIES TO CERTAIN ITAL GOVT EMPLOYEES - AMENDING OF DLL 159
58) 370/2/44	MAJ MONT-RADLIFFE	26 "	CAPT. STONE	PAOLUCCI'S REMOVAL SENDS CIVIL LETTER BY PAOLUCCI'S WIFE
59) 13067/10124 7/1.7	BONOMI	29 "	"	DEFASCISTIZATION NOW IN DECREE FORM TO COVER ALL ITALIAN TERRITORY AS FREED
A/c 250	CAPT. STONE	30 "	ADM. SEC	
60) A/c 250.1	CAPT. STONE	30 "	MAJ MONT-RADLIFFE	PAOLUCCI CASE WILL COME UP BEFORE ITAL MINISTERIAL COMMISSION.
61) INSW/104/651(10) A/c 250	BRIG. HIRSCH, AAI CAPT. STONE	28 " 31 "	ACC HQ, CSO VP, ADMIN. SEC	PELLEGRINI CASE. KEEP AAI INFORMED OF POLICY BEING PURSUED.
62) A/c 250	CAPT. STONE	5 SEPT.	ADM. HQ AAI	CASE OF COUNT JGO PELLEGRINI
63) A/c 250-2	CAPT. STONE	5 SEPT.	BONOMI	CONSULT AC BEFORE REMOVING TECHNICIANS AND EXPERTS WHO ARE SERVING ALLIES
64)	G-5, AFHQ	6 SEPT.	CC, AC	EVACUATION OF ITALIAN OFFICIALS SERVING ALLIES
65) A/c 250-2	CAPT. STONE	9 SEPT.	VP, ADMIN. SEC.	" " "
66) A/c 250-2	CAPT. STONE	8 SEPT.	C-M-C, AAI	ELIMINATION OF FASCIST ELEMENTS FROM ITALIAN AIR FORCE
67) A/c	SFORZA CAPT. STONE	13 SEPT. 16 SEPT.	CAPT. STONE COUNT SFORZA	MESSAGE ABOUT EVACUATION FOR BROADCAST TO NORTH
68)		27 SEPT (RECEIVED)		DR. LUIGI MERBINI SUSPENDED FROM CHARGE OF SECRETARY TO THE PRESIDENCY OF THE ISTITUTO NAZIONALE DI PREVIDENZA DEL GAS

6:77

Q. M. C. Form 458 (Old No. 400)
Revised July 3, 1948

LIST OF PAPERS

File under No. OTO 5HQ ACC. APO 394
Sec'y Gen.

DEFASCISTIZATION

(2)

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
3) DF 4/11/45	UPJOHN	19 JULY	EXEC. COMM.	LISTS INFORMERS (SCADA ADVISORS) FOR PISA, LUGER & LA SCELIA
32) A/CC 250	STONE	21 "	TULLY	PELLEGRINI ACC NOT MENTIONING HIS REMOVAL, BUT ALSO NOT INTERVIEWING
33) 313/10A	FISKE	22 "	SEC. 1-11, 51-ADT 548ARCHES	FWD. NAMES OF INFORMERS AT PISA & LUGER
34) S-300	STONE	26 "	AFHQ	PELLEGRINI SUSPENDED BY NAMES DEFASC COMMITTEE SUGGEST NO INTERVIEWING
35) C6/54/1	UPJOHN	29 "	STONE	NEW REPARATION COMMISSIONER BEING PAID TO PELLEGRINI CASE. SEARCH FOR HIS SUCCESSOR
36) CC/6/111	GEN. MACFARLANE	29 MAY 44	REG. 1-VII, 51-ADT 548ARCHES	"FASCIST GUIDE" FWD'G A GUIDE AS TO DEFINITION OF FASCIST
37) CC/6/132	GEN. MACFARLANE	24 MAY 44	V.P. ADMIN. SECTION	"FASCIST GUIDE" I WOULD LIKE YOUR OPINION ON ENCLOSED. ALSO YOUR APPROVAL THAT OF C. & O.
38) CC/6/133	GEN. MACFARLANE	24 MAY 44	V.P. ADMIN. SECTION	REPORT BY LT. COL. LAWRENCE ATT. GIVE THIS QUESTION IMMEDIATE ATTENTION IN CO-OPERATION WITH INTERM. SUB-COM.
39) 4/423	R. COPIES FOR REG. 6	6 JUNE 44	HQ. ACC. (ATT. C.C.)	"FASCIST GUIDE" HAS A COPY OF ARTICLE 4 AS MENTIONED IN "FASC. GU." BE FWD'D?
40) EXEC. MEMO 67 320/42/CA	R. C. H. B. SECURITY	5 JULY 44	A/C.C.	EXEC. MEMO N° 67. LISTS AS GUIDE TO DEFINITION OF "FASCIST. ATTACHED.
41) 39 000-1	SENT TO GEN. SPURFORD PER KILGORE CAPT. COUSINS	8 JULY 44	REG. COMM. REG. VI	FWD. IS COPY OF EXEC. MEMO N° 67.
42) 4/423	BRIG. CARR. REG. VI	20 JULY 44	HQ. ACC. (SECRET. GEN.)	"FASCIST GUIDE" ACK. RECEIPT OF #404 41.
43) MEMO DF/2 B/A5	COL. UPJOHN COL. UPJOHN	2 AUG. 44 30 JULY 44	A/C.C. CAPT. STONE	"SET" TO BE PHASED NATIONALLY NOTE ON "SET" IS SET A NATIONAL CONCERN?
44) A/CC 250/47/CA	COL. FISKE DEFEY COMM.	1 AUG. 44	A/C.C.	TREATMENT OF ITAL. OFFICIALS ENTERED IN ADVANCE NORTHWARDS.
45) A/CC 250/1/-	COL. WINTER A.C. & O.	2 AUG. 44	SECY GEN.	RE #ND42 SUGGESTS REPLY TO BE FORWARDED TO BRIG. CARR.
45A) 59 000-1	MAJ. DOE	3 AUG. 44	BRIG. CARR. REG. VI	IN REPLY TO BRIG. CARR'S QUERY. RE #ND 42.
46) —	—	3 AUG. 44	SEC. GEN.	THE DECREE AS TO SANCTIONS AGAINST FASCISM
47) 25/30/42	ADMIN. SECTION	6 AUG. 44	A/C.C.	NOTES OF A MEETING ON DEFASCISM
48) FB 1103	AFHQ SEC. SACRED	9 AUG. 44	CAPT. STONE	"PELLEGRINI" ARRESTED. ARRANGE IMMEDIATE RELEASE PENDING TRIAL.
49) FB 1102A	AFHQ SEC. SACRED	11 AUG. 44	CAPT. STONE	"PELLEGRINI" - CONFIRMATION OF SUBSTANTIALITY CONTAINED IN #44. 6, 10
50) —	RPO. REGION 3	10 "	A/CC. REGION III	PELLEGRINI - FALSE ABOUT HIS ARREST.
51) A/CC 250	CAPT. STONE	10 "	AFHQ. G.S.	" - RELEASED.
52) A/CC 250	AFHQ. G.S.	12 "	—	PAYMENT OF SALARIES TO CERTAIN ITAL. GOVT. EMPLOYEES
53) A/CC 250	CAPT. STONE	18 "	FINANCE SEC.	—

INSTRUCTIONS.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.

Q. M. C. Form 353 (Old No. 400)
Revised July 26, 1948

LIST OF PAPERS

File under No. 000 5

DEFASCISTIZATION

(1)

SERIAL NUMBER	FROM	DATE	TO	SYNOPSIS
1) FATIMA REAR 2403	MAC FARLANE	27 FEB	FREEDOM	FAVORABLY IMPRESSED W/IANIBONI + HIS DEFASC PROGRAM
2) ACC/74/INT	ADM SECTION	25 APR	SEC GEN	IANIBONI'S POSITION NOT REJECTED BY CHIEF IN GOVT GIVES LEGAL POWERS
3) —	GRISHCINSKY	3 MAY	MR KIN	BOLOMOLOV'S STATEMENT AS TO DEFASC IN SARONIA (77777)
4) —	MAC FARLANE	5 "	—	REPORTS BADOLLO'S STATEMENTS ON DEFASC DECREE + SANDVIAW DEFECT
5) M185	" "	6 "	AFHQ	CABINET PREPARING DECREE IANIBONI TO BE REPLACED BY SFORZA
6) M190	" "	7 "	"	ACC NEVER FUNCTIONED IN TIGLIA + SARONIA, SO FASCISM STANDS OUT THERE. GOOD PROGRESS BEING MADE IN SARO.
7) CC/P/274	" "	8 "	GAMMELL	FINDS COPY OF (3) + OWN REPLY (ALICE MARCH) ALONG LINES OF (6).
8) M196	" "	12 "	AFHQ	EMERGENCY DECREE NOW ALMOST LAW
9) ACC/4012/2/L	COL WILMER	17 "	POL SEC	FWD'S PROPOSED GEN ORDER ON DEFASC
10) M 208	MAC FARLANE	20 "	AFHQ	REPORTS ON DEFASC VIEW. W/SARONIA
11) CC/G/311	" "	" "	POL SEC	FAVORABLY IMPRESSED W/BERLINGUER DISCUSSED CASE OF LAURO + FRANKLINI
11a DEC 750	REPORTS, 26 MAY - PELEGRIANI CASE - See 21			STRALES QUICK ACTION FOR "BIG SHOTS"
12) CC/G/312	" "	" "	SFORZA	FINANCIAL LIQUIDATION OF DISCLOSED FASC COMMERCIAL DEPT DIRECTOR DISAPPROVED
13) 13052/F	COL FOLBY	22 "	MAC FARLANE	DISPOSAL OF EXCESS OFFICIALS ENCOUNTERED AS WE HAVE NORTH
14) CC/G/330	MAC FARLANE	24 "	MAC FARLANE	DOES NOT DO (10)
15) AR4/3124	BRIG JONLON	25 "	MAC FARLANE	REPORTS ON HIS VICTIMS + DEFASC IN THE ARMY
16) CC 0801	MAC FARLANE	3 JUNE	AFHQ	CALLS FOR UNIFORMITY IN DEFASC LEGISLATION, ESP IN NAPLES
17) —	BADOLLO	6 "	MAC FARLANE	REPLIES TO (17). WILL DO.
18) ACC/444/L	MAC FARLANE	13 "	SEC GEN	CALLS FOR UNIFORMITY OF DEFASC LEGISLATION AS WE HAVE NORTH
CC 0801	MAC FARLANE	16 "	BADOLLO	HAVE REFERRED (19) TO ACC ADM SEC.
19) # 7236	BONONI	26 "	STONE	REFERS (19) FOR DRAFT REPLY
20) A/CC 250	STONE	30 "	BONONI	PELEGRIANI CASE. STONE UNDER HIS RETENTION ON PRACTICAL GROUNDS
21) —	SENMORE	30 "	ADM SEC	PELEGRIANI CASE. STONE STATES POSITION OF CASE
22) A/CC 250	STONE	4 JULY	CERRASONA	DISCUSSES CONVENTION W/FOREIGN DEFASC + FWD'S DRAFT REPLY TO (19)
23) A/CC 250	"	" "	AFHQ	REPLIES TO (19). WE AGREE AND WILL COOPERATE
24) DF 4/A/AS	VAUGHN	12 "	STONE	DEFASC OF GOV INSTITUTIONS IN ABNS
25) A/CC 250	STONE	14 "	BONONI	" OF PNL OR NATL MINISTRIES
26) A/CC 250	"	" "	VARIOUS	PELEGRIANI CASE. UNDER CONSIDERATION HERE SEND MORE INFO WHEN AVAILABLE
27) A/CC 150	"	15 "	"	PELEGRIANI MAY BE CALLED AT ANY MOMENT BY NAPLES DEFASC COMMITTEE
28) F 72649	AFHQ	15 "	HQ, ACC	PELEGRIANI UNDESIRABLE. HIS REMOVAL SHOULD NOT BE ENCOURAGED
29) S-745	STONE	17 "	AFHQ	
30) —	TOLLY	18 "	STONE	

TRANSLATION

HQ ACC. AND 394
No 3
Date 27/9/44
By *STB*

Dr. Luigi Corbini, according to the instructions of the Deputy High Commissioner for the Spuration, M. A. Buoninverso (?) has been suspended from the charge of secretary to the residency of the Istituto Nazionale di Previdenza del Gas.

This measure has been taken because of the denunciation of two small employees of the Institution; this denunciation is vague and has no documentation.

There is no Spuration Commission.

The measure is arbitrary, everybody acknowledged it and yet no one seems to intervene to obtain its revocation. So, Dr. Corbini is now suspended and in a few days, he will have to appear before an Spuration Commission which will not even be completely formed.

Brig. Upjohn:

Will you please coordinate with P.O. S/C and see if this man has been unfairly dealt with.

M.W.S.

28/9/44

Trans. E.C.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

EWB/dfa

16 September 1944

A/CC 250.

Dear Count Sforza,

Thank you very much for your letter of the 13th September enclosing a message about operation which you wish to have broadcast to the North of Italy. We have given very careful thought to this proposal and of course agree that it will be necessary to hasten in the North, as here, the work of operation. At the same time our feeling is that at this stage of predominantly military nature there are other things which it may be more useful for Committees of Liberation and all men of goodwill in the North of Italy to concentrate upon. For instance, their primary duty must be to do everything to expedite and hurry the German withdrawal. This, however, is a matter which mainly concerns the Commander-in-Chief and any instructions must be sent at his instance to fit in with his military plans. There may later be other points of great importance and urgency. For the moment therefore I do not think that it would be helpful to our common cause to divert loyal citizens from the pressing needs of the moment to gather documentary evidence against the Fascists or collaborators.

On reflection I hope that you will agree with me.

Believe me,

Sincerely yours

ELBERT W. STONE
Captain, USNR
Acting Chief Commissioner

H. E. Sen. Conte Carlo Sforza
Minister without Portfolio
Italian Government
Rome

FILES A (B)

6473

Mo ACC	Sec'y Gen.
DISPATCHED	
16 Sept 1944	RS
OKR 1	
67	

C O P Y

L'ALTO COMMISSARIO PER LE SANZIONI CONTRO IL FASCISMO - Palazzo del Viminale - ROMA

URGENT

Roma, September 13, 1944

Dear Captain Stone,

I have received from northern Italy urgent recommendations to send the enclosed message through the B.B.C.

Indeed it is most necessary to hasten for the North the work of epuration.

If you agree, my message might be sent from any London voice; or I might read it on a record here in Rome - So that it might be broadcast from London a number of times.

Please let me know your preference - in order also to act quickly.

Believe me

sincerely yours

/s/ SFCZA

Captain WILFRY W. STONE
Acting Chief Commissioner
Headquarters Allied Control Commission
R O M E

Dear Captain Stone,

I have received from northern Italy urgent recommendations to send the enclosed message through the B.B.C.

Indeed it is most necessary to hasten for the North the work of epuration.

If you agree, my message might be sent from any London voice; or I might read it on a record here in Rome - So that it might be broadcast from London a number of times.

Please let me know your preference - in order also to act quickly.

Believe me

sincerely yours

/s/ SPURZA

Captain ELLERY W. STONE
Acting Chief Commissioner
Headquarters Allied Control Commission
R O M E

Politic Section

Mr. Kirk

agrees with us. Please draft letter to Charlie

EVS

6472

The punishment of fascist crimes and the confiscation of the unlawful gains of the fascist leaders and of their accomplices is being executed with swift justice in the liberated provinces.

In the North of Italy, treason, offences, and unlawful gains of fascist leaders and their accomplices are much more numerous than in Rome or in the South.

As liberation is getting near, it is necessary that everything should be ready in the North also, for the swift and severe liquidation of a past of treason and shame. Therefore, I ask the Committees of liberation of the provinces which are still occupied by the Germans to gather with the greatest care - everyone for his province - the proofs of fascist crimes, of collaboration with the Nazi-fascists and of unlawful gains. I trust that the committees of liberation will immediately set about gathering the evidence of the witnesses, and other useful documents: newspapers, proclamations, pamphlets. They must not forget to gather also reliable documents which might be used for another urgent work: the epuration of the personnel of the public administrations which has been found guilty of serving fascism. By following with zeal all these indications, the Committees of liberation will greatly help me in my task: sanctions against fascism.

It is the Government's wish that not only offences and crimes should be punished, but also that punishments and epurations should be quickly inflicted so that the Italian nation - when justice will be done - will be able to dedicate itself entirely to the national reconstruction.

One last word, not to the Committees of liberation, but to those who have been erring and now feel remorseful for the harm they have done; they can redeem themselves or at least get the greatest indulgence: let them help to drive away and ruin the German, by exposing themselves if necessary, and I promise them

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that it will be remembered in their favour. But this is the slowest hour.
In a few days, it will be too late.

Trans. - E.O.

1904

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

EMS/hjp

A/CC 25-2

6 September 1944

SUBJECT: Elimination of Fascist elements from the Italian Air Force

TO : Commander-in-Chief, Allied Armies in Italy

1. I refer to your HQ Signal PUGS/277 of 28 August 1944, addressed to the Allied Control Commission for action.

2. The Air Forces Sub-Commission, acting in accordance with the recent provisions concerning the elimination of Fascist elements from the Italian Air Force, had issued instructions through the Italian Air Ministry for the return of Lt. Col. Luigi Musco and Capt. Pietro Saulini from Sardinia to the Mainland to await their trial.

3. The Brigadier General Commanding the Allied Garrison of Sardinia objects to the removal of these officers on the score that they are indispensable, having occupied key positions as Italian Commanders at the Air Bases of Decimomannu and Alghero respectively for several months. It was also stated that they had rendered excellent services to the Allied war effort and have been co-operative in every way. The views of this Commanding General have apparently received your support through the medium of your Signal quoted in paragraph 1.

4. I wish to point out that the defascization of the Italian Air Force is a matter of considerable political importance, and we are being pressed from all sides for it to be carried out with the utmost despatch. Moreover I cannot agree that any officers are entirely indispensable or irreplaceable. These two officers, having had records of Fascist activities, would be naturally only too willing to accept shelter from the Allies, and would endeavor to ingratiate themselves by working hard in their aid.

5. On recommendation of the Air Forces Sub-Commission, I have, therefore, to request that these officers may be relieved at once and sent back to the Mainland.

RECEIVED
2 Sept 1944
may 26
25

KERRY W. STONE
Captain, USNR
Acting Chief Commissioner 6154

cc: Air Forces Sub-Commission

Drafted by Air Forces Sub-Commission

SECRET

FILES A(B) 66

SECRET

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

EWB/ejp

A/CC 250-2

9 September 1944

Subject: Expiration of Italian Officials

To : Vice President, Administrative Section.

1. Reference attached letter dated 6 September 44 from G-5 AFHQ, subject as above, which is in reply to A/CC 250 of 22 August 44, drafted by your section.

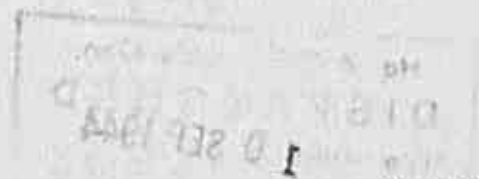
2. Forwarded to your section for appropriate action.

Stone.

1 Incl:

Ltr fr G-5 AFHQ dtd 6 Sept 44.

FILED



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SECRET

250-2
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Declassified E.O. 12356 Section 3.3/NND No. 785015

13 SEP 44

RECEIVED
U.S. DEPARTMENT OF THE ARMY
WASHINGTON, D.C.

13 SEP 44

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A-159
Hq ACC Secy Gen.
DISPATCHED
Date 10 SEP 1944
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13 SEP 44

1907

Declassified E.O. 12356 Section 3.3/NND No. 785013

HWS/aip

A/CC 250-2

5 September 1944

My dear Mr. Prime Minister:

The services of certain technicians or experts are of exceptional value to the Allies in their war effort and the sudden removal of them from office might well have a serious effect on the work on which they are engaged. If it becomes necessary therefore either to separate them or arrest any of them for a crime it is necessary that we should be forewarned and that action should be taken against them only with our approval. The primary object is of course that an efficient and acceptable substitute may be found so that essential work may continue uninterrupted.

I would ask you therefore to warn your Ministers that technicians or experts employed by the Allied Forces in positions of high responsibility will not be suspended, dismissed or arrested except after consultation with and the approval of Headquarters Allied Control Commission.

Yours very truly,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

His Excellency Ivanoe Bonomi,
President of the Council of Ministers,
Italian Government,
Rome.

(Drafted by Admin. Section)

c.c. Brig. Upjohn.

FILES 100

DISPATCH
5 24/9/44
HWS
ARR

SECRET

(COPY)

ALLIED FORCE HEADQUARTERS
G-5 Section
APC 512

CMS/AMB/JW

6 September 1944

SUBJECT: Expiration of Italian Officials.

TO : Headquarters, Allied Control Commission
APC 394, (Attn: Acting Chief Commissioner)

Your letter on the above subject, A/CC 250 of 22 August, has been considered by the Supreme Allied Commander in a meeting of the Political Committee. The recommendations set out in your letter were approved. A question was raised as to whether the terms of your letter were limited in their application to persons employed by a Subcommittee of the Allied Control Commission, rather than extended to include Italians employed by any agency essential to the Allies. In the interest of entire clarity I write to state that the Supreme Allied Commander wishes it to be borne in mind that Italians are employed in important positions by agencies essential to the Allies other than SubCommissions of the Allied Control Commission, and the provisions of your letter respecting prior notice of intended suspension must be considered to apply to them.

/s/ Charles M. Spofford
CHARLES M. SPOFFORD
Colonel, G. S. C.
Asst. Chief of Staff, G-5

SECRET

6467

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CONFIDENTIAL

EWS/sjp

A/CC 250

5 September 1944

SUBJECT: Count Ugo Palleggrini

TO : Advanced Headquarters Allied Armies in Italy

Reference your 1456/104 G-3 I b, of 28 Aug 44

1. Your headquarters will be kept informed.
2. I have asked for a copy of the charges. It is understood that it is alleged that Count Palleggrini voluntarily initiated, organized and controlled an air raid alarm system to detect and warn the Germans of the approach of Allied aircraft and thereby caused the loss of Allied aircraft and life and prevented Allied raids from being as effective against German positions and personnel as they might otherwise have been.
3. It would appear that the assistance he afforded was different from that given by those who merely continued their administrative functions in that he originated and took an active part in actual operations and thereby supported the enemies of the Italian government. In view of the fact that the prosecution is being undertaken by the "Avvocato dello Stato" and is not in any sense a private prosecution I think it is undesirable to interfere further at this stage. The findings and sentence will be considered by this headquarters.
4. The policy which is recommended by this headquarters, and which is being followed pending a reply from AFHQ is shown in A/CC 250 of 22 August 44 to G-3-AFHQ, a copy of which is enclosed. The Italian Government has at all times been scrupulous to inform us of persons in Allied employment whom it suggested should be suspended because of fascism. It has now also been asked to inform us when it becomes desirable to arrest such a person because of his alleged commission of a crime.

1 Incl:
as in para 4 above.

(Drafted by Admin Section)

c.c. Admin Section.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner 6405

CONFIDENTIAL

Acting Chief Commissioner

Count Ugo PELLEGRINI

Vice President, Administrative Section

31 August

4

1. Reference attached:

a. Letter 1456/104/GSI(b) of 28 Aug 44 from Hq AAI, relative "Count Ugo Pellegrini."

b. Copy A/CC 250 of 21 Aug 44, "Arrest & Release - Count Ugo Pellegrini."

2. Reference 1a is forwarded to your section for acknowledgment and appropriate action.

Stone.

ERS/dfe

Hq ACC Sec'y Gen.

DISPATCHED

Date Recd 1 Sept 1940

Via

Priority

A/CC 250

FILES A

(B)

CONFIDENTIAL

SUBJECT:- Count Ugo PELLEGRINI

HQ ALLIED ARMIES IN ITALY

Tel:- FILPOT ADV 2

1456/104/GSI(b)

28 Aug 44

HQ, A.C.C.

Copy to: C.S.O.

1. Your A/CC 250 dated 21 Aug is acknowledged with thanks, and we should be glad if you would keep this HQ informed of developments in this case.
2. We should be interested to know the particulars of the charges preferred against PELLEGRINI in respect of his alleged assistance to the enemy.
3. Count PELLEGRINI's case, as you know, was investigated from the security angle by this Headquarters some time ago. While there is no doubt that he assisted the enemy by continuing to function in his official capacity under the Germans, it is suggested that many other Italian officials, who have not been arrested on capital charges, may have done the same.

It would seem advisable therefore to make enquiries in order to ensure that he is not merely the object of intrigue by ill-disposed persons and that his case is handled properly and justly. No doubt you have already taken steps with this object in view.

4. Will you please inform this HQ of the policy which is now being followed respecting the right of the Italian authorities to arrest persons working for the Allies.

C. E. H. Hirsch
BOS (1) for Lieut. General,
Chief of General Staff

COPY

6463

CONFIDENTIAL

EMB/ajp

A/CG 250.1

30 August 1944

Dear Major Mott-Radcliffe:

This in relation to your DO/370/2/44 of 26 August 1944.

Countess Paolucci is not quite right when she says that her husband has been deprived of his University chair without any opportunity of appeal. What has happened is that he has been removed from the chair by AMS; this is legally a suspension from office. In due course his record will be considered by the Italian Ministerial Commission which will shortly commence its sittings. If they find that he was not an ardent fascist his suspension will be terminated, if they find the contrary he will be dismissed but in that event he will have a right of appeal to a court consisting of seven senior officials.

I feel sure that Colonel Poletti did not act without reason but as you will see Count Paolucci's case will automatically be re-considered by an Italian Commission when he will have an opportunity of stating his case. So far as proceedings before the Italian Commission are concerned, we regard these as domestic and it is not our policy to intervene on behalf of any one whom the Italians themselves find to have been a "fascist".

Yours very truly,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

Major Charles Mott-Radcliffe,
Office of the British High Commissioner in Italy,
84, Via Venti Settembre,
Rome.

c.c. Admin. Section
Region IV

1944
No. 200-200-000
DISPATCHED
Date 30 Aug 1944
Via 145
By BRR

FILES
6462

Declassified E.O. 12356 Section 3.3/NND No. 785015

Acting Chief Commissioner

Enforcement of Italian laws on matters
of defascistization.

A/CC 250

Vice President, Administrative Section

30 August 4

1. Re attached letter N. 13057/10324/7/1.7 of 29 Aug 44 from H.E. Boncod, which is in reply to A/CC 250 of 14 July, prepared by your section for A/CC's signature, relative to the above subject.

2. For appropriate action by your Section.

1 Incl:
as in para 1 above

Stone

Hq. A/CC - Sec'y Gen.	
DISPATCHED	
Date	31 AUG 1944
Via	<i>Handwritten signature</i>
Initials	<i>Handwritten initials</i>

FILES A (B)
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TRANSLATION

THE PRESIDENT OF THE COUNCIL
OF MINISTERS

29 August 1944

N. 13057/10121/7/1.7

Dear Admiral Stone,

In your letter A/C of July 14th last, following our previous correspondence and talks, you confirmed your intention, that in the various Italian territories, as they were being freed, only Italian laws should be enforced in matter of defascistization.

These laws as you know, have now been gathered into a legislative decree, which unifies and completes all the dispositions previously issued, thus giving a sufficiently complete and legal basis to the work of defascistization.

This will be the best way to obtain regularity and uniformity for these measures.

I shall be most grateful to you, dear Admiral, if you will kindly give the necessary instructions.

Yours sincerely

/ / Ivanoe Bonomi

Admiral Ellery M. Stone
Chief Liaison Officer
Allied Control Commission

R o m e

FILES A-B
700

OFFICE OF THE BRITISH HIGH COMMISSIONER IN ITALY.

- R O M E -

26th August, 1944.

370/2/44

Dear Captain Stone.

I am enclosing a letter written by Countess Margherita Paolucci to the Prime Minister, on behalf of her husband, who, she alleges, has been the unjust victim of the anti-fascist purge. As this matter has been passed to us to deal with, Sir Noel Charles would be very grateful if you would be kind enough to make some enquiries and to let us know what kind of reply we should give.

Yours sincerely,

CHARLES MOTT-RADCLIFFE

Captain Ellery W. Stone,
U.S.N.
Allied Control Commission,
* R O M E *

6459

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TRANSLATION

Rome 21st August 1944.
Via Quattani, 8

320/1
ltr 2

My dear President,

I hope you will excuse my writing to you directly without being known by you personally. I am the daughter of General Pollio who was Chief of Staff of the Italian army, and the wife of Vice-Admiral Dr. Raffaele Paolucci, who has the Italian Golden Medal, the D.S.O. (Navy) (Great Britain); the D.S.M. (Navy) (U.S.A.) for sinking during the 1915-1918 war the Austro-Admiral ship "Viribus Unitis". H. M. King George V who knew my husband and his history gave him a beautiful photograph which is in our house.

My husband, freely elected to Parliament in 1921, was very much opposed to this unfortunate war. In 1924 he did everything to avoid dictatorship. He didn't succeed because the members of the opposition had left Parliament and he and his group remaining alone could do nothing but accept dictatorship with bent head.

Honest and upright, a well known surgeon, he was turned out of his University chair by a decree of Colonel Poletti, which is it seems, final. It seems that it is because, after the declaration of war which he didn't want, he did his duty, faithful to the old maxim of the men of honour of every country: "right or wrong, it is my country".

I know all your wonderful books, especially your admirable "My Early Life" and "The Mondial Crisis", and I have the greatest admiration for your sense of justice, for the honour which characterizes your whole work. I know that you, the only great man in this great crisis, have true delicacy of feelings. As your time is taken by so many important things, I cannot hope to be received by you, but I ask you to see that someone you trust will listen to me so that I might explain, not only my own personal business, but also facts and events which might be useful to clear the situation.

I add that during the nine months of German tyranny in Rome, my husband Italian General Staff Officer remained faithful to his King, that he managed to transmit through the radio, very important military news to the United Nations.

Then he saw his name in the papers, among those that Colonel Poletti has dismissed, and among those of bad Italians.

I remain,

Yours sincerely

/s/ Margherita Paolucci di Valmaggiore

PRESIDENT OF ALLIED CONTROL COMMISSION
Trans E.O.

6458

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W/O 200.

22 Aug 44.

SUBJECT : Operation of Italian Officials.

TO : AFHQ, Attention: G-5 Section.

Hq ACC Sec'y Gen
DISPATCHED
Date-Time 23 Aug 1944
Via 125.
Route 344.

- 1 I acknowledge your letter of the 8 Aug 44 on the above mentioned subject matter.
- 2 The Italian authorities concerned are of course entirely sympathetic to the attitude of the Allied Authorities in this matter and I have arranged that the appropriate Sub-Commission shall be informed of the intention of the Italian Government to suspend any technician holding an important position directly assisting the military effort and that no such suspension shall become effective until a replacement acceptable to the Allied Control Commission is made available.
- 3 The question of retaining indefinitely those whose services are unique (referred to in para 3 (b) (1) of your letter) has been fully discussed with my technical Sub-Commissions. It was felt to be out of the question to lay down a category of such officials because it would be impossible to define in practical terms and because the total number would be so small that the matter was essentially one to be worked out on an individual basis.
- 4 However, the Sub-Commissions most nearly concerned (Transportation, Communications and Public Utilities) each expressed the opinion that no one who was presently employed really came within your classification in para 3 (b) (1) and they would not feel justified in putting forward any names for deferment from operation proceedings during the continuance of hostilities.
- 5 In these circumstances I suggest that the matter can safely be left to the discretion of my Sub-Commissions.
- 6 It is submitted that there is no real difference of principle but only of a degree between the cases set out in your para 3 (b) (1) and (11); it is a practical question in each case, namely can a suitable replacement be found and if not suspension will not be carried into effect until a suitable successor is made available.

W/O in

Prepared by G.R. UPJOHN, Col
Admin Section

ELIJAH W. CRANE
Capt USAR 6157
Acting Chief Commissioner

FILES A (B) 407

56

Declassified E.O. 12356 Section 3.3/NND No. 785015

Copy to: Admin Sec.

SECRET

EWS/ajp

A/CC 250

21 August 1944

SUBJECT: Arrest and Release - Count Ugo Pellegrini

TO : Headquarters Allied Armies in Italy, C. M. F.

1. Attached for your information are copies of correspondence and orders passing between Allied Force Headquarters and this headquarters.

2. The position briefly is as follows:

a. Count Pellegrini was suspended from his office as Manager of S.E.F. at Naples by the AMG Eparation Committee at the end of July with the leave of Allied Force Headquarters.

b. On 9 August 1944 he was arrested and it was apparently understood by Allied Force Headquarters that such arrest was in connection with the Eparation proceedings and his immediate release was directed (see their signal F 81103).

c. A report was called for by this headquarters as to the circumstances of his arrest and a copy thereof was supplied to Allied Force Headquarters on the 10 August 1944. This report disclosed the fact that the arrest was not connected with the Eparation proceedings but was in connection with a criminal charge of giving help to the enemy.

d. Allied Force Headquarters considered this report, but telephoned a confirmation of the order for release and again confirmed the order in their signal F 81582.

e. Count Pellegrini was released on 11 August and this was confirmed in my letter A/CC 250 dated 13 August 1944.

3. As this matter has been dealt with direct between Allied Force Headquarters and this headquarters, it is thought proper that you should be informed of the foregoing facts.

EMERY W. STONE
Captain, USNR
Acting Chief Commissioner

4 Incls-

- Incl 1 - Sig. AFHQ No. 81103
- 2 - Sig. AFHQ No. 81582
- 3 - Memo fr GSO, Maj Gen. Nicholls, dtd 9 Aug 44.
- 4 - Ltr Hq ACC, dtd 21 44.

SECRET

6436

Declassified E.O. 12356 Section 3.3/NND No. 785015

7 - 100 0000 000 00 00

Sec'y Gen.	
DISPATCHED	
Date Time	22 Aug 1960
Via	BY
Initials	WPA

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DE/3.7/AS.

19 Aug 44

SUBJECT : PELLEGRINI.

TO : HQ AAI

- 1 Attached for your information are copies of correspondence and orders passing between AFHQ and this HQ.
- 2 The position briefly is as follows -
 - a Pellegrini was suspended from his office as Manager of S.E.F. at Naples by the AMG Detachment Committee at the end of July with the leave of AFHQ.
 - b On 9 Aug 44 he was arrested and it was apparently understood by AFHQ that such arrest was in connection with the Detachment proceedings and his immediate release was directed see their signal F81103.
 - c A report was called for by this HQ as to the circumstances of his arrest and a copy thereof was supplied to AFHQ on the 10 Aug 44. This report disclosed the fact that the arrest was not connected with the Detachment proceedings but was in connection with a criminal charge of giving help to the enemy.
 - d AFHQ considered this report but telephoned a confirmation of the order for release and again confirmed the order in their signal F81582.
 - e Pellegrini was released on 11 Aug and this was confirmed in my letter A/OC 250 dated 13 Aug 44.
- 3 As this matter has been dealt with direct between AFHQ and this HQ it is thought proper that you should be informed of the foregoing facts.

KIT 525
GRU/gel

G.R. URJOIN Col,
for ELLERY W. STONE Capt USNR,
Acting Chief Commissioner.

C O P Y

9 August 1944

MEMORANDUM:

FOR : Chief of Staff, AFHQ

1. Your attention is invited to the fact that Mr. Ugo PELLEGRINI, Director of SET (Southern Italy Telephone Company), was arrested yesterday afternoon about 3 O'clock at his villa in Naples, and taken to REALE Jail by Italian Military Intelligence Agents.

2. The Signal Officer, L of C Italy in Naples, and Signal Officer Peninsular Base Section, have both been trying to contact PELLEGRINI this morning, as he is being used daily in connection with our operation of communications in Italy. Informal information is that the AGO representatives in Naples and the carabinieri disclaim any knowledge of the arrest. When after three hours the Signal Officer, PBS, located the place of confinement, he was told that:

a. PELLEGRINI had been accused of cooperation with the enemy in Naples between September 9th and 29th,

b. Names of persons making charges could not be divulged, and

c. Signal Officer, PBS, could not see PELLEGRINI.

3. This particular matter was taken up on July 27 with the Chief of Staff, with Mr. Murphy, and I believe, with the British Minister, when Pellegrini was summarily suspended from his position as Director of the SET by the local Eparation Court in Naples. (See message from AAI X 0238, July 26). The matter was later taken up by the Supreme Allied Commander at his "Political Committee" conference on Tuesday, 1 August 1944, Paragraph 5 of the minutes of that meeting set up the principle that such individuals employed in the higher grades in the technical professions and in public utilities should not, in the process of eparation, be removed without prior consent of the Allied authorities. In this particular case, we do not know definitely why he has been arrested. We do know that this is a direct challenge to our efforts to provide good military communications in Italy.

4. It is recommended that:

a. PELLEGRINI be released at once and made available to assist the GSO, L of C, Italy, and Signal Officer, PBS.

6454

- 2 -

b. Prompt and firm action be taken to bring this matter in hand and to see that the individuals responsible are thoroughly informed or impressed with the seriousness of interfering with efforts to maintain our military communications in Italy on an efficient basis.

5. This whole matter is considered the more serious because of the time of the attempt at interference with our efforts. Any signs of uncertainty or delay in bringing this matter to a prompt conclusion may well permit the further uncontrolled interference of our efforts by such summary arrests of key civilian personnel.

6. Those responsible for this particular action are definitely sabotaging the military efforts of the Allies in this area and should be dealt with accordingly.

L. B. NICHOLLS,
Major General,
Chief Signal Officer.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

WAG/ajp

21 August 1944

A/CC 250

SUBJECT: Arrest and Release - Count Ugo Pellegrini

TO : Allied Force Headquarters,
(Att: C-5 Section)

1. In accordance with the instructions contained in your two signals F 81103 and F 81582 of the 9 and 11 August, Count Pellegrini has been released.

2. I desire to place on record the fact that Count Pellegrini was arrested because he was alleged to have committed the serious offense of aiding and abetting the Germans. His arrest had no connection with the Espionage proceedings which are pending against him.

3. My view which has already been expressed to you by phone is, that the release of the man may have very serious political and industrial consequences. Furthermore in view of the fact that the charges against him involve the death penalty his re-arrest may not be easy.

HILARY W. STONE
Captain, USMC
Acting Chief Commissioner

c.c. Admin. Section.

See #51

Hq ACC Secy Gen.	
DISPATCHED	
Date-Time	22 Aug 0944
Via	<i>He</i>
Initials	<i>CCR.</i>

files HAW 6452

SECRET

54

1924

Declassified E.O. 12356 Section 3.3/NND No. 785015

EWB/ajp

A/CC 250

13 August 1944

SUBJECT: Count Pellegrini

TO : Allied Force Headquarters,
(Att: G-5 Section)

1. In accordance with the instructions contained in your two signals P 81103 and P 81582 of the 9 and 11 August, Pellegrini has been released.
2. I desire to place on record the fact that Pellegrini was arrested because he was alleged to have committed the serious offense of aiding and abetting the Germans. His arrest had no connection with the Espionage Proceedings which are pending against him.
3. My view which has already been expressed to you by telephone is that the release of the man may have very serious political and industrial consequences. Furthermore in view of the fact that the charges against him involve the death penalty his re-arrest may not be easy.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

cc. Admin. Section

5-4 812

Hq A.C.C. Sec'y Gen.

DISPATCHED

Date-time 14 Aug 1115

Via 113

PKA

Files *HQ*

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HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY

10 August 1944

SUBJECT: Arrest of Ugo PELLEGRINI and others.

TO : Acting Regional Commissioner, Region III.

1. On instructions from Col. Chapman, Acting Regional Commissioner, Region III, ACC, I have made enquiries into the arrest of UGO PELLEGRINI and others by S. I. M. on 8 August 1944.
2. As a result, I went with Col. Del Monte, Italian Army liaison officer with this Region HQ., to the Tribunale Militare, Via Monte di Dio, Naples and there saw Col. Pasella Bernardo, Procuratore Militare, prosecuting officer in any case that may eventually be brought against Pellegrini and the others in this court.
3. I explained the reason for my enquiry, and was informed by Col. Pasella, as under.
4. During May 1944, investigations were made by S.I.M. into the activities of the "Corpo di Polizia Aerea", and as a result two men, PRINZIVALLI Igino and DELLA FELBA Mauro, 'Console' and 'Centurione' of the Corps were arrested.
5. This body was formed during the German occupation of Naples (11-30 September 1943) solely to assist the enemy.
6. In consequence of the interrogation of Prinzivalli and Della Felba, it appeared that other persons were equally implicated, and the office of the Procuratore Militare directed that further enquiry be made to find out the exact activities of the Corps and in what ways assistance may have been given to the Germans.
7. On 30 July 1944, S.I.M. reported that
 - a. the 'Corpo della Polizia Aerea' had the same functions as the 'DIGAT', that is, to obtain information and warning of forthcoming enemy air raids, and give the alarm.
 - b. as a result of a., anti-aircraft defences were got ready and if possible, fighter planes sent out, and the public air raid warning sounded.

...../2

6:53

- 2 -

8. As it was shown that this body appeared to have been of value to the enemy, and that these six persons recently arrested, namely, Pellegrini, Goprano, Meato, Andreoli, Erba and Molinari, were the principal officers, warrants of arrest were issued by the office of the Procura Militare.

9. These persons have all been arrested under similar circumstances, being detained for examination and interrogation pending formation of charges.

10. Such charges are likely to be made under 'art. 91 del Codice Penale di Guerra', namely of giving help to the enemy.

11. It is possible that some or all of the accused may be cleared during the process of examination without further trial.

12. The Tribunale Militare has jurisdiction.

ACFW/tp.

A.G.P. WAY
Major, S.L.,
Regional Police Officer.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

2826

ACC FOR STONE

69/11

AFTER SIGNED SIGNED

SECRET

F 81582

PRIORITY

AUG 111026

CITE FIELD

(18)

THIS IS TO CONFIRM DIRECTION CONTAINED OUR F 81109 OF 9 AUGUST THAT YOU ARE TO ARRANGE WITH ITALIAN GOVERNMENT FOR IMMEDIATE RELEASE PELLEGRINI. FACTS PRODUCED IN DISCUSSION TENTH AS TO NATURE OF PRESENT CHARGES HAVE BEEN GIVEN DUE CONSIDERATION. IT IS SUGGESTED THAT IN ARRANGING FOR RELEASE WITH ITALIAN GOVERNMENT YOU SHOULD MAKE CLEAR THAT THERE IS NO DISPOSITION TO INTERFERE WITH TRAIL OF PELLEGRINI ON ANY CHARGES WHICH MAY BE BROUGHT AGAINST HIM. IN VIEW, HOWEVER, OF HIS VALUE AS A CONSULTANT TO THE MILITARY ON COMMUNICATIONS MATTERS IT IS CONSIDERED ESSENTIAL THAT HE BE NOT CONFINED. WHEN HE IS REQUIRED FOR TRAIL HE WILL BE PRODUCED

✓
3

ACC DIST

ACTION INFO SEC GEN (2)
A/CO
ADM SEC
P SAFETY
LEGAL
SECURITY BR
FILE & FLOAT (3)

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SECRET

files H/13/30

AUG 111645

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SECRET

2713

ACC FOR STONE ACTION ACC

68/9

AFHQ SGD SACMED

SECRET

P81103

PRIORITY

AUG092053E

CITE/ FHGEG

REPORTED THAT PELLEGRINI WAS ARRESTED YESTERDAY AND IS CONFINED IN JAIL AT NAPLES. YOU ARE DIRECTED TO ARRANGE WITH ITALIAN GOVERNMENT FOR IMMEDIATE RELEASE PELLEGRINI PENDING TRIAL IN THE EPURATION PROCEEDINGS WHICH WE UNDERSTAND ARE NOW PENDING. WILL YOU ALSO REPORT CIRCUMSTANCES OF ARREST

Acc Dist

✓
ACTION - Secy GEN
INFO - A/c
ADMIN SEC
PUBLIC SAFETY
LEGAL
SECURITY BR
FILE (2)
FLOAT

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SECRET

AUG092345E

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File 11/13/51

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DEL/SLS

NOTES OF A MEETING ON DECLASS. - 6 AUG 44

Present : All Sections and Sub-Commissions responsible for supervising Defendants (col 2 of A/CC 250 of 15 Jul) except Army Sub-Commission.

Col Upjohn explained some of the principal features of Part II of the decree and that we are not at present taking a sharp interest in the other parts.

The object to be achieved is the removal of notorious and ardent fascists from the heads of all departments and national concerns and for the removal of all those who are notorious and conspicuous locally from their positions. It was not intended to dismiss large numbers of the unimportant because they had been fascists. To do so might disorganize administration; it might create an unemployment problem; it would create a core of persons with a grievance. Most would require to be maintained.

Having explained the machinery, Col Upjohn impressed on the Sub-Commissions the importance of getting their Commissions at work quickly, they must press for names, excuses should not be accepted. It was not proposed to screen the persons appointed we must trust the Italians not to appoint fascists. To screen would cause a great deal of delay but if anything was known or found out against any appointee it should be reported. It was pointed out that if all Presidents were taken from the Legal side it might affect the working of the Courts. Attention would be drawn to this

The cases of all persons either removed or not re-employed would have to be brought before the Commission. Those exonerated might be re-employed. It was being arranged that we should be notified of cases against such persons so that any evidence we had might be presented and our views made known.

Attention was called to the circular letter on the decree. It would be for Regions to keep Sub-Commissions informed of conspicuous fascists who were not dealt with and so that dismissals were in fact carried out. Regions will supply Sub-Comms with such reports and returns as may be essential to show progress but paper should be kept down as much as possible.

No person is indispensable, we are pledged to remove notorious fascists and the will be removed. If they have rendered or are rendering good work to the Allied cause they will be brought before the Commission but evidence in mitigation may be given and they may be excused or a punishment less than dismissal may be awarded under Arts 14, 16 or 17 as may be appropriate.

The question of payment during suspension was raised. It was considered that Art 22 was equitable and in accord with Allied practices. Punishment should not be inflicted on persons before they were found guilty. It was up to Sub-Commissions to ensure that there was no undue delay.

There was no objection to Ministers suspending persons by arrangement with Sub-

A 250 *Refacilitate*
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being arranged that we should be notified of cases against such persons so that any evidence we had might be presented and our views made known.

Attention was called to the circular letter on the decree. It would be for Regions to keep Sub-Commissions informed of conspicuous fascists who were not dealt with and also that dismissals were in fact carried out. Regions will supply Sub-Comms with such reports and returns as may be essential to show progress but paper should be kept down as much as possible.

No person is indispensable, we are pledged to remove notorious fascists and the will be removed. If they have rendered or are rendering good work to the Allied cause they will be brought before the Commission but evidence in mitigation may be given and they may be excused or a punishment less than dismissal may be awarded under Arts 14, 16 or 17 as may be appropriate.

The question of payment during suspension was raised. It was considered that Art 22 was equitable and in accord with Allied practices. Punishment should not be inflicted on persons before they were found guilty. It was up to Sub-Commissions to ensure that there was no undue delay.

There was no objection to Ministers suspending persons by arrangement with Sub-Commissions working as advisory bodies if they so wished.

The Italian Government proposes to use local Committees of National Liberation to assist in obtaining local information for it.

Distribution: Acting Chief Commissioner,

- HC & MC SECTION
- Agriculture Sub-Comm.
- Legal Sub-Comm. (2)
- Commerce Sub-Comm.
- Communications Sub-Comm.
- Education Sub-Commission
- Finance Sub-Comm.
- Admin Section (2)
- Spares (10)

- Army Sub-Comm.
- Public Works & Utilities Sub-Comm.
- Transportation Sub-Comm.
- Political Section (2)
- Air Sub-Comm.
- Navy Sub-Commission
- Shipping Sub-Comm.
- Files (2)

HQ ACC, APO 394
Sec'y Gen.
Rec'd 3 Aug 1948
By [Signature]

THE

DECREE

AS TO

SANCTIONS AGAINST FASCISM

- | | |
|----------|-------------------------|
| Part I | - Crimes |
| Part II | - Purging |
| Part III | - Enrichment |
| Part IV | - Fascist Funds |
| Part V | - The High Commissioner |
| Part VI | - Miscellaneous |

Declassified E.O. 12356 Section 3.3/NND No. 785015

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Part III - Enrollment

Part IV - Resident Funds

Part V - The High Commissioner

Part VI - Miscellaneous

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A-7(B)

PART I

IMPRISONMENT OF CRIMES

1 All penal provisions issued to safeguard institutions and political organizations created by fascists are hereby repealed.

Penal laws already promulgated by virtue of such provisions are hereby annulled.

2 Members of the Government and high ranking members of fascists, guilty of annulling the guarantees given under the constitution, of destroying the liberty of the people, of creating the fascist regime, of committing and carrying out the fortunes of the country, bringing it to the present disaster shall be punished by penal servitude for life and, in cases where the responsibility is greater, by death.

They shall be tried by a High Court of Justice composed of a President and eight members, chosen by the Council of Ministers, from among high ranking judicial officials serving now or in retirement and from among other persons of unquestionable rectitude.

3 Those who organized fascist squads, committing acts of violence and pillage and those who promoted and directed the revolt of 28 October 1922 shall be punished according to Art. 120 of the Penal Code 1889.

Those who protected and directed the Coup d'Etat of 3 January 1925 and those who have thus contributed by a violent action to maintain the fascist regime in power shall be punished in accordance with Art. 116 of the afore-said Code.

Whoever has committed any other crime for fascist reasons or taken advantage of the political situation created by fascists shall be punished according to the laws obtaining at the time of the crime.

4 Those crimes described in the preceding articles shall be tried by the Court of Cassation, by the Tribunal d'Appel by the Pretors according to their respective jurisdiction.

The Court of Cassation shall be composed of two judicial officials as described in the laws to the constitution of the Courts of Cassation, and of five lay judges chosen by lot from special lists of citizens of undoubted moral and political behaviour.

5 Whoever whether a member of the armed forces or not, after 8 September 1943 has committed a crime against Italy and the military defence of the State, by any kind whatever of action, collaboration help or assistance given to the German invader shall be punished according to the provisions of the Military Penal Code of War.

Whoever has committed such crimes shall be tried by Military Courts, civil or by ordinary Courts.

under the complicity of 3 January 1925 and those who have acted contributed by present action to maintain the fascist regime in power shall be punished in accordance with Art 113 of the afore-said code.

Whoever has committed any other crime for fascist reasons or taken advantage of the political situation created by fascism shall be punished according to the laws obtaining at the time of the crime.

4. These crimes, described in the preceding article shall be tried by the Court of Assize, by the Tribunal and by the Proctors according to their respective jurisdiction.

The Court of Assize shall be composed of two judicial officials as described in the law on the constitution of the Courts of Assize, and of five lay judges chosen by lot from special lists of citizens of unblemished moral and political behaviour.

5. Whoever commits a crime of the above nature or not, after 8 September 1945 has committed a crime against Italy and the military authority of the State, by any kind whatever of action collaboration help or assistance given to the German invader shall be punished according to the provisions of the Military Penal Code of 1927.

Whoever of the above crimes shall be tried by Military Courts, civilians or ordinary Courts.

6. Any limitation of time with regard to the offence or the punishment thereof shall not apply to any person guilty of any crime described in this decree, also because of the existence of the fascist regime has not been punished.

For the new regime amnesties and pardons granted after 28 October 1922 in respect of any crime described in this decree shall be invalid, any pardon granted shall be revoked.

The High Commissioner may propose the revocation of any royal pardon already granted.

When a decision regarding any such crimes has been influenced by any moral co-action resulting from fascist, such decision may be declared to be legally non-existent.

Declarations in this respect shall be made by a Section of the Supreme Court of Cassation appointed by the Minister of Justice.

The provisions of this decree shall not apply in regard to any crimes punishable by imprisonment for three years or less.

7. The punishment prescribed for any crime described in this part may be reduced by up to one quarter and imprisonment for not less than five years may be substituted for a sentence of death or of imprisonment for life.

8. If the accused had before the outbreak of this or other retired from political life or had been openly opposed to fascism;

7. If the accused has actively participated in the struggle against the Germans.
8. Where general circumstances exist independent for 30 years shall be substituted for equal activities for life and other penalties shall be reduced by one sixth.
The guilty party shall be declared not punishable if he distinguished himself by special acts of valor in the struggle against the Germans.
9. Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts particularly serious which while not being offenses in the eyes of the law are nevertheless contrary to the values of social and political integrity shall be subjected to temporary disqualification from holding any public office or to loss of political rights for a period of not more than ten years.
Whenever such a person is deemed to be a danger to society he may be sent to an agricultural colony or a labor institution for a period of not less than one or more than ten years.
The provisions contained in this article shall be administered by a Provincial Commission provided over by a judicial official and composed of two other members chosen by lot from among the lay judges described in Art 4.
As regards members of the legislative assemblies or other institutions who by their voter or citizens contributed to the maintenance of the fascist regime and who were responsible, they shall be dismissed from their office on decision of the High Court described in Art 2, without prejudice to any of the other provisions set out in this Decree in so far as they may be applicable.
9. Without prejudice to any local action, the property of any citizen who has betrayed his country, placing himself voluntarily and actively at the service of the German invaders shall be forfeited to the State.
In penal proceedings such forfeiture shall be pronounced by a judicial authority competent to pronounce sentences of criminal conviction. In other cases referred to thereby the High Commissioner, by the tribunals territorially competent.
10. In regard to any matter not specifically provided for by this part the rules of the Code of Penal Procedure shall obtain likewise may be applicable.

PART II FUNCTIONS OF THE ADMINISTRATION

11. Officials and employees of the following bodies shall be subject to special provisions:-
 - (1) civil and military State administrations, even if autonomous;
 - (2) local authorities and other public bodies and institutions;
 - (3) special concerns operating under public authority or bodies of public utility.

who by their votes or actions have contributed to the maintenance of the fascist regime and under war conditions, they shall be dismissed from their office on the decision of the High Court described in art 2, without prejudice to any of the other provisions set out in this Decree in so far as they may be applicable.

9 Without prejudice to any legal action, the property of any citizen who has betrayed his country placing himself voluntarily and actively at the service of the German invaders shall be forfeited to the State.

In civil proceedings such forfeitures shall be granted by a judicial authority competent to pronounce sentences of confiscation. In other cases referred to thereby the High Commissioner, by the Tribunale territorially competent.

10 In regard to any matter not specifically provided for by this part the rules of the Code of Penal Procedure shall obtain; discovery may be applicable.

PART II FUNCTIONS OF THE ADMINISTRATION

11 Officials and employees of the following bodies shall be subject to summary proceedings:-

- (1) civil and military State administrations, even if outposts;
- (2) local authorities and other public bodies and institutions;
- (3) special concerns operating under public authorities or bodies and private concerns recognized by the State as controlling public utility undertakings or concerns having relations with interests.

12 The following shall be dismissed from service:

- (1) any person, particularly if when holding high office, who has by part-taking actively in the political life of Fascism or by placing himself as a consistent apologist of fascism, shown that he is unworthy of serving the State;
- (2) any person who has obtained an appointment or promotion through the favoritism of the party or of Fascist officials of high rank.
- 13 Any employee who has been guilty of fascist bias incompetence or corrupt practices such as have been introduced by fascism into public administration, shall be likewise dismissed.
Whenever evidence of an offence is found during an summary proceeding, such evidence shall be reported to the competent authority.

14. Any person who has held the position of "equilibrant" or "maneuverist" or "maneuverist", "Maroff su Rove", "Seiarte littorio" or who has been an officer in the Fascist Militia if he has been guilty of Fascist participation or improper conduct shall be dismissed from his office or employment, but if not so guilty he may be awarded less severe punishment.

15. Any person who has received undue protection or any preference in any competitive examinations because of his Fascist position may in lieu of dismissal be reduced in rank or be returned to his former position.

16. Any person who has after 8 September 43 distinguished himself in the struggle against the Germans may be excused from dismissal or other disciplinary measure.

17. Any employee who, after 8 September 43, moved to North Italy with or has pledged allegiance to or has in any way collaborated with the (Republican) Fascist Government shall be dismissed.

Punishment of lesser degree may be awarded to such as show that he or his relatives were exposed to serious threats or danger.

Any person who by his acts has effectively aided the patriots or has undermined the work of the Germans or of the (Republican) Fascist Government which they were apparently serving, may be excused from punishment.

In every case an account shall be taken of the allowances that were due under the original terms of employment and of any excess payment which may actually have been received. Any special allowance or sum granted or paid in account of any transfer to the North will be allowed.

18. The Commission of First Instance to hear separation proceedings will be a Commission to be established in every Ministry or autonomous authority or body. When personnel of different classes or functions is employed in a Ministry then the Commission may be established in that Ministry.

Such Commissions will be appointed by the competent Minister and will be composed of a judicial or administrative magistrate either serving or retired, who will preside over them, and of the Chief of personnel or of an official of the administration, and of a third member nominated by the High Commissioner for the Southern Regions, Fascist.

Commissions to be appointed by a Prefect composed of a judicial official, either serving or retired, an official of the Prefecture, and a member to be nominated by the High Commissioner, will be instituted for Commerce, Agriculture, Public Welfare Institutions and under the control of the local authorities.

According to the provisions set out in the preceding paragraphs sub-statute members may be appointed and the Commission may be divided into Sub-Commissions.

unexamined the work of the Government or of the (Bourgeois) People's Government which they were hypocritically serving, say to exempt the president.

In every case an account shall be made of the allowances that were due under the original terms of employment and of any excess payment which may actually have been received. Any special allowance or sum granted or paid in respect of any transfer to the North will be allowed.

19 The Commission of first instance to hear questions of procedure will be a Commission to be established in every Ministry or autonomous authority or body. When composed of different classes of functions is employed in a Ministry more than two Commission may be established in that Ministry.

Such Commissions will be appointed by the competent Minister and will be composed of a judicial or administrative magistrate either serving or retired, who will preside over them, and of the Chief of personnel or of an official of the Administration, and of a third member nominated by the High Commissioner for the Section against Racism.

A Commission to be appointed by a prefect composed of a judicial official, either serving or retired, an official of the Prefecture, and a member to be nominated by the High Commissioner, will be instituted for Colleges, universities, public welfare institutions and under the control of the local authorities.

According to the provisions set out in the preceding paragraphs substantive matters may be appointed and the Commission may be divided into sub-Commissions.

19 Not more than ten days shall be allowed to an employee whose dismissal is proposed to prepare his defence.

The Commission, or any member delegated by them, shall have the power to examine witnesses, to require the production of deeds and documents from judicial or administrative authorities and may personally hear the concerned party if he applies for such a hearing.

6.

20 The fixing of the Commission of the first instance shall be communicated to the High Commission and to the party concerned. The interested party may within three days, and the High Commissioner within twenty days appeal to a central Commission appointed by the President of the Council of Ministers and composed of a President, two officials of the central administration, two judicial or administrative magistrates serving or retired and two other members nominated by the High Commissioner for Section against Racism.

In the same manner substitute members may be appointed and the Commission may be divided into sub-commissions.

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- 21 Dismissal from office, in accordance with the finding of the Commission, shall be carried out by the authority which normally has such power.
The same authority shall put into effect the punishments hereby authorized in accordance with the finding of the Commission.
- 22 Any employee dismissed from office shall be entitled to such pension privileges as may be due to him according to the provisions then in force.
In no case shall forfeiture of pension privileges may be ordered.
Any employee the subject of censure proceedings may be suspended from office. In such case he shall receive, for his support, his salary without any other further allowance. Suspension from office shall be ordered by the competent Minister, or in cases under para 3 of Art 18 by the Prefect.
- 23 Commissions responsible for inspecting the registers shall be set up in each professional association or other body responsible for keeping registers of professional men, artists and skilled workers shall apply the principles set out in the preceding article.
Such Commissions shall be appointed by the competent Minister or by any authority designated by him, and shall be composed of a President, a member nominated by the body keeping the register in question and of a number designated by the High Commissioner for Sanctions against Fascism.
An appeal against a finding of a Commission may be lodged within the time set out by Art 20, to a Central Commission which shall be established, for each professional association, a body, by the competent Minister and composed of a President, of two judicial or administrative judges, serving or retired, of four teachers nominated by the professional associations and of two other members nominated by the High Commissioner for Sanctions against Fascism.
In less serious cases a temporary suspension from the exercise of a profession, art or trade may be ordered in lieu of being struck off the register.
- 24 Any employee dismissed from office may appeal to the State Council only on grounds of incompetence (i.e. of the Commission or officer concerned).
- 25 The procedure set forth in this part shall be initiated within 6 months of this decree becoming effective.
Any proceeding before the Commission of First Instance shall be ended within three months after its initiation.
For the territory not yet liberated and for that part which had been liberated but not yet returned to the administration of the Italian Government, the time limit indicated in the first paragraph is extended to six months after the restoration of such territories to the Italian administration.

authorities designated by him, and shall be composed of a President, a member nominated by the body keeping the register in question and of a member nominated by the High Commissioner for Sanctions against Fascism.

An appeal against a finding of a Commission may be lodged within the time set out by Art. 20, to a Central Commission which shall be established, for each professional association or body, by the competent Minister and composed of a President, of two judicial or administrative judges, serving or retired, of four members nominated by the professional associations and of two other members nominated by the High Commissioner for Sanctions against Fascism.

In some serious cases a temporary suspension may be ordered of the exercise of a profession, art or trade may be ordered in lieu of being struck off the register.

24. An appeal may be lodged from office may appeal to the State Council only in the case of incompetence (i.e. of the Commission or officer concerned).

25. The proceedings set forth in this part shall be initiated within 6 months of this decree becoming effective.

Any proceeding before the Commission of First Instance shall be ended within three months after its initiation.

For the territory not yet liberated and for that part which has been liberated but not yet returned to the administration of the Italian Government, the time limit indicated in the first paragraph is extended to six months after the restoration of such territory to the Italian administration.

PART III Disposal of Profits derived from the Regime.

25. Profit derived from participation in or adherence to the fascist regime shall be forfeited to the State regardless whether or not a penal proceeding is instituted for acts constituting an offence.

An increase of poverty obtained after the 25 October by persons holding public offices or in any way engaged in political activity as a fascist shall be presumed to constitute a profit derived from the regime unless the party concerned shall show that such increase was derived from a legitimate source and this shall be the case even if the property acquired has ceased to belong to the same person.

Such presumption shall likewise apply to increases in property of the ascendants, descendants and spouse of any person, who even if not a member of the fascist party, maintained relations or associate or client with the persons indicated in the first paragraph.

In assessing increases of property consideration shall be given to property in any way acquired or held through intermediaries.

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27 Specific property constituting profit derived from the regime and owned by the debtor (Note: Without any explanation the decree uses the word "debtor" to denote the person who has acquired profit from the regime) may be forfeited to the State.

28 The entire property of the debtor is liable for the satisfaction of the assessed debt to the State as profit derived from the regime.

In cases contemplated by the 3rd para of Art 26 persons set out in first paragraph of the said Article shall be liable jointly with their spouses, ascendants or siblings.

29 If the property of the debtor is not sufficient to pay the amounts owed to the State the following dealings with property (by the debtor) shall be considered void:

(1) transfers made by the debtor without valuable consideration during the five years prior to 25 July 43;

(2) any disposition made after such date.

As far as the State is concerned property acquired within the five year period prior to 25 July 43 by the spouse of the debtor shall for the purpose of satisfying the State's claims for profit derived from the regime be considered as belonging to the debtor.

30 The investigation and assessing of the amount of the profit derived from the regime shall be within the jurisdiction of a Special Section of the Provincial Commission for taxation, comprised of the President of the Tribunal or a judge designated by him and of four Commissioners appointed by the Minister of Finance in the nomination of the President from citizens of proven probity and competence.

The Special Section shall initiate the investigation on information by the High Commissioner or by a finance or taxation officer or on one signed by a private citizen.

The said Section shall also affix to complaints of the debtor or of the finance office against the proposed assessment of the profit derived from the regime.

The hearing shall be open to the public and both the Assessor and the State and the person the subject of the investigation may adduce evidence in rebuttal; the latter may choose to be represented by a procurator legal or by an advocate.

The decision shall be communicated to the debtor, to the finance officer concerned and to the High Commissioner.

31 The Special Section of the Provincial Commission shall have all the powers of investigation, entry, search, control and inquiry, conferred upon the courts for direct taxation and upon the Administrative Commission for Inves-

claim for profit derived from the regime by contrib-
utors belonging to the debtor.

The investigation and recording of the amount of the profit derived from the regime shall be within the jurisdiction of a Special Section of the Provisional Commission for Transition, comprised of the President of the Tribunal or a judge delegated by him and of four Commissioners appointed by the Minister of Finance on the nomination of the President from citizens of proven probity and competence.

The Special Section shall initiate the investigation and information by the High Commissioner or by a Finance or taxation officer or on one signed by a private citizen.

The said Section shall also adjudicate complaints of the debtor or of the Finance office against the proposed assessment of the profit derived from the regime.

The hearing shall be open to the public and both the Attorney General of the State and the person the subject of the investigation may submit evidence in rebuttal; the latter may choose to be represented by a procurator legal or by an advocate.

The decision shall be communicated to the debtor, to the Finance officer concerned and to the High Commissioner.

The Special Section of the Provisional Commission shall have all the powers of investigation, entry, search, control and inquiry, conferred upon the agents for direct taxation and upon the administrative commissions for investigation of extraordinary war profits.

The privilege to abstain from testimony in cases set out in Art 352 of the CPP shall not apply.

Any person summoned as witness or expert who does not faithfully carry out his duties or gives false evidence shall be punished in accordance with Articles 366, 372 and 373 of the CP.

Any person who fails to comply with other requests of the Special Section shall be punished by imprisonment up to six months or by fine from 300 to 500 livo.

Administrative or other bodies having knowledge of causes in which profit has been derived from the regime, shall immediately report the same to the High Commissioner. Any person responsible for making any such report who fails to do so shall be punished in accordance with the preceding paragraph.

Control of the judicial police or of other administrative or technical branches of the administration may be assigned to the Special Section for the execution of its duties.

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32 The debtor and the Avventura dello Stato may within thirty days lodge an appeal against the decision of the Special Section of the Provincial Commission. The High Commissioner may also appeal within 60 days.

The appeal shall be adjudicated by a special section of the Central Commission for taxation composed of a President, a judicial official holding a grade not lower than that of a first president of Court of Appeal, and of four commissioners; all to be appointed by the Council of Ministers.

The provisions of the last two paragraphs of Art 30 and of Art 31 shall apply to the proceedings before the Special Section of the Central Commission.

33 The decision of the Special Section of the Central Commission may be opposed before the Plenary Section of the Commission solely on the ground of absolute lack of jurisdiction. An appeal must be lodged by the debtor or by the Avventura dello Stato within 45 days; the High Commissioner may appeal within 6 months.

34 The High Commissioner may, even after the lapse of the above period but not after the lapse of two years, move that the decision, although final be annulled on the ground that facts of considerable importance have been discovered always provided that the reasons set out in the decision disclose that such facts were not in evidence in the previous proceeding.

Such amendment of the decision is in any case within the jurisdiction of the Special Section of the Central Commission.

35 Even before the Special Section of Provincial Commissions are constituted, the President of the Tribunal may, upon request of the High Commissioner or of the finance administration, order by decree a protective attachment of chattels or realties belonging to persons set out in Art 26 although they may be held by third parties.

Such power may be exercised by the Presidents of the Commissions by virtue of their office.

Provisions of para 7 and 8 of Art 19 of the Consolidated text of laws on the extraordinary tax on excess war profits, approved by RD 3 June 43, No 596, shall apply.

36 A decree of the High Commissioner shall be published in the Gazzetta Ufficiale of the Kingdom, listing persons who are considered profiteers of the war; any person who may hold property belonging to such person or who may be indebted to him in any way whatever, shall be required to declare the same following the form and within the time limits established in the said decree; also he shall not return the property or fulfill his obligations to his creditor. Any such listing shall become void if an attachment is not ordered within 60 days after the lapse of the time limit for the above said

always provided that the reasons set out in the decision disclose that such facts were not in evidence in the previous proceedings.

Such amendment of the decision in any case within the jurisdiction of the Special Section of the Central Commission.

35 Even before the Special Sections of Provincial Commissions are constituted, the President of the Tribunal may, upon request of the High Commissioner or of the financial administration, order by decree a protective attachment of chattels or rendition belonging to persons set out in Art 26 although they may be held by third parties.

Such power may be exercised by the Presidents of the Commissions by virtue of their office.

Provisions of para 7 and 8 of Art 19 of the Consolidated text of laws on the extraordinary tax on excess war profits, approved by RD 3 June 43, No 598, shall apply.

36 A decree of the High Commissioner shall be published in the Gazzetta Ufficiale of the Kingdom, listing persons who are considered profiteers of the war; any person who may hold property belonging to such person or who may be indebted to him in any way whatever, shall be required to declare the same following the form and within the time limits established in the said decree; also he shall not return the property or fulfil his obligations to his creditor. Any such blocking shall become void if an attachment is not ordered within 60 days after the lapse of the time limit for the above said declaration.

Any person who may fail to comply with the duties set forth in this Article shall be punished in accordance with Art 34 para 4; he shall also be liable for any consequential loss suffered by the State.

Any person who, for the purpose of withholding from the State, property belonging to a person considered to have made a profit derived from the war, acquires, receives or conceals such property or abets their acquisition, receipt or concealment, shall be punished by imprisonment not exceeding 10 years and by a fine up to 100,000 lire.

37 The proposed amendment of the Provincial Commission if unopposed by the debtors; the decision of such Commission, even pending appeal to the Central Commission, shall constitute final authority for execution even for entry in the real estate and mortgage registry.

The collection of the surtaxes owed to the State on profits derived from the war may be effected in accordance with the procedure and preferences established for the collection of the extraordinary tax on excess war profits. The entire debt may be entered in a special roll and may be collected in a single installment.

PART IV Confiscation of Communist Property.

38 The property of the discredited fascist national party and of organizations suppressed by RFL 2 August 43, No 704, shall devolve upon the State.

Such property shall be used for the public service or the public benefit, this shall be effected on the proposal of the High Commissioner by decree of the President of the Council, in agreement with the Competent Ministers. If necessary such property may be transferred to another public body or organization promoting welfare, sport or the like.

39 The finance administration of the State shall provide for the collection of assets of the fascist national party and the suppressed organizations.

PART V The High Commissioner.

40 To supervise the carrying out of this decree the office of High Commissioner for Functions against Fascism is created.

The High Commissioner shall be nominated by the Council of Ministers and appointed (i.e. by the President) and shall for the duration of his term of office rank as a judicial officer of the first grade.

He shall be assisted by Assistant High Commissioners for each of the branches of his jurisdiction.

In the event of the High Commissioner being unable to act each of the Assistant High Commissioners may so far as his own branch is concerned act in his name.

The Assistant High Commissioners shall be appointed by the President of the Council of Ministers on the nomination of the High Commissioner and shall rank as judicial officials of the third grade.

Not more than two commissioners may be nominated for any one branch of the High Commission. They shall be appointed in the manner described in the preceding paragraph.

Sufficient judicial and other officials shall on request be assigned to the office of the High Commissioner and a nucleus of judicial police shall be placed at his disposal composed of personnel of the carabinieri of the public security or of the finance guards. Persons not members of the Administration may be employed in the secretarial offices.

The High Commissioner and his subordinate officers may call on the judicial police who will carry out their orders.

41 The High Commissioner shall direct and supervise the work of all organizations by which functions against Fascism are carried out.

The High Commissioner shall be ^{advised} ~~informed~~ on his own initiative or on the demand of any public authority or on information supplied by private

shall be assisted by Assistant High Commissioners for each of the branches of his jurisdiction.

In the event of the High Commissioner being unable to act each of the Assistant High Commissioners may so far as his own branch is concerned act in his name.

The Assistant High Commissioners shall be appointed by the President of the Council of Ministers on the nomination of the High Commissioner and shall rank as judicial officials of the third grade.

Not more than two Commissioners may be nominated for any one branch of the High Commission. They shall be appointed in the manner described in the preceding paragraph.

Sufficient judicial and other officials shall on request be assigned to the office of the High Commissioner and a nucleus of judicial police shall be placed at his disposal composed of personnel of the carabinieri of the public security or of the Finanz Guard. Persons not members of the Administration may be employed in the secretarial offices.

The High Commissioner and his subordinate officers may call on the judicial police who will carry out their orders.

44 The High Commissioner shall direct and supervise the work of all organizations by which Sanctions against ^{bona fide} ~~fraud~~ are carried out.

The High Commissioner shall be ^{bona fide} ~~responsible~~ on his own initiative or on the demand of any public authority or on information signed by a private individual to commence proceedings in respect of any crime described in Art 2 and to carry out investigation or any to necessary and to demand the use of the High Court in which he or his delegate act as "Minister Public".

In cases of exceptional gravity the High Commissioner may exercise the normal powers in that respect and refer to the High Court any person or persons referred to in Art 2 and for any crime whether or not such is mentioned in Art 2.

Without prejudice to the powers of the Ministero Publico, Public Authorities, and other bodies or organizations the High Commissioner may on his own initiative or on the information of a private individual commence proceedings.

(1) In respect of other crimes mentioned in Part I.

(2) To apply the provisions set out in Art 6.

(3) To forfeit property belonging to persons who have collaborated with the Germans in accordance with Art 9.

(4) Before the appropriate commissions of first instance and before the Central Commission with regard to appeals, for purging the Administration and for dismissing officers or employees from their office or employment.

(5) Before the Local and Central Commissions for taxation, for assessing and forfeiting as profit derived from the fascist regime, with power in exceptional cases to commence proceedings for revocation of any decision of the aforesaid Central Commission.

He may also

- (6) Make proposals for the correct and proper use of property previously belonging to the Fascist Party or to Fascist organizations.
- (7) Exercise any other functions contained in this decree or in any other decree or regulation.

PART VI

Transitory and Final Provisions.

- 42 For the application of this decree all prerogatives including those set out in Arts 26, 37 and 47 of the Constitution are hereby abrogated.
- 43 Any public official or any person engaged in the public service responsible according to the provisions of this law for punishing Fascist crimes, for purging the administrations, for forfeiting any profit derived from the regime and for confiscating Fascist property, who may commit any offence set out in and punishable by virtue of Arts 34, 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i, 34j, 34k, 34l, 34m, 34n, 34o, 34p, 34q, 34r, 34s, 34t, 34u, 34v, 34w, 34x, 34y, 34z, 35, 35a, 35b, 35c, 35d, 35e, 35f, 35g, 35h, 35i, 35j, 35k, 35l, 35m, 35n, 35o, 35p, 35q, 35r, 35s, 35t, 35u, 35v, 35w, 35x, 35y, 35z, 36, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i, 36j, 36k, 36l, 36m, 36n, 36o, 36p, 36q, 36r, 36s, 36t, 36u, 36v, 36w, 36x, 36y, 36z, 37, 37a, 37b, 37c, 37d, 37e, 37f, 37g, 37h, 37i, 37j, 37k, 37l, 37m, 37n, 37o, 37p, 37q, 37r, 37s, 37t, 37u, 37v, 37w, 37x, 37y, 37z, 38, 38a, 38b, 38c, 38d, 38e, 38f, 38g, 38h, 38i, 38j, 38k, 38l, 38m, 38n, 38o, 38p, 38q, 38r, 38s, 38t, 38u, 38v, 38w, 38x, 38y, 38z, 39, 39a, 39b, 39c, 39d, 39e, 39f, 39g, 39h, 39i, 39j, 39k, 39l, 39m, 39n, 39o, 39p, 39q, 39r, 39s, 39t, 39u, 39v, 39w, 39x, 39y, 39z, 40, 40a, 40b, 40c, 40d, 40e, 40f, 40g, 40h, 40i, 40j, 40k, 40l, 40m, 40n, 40o, 40p, 40q, 40r, 40s, 40t, 40u, 40v, 40w, 40x, 40y, 40z, 41, 41a, 41b, 41c, 41d, 41e, 41f, 41g, 41h, 41i, 41j, 41k, 41l, 41m, 41n, 41o, 41p, 41q, 41r, 41s, 41t, 41u, 41v, 41w, 41x, 41y, 41z, 42, 42a, 42b, 42c, 42d, 42e, 42f, 42g, 42h, 42i, 42j, 42k, 42l, 42m, 42n, 42o, 42p, 42q, 42r, 42s, 42t, 42u, 42v, 42w, 42x, 42y, 42z, 43, 43a, 43b, 43c, 43d, 43e, 43f, 43g, 43h, 43i, 43j, 43k, 43l, 43m, 43n, 43o, 43p, 43q, 43r, 43s, 43t, 43u, 43v, 43w, 43x, 43y, 43z, 44, 44a, 44b, 44c, 44d, 44e, 44f, 44g, 44h, 44i, 44j, 44k, 44l, 44m, 44n, 44o, 44p, 44q, 44r, 44s, 44t, 44u, 44v, 44w, 44x, 44y, 44z, 45, 45a, 45b, 45c, 45d, 45e, 45f, 45g, 45h, 45i, 45j, 45k, 45l, 45m, 45n, 45o, 45p, 45q, 45r, 45s, 45t, 45u, 45v, 45w, 45x, 45y, 45z, 46, 46a, 46b, 46c, 46d, 46e, 46f, 46g, 46h, 46i, 46j, 46k, 46l, 46m, 46n, 46o, 46p, 46q, 46r, 46s, 46t, 46u, 46v, 46w, 46x, 46y, 46z, 47, 47a, 47b, 47c, 47d, 47e, 47f, 47g, 47h, 47i, 47j, 47k, 47l, 47m, 47n, 47o, 47p, 47q, 47r, 47s, 47t, 47u, 47v, 47w, 47x, 47y, 47z, 48, 48a, 48b, 48c, 48d, 48e, 48f, 48g, 48h, 48i, 48j, 48k, 48l, 48m, 48n, 48o, 48p, 48q, 48r, 48s, 48t, 48u, 48v, 48w, 48x, 48y, 48z, 49, 49a, 49b, 49c, 49d, 49e, 49f, 49g, 49h, 49i, 49j, 49k, 49l, 49m, 49n, 49o, 49p, 49q, 49r, 49s, 49t, 49u, 49v, 49w, 49x, 49y, 49z, 50, 50a, 50b, 50c, 50d, 50e, 50f, 50g, 50h, 50i, 50j, 50k, 50l, 50m, 50n, 50o, 50p, 50q, 50r, 50s, 50t, 50u, 50v, 50w, 50x, 50y, 50z, 51, 51a, 51b, 51c, 51d, 51e, 51f, 51g, 51h, 51i, 51j, 51k, 51l, 51m, 51n, 51o, 51p, 51q, 51r, 51s, 51t, 51u, 51v, 51w, 51x, 51y, 51z, 52, 52a, 52b, 52c, 52d, 52e, 52f, 52g, 52h, 52i, 52j, 52k, 52l, 52m, 52n, 52o, 52p, 52q, 52r, 52s, 52t, 52u, 52v, 52w, 52x, 52y, 52z, 53, 53a, 53b, 53c, 53d, 53e, 53f, 53g, 53h, 53i, 53j, 53k, 53l, 53m, 53n, 53o, 53p, 53q, 53r, 53s, 53t, 53u, 53v, 53w, 53x, 53y, 53z, 54, 54a, 54b, 54c, 54d, 54e, 54f, 54g, 54h, 54i, 54j, 54k, 54l, 54m, 54n, 54o, 54p, 54q, 54r, 54s, 54t, 54u, 54v, 54w, 54x, 54y, 54z, 55, 55a, 55b, 55c, 55d, 55e, 55f, 55g, 55h, 55i, 55j, 55k, 55l, 55m, 55n, 55o, 55p, 55q, 55r, 55s, 55t, 55u, 55v, 55w, 55x, 55y, 55z, 56, 56a, 56b, 56c, 56d, 56e, 56f, 56g, 56h, 56i, 56j, 56k, 56l, 56m, 56n, 56o, 56p, 56q, 56r, 56s, 56t, 56u, 56v, 56w, 56x, 56y, 56z, 57, 57a, 57b, 57c, 57d, 57e, 57f, 57g, 57h, 57i, 57j, 57k, 57l, 57m, 57n, 57o, 57p, 57q, 57r, 57s, 57t, 57u, 57v, 57w, 57x, 57y, 57z, 58, 58a, 58b, 58c, 58d, 58e, 58f, 58g, 58h, 58i, 58j, 58k, 58l, 58m, 58n, 58o, 58p, 58q, 58r, 58s, 58t, 58u, 58v, 58w, 58x, 58y, 58z, 59, 59a, 59b, 59c, 59d, 59e, 59f, 59g, 59h, 59i, 59j, 59k, 59l, 59m, 59n, 59o, 59p, 59q, 59r, 59s, 59t, 59u, 59v, 59w, 59x, 59y, 59z, 60, 60a, 60b, 60c, 60d, 60e, 60f, 60g, 60h, 60i, 60j, 60k, 60l, 60m, 60n, 60o, 60p, 60q, 60r, 60s, 60t, 60u, 60v, 60w, 60x, 60y, 60z, 61, 61a, 61b, 61c, 61d, 61e, 61f, 61g, 61h, 61i, 61j, 61k, 61l, 61m, 61n, 61o, 61p, 61q, 61r, 61s, 61t, 61u, 61v, 61w, 61x, 61y, 61z, 62, 62a, 62b, 62c, 62d, 62e, 62f, 62g, 62h, 62i, 62j, 62k, 62l, 62m, 62n, 62o, 62p, 62q, 62r, 62s, 62t, 62u, 62v, 62w, 62x, 62y, 62z, 63, 63a, 63b, 63c, 63d, 63e, 63f, 63g, 63h, 63i, 63j, 63k, 63l, 63m, 63n, 63o, 63p, 63q, 63r, 63s, 63t, 63u, 63v, 63w, 63x, 63y, 63z, 64, 64a, 64b, 64c, 64d, 64e, 64f, 64g, 64h, 64i, 64j, 64k, 64l, 64m, 64n, 64o, 64p, 64q, 64r, 64s, 64t, 64u, 64v, 64w, 64x, 64y, 64z, 65, 65a, 65b, 65c, 65d, 65e, 65f, 65g, 65h, 65i, 65j, 65k, 65l, 65m, 65n, 65o, 65p, 65q, 65r, 65s, 65t, 65u, 65v, 65w, 65x, 65y, 65z, 66, 66a, 66b, 66c, 66d, 66e, 66f, 66g, 66h, 66i, 66j, 66k, 66l, 66m, 66n, 66o, 66p, 66q, 66r, 66s, 66t, 66u, 66v, 66w, 66x, 66y, 66z, 67, 67a, 67b, 67c, 67d, 67e, 67f, 67g, 67h, 67i, 67j, 67k, 67l, 67m, 67n, 67o, 67p, 67q, 67r, 67s, 67t, 67u, 67v, 67w, 67x, 67y, 67z, 68, 68a, 68b, 68c, 68d, 68e, 68f, 68g, 68h, 68i, 68j, 68k, 68l, 68m, 68n, 68o, 68p, 68q, 68r, 68s, 68t, 68u, 68v, 68w, 68x, 68y, 68z, 69, 69a, 69b, 69c, 69d, 69e, 69f, 69g, 69h, 69i, 69j, 69k, 69l, 69m, 69n, 69o, 69p, 69q, 69r, 69s, 69t, 69u, 69v, 69w, 69x, 69y, 69z, 70, 70a, 70b, 70c, 70d, 70e, 70f, 70g, 70h, 70i, 70j, 70k, 70l, 70m, 70n, 70o, 70p, 70q, 70r, 70s, 70t, 70u, 70v, 70w, 70x, 70y, 70z, 71, 71a, 71b, 71c, 71d, 71e, 71f, 71g, 71h, 71i, 71j, 71k, 71l, 71m, 71n, 71o, 71p, 71q, 71r, 71s, 71t, 71u, 71v, 71w, 71x, 71y, 71z, 72, 72a, 72b, 72c, 72d, 72e, 72f, 72g, 72h, 72i, 72j, 72k, 72l, 72m, 72n, 72o, 72p, 72q, 72r, 72s, 72t, 72u, 72v, 72w, 72x, 72y, 72z, 73, 73a, 73b, 73c, 73d, 73e, 73f, 73g, 73h, 73i, 73j, 73k, 73l, 73m, 73n, 73o, 73p, 73q, 73r, 73s, 73t, 73u, 73v, 73w, 73x, 73y, 73z, 74, 74a, 74b, 74c, 74d, 74e, 74f, 74g, 74h, 74i, 74j, 74k, 74l, 74m, 74n, 74o, 74p, 74q, 74r, 74s, 74t, 74u, 74v, 74w, 74x, 74y, 74z, 75, 75a, 75b, 75c, 75d, 75e, 75f, 75g, 75h, 75i, 75j, 75k, 75l, 75m, 75n, 75o, 75p, 75q, 75r, 75s, 75t, 75u, 75v, 75w, 75x, 75y, 75z, 76, 76a, 76b, 76c, 76d, 76e, 76f, 76g, 76h, 76i, 76j, 76k, 76l, 76m, 76n, 76o, 76p, 76q, 76r, 76s, 76t, 76u, 76v, 76w, 76x, 76y, 76z, 77, 77a, 77b, 77c, 77d, 77e, 77f, 77g, 77h, 77i, 77j, 77k, 77l, 77m, 77n, 77o, 77p, 77q, 77r, 77s, 77t, 77u, 77v, 77w, 77x, 77y, 77z, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, 78p, 78q, 78r, 78s, 78t, 78u, 78v, 78w, 78x, 78y, 78z, 79, 79a, 79b, 79c, 79d, 79e, 79f, 79g, 79h, 79i, 79j, 79k, 79l, 79m, 79n, 79o, 79p, 79q, 79r, 79s, 79t, 79u, 79v, 79w, 79x, 79y, 79z, 80, 80a, 80b, 80c, 80d, 80e, 80f, 80g, 80h, 80i, 80j, 80k, 80l, 80m, 80n, 80o, 80p, 80q, 80r, 80s, 80t, 80u, 80v, 80w, 80x, 80y, 80z, 81, 81a, 81b, 81c, 81d, 81e, 81f, 81g, 81h, 81i, 81j, 81k, 81l, 81m, 81n, 81o, 81p, 81q, 81r, 81s, 81t, 81u, 81v, 81w, 81x, 81y, 81z, 82, 82a, 82b, 82c, 82d, 82e, 82f, 82g, 82h, 82i, 82j, 82k, 82l, 82m, 82n, 82o, 82p, 82q, 82r, 82s, 82t, 82u, 82v, 82w, 82x, 82y, 82z, 83, 83a, 83b, 83c, 83d, 83e, 83f, 83g, 83h, 83i, 83j, 83k, 83l, 83m, 83n, 83o, 83p, 83q, 83r, 83s, 83t, 83u, 83v, 83w, 83x, 83y, 83z, 84, 84a, 84b, 84c, 84d, 84e, 84f, 84g, 84h, 84i, 84j, 84k, 84l, 84m, 84n, 84o, 84p, 84q, 84r, 84s, 84t, 84u, 84v, 84w, 84x, 84y, 84z, 85, 85a, 85b, 85c, 85d, 85e, 85f, 85g, 85h, 85i, 85j, 85k, 85l, 85m, 85n, 85o, 85p, 85q, 85r, 85s, 85t, 85u, 85v, 85w, 85x, 85y, 85z, 86, 86a, 86b, 86c, 86d, 86e, 86f, 86g, 86h, 86i, 86j, 86k, 86l, 86m, 86n, 86o, 86p, 86q, 86r, 86s, 86t, 86u, 86v, 86w, 86x, 86y, 86z, 87, 87a, 87b, 87c, 87d, 87e, 87f, 87g, 87h, 87i, 87j, 87k, 87l, 87m, 87n, 87o, 87p, 87q, 87r, 87s, 87t, 87u, 87v, 87w, 87x, 87y, 87z, 88, 88a, 88b, 88c, 88d, 88e, 88f, 88g, 88h, 88i, 88j, 88k, 88l, 88m, 88n, 88o, 88p, 88q, 88r, 88s, 88t, 88u, 88v, 88w, 88x, 88y, 88z, 89, 89a, 89b, 89c, 89d, 89e, 89f, 89g, 89h, 89i, 89j, 89k, 89l, 89m, 89n, 89o, 89p, 89q, 89r, 89s, 89t, 89u, 89v, 89w, 89x, 89y, 89z, 90, 90a, 90b, 90c, 90d, 90e, 90f, 90g, 90h, 90i, 90j, 90k, 90l, 90m, 90n, 90o, 90p, 90q, 90r, 90s, 90t, 90u, 90v, 90w, 90x, 90y, 90z, 91, 91a, 91b, 91c, 91d, 91e, 91f, 91g, 91h, 91i, 91j, 91k, 91l, 91m, 91n, 91o, 91p, 91q, 91r, 91s, 91t, 91u, 91v, 91w, 91x, 91y, 91z, 92, 92a, 92b, 92c, 92d, 92e, 92f, 92g, 92h, 92i, 92j, 92k, 92l, 92m, 92n, 92o, 92p, 92q, 92r, 92s, 92t, 92u, 92v, 92w, 92x, 92y, 92z, 93, 93a, 93b, 93c, 93d, 93e, 93f, 93g, 93h, 93i, 93j, 93k, 93l, 93m, 93n, 93o, 93p, 93q, 93r, 93s, 93t, 93u, 93v, 93w, 93x, 93y, 93z, 94, 94a, 94b, 94c, 94d, 94e, 94f, 94g, 94h, 94i, 94j, 94k, 94l, 94m, 94n, 94o, 94p, 94q, 94r, 94s, 94t, 94u, 94v, 94w, 94x, 94y, 94z, 95, 95a, 95b, 95c, 95d, 95e, 95f, 95g, 95h, 95i, 95j, 95k, 95l, 95m, 95n, 95o, 95p, 95q, 95r, 95s, 95t, 95u, 95v, 95w, 95x, 95y, 95z, 96, 96a, 96b, 96c, 96d, 96e, 96f, 96g, 96h, 96i, 96j, 96k, 96l, 96m, 96n, 96o, 96p, 96q, 96r, 96s, 96t, 96u, 96v, 96w, 96x, 96y, 96z, 97, 97a, 97b, 97c, 97d, 97e, 97f, 97g, 97h, 97i, 97j, 97k, 97l, 97m, 97n, 97o, 97p, 97q, 97r, 97s, 97t, 97u, 97v, 97w, 97x, 97y, 97z, 98, 98a, 98b, 98c, 98d, 98e, 98f, 98g, 98h, 98i, 98j, 98k, 98l, 98m, 98n, 98o, 98p, 98q, 98r, 98s, 98t, 98u, 98v, 98w, 98x, 98y, 98z, 99, 99a, 99b, 99c, 99d, 99e, 99f, 99g, 99h, 99i, 99j, 99k, 99l, 99m, 99n, 99o, 99p, 99q, 99r, 99s, 99t, 99u, 99v, 99w, 99x, 99y, 99z, 100, 100a, 100b, 100c, 100d, 100e, 100f, 100g, 100h, 100i, 100j, 100k, 100l, 100m, 100n, 100o, 100p, 100q, 100r, 100s, 100t, 100u, 100v, 100w, 100x, 100y, 100z.
- 44 Proceedings already initiated for the punishment of Fascist crimes for purgation and for the forfeiture of profit derived from the regime shall be carried through in accordance with the provisions of this decree, without prejudice to any action already taken incompatible with these rules.
Decisions already given shall be reviewed if they are in conflict with the provisions of this decree.
- 45 Successive decrees will be issued to provide when necessary for the execution of the rules established by the preceding Parts. by
The Minister of the Treasury is hereby authorized to make his own decrees the necessary variations in the State budget occasioned by the functioning of the High Commissioner and the organizations established by this decree.
- 46 Royal Decree Laws 9 August 43 No 720, of 28 December 43 No 29/2, of 26 May 44 No 134, are hereby abrogated.
The provisions contained in Royal Decree Law 12 April 44 No 101, so far as they relate to the contents of this decree are also abrogated.
- 47 This decree will come into force etc. etc.

Declassified E.O. 12356 Section 3.3/NND No. 785013

RED/njp

SO 000.1

3 August 1944

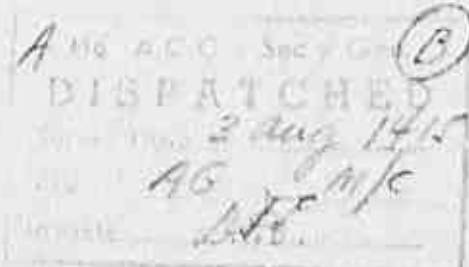
SUBJECT: Definition of the Word "Fascist"

TO : Brigadier M. Carr, Regional Commissioner, Region VI

1. Reference your L/1423 of 24 July 44, subject as above, when the memoranda of the Chief Commissioner dated 24 May 1944 were prepared, one of them contained a list of fascist officials. This list was taken from an article of a proposed General Order dealing with the broad subject and therefore contained references to another article of this same proposed General Order. However, this General Order was not issued and when the Article 3 was made into the list you referred to, references to Article 4 were not cut out. You may disregard all references to Article 4.

2. You will appreciate the fact that the above mentioned memoranda as well as Executive Memorandum No. 67 were intended for use only in Military Government Territory and particularly in the forward areas.

ROBERT E. DOX
Major, A.G.D.
Secretary General



6440

HEAD QUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

HQ ACC, APO 394
Sec'y Gen.
Rec'd 2 Aug 44
By *[Signature]*
/pa.
2 Aug 44.

ACC/4039/1/L.

MEMORANDUM TO : Secretary General .

1. I suggest that your reply to the letter of 24 July 1944 from RC Region VI as follows :

" Reference your L/1423 of 24 Jul 44, *(1/2)*

When the memoranda of the Chief Commissioner dated 24 May 1944 were prepared, one of them contained a list of fascist officials. This list was taken from an article of a proposed General Order dealing with the broad subject and therefore contained references to another article of this same proposed General Order. However, this General Order was not issued and when the Article 3 was made into the list you referred to, references to Article 4 were not cut out. You may disregard all references to Article 4.

" You will appreciate the fact that the above mentioned memoranda as well as Executive Memorandum No.67 were intended for use only in Military Government Territory and particularly in the forward areas. "

Richard H. Wilmer
RICHARD H. WILMER,
Colonel, CAC,
Acting Chief Legal Officer.

6439

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/320A7/Ca

1 August 1944

SUBJECT: Treatment of Italian Officials Encountered in Advance Northwards.

TO : R.C.'s Regions IV, V, VIII and IX and "3"
SCAO's AMG 5th & 8th Armies
A/Chief Commissioner
Admin. Section
Economic Section
Security Branch
P.R.O.

1. I refer to para 5 of Executive Memorandum No. 67 which supercedes para 4 of Chief Commissioner's directive of 24 May 1944.

2. For the sake of uniformity of procedure and records, when AMG officers consider that an Italian official (or other civilian) should be interned as potentially dangerous to our security, they shall normally arrange for the necessary action to be taken by the nearest F.S. Section/C.I.C. Detachment. Where this is impracticable such man should be handed over to FSS/CIC as soon after the arrest as possible together with the arrest forms and all relevant documents.

3. It is emphasized that all persons potentially dangerous should be interned, and that all internees whether interned on military or political grounds will be sent through PW channels to Padula Camp. It is very desirable that proper investigation and enquiries should be made in every case before arrest. This investigation should be done whenever possible by FSS/CIC personnel in respect of those thought to be dangerous both from a military and from a political standpoint. Where FSS/CIC personnel are not available this investigation will have to be done by AMG officers and for this purpose use should be made of the Anti-Fascist advisers, the names of which have been sent to SCAO's Fifth and Eighth Armies and Region VIII in respect of FLORENCE, PISA, LUCCA and LA SPEZIA. Lists of other names for other towns will be sent when available.

1. I refer to para 5 of Executive Memorandum No. 67 which supercedes para 4 of Chief Commissioner's directive of 24 May 1944.

2. For the sake of uniformity of procedure and records, when AMG officers consider that an Italian official (or other civilian) should be interned as potentially dangerous to our security, they shall normally arrange for the necessary action to be taken by the nearest F.S. Section/C.I.C. Detachment. Where this is impracticable such man should be handed over to PSS/CIC as soon after the arrest as possible together with the arrest forms and all relevant documents.

3. It is emphasized that all persons potentially dangerous should be interned, and that all internees whether interned on military or political grounds will be sent through PW channels to Padula Camp. It is very desirable that proper investigation and enquiries should be made in every case before arrest. This investigation should be done whenever possible by PSS/CIC personnel in respect of those thought to be dangerous both from a military and from a political standpoint. Where PSS/CIC personnel are not available this investigation will have to be done by AMG officers and for this purpose use should be made of the Anti-Fascist advisers, the names of which have been sent to SCAO's Fifth and Eighth Armies and Region VIII in respect of FLORENCE, PISA, LUCCA and LA SPEZIA. Lists of other names for other towns will be sent when available.

4. After the investigation referred to in para 3 above has been made and a decision reached as to who should be interned, a list of such persons, giving brief reasons and particulars, should be forwarded to V.E. Admin. Section.

5. It is probable that, as a precautionary measure, a number of persons will be arrested, before a proper investigation can be made, because they are suspected of being dangerous. In such cases, any investigation should be made as early as possible after their arrest in accordance with the principles described in para 3 above. Those who are no longer considered, after such investigation, to be potentially dangerous, will be released immediately.

Copy to: HQ. AAI (GSI(b) Ref AAI/L402/5/GSI(b) of 18 July 44. With the request that PSS/CIC be asked whenever possible to make the investigation mentioned in para 3 & 5 and to prepare the lists in para 4.

NORMAN E. FISKE
Colonel
Deputy Executive Commissioner

File A (B)

C O P Y

Memo:

TO: Acting Chief Commissioner

Under the new decree all except purely local bodies (i.e. bodies depending from Provinces or Communes) will be purged nationally, therefore SET will be purged by a National Commission.

/s/ G. R. Upjohn

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

ADMIN SEC
2 Aug 44.

~~seen~~ by EWS/

C O P Y

6437

Files A(B)

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY OF NOTE, ADDRESSED TO VP, ADMINISTRATIVE SECTION BY ONE OF HIS STAFF.

VP.

SET is the Southern Italian Telephone concern of which Pellegrini is manager.

The appropriate descriptions in the act under one of which it must come are:

Concerns "dependant" from the Central Administration.
Private concerns engaged in the public service.
Firms recognized as being of "national" interest.

In this context I do not think that national means state nor need it concern every corner of the country. I think it means substantially more than merely local and of moment to the national interest.

SET could be considered to come under any of these. They are all defascised nationally. The only bodies that are defascised locally are bodies for which communes or provinces are themselves responsible - bodies described as "dependent" from them

/s/ ?

1 Aug 1944

Files A (B)

C O P Y

6436

43

Declassified E.O. 12356 Section 3.3/NND No. 785013

Col. Upjohn ←
See my question - pls.

30 JUL 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/2.B/AS.

30 JUL 44.

SUBJECT : Defascism.

TO : ROEC Section (2)
Economic Section (10)
Political Section (2)
Navy Sub-Commission (2)
Army Sub-Commission (2)
Air Sub-Commission (2)
Communications S.O. (2)

1 The Defascism Decree has been issued and will at once come into force in both Military and Italian Government Territory.

2 A translation of the relevant parts is being prepared and will be circulated as soon as possible.

3 The attention of Sub Comms mentioned in Col 2 of A/CC 250 of 15 Jul is drawn to the fact that there is no longer even a purely theoretical reason for Ministries not submitting the names of the persons appointed to Ministerial Commissions.

4 It is also pointed out that para 7 of A/CC of 15 Jul is no longer correct; the defascising of national concerns under the new decree is the responsibility of the Ministerial Commission responsible in Italian law for control of the concerns in question. The supervision of defascising these concerns including their branch offices will therefore devolve upon the sub-commissions concerned who can of course act through their "field officers".

Copy to : Acting Chief Commissioner
Administrative Section (10)

G. R. UPJOHN Col,
L/Md Admin Sec.

SMA/gal.

Ext 608.

Files A (B)

6435

43

In SET p.
national concern?
EWS

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

200-2-100-394

215-1 Gen.
298-1445

OK

24th July 1944

To : H.Q., A.C.C., Office of the Secretary General.

Subject : Definition of the word "Fascist".

Reference: L/1423.

Ref. your SG OCO-1 dated 8th July 1944 enclosing copy of Executive Memorandum No. 67 the following points arise:

- 40
- 1) Para. 1 of ~~the~~ Executive Memorandum No. 67 refers to the directive and "the separate Memorandum" of the Chief Commissioner both dated 24 May 1944. All that was received at this Headquarters along with the Chief Commissioners letter CC/G/331 dated 24 May 1944 was an undated list defining categories of persons who should be regarded as Fascists. Is this list, what is referred to as "the separate Memorandum"? If not, this H.Q. has not been in possession of all the essential information relative to this matter.
- 2) Executive Memorandum No. 67 and lists "A" and "B" thereto annexed do not answer the question raised in my L/1423 dated 6 June 1944. List "B" contains a reference at para D to "Art. IV" which was also referred to in paras. (e), (f) and (g) of the undated list (referred to in para. 1 hereof) annexed to the Chief Commissioner's letter of 24th May. Assuming this latter list is now superseded by list "B", the reference to Art. IV in para D of list "B" still remains to be explained. May the matter be clarified, please?

received at this Headquarters along with the Chief Commissioners letter CC/G/331 dated 24 May 1944 was an undated list defining categories of persons who should be regarded as Fascists. Is this list, what is referred to as "the Separate Memorandum"? If not, this H.Q. has not been in possession of all the essential information relative to this matter.

2) Executive Memorandum No. 67 and lists "A" and "B" thereto annexed do not answer the question raised in my L/1423 dated 6 June 1944. List "B" contains a reference at para D to "Art. IV" which was also referred to in paras (e), (f) and (g) of the undated list (referred to in para 1 hereof) annexed to the Chief Commissioner's letter of 24th May. Assuming this latter list is now superseded by list "B", the reference to Art. IV in para D of list "B" still remains to be explained. May the matter be clarified, please?

MC/cjm

M. Carr

M. CARR
Brigadier
Regional Commissioner

6:34

15
Sep

AJC/dfe

SO 000.1

8 July 1944

Regional Commissioner
Region VI

Enclosed for your information is a copy of Executive Memorandum
No. 67, which will answer the question raised in your letter L/1423
of 6 June 1944.

A. J. COLLINS
Captain, R.E.
Assistant Secretary General

6433

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

8 June 1944
JLD

6th June 1944. 2 copies

To : Headquarters, Allied Control Commission,
(Office of the Chief Commissioner)

Subject : Definition of the word "Fascist"

Reference : L/1423.

Reference your Memorandum CC/G/331 dated 24 May 1944 and list attached thereto paras (c) (f) and (g) of the list refer to Article IV. The list is evidently an appendix to an Order of which a copy is not held at this Headquarters. May a copy of the Order in question or at least of Article 4 thereof be forwarded please?

36
M. Carr Brigadier

M. CARR.
Brigadier.

Regional Commissioner.

RUSA/njs.

Dir. to Col. Ypjohn. (9 June 44)

File (8)

6432

SECRET

FHMM/rj

NF

Ref. CC/G/333.

24th. May, 1944.

MEMORANDUM:

TO: Vice-President,
Administrative Section,
Rear HQ, A.C.C..

1. I attach herewith a report by Lieut-Comdr. J.J. Lawler, Finance Sub-Commission, which has been handed to me by Colonel Foley.
2. The report reveals a most unsatisfactory state of affairs.
3. As regards the summary and recommendations on page 4:-
 - (a) The summary calls for little comment except that urgent action is very clearly indicated.
 - (b) As regards the recommendations. Various Sub-Commissions and various Ministries of the Italian Government are involved but in my opinion on our side of the house the task of eliminating Fascist organisations is one which should be dealt with by the Interior Sub-Commission working in close cooperation with the Executive Commissioner.
4. Acting on the assumption that Comdr. Lawler's report represents accurately the state of affairs, I would be glad if you would give this question your immediate attention. Should you require the services of any particular officer or officers to occupy themselves entirely with this question and to effect the necessary coordination both on our side and on the Italian side, I would endeavour to make him or them available. I feel, however, that however you decide to tackle the question, the work should be done under the umbrella of the Interior Sub-Commission.
5. I would be grateful if you would let me have your views and comments as early as possible.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner

File (B)

6437

SECRET

FRM/rj

HEADQUARTERS ALLIED CONTROL COMMISSION

Office of the Chief Commissioner

APO 394

Ref. CC/G/332.

24th. May, 1944.

MEMORANDUM:

TO: Vice-President,
Administrative Section,
Rear HQ, A.C.C..

- 36
1. Reference attached memorandum to Regional Commissioners and S.C.A.O.s.
 2. I would be glad to have your approval and that of the C.L.O. before issue.

I have already discussed this question with C.L.O..
 3. I would be glad of earliest possible reply.

File (C)

Noel Mason MacFarlane
NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

6430

SECRET

FRM/rj

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Chief
Commissioner.

Ref. CC/3/331.

24th. May. 1944.

MEMORANDUM:

TO: Regional Commissioner, Region I
" " " II
" " " III
" " " IV
" " " V
" " " VI
" " " VII
S.C.A.O. A.M.G. 8 ARMY (Field)
" " 5 ARMY (Field)
" " 5 ARMY (Home HQ)

-2 Copies also to Col. Upjohn
Copy (2) to Lt. Macnamara, Liaison Sec.
(1 for AAI + 1 for file)

In dealing with the always difficult question of deciding whether an individual should be considered "Fascist" and, therefore, debarred from employment in a public capacity, unless the circumstances are most exceptional, the attached list which defines categories of persons who should be regarded as Fascist is issued as a guide.

NORL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

File ③

6429

For The Purpose of This guide,
The Terms "~~fascism~~" "~~fascist~~" "~~fascist party~~" and
"fascist regime" include ~~the~~ ~~fascist~~
~~party and regime~~ ~~which~~
their equivalents as set up by
Mussolini after The Revolution.

RA / Understood that this
is being incorporated into the
document before issue. See up other
attached major doc. Number 36

a. a person who has the title or qualification of "censopolista", "esquadrista", "antemarcia", "marcia au Rome", or "schiarza Littoria";

b. a person who was, during the fascist regime, a member of the Central Government, a member of the Grand Council, a member of the Academy of Italy, or a member of the Special Court for the Defense of the State;

c. a person who was a president, vice-president or executive secretary of a corporation, confederation, federation, or syndical union;

d. a person who was a national secretary or national vice-secretary of the fascist party, or a member of the National Directory, or a national inspector;

e. a person who was a member of the fascist party and who was nominated as a Senator on or after 3 January 1925 and who subsequently to such nomination obtained any office or post in any administration or undertaking included in Article IV;

f. a person who was nominated as a Senator before 3 January 1925 and who, after that date, joined the fascist party and subsequently obtained any office or post in any administration or undertaking included in Article IV;

g. a person who was a fascist member of parliament or who was a National Counsellor;

h. a person who was a federal secretary, a federal vice-secretary or an administrative vice-secretary;

i. a person who was a member of the Federal Director or of the Directory of a fascio di combattimento or a fiduciario regionale of a chief center of a province;

j. a person who was a federal inspector or a zone inspector;

k. a person who was a president or a member of the corte centrale or the federal disciplinary commission of the fascist party;

l. a person who was, during the fascist regime, a president or a vice-president or consultore or rector of a provincial administration;

m. a person who was, during the fascist regime, a mayor, vice mayor or a governmental or prefectural commissioner of a chief center of a province;

n. a person who was, during the fascist regime, a mayor of a commune which had, at the date of the last census, a population of more than 50,000;

o. a person who was a political secretary;

p. a person who was a provincial fiduciaria of the female fasci;

q. a person who was, during the fascist regime, a president, a vice-president,

...vice-secretary, a regional vice-secretary or an administrative vice-secretary;

- i. a person who was a member of the Federal Director or of the Directorate of a fascio di combattimento or a fiduciario regionale of a chief center of a province;
- j. a person who was a federal inspector or a zone inspector;
- k. a person who was a president or a member of the corte centrale or the federal disciplinary commission of the fascist party;
- l. a person who was, during the fascist regime, a president or a vice-president or consultore or rector of a provincial administration;
- m. a person who was, during the fascist regime, a mayor, vice mayor or a governmental or prefectural commissioner of a chief center of a province;
- n. a person who was, during the fascist regime, a mayor of a commune which had, at the date of the last census, a population of more than 50,000;
- o. a person who was a political secretary;
- p. a person who was a provincial fiduciaria of the female fasci;
- q. a person who was, during the fascist regime, a president, a vice-president, a director or a manager of an administration or undertaking included in Article IV of this Order;
- r. a person who was, during the fascist regime, a political radio commentator;
- s. a person who was, during the fascist regime, a director or chief editor of a newspaper or a political magazine;
- t. a person who was a professional journalist or publicist and who, after 3 January 1925, exalted the ideas and political aims of fascism;
- u. a person who was a member of the Milizia Volontaria Sicurezza Nazionale in permanent active service, and who was not a person referred to in any other paragraph of this Article and who, while such a member, was
 - (1) a member of the Milizia Contraccorsa or the Milizia Costiera; or
 - (2) a member of the Milizia Forestale who had been an official or employee of the former forest administration before the creation of the Milizia Forestale; and
- v. a person who has been decorated by the German Government for special political services rendered to the Nazi party.

- NOTE: For the purpose of this article, the terms "fascist", "fascist party" and "fascist regime" include their equivalents as set up by Mussolini after the armistice.

Cy St 25 Jan
File 8

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

181
29 July 1944
DRR

05/54/1

29 July 1944

SUBJECT: Pellegrini.

TO : Acting Chief Commissioner.

1. The purge decree will be made applicable to all Military Government Territory including Naples as soon as possible.

2. Col. Cripps is seeing RC Region III today and explaining the position, he will if possible bring back with him the records in the Pellegrini case.

3. I have this morning seen Scossiamarro (Communist) the new commissioner for Epuration under Sforza who has only just been appointed and not yet entered his office is going to take up the Pellegrini case as an urgent matter having absolute priority.

4. Major Scudder (in the absence of Col. Henderson who is unwell) has been informed of your plan and he is anxiously looking around for a possible successor. In his view, Pellegrini's deputy would not fill the bill.

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

1-463

1. The purge decree will be made applicable to all Military Government Territory including Naples as soon as possible.

2. Col. Cripps is seeing RC Region III today and explaining the position, he will if possible bring back with him the records in the Pellegrini case.

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4. Major Scudder (in the absence of Col. Henderson who is unwell) has been informed of your plan and he is anxiously looking around for a possible successor. In his view, Pellegrini's deputy would not fill the bill.

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

Deface

File A-7B

(55)

SECRET

AFHQ

HQ ACC

S-300

26 JUL

folio # 24

SECRET

PRIORITY

ACTING CHIEF COM.

239

F - 7 26 4 5

S - 295

REFERENCE YOUR FOX SEVEN TWO SIX FOUR NINE OF JULY FIFTEEN AND OUR SUGAR TWO

NINE FIVE OF JULY SEVENTEEN PD PARKER TO AFHQ FROM HQ ACC SIGNED STONE PARKER

I AM INFORMED PELLERINI HAS BEEN SUSPENDED BY CHINA NAVALS INFORMATION COMMITTEE

PD WOULD STRONGLY STRESS THAT ANY INTERFERENCE WITH PROCESS OF LAW WILL CREATE

CRITICAL LAWR AND POLITICAL SITUATIONS

AUTHENTICATED:

WILLIAM W. STONE
Captain, USNR
Acting Chief Commissioner

235-502
[Signature]

DISTRIBUTION:

1 - VP Fleet File

cc Communications SC

Folio 642 (5)

(34)

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref/313/ /CA

22 July 1944

SUBJECT: Italian Advisors on Defascistization.

TO : SCAO 8th Army and R.C. Region VIII

1. I refer to my Signal No. 681 of 18 July to AMG 8th Army in which was set out the names of four antifascist citizens of Florence who should be consulted as to the removal of fascists in that City.

2. I am now in a position to give three names for PISA and LUCCA which are as follows:

PISA Avv. ARMANDO DELLO SBARBA
Prof. VINCENZO ROSSI

Former Cabinet Minister.
Director of Clinica Oculistica
University.

LUCCA Prof. MANCINI

Former MP of Pisa University.

3. I must emphasize that these names are given to you to assist you by advice and it is not intended that they should hold any office. It is necessary that consultation with them be kept strictly secret so as not to compromise either the persons themselves or their future usefulness.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

Copy to:

Admin. Section
A/Chief Commissioner.

6426

(33)

CONFIDENTIAL

ENS/hjp

A/CC 250

21 July 1944

Brigadier General T. J. Tully, U. S. Army
Deputy Chief Signal Officer
Allied Force Headquarters
APO 312

File AY (13)

Dear General Tully:

I have received your letter of 18 July reference to Count Ugo Pellegrini.

With particular reference to paragraph 4 of your letter "that ACC refrain from taking any further steps to encourage in any way the removal of this man from our services", the Allied Control Commission has taken no steps to encourage the removal of Count Pellegrini. I feel obliged, however, to point out that if, in accordance with Italian law, the Italian authorities should institute proceedings against him, an unfortunate political situation might be created by an Allied intervention or insistence upon Count Pellegrini retaining his present position.

Sincerely,

WILHELM B. STONE
Captain, USNR
Acting Chief Commissioner

cc: HQ AAI
Comm Sub-Com

6423

CONFIDENTIAL

(32)

SECRET & CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

File 10 B

DF/4/1.1/AS

19 Jul 44

SUBJECT: SCAO's Advisers.

7 (24?)

TO : Executive Commissioner.

Further to my DF/4/1A/AS of 14 Jul.

1 I submit the names of six other Italians who are in a position to give useful advice to SCAO's when composing the list of fascists in respect of the towns under which their names appear.

<u>PISA</u>	Avv. ARNALDO DELLO SBARBA Prof. VINCENZO ROSSI	Former Cabinet Minister. Director of Clinica Oculistica, University.
<u>LUCCA</u>	Prof. MANCINI,	Former MP of Pisa University.
<u>SPEZIA</u>	Avv. PAOLO BORACCHIA Dott. R. GAMBINI Dott. BEGHI	

2 It is of course understood that the above would act as advisers only, and not that they should hold any office. It is desired that consultation shall be as secret as reasonably may be, so as not to compromise either the persons named or their future usefulness.

/s/ G. R. UPJOHN, Col
A/Head, Adm Sec

Copy to: Acting Chief Commissioner.

0001 Reference

6422

(30)

1971

Declassified E.O. 12356 Section 3.3/NND No. 785015

116 Sec'y Gen.
Rec'd 22 July 1944
By DRK

RJO/TJT/djp
APO 512, U. S. Army
18 July 1944

File A-9(B)

Capt. Ellery W. Stone, USMC,
Deputy Chief Commissioner,
Hq. Allied Control Commission,
c/o Rome Area Command,
APO 394, U. S. Army.

My dear Stone:

1. Your letter of 11 July 1944, reference Count Ugo Pellegrini,
has just been brought to my attention.

2. I do not know what your source of information is in connection
with this case, but from a military communications standpoint this man
has been invaluable, and is so rated by every Signal Officer with whom
he has been dealing. If it had not been for his whole-hearted coopera-
tion I can assure you that our military communications over the past few
months in Italy would have been very much inferior to what they actually
were, and are today. He certainly has "played ball" with us as well, if
not better, than a great number of high ranking officials who were fighting
against us only a few months ago, but later joined our cause.

3. I am further informed that this man has been checked by both the
U. S. and British military security agencies and has their approval to work
for us.

4. From a strictly military operational requirement standpoint, it is
requested that ACC refrain from taking any further steps to encourage in any
way the removal of this man from our services. In the meantime, the matter
has been presented to the Chief of Staff, AFHQ, where it will be taken up on
the highest level to insure that any decisions that are made in this case are
made with the full knowledge that this man is considered a valuable asset to
Allied communication services in Italy.

Yours truly,

T. J. TULLY,
Brigadier General, U. S. Army, 6421
Deputy Chief Signal Officer.

cc to:
Mr. Murphy

100-5-1000

(32)

1 9 7 2

Declassified E.O. 12356 Section 3.3/NND No. 785015

File A 9 (B)

SECRET

AFHQ RPTD AFHQ ADV

HQ ACC

8-295

17 JUL

SECRET

PRIORITY

ACTING CHIEF COMM.

7 2 6 4 9 *folio #18*

REFERENCE OUR FOX SEVEN TWO SIX FOUR NINE OF FIFTEEN JULY CITE PHOED PD PARK
TO AFHQ RPTD AFHQ ADV FROM HQ ACC SIGNED STONE PARK NO APPROACH BY ITALIAN
GOVERNMENT BUT DEFAECISTATION COMMITTEE CMA HAYLES CMA NEW SITTING MAY CALL
ON PELLEGRINI AT ANY MOMENT TO FILE HIS SCHEDULE PERSONAL AND WILL PROBABLY
SUBSEQUENTLY WISH TO SUSPEND HIM PENDING HEARING PD NOT POSSIBLE NOW TO STATE
WHEN THIS MAY HAPPEN

AUTHENTICATED:

250

L. D. DUNSMORE
Colonel, Sig C
Chief Staff Officer

DISTRIBUTION:
Communications Sub-Com.

642

SECRET

PELLEGRINI

0005-

(21)

SECRET

944

Files A (B)

ACC

AFHQ SIGNED CINC

F72649

JULY 15 1957

37/16

SECRET

ROUTINE

CITE..FHGEG

REFERENCE YOUR LETTER A/CC250 OF 11 JULY.

PELEGRINI MATTER UNDER DISCUSSION HERE. PENDING DECISION REQUEST
PROMPT ADVICE ANY DEVELOPMENTS BRINGING SITUATION TO A HEAD

ACC DISTN
Action...Sec Gen
Info.....A/CC
File
Float....2

*Capt. Stone wishes you to consult Col. Chapman
as for new developments and then reply
to this signal.*

SECRET

JULY 16 1957

28

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

A/SC 250

15 Jul 44

SUBJECT : Defascistization.

TO : Distribution Below.

- 1 This memorandum is concerned with the defascistization of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmental representatives in the field e.g. Prefects.
- 2 In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistization of the personnel in his ministry and it is essential that such work be completed as soon as possible.
- 3 In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that these boards are immediately set up (where this has not already been done), and that they carry out their work speedily and effectively.
- 4 Appended below are the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances (e.g. Public Safety in the Ministry of Interior) more than one Sub-Commission is concerned. In these cases, the Sub-Commission named in column 2 will be the responsible authority and will co-ordinate the work with those named in column 3.

MINISTRY		Sub-Comm or Section	
Foreign Affairs	Interior	Political Section	Interior
		Sub Comm	Public Health Public Safety ECG in Press. and Information.

3 In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that those boards are immediately set up (where they have not already been done), and that they carry out their work speedily and effectively.

4. Appended below are the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances (e.g. Public Safety in the Ministry of Interior) more than one Sub-Commission is concerned. In these cases, the Sub-Commission named in column 2 will be the responsible authority and will coordinate the work with those named in column 3.

<u>MINISTRY</u>	<u>Sub-Comm or Section</u>	<u>Sub Comm</u>
Foreign Affairs	Political Section	-
Interior	Interior	{ Public Health Public Safety PRC re Press. and Information.
Grace and Justice	Legal	Public Safety
Treasury Finance }	Finance	Property Control 6418
Industry, Commerce & Labour	Commerce	{ Industry (Labour
Public Works	Public Works	-
Agriculture	Agriculture	Food
Public Instruction	Education	MSA
WAR	ARMY	-
Aviation	Air	-
Marine	Navy	-
Communications (Posts & Tel)	Communications (Roads & Rlys) Transportation	Shipping.

(27)

-2-

5 If Sub-Commissions have any information as to the fascist antecedents of any person concerned in their ministry, they should place any such information at the disposal of the minister concerned. If there is any doubt as to whether any information should or should not be disclosed on security grounds, the Security Branch BC & MC will be consulted.

6 It is obviously impracticable that all the personnel of ministries should be screened by the Security Branch. Directors of Sub-Commissions will exercise their discretion in reformatting the most important personnel in their respective ministries to the Security Branch for screening; this will particularly apply to the members of the ministerial committees.

7 NATION-WIDE INSTITUTIONS & PARASTATAL INSTITUTIONS.

A separate directive will shortly be issued with regard to the defascistisation of nation-wide institutions (e.g. Banca d'Italia, Banca di Napoli, assurance companies and so on) and of parastatal institutions (C.S. I.R.I., I.M.E. and E.I.A.R.).

In the meantime the following principles are laid down for guidance.

(a) The defascistisation of the Head Office wherever situated of such institutions will be the responsibility of HQ JCC and not of the Regional Commissioner of the Region within which the Head Office is found.

(b) The defascistisation of branch offices, even those situated in the same city as the Head Office, will be the responsibility of the Regional Commissioner of the Region in which such offices are found.

8 Vice Presidents will ensure that the above instructions are carried out in their respective Sections. Progress reports to be rendered weekly commencing MONDAY 24 Jul 44 to Vice President, Administrative Section who will be the coordinating authority.

HARRY W. SPARE

Captain, USAR

Acting Chief Commissioner.

8. The definition of the Head Office wherever situated of such institutions will be the responsibility of HQ JCC and not of the Regional Commissioner of the Region within which the Head Office is found.

(b) The definition of branch offices, even those situated in the city as the Head Office, will be the responsibility of the Regional Commissioner of the Region in which such offices are found.

(c) Vice Presidents will ensure that the above instructions are carried out in their respective Sections. Programs reports to be rendered weekly commencing MONDAY 24 Jul 44 to Vice President, Administrative Section who will be the coordinating authority.

ELMER W. STONE
Captain, USAR
Acting Chief Commissioner.

Distribution:

Acting Chief Commissioner.
Administrative Section
Economic Section
PC & MC Section (for Regions)
Political Section
Navy Sub-Commission
Army Sub-Commission
Air Sub-Commission
Communications Sub-Commission
File

(10)
(10)
(12)
(2)
(2)
(2)
(2)
(2)
(2)
(2)

File A-(B)

FM 37-10

14 July 1944

TO : Vice Presidents
Independent Sub-Commissions
Regional Commissioner, Rome Region
Regional Commissioner, Region IV

Municipal Institutions - Rome Region

National Institutions - Allied Control Commission

3. Orders of dismissal and appointment will be promulgated by the ministry concerned.

DISTRIBUTION

ELBERT W. STONE
Captain, USNR
Acting Chief Commissioner 6

U. S. COFFEE CANAL
Equals British CON. D. N. IAL

1973

Declassified E.O. 12356 Section 3.3/NND No. 785013

COPY

WAS/hjp

A/CC 250

14 July 1944

Dear Prime Minister Bonomi;

14 JUL 1944

7336 (Info #19)

I have to acknowledge your letter of the 26 June relating to your request for the implementation of your defascistization decrees in newly liberated territories as soon as possible.

I asked Colonel Upjohn (Acting Head of the Administrative Section in the absence of Lord Stangate) to discuss this matter with you, which he did last Saturday morning. I should like to affirm once again the points pressed by Colonel Upjohn to you, namely that:

- a. ACC is only too anxious to use, even in territory not yet restored to your administration, Italian Government decrees and agencies.
- b. The matter is vitally urgent and we rely on the Government to complete its plans at the earliest possible moment.

Colonel Upjohn also saw H.E. Count Sforza on Tuesday when the following conclusions were reached subject to your approval:

- a. H.E. Count Sforza undertook, after a discussion with you, to supply in a very few days the names of 3 or 4 fair and just firm anti-fascists who may be expected to be found in each of the principal localities as we move North, and who would be secretly consulted by my officers for advice as to the immediate suspension from office of the important fascists in the locality.
- b. That the amending decree (without which we cannot proceed) will be passed at the meeting of ministers on Saturday next, subject to any small amendments that might be agreed between H.E. Count Sforza and ACC.

You will, I am sure, agree that the above proposals form a basis for a quick and efficient handling of the problem before us and I again urge on you the vital necessity for immediate action in this matter.

Finally, I understand that each Minister has, or is about to set up, a committee to advise him on the defascistization of his own Ministry

25

1980
Declassified E.O. 12356 Section 3.3/NND No. 785015

and I am issuing instructions to my Sub-Commissions to assist in this work with all the power at their means.

Yours very truly,

MILLEN W. STONE
Captain, USNR
Acting Chief Commissioner

His Excellency Ivanoe Bonomi
The President of Council of Ministers
Italian Government

cc: Col. Upjohn, Admin Section

(Draft prepared by Col. Upjohn
A/Head of Admin Sec)

C O P Y

6.15

25

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/14/1A/AS

12 Jul 44

SUBJECT : Defascistisation.

TO : Acting Chief Commissioner.

1. I had a conversation with Count SFORZA yesterday on the above subject.
2. The urgency of the matter was pressed upon the Count and he entirely agreed. IF his actions approximate in any degree to his words, the defascistisation problem will be rapidly solved.
3. The following points were covered:
 - (a) The Count will see Bonomi and in a very few days, let us have lists of 3 or 4 fair and just but firm anti-fascists who may be expected to be found in each of the principal cities in the North. Such lists to be passed on to SCAO's AMG and RC's who would consult these persons as to the principal fascists in important positions in the locality who should be instantly dismissed. The names of such anti-fascists to be kept secret so as to avoid local pressure being brought upon them.
 - (b) The new amending decree will be passed at the Cabinet meeting on Saturday subject to any amendments on minor points that SFORZA and ACC may agree. SFORZA will then see me on Sunday or Monday with one of his staff officers (a hopeful feature) with a view to immediate action being taken thereon.
 - (c) The Count also informed me that in each Ministry a committee had been or would be set up to advise each Minister in defascistising his Ministry. The boards are to deal only with the Ministries their work being confined to that level. To my own knowledge, such committees have been set up in the Ministries of Justice and Foreign Affairs.
4. As I consider that this commission is vitally concerned in the cleansing of ministerial personnel and that we must ensure that this work is carried out speedily and effectively, I submit the attached draft memorandum for your approval and signature. It is addressed to all Sections and branches concerned, who have dealings with Ministries.
5. I also attach for your consideration a draft of a reply to the Prime Minister's letter of the 26 June 44.

6114
/s/ G. R. Upjohn
/v/ G. R. UPJOHN, Colonel
Acting Head Admin Section.

(COPY)

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

MEMORANDUM

— Jul 44

SUBJECT: Defascistisation.

TO : Administrative Section. (10)
Economic Section (10)
Political Section (2)
Navy Sub-Commission (2)
Army Sub-Commission (2)
Air Sub-Commission (2)
Communications Sub-Com (2)

1. This memorandum is concerned solely with the defascistisation of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmental representatives in the field e.g. prefects.
2. In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistisation of the personnel in his ministry and it is essential that such work be completed as soon as possible.
3. In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that these boards are immediately set up (where this has not already been done), and that they carry out their work speedily and effectively.
4. Appended below are the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances e.g. Public Safety in Ministry of Interior, Air in Ministry of War and Aviation, other Sub-Commissions than those named below are concerned. In these instances, the named Sub-Commission will be responsible for co-operation and co-ordination with the other sub-Commissions.

ITALIAN GOVERNMENT

Foreign Office
Ministry of Interior

ACC HQ

Political Section.
Inerior Sub-Commission 6/11

2. In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistisation of the personnel in his ministry and it is essential that such work be completed as soon as possible.
3. In order therefore, to ensure that the various ministries do their work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that these boards are immediately set up (where this has not already been done), and that they carry out their work speedily and effectively.
4. Appended below are the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances e.g. Public Safety in Ministry of Interior, Air in Ministry of War and Aviation, other Sub-Commissions than those named below are concerned. In these instances, the named Sub-Commission will be responsible for co-operation and co-ordination with the other Sub-Commissions.

ITALIAN GOVERNMENT

Foreign Office
 Ministry of Interior
 Ministry of Grace and Justice
 Ministry of Treasury)
 Ministry of Finance)
 Ministry of Industry & Commerce
 Ministry of Public Works
 Ministry of Agriculture
 Ministry of Public Instruction
 Ministry of War & Aviation
 Ministry of Marine
 Ministry of Labour
 Ministry of Communications)
 Post & Telegraph)
 Railways & Roads

ACC HQ

Political Section.
 Interior Sub-Commission 6413
 Legal Sub-Commission
 Finance Sub-Commission
 Industry & Commerce Sub-Commission.
 Public Works & Utilities Sub-Com
 Agriculture Sub-Commission
 Education Sub-Commission
 Army Sub-Commission
 Navy Sub-Commission
 Labour Sub-Commission
 Communications Sub-Commission
 TM Sub-Commission.

2. Vice Presidents will ensure that the above instructions are carried out in their respective sections. Progress reports to be rendered weekly commencing MONDAY 24 July 44, to Vice President Administrative Section who will be the co-ordinating authority.

Copy to: Acting Chief Commissioner,
 RC & MG Section (12) for Regions.
 File (2)

MILERY W. STONE
 Captain, USNR
 Acting Chief Commissioner.

24

1984

Declassified E.O. 12356 Section 3.3/NND No. 785015

U. S. CONFIDENTIAL

Equals British CONFIDENTIAL

EMS/hjp

A/OC 250

11 July 1944

11 JUL 1944

SUBJECT: Pellegrini, Count Ugo, Director General of S.E.T.

TO : Allied Force Headquarters, AFV 512

1. Count Ugo Pellegrini is Director General of the S.E.T. (which controls all the telephone system of Southern Italy and Sicily). He joined the Fascist party in 1924 and although there is no record that he held Fascist party positions, he was friendly with the highest Fascist leaders and was on diplomatic terms with the Germans during their occupation.

2. Since Allied occupation, he has retained his post and has co-operated well with the Allied authorities to such a degree that the military authorities find him invaluable; indeed Chief Signal Officer, A.F.H., states that no other substitute of equal competence is available.

3. During May, the late Minister of Communications represented to the Chief Commissioner that his Ministry had received several denunciations from private citizens and from employees of the S.E.T. of Naples against Pellegrini on the grounds that he was a Fascist and asked that a most careful investigation should be made.

4. This has been done with the result that it is the opinion of my security officers that he is not a sufficient threat to military security to justify his removal and on purely technical grounds I should be averse to his removal unless a competent substitute can be found. On this point, C.S.O., A.F.H., and the Director, Telecommunications Sub-Commission, consider that an equally efficient substitute cannot be found. The Italian Minister of Communications thinks otherwise.

5. On political grounds his retention is less justifiable. There is considerable feeling against him in Naples and among the employees of the S.E.T., and recently, but for the intercession of Allied Military Police, he might have been roughly handled physically. Moreover, in accordance with our agreed policy on occupation, the Italian Government might ask that he be handed over to them for trial.

6. If this request were made, I should feel compelled to suspend the man and hand him over, taking into consideration the very invidious position in which the Commission would be placed if I did otherwise.

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23

U. S. CONFIDENTIAL
Equals British CONFIDENTIAL

7. In view of the undoubted technical value of Pellegrini to the military authorities, I have thought right to bring this case to your advice and to ask you to instruct the C.S.O., A.A.I., and the C.S.O., F.B.S., to place no obstacle in the way of his surrender to the Italian Government, if such is demanded, and to abstain from employing him as a direct agent for the purpose of supervising and directing S.E.F.'s operations if the Italian Government's separation commission took the course of removing him from his post and allowing him liberty of person.

8. I should of course insist on the Minister for Communications producing a competent substitute.

ELMER E. STONE
Captain, USMC
Acting Chief Commissioner

cc: Hq A.A.I.
Communications Sub-Commission

6411

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Equals British CONFIDENTIAL

(23)

1986

Declassified E.O. 12356 Section 3.3/NND No. 785015

CONFIDENTIAL AND PROPRIETARY

EWB/BJP

A/CC 250

4 July 1944

5 JUL 1944

Dear Sig. Cerabona:

This is in reference to your letter of 17 May 1944, relative to investigation of Count Ugo Pallagrini. An investigation has been made, of which the following is a summary:

- a. Subject, from a security standpoint, is doubtful;
- b. He is not a sufficient threat to security to justify insistence that he be removed;
- c. No equally efficient substitute is available according to Chief Signal Officer, Headquarters Allied armies in Italy, and to Communications Sub-Commission, but the Minister thinks otherwise.

In view of the importance of communications to the Italian Government and the Military, it is suggested that Count Pallagrini should not be removed unless an equally competent person is found to take his place.

Yours very truly,

WILLIAM H. STONE
Captain, USMC
Acting Chief Commissioner

His Excellency Avv. Francesco Cerabona
Minister of Communications
Italian Government

cc-Comma s/c

6.1

NF

CONFIDENTIAL AND PROPRIETARY

22

0105-

30 JUN 1944

Office of the Acting Chief Commissioner

Defascistization

A/CC 250

Administrative Section, Rear Hq ACC
(Attention: Col. Upjohn)

30 June 4

1. Reference is made to translation of letter No. 7326 of 26 Jun from Prime Minister Bonomi relative to defascistization.

2. The Acting Chief Commissioner has placed the following instructions on the original translation:

"Acknowledge. Refer to Upjohn for draft reply and instructions. E.A.S." *file #20*

3. Attached is copy of Acting Chief Commissioner's acknowledgment. Will you please draft a reply and instructions as per direction of Acting Chief Commissioner.

For the Acting Chief Commissioner:

L. D. DENSMORE
Colonel, Sig C
PA to A/CC

2 Incls:
As per paras 1 and 3 above.

RF 6409

MPF 1000 *(M)*

1948
Declassified E.O. 12356 Section 3.3/NND No. 785015

225/h3p

6/06 290

30 June 1944

30 JUN 1944

Dear Prime Minister Mussolini

folio #19
Your letter No. 7336 of 26 June has been received and I have referred it to the Administrative Section of the Allied Control Commission for appropriate action.

Yours very truly,

WILBERT W. STONE
Captain, USMC
Acting Chief Commissioner

His Excellency Ivanoe Bonomi
President of the Council of Ministers
Italian Government

RF
6408

20

Declassified E.O. 12356 Section 3.3/NND No. 785015TRANSLATIONTHE PRESIDENT
OF THE COUNCIL OF MINISTERS

No. 7336

DSB 1427
29 JUN 1944

Salerno, 26 June 1944.

My dear Captain Stone,

Marshal Badoglio, with letter dated 6 June addressed to General Sir Noel Mason MacFarlane, explored the possibility that the provisions emanating from the Italian government for the defascistization of the public administration be applied also in the territory administered by AMG. And indeed the simultaneous existence in Italian territory of two different sets of provisions was likely to entail serious inconveniences and constituted an obstacle to that healthy reorganization of the Italian administration which is our common aim.

General MacFarlane, with letter CC 000.1 of 16 June, communicated the granting of the abovementioned request and, reserving to the Allied authorities only the right to carry out in individual cases, independently of the Italian laws, the discharging of public officials, has shared the point of view set forth by my predecessor. He has consequently given satisfaction by the extension of the validity of the Italian legislation on this subject to the provinces of Naples, Benevento, Avellino, Campobasso, and Foggia.

It is with pleasure that I take note of this decision, for which I am very grateful.

Because the reasons which advised the extension of the criteria for defascistization in force in the territories placed under the direct control of the Italian government to the abovementioned provinces are furthermore valid also for the recently liberated provinces, I ask of you to be good enough to consider the advisability of directing, as a matter of course, the application of the legislation promulgated by the Italian government on this subject to all Italian territory, little by little as it is liberated.

I thank you sincerely and send you my cordial greetings.

/s/ Iwanoe Bonai

To: Captain Ellery W. Stone, USMC
Allied Control Commission

Trans - Sgt Shenfield/lws

NF 6407

(19)

1940
Declassified E.O. 12356 Section 3.3/NND No. 785013

cc 000.1

16 June 1944

NF
File #12
Thank you for your letter of 6 June 1944.

I have carefully considered your suggestion regarding the necessity for a uniform system for carrying into effect defascistization in Naples and have come to the conclusion that the best solution will be to make effective the Italian Government decrees dealing with this matter into the provinces of Naples, Benevento, Avellino, Foggia and Campobasso so that the need for a special system in Naples will disappear.

At the same time this will not of course prejudice the right of my officers in the provinces in individual cases to dismiss fascists from their posts without going through the procedure contained in the decrees and I have no doubt that in the territory we are now invading this right will have to be exercised in the interests of a due and proper administration of liberated territory.

NORL MASON MACFARLANE
Lieutenant General
Chief Commissioner

H.E. Marshal Pietro Badoglio
Salerno

6406

cy CLO
sf *W/ind*

Hq. A.C.C. - Secy Gen.
DISPATCHED
18 June 1944
056
MS

(18)

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ch. G. ...

Secy. Gen. 10346

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
ITALY SUB-COMMISSION
APO 394

HEADQUARTERS
14 JUN 1944
A. C. C. /21p.
15 June 1944.

AGC/ACCC/W/L.

HQ ACC, APO 394

Secy. Gen.

SUBJECT : Defascistization.

Rec'd 14 June 1944
By *[Signature]*

4-928

TO : Secretary General, ACC.

1. Reference conversation Chief Commissioner - Chief Legal Officer on Saturday, I enclose a draft of a reply to Marshal Badoglio's letter which the Chief Commissioner may care to sign.

2. Would you please let me have a copy of the letter as finally approved and signed by the Chief Commissioner.

OK
[Signature]

Gerald Rhyppert
GEORGE R. RHYPPERT, 6:10
Colonel,
Chief Legal Officer.

(18)

Declassified E.O. 12356 Section 3.3/NND No. 785015



20.
Speck please
hm by rf
6 June 1944
THE PRESIDENT OF THE COUNCIL OF MINISTERS

Salerno, 6 June 1944

My dear General Mac Farlane:

As you know the Italian Government, by successive Decrees, has provided for the integration of regulations issued under R.D.L. 28 December 1943, No. 29/B, on the defascistization of public Administrations.

The legislation now in effect, supplemented by another measure now in preparation, is inspired by criteria of particular severity in regard to personnel who appear compromised with respect to the defunct fascist regime; such as demanded by the entire Italian People, in unity of purpose with the United Nations, and in conformity with the interests of the public Administration anxious to free itself from any fascist taint whatsoever.

You, dear General, have certainly learned from the daily Press that the various Ministries have already adopted concrete provisions for the elimination of fascist employees; on my side I can assure you that the expurgative action will be carried out quickly and sternly.

Nevertheless, your high sense of justice will not overlook the necessity to have the individual provisions conform to criteria which will render them uniform for all Italians, for whatever administration and in all the regions of Italy, keeping in mind that possible variations of judgment in analogous cases, in addition to impairing the right of all citizens to an identical treatment, would risk to compromise the effectiveness of the expurgation.

I am lead to these considerations by the knowledge gained of the regulations issued by the Naples A.M.G. for carrying into effect of the defascistization in that territory; regulations which differ in many points from those elaborated by the Italian Government after careful study of the ~~XXXXX~~ situation.

In the higher interests of justice, I, therefore, believe it my duty to call your attention to these circumstances and to beg of you, dear General, to kindly examine, with that sense of equity which distinguishes your every action, the necessity to render uniform the ordinances on defascistization adopted in the territories still subject to the Allied Military Government with the legislation issued on the subject by the Italian Government.

I thank you in advance and extend to you my cordial greetings.

Gen. Sir Noel Mason MACFARLANE
President of the Allied Control Commission
S A L E R N O

/s/ BADOGLIO

640

(see folio ~~27~~ for answer)

17



IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI

Trasmissione
un'ora
Salerno, 11 6 giugno 1944

HQ ACC, APO 374
Sec'y Gen.
Rec'd 6 June 1950
By DFE

Caro Generale Mac Farlane,

com'Ella sa, il Governo Italiano ha provveduto con successivi decreti a integrare le norme emanate con R.D.L. 28 dicembre 1943, N. 29/B, sulla defascistizzazione delle pubbliche Amministrazioni.

La legislazione ora vigente, completata da altro provvedimento in elaborazione, è ispirata a criteri di particolare severità nei confronti del personale che risulti compromesso nei riguardi del cessato regime fascista; così come esige tutto il popolo italiano, in unità di intenti con le Nazioni Unite, ed in conformità degli interessi della pubblica Amministrazione ansiosa di liberarsi di qualsiasi scoria fascista.

Ella, caro Generale, ha certamente appreso dalla stampa quotidiana che i vari Ministeri hanno già adottato concreti provvedimenti per l'eliminazione di impiegati fascisti; dal canto mio posso assicurarLe che l'azione epuratrice sarà svolta celermente ed inflessibilmente.

Tuttavia non sfugge al Suo alto senso di giustizia la necessità di conformare i singoli provvedimenti a criteri che risultino uniformi per tutti gli italiani, per qualsiasi amministrazione e in tutte le regioni d'Italia, tenuto conto altresì che eventuali diversità di giudizio in casi analo-



IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI

./.

gni, oltre che ledere il diritto di tutti i cittadini ad un trattamento identico, rischierebbero di compromettere la serietà dell'epurazione.

A questa considerazione sono indotto dalla conoscenza fatta or ora delle norme emanate dall'A.M.G. di Napoli per l'attuazione della defascistizzazione in quel territorio; norme che differiscono in più punti da quelle elaborate dal Governo Italiano dopo maturo esame della situazione.

Nel superiore interesse della giustizia, ritengo perciò mio dovere richiamare la Sua attenzione su queste circostanze e pregarLa, caro Generale, di voler esaminare, con quel senso di equità che distingue ogni Sua azione, la opportunità di far uniformare le ordinanze sulla defascistizzazione adottate nei territori ancora sottoposti al Governo Militare Alleato alla legislazione emanata al riguardo dal Governo Italiano.

La ringrazio sin da ora e Le porgo cordiali saluti.

Ill.mo Sig. Generale
Sir Noel Mason MAC FARLANE
Presidente della Commissione Alleata di Controllo

SALERNO

6402

(17)

1996

Declassified E.O. 12356 Section 3.3/NND No. 785015

NF
also SF

may/afe

3 June 1944

00 000.1

MEMORANDUM TO: G-3, Allied Force Headquarters, APO 312.

1. I saw Count Sforza yesterday.
2. He was in his most difficult mood.
3. He indulged in much criticism of Badoglio and complained that Badoglio seldom told him the truth and that he was convinced that Badoglio had some secret and unholy alliance with the Communists. He wrote off Croce as a baby.
4. He said that he was in a terrible dilemma at the moment, as he owed it to his many supporters in the North to resign from the Government, while on the other hand he did not wish to make things difficult for the Government and the Allies, as his resignation from the Government might have disastrous effects.
5. He stated very emphatically that it would be fatal to allow the Crown Prince to go to Rome until after it had been possible to reform the Government by including political representatives from Rome. He was convinced that if the Crown Prince went to Rome before this had been accomplished he would get a bad reception, and the position of the Government might be made very difficult.
6. Sforza stated that he was having considerable difficulty in preparing the first cases in which, as High Commissioner for Repatriation, he was proposing to take action. He asked me again to help him, as far as possible, with any evidence at my disposal as regards his intended victims.
7. He mentioned the subject of repatriation in the Army and said that he was far from satisfied that adequate steps would be taken if the matter was left in the hands of Badoglio and Mese and the Army. It would be necessary to make one or two examples, and he was going to insist on handling some of the outstanding cases himself. He gave me a copy of a note he had written to Marshal Mese, copy of which I attach.

6401

NOEL HADSON MACFARLANE
Lieutenant General
Chief Commissioner

16

00 000.1

3 June 1944

1 Encl.

Copies to:

British Resident Minister
American Political Advisor
General Wilson (personal)

640

16

Naples, 1 June 1944

TO: H.E. Marshal Badoglio
President of the Council of Ministers
Salerno

and for information

TO: H.E. Marshal Messe
Chief of the General Staff
P.M. 195

I reply to communication No. 5979 of May 30th.

The circular communicated to me by the Chief of H.M. Government, is most opportune in regard to "behaviour appraisal of officers", while art. 6 of the law entrusted to me concerns those military personnel or otherwise, "who have committed crimes against loyalty and military defense", threatening heavy penalties.

The "appraisal" provided by the circular may signify a valuable purification; but art. 6 aims at more complex and more general national aims of urgent moral character.

For desirable agreements in the service of common duty and for forthcoming eventual communiques to be agreed upon, I shall be pleased to meet Marshal Messe at the earliest possible moment.

When coming to Naples, he only has to telephone me at No. 16888 and I shall arrange to receive him at once if this is agreeable to him.

/s/ SPORZA

6394

(16)

Napoli, 1 giugno 1944

A.E. il Mar. Badoglio
Presidente Consiglio Ministri
Interni

e, per informazione,

A.E. il Mar. Sesse
Capo di A.E. Generale
P. 135

rispondo alla nota N. 5979 del 30 maggio.

La comunicata circolare del Capo di A.E. è opportunissima per "vigilanza del comportamento degli ufficiali"; mentre l'art. 1 della legge affinata concerne chi, militare o no, "abbia commesso delitti contro la fedeltà e la difesa militare" comminando pene gravissime.

Il "vigilanza" ordinata dalla circolare potrà significare una preziosa purificazione; ma l'art. 1 mira a più complessi e più generali scopi nazionali di urgente carattere morale.

Per desiderabili intese al servizio del comune dovere e per prossimi eventuali comunicati da concordare sarò lieto di vedere il Mar. Sesse il più presto possibile.

Venendo egli a Napoli non ha che da farmi telefonare al N. 13588 e disporrò per riceverlo immediatamente se ciò gli aggrada.

SFORZA

Napoli, 1 giugno 1944

S.E. II Mar. Maglio
Presidente Consiglio
Salerno

e, per informazione,

S.E. II Mar. Messe
Capo di S.E. Generale
S.E. I. 133

Rispondo alla nota R.5978 del 30 maggio.

La comunicata circolare del Capo di S.E. S. I. opp
"vigilanza del comportamento degli ufficiali"; mentre l'
legge affidatami concerne chi, militare o no, "abbia e
delitti contro la fedeltà e la difesa militare" come
gravissimo.

Il "vigilanza" ordinato dalla circolare potrà al più
preziosa purificazione; ma l'art. 6 mira a più complessi
generali scopi nazionali di urgente carattere morale.

Per desiderabili intese al servizio comune dov
prossimi eventuali comunicati da concordare sarà il
il Mar. Messe il più presto possibile.

Venendo egli a Napoli non ha che da farmi telefono
e disporrò per riceverlo immediatamente se ciò gli ag

SFORZA

6392

16

ADVANCED
HEADQUARTERS REGION IV
Allied Control Commission
APO 394

Sec. Gen
JKD/am

9036

28 May 1415
DFE

TO : Headquarters, Allied Control Commission 25 May 1944
(Office of the Chief Commissioner)
SUBJECT: Acknowledgements

FILE NO: AR4/312.4

Receipt is acknowledged of the Chief Commissioner's
letter FNMM/rj of 24 May.

file 14

[Signature]
John K. Dunlop, Brigadier
Regional Commissioner



6397

(15)

SECRET

FHM/rj

NP

Ref. CC/G/30.

24th. May, 1944.

MEMORANDUM:

TO: Vice-President,
Administrative Section,
Rear H.Q., A.C.C..

1. I enclose herewith copy of directive which I am issuing to S.C.A.C.s. 5 and 8 Armies and Regional Commissioners, Regions IV and V.
2. I have already discussed this question with Sforza and Barlingier who are in agreement.
3. As regards Para 4.

Will you please in consultation with the Italian authorities (including presumably Sforza and (modeo)) define the levels which we must issue as a guide to S.C.A.C.s. and Regional Commissioners.

As regards 4(a). Sforza seemed to consider that all officials from Vice-prefect inclusive upwards should be included. As regards 4(b). The bottom level of this category requires careful consideration.

4. Please let me have your specific recommendations with the least possible delay.

6398

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

File (B)

14

SECRET

FM/RTJ

HEADQUARTERS ALLIED CONTROL COMMISSION
OFFICE OF THE CHIEF COMMISSIONER

AUG 394

24th. May. 1944.

MEMORANDUM;

TO: S.C.A.C. 5 ARMY.
S.C.A.C. 8 ARMY.
Regional Commissioner, Region IV.
Regional Commissioner, Region V.

1. We must differentiate between Italian officials encountered during our present Northward advance and those who we found in office during our initial occupation of Southern Italy.
2. North of the line where operations remained static for several months Italian officials have been serving the Republican/Fascist Government throughout a period when liberated Italy under a properly constituted Government was co-existent with us.
3. It is to be anticipated that many of these officials will flee before our advance but a proportion will doubtless remain and these should all be dismissed from their posts automatically and replaced by anti-Fascist personnel. As we move North the possibility of finding suitable anti-Fascist personnel should become much greater than it has been hitherto.
4. A list is being prepared and will be issued very shortly showing under the following categories the way in which Italian officials encountered during our Northward advance should be disposed of:-
(a) Senior officials who will be arrested and handed over to the Italian Government.
(b) Officials who will be arrested and interned.

1. We must differentiate between Italian officials encountered during our present Northwest advance and those who we found in office during our initial occupation of Southern Italy.
2. North of the line where operations remained static for several months Italian officials have been serving the Republican/Fascist government throughout a period when liberated Italy under a properly constituted government was co-belligerent with us.
3. It is to be anticipated that many of these officials will flee before our advance but a proportion will doubtless remain and these should all be dismissed from their posts automatically and replaced by anti-Fascist personnel. As we move North the possibility of finding suitable anti-Fascist personnel should become much greater than it has been hitherto.
4. A list is being prepared and will be issued very shortly showing under the following categories the way in which Italian officials encountered during our Northwest advance should be disposed of:-
 - (a) Senior officials who will be arrested and handed over to the Italian Government.
 - (b) Officials who will be arrested and interned.
 - (c) Officials who will be dismissed but who will be allowed to retain *6945* liberty.
5. C.C.A.O.s. and Regional Commissioners are authorized to make exceptions to the above instructions at their own discretion but only in exceptional cases in which they are convinced either that the individual concerned is entirely free of any Fascist tendencies or that his temporary retention in office is absolutely essential from the war effort angle. It is emphasized that such action should be taken only in the most exceptional cases.
6. Pending the issue of the list referred to in para 4. and subject to the latitude allowed in para 5. all officials encountered during our advance will be arrested and held in custody.

DELL MARCH VIGILANTI,
 Lieutenant-General,
 Chief Commissioner.

141

PA

for filing

I spoke to [unclear] & [unclear].

I have taken action
with V. P. Administration Section.
and have sent him [unclear]'s
report.

Wm 24
17 XP

6394

13

HEADQUARTERS
ARMED CONTROL COMMISSION
FINANCE SUB-COMMISSION
APO 394

13052/7

22 May, 1944.

SUBJECT: Dissolved Fascist Organizations.

TO : Chief Commissioner,
(through Economic Section).

1. Through its responsibility for the financial liquidation of the dissolved Fascist organizations and conferences with other Sub-Commission of A.C.C., this Sub-Commission has become convinced of a need for closer correlation of the activities of all of the Sub-Commissions and all of the Italian Ministries in dealing with this problem.
2. Attached is a memorandum on the subject, which has been discussed with Mr. Weber of the Political Section, and a draft letter and a draft directive for your signature, carrying forward the recommendations in the memorandum.

P. H. Frey
Colonel,
Joint Director,
Finance Sub-Commission.

FM/70

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13

2007

Declassified E.O. 12356 Section 3.3/NND No. 785015

DRAFT.

Marshal Pietro Badoglio,
Capo del Governo d'Italia,
Salerno.

Dear Marshal Badoglio,

With reference to the obligation in the Armistice Terms to dissolve the Fascist Party Organization and to abolish the Fascist youth organizations the decrees of your government and the actions of both A.M.G. and your ministries have not been correlated and are not achieving the desired result.

In order to effectuate our common purpose expressed in this provision of the Armistice, I have instructed Captain James Utley to bring about a closer correlation of the activities of the various Sub-Commissions in all A.M.G. regions and of the various Ministries in your government. I trust that he will receive the hearty cooperation of all your Ministers.

*Finance
Sub-Comm.
Phase 1
4/1/44*

F. WELLMAN MACFARLANE,
Lieutenant-General,
Chief Commissioner,
Allied Control Commission.

6392

13

DRAFT.

DIRECTIVE.

SUBJECT: Appointment of an officer to correlate the activities of all Sub-Commissions of AXI and all Ministries of the Italian Government in handling of the dissolved Fascist organizations.

1. Captain James Utley is hereby relieved from assignment as Intelligence Officer, Region II and assigned to the Office of the Chief Commissioner.
2. Terms of Reference:-

To correlate the activities of all Sub-Commission of AXI, and all Ministries of the Italian Government to effectuate the purpose expressed in the Audition Terms of dissolving the Fascist Party Organization and abolishing the Fascist Youth Organization.
3. Captain Utley will report to the Chief Commissioner's Office.

Copy

NOEL MASON MACFARLANE,
Lieutenant General,
Chief Commissioner.

Declassified E.O. 12356 Section 3.3/NND No. 785013

H.C.A.C.C. ECONOMIC SECTION

14 May

(MIS)

From	To
☒ ECONOMIC SECTION	
AGRICULTURE	
FINANCE	☒
FOOD	
TRANSPORTATION	
INDUSTRY & COMMERCE	
INCOME	
MINING DIVISION	
PUBLIC WORKS & UTILITIES	
SHIPPING	
FOR:	
Signature	
Remarks/Recommendation	
Information	
Approval/Disapproval	
Appropriate Action	☒
Investigation & Report	
Noting & Return	
Dispatch	

REMARKS:

As the Admin
Section and not
Political handles
Departmentation
the following
course of action
is suggested:-
1. That you

Finance representative
at Salerno
endeavour to
persuade the
Ministry of
Finance to
secure the
desired result.
If unsuccessful
he should
discuss the
matter with
Admiral Lee
also at Salerno
3. A new Govt
is now operating
and is pledged
to root out
Fascism and it
is doubtful whether
the Chief Commissioner
would agree to
send the letter
you suggest
at the present time
for Luigi Arca

FRM/rj

NF
plan SF

Ref. CC/P/312.

20th. May, 1944.

7

Thank you for your letter of today. I was very glad to have the opportunity of a talk with you last night.

2. I was very glad to make the acquaintance of Mr. Berlinguer and we had a useful talk together.

3. As regards action against the big Fascist adventurers, I can only say that I agree that if you have a strong case against them action should be taken as early as possible. On the other hand, I agree equally that it would be a great mistake to start with a cause celebre and fail to secure an exemplary conviction.

4. I am not in a position to give an opinion one way or the other in either of the cases you contemplate but any evidence at my disposal which might be of use to you will naturally be made available

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Count Carlo Gforza,
6, Via Carducci,
N A P L E S.

6393

12

Declassified E.O. 12356 Section 3.3/NND No. 785013**CONFIDENTIAL**DSN 249
20 MAY 1944

KIS/hjp

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Office of the Deputy Chief Commissioner
APO 394

20 May 1944

DCC 250

SUBJECT: Investigation of Count Pellegrini, General Director, SETC

TO : RC & MG Section, Hq ACC, APO 394

1. Reference is made to attached:

a. Incl #1 - Confidential letter from the Minister of Communications, Italian Government, dated 17 May 1944 to the ACC requesting that a careful investigation be made with respect to the above named civil communication official.

b. Incl #2, a to f - Six marked copies of "Battaglie Sindacali" dated April 2, 9, 16, 30, May 7 and 14.

c. Incl #3 - Copy of acknowledgment to Minister of Communications.

2. It is requested that appropriate action be taken and report be made to the Deputy Chief Commissioner which can be used as the basis of reply to the Italian Government.

MILBY W. STONE
Captain, USNR
Deputy Chief Commissioner

3 Incls:
As per para 1 above

Wu 22/24
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CONFIDENTIAL

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY

CONFIDENTIAL

Salerno 17th May 1944

TO THE ALLIED CONTROL COMMISSION

IL MINISTRO DELLE COMUNICAZIONI

Recently this Ministry has received from private citizens and from employees of STT (Telephone Company) of Naples several denunciations relating the person and political attitude of the present General Director of same Company, Eng. Count Ugo Pellegrini. The newspaper "Battaglie Sindacali" in its last six issues violently attacks the same person and point him out as a Fascist to be removed from his position.

As the facts reported on Count Pellegrini appear to have taken place at Naples which is still under the Allied administration, we would be grateful if the Chief Commissioner would issue an order to the effect that a most careful investigation should be made on the above mentioned person; such as to find out if there is real basis in the charges made against him.

We are at the disposal of ACC and AMG for any information that may be requested and we will, as always, cooperate in every way in this matter.

THE MINISTER

/s/ Cerabona

annexed six newspapers

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Declassified E.O. 12356 Section 3.3/NND No. 785015

CONFIDENTIAL

EWS/hjp

20 May 1944

PERSONAL

Dear Sig. Cerabona:

This is to acknowledge receipt of your letter of 17 May requesting investigation of Aug. Count Ugo Pallegriani, General Director of SRTG. The matter is being handled and in due course a reply will be made.

Yours truly,

ELMER W. STONE
Captain, USAR
Deputy Chief Commissioner

His Excellency Avv. Francesco Cerabona
Minister of Communications
Italian Government

638

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CONFIDENTIAL

CONFIDENTIAL

FNM/rj

NE
also SF

Ref. CC/G/311.

20th. May, 1944.

MEMORANDUM.

TO: Political Section.

1. Mr. Berlinguer, Assistant High Commissioner to Count Sforza, called this morning.
2. He talked a good deal about Sardinia and it is clear that it will be a good thing having him in the Government as he is obviously very alive to the unsatisfactory situation in the Island and most anxious to get on with the necessary action. I have given him the names of the two OVRA men referred to in Solodovnik's report on Sardinia and he has promised to see that they are suitably dealt with at once.
3. He brought with him a letter from Sforza in which the latter tells me that he is contemplating judicial proceedings against Signor Lauro, the shipping magnate, and Signor Frignieni, late of the Bank of Naples and as you know one of the biggest 'shots' in Southern Italy. Sforza is anxious to take rapid action but is afraid of doing so unless he can be sure of his case. He is naturally unwilling to risk failure to secure conviction in this cause celebre. He had asked Berlinguer to ascertain my views. I naturally refused to be drawn but said that I agreed entirely that to start his proceedings by making a mess of his first big case would obviously be most unfortunate.
4. Berlinguer is an intelligent little lawyer who talks passable French and whose son was recently locked up as a Communist in Sardinia.

NOEL MASON MACFARLANE
Lieutenant-General 6386
Chief Commissioner.

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SECRET

1208

AF
1005F

ACC MAIN (GEN MACFARLANE C CODE)

20th. May. 1944.

SECRET

716

PRIORITY

GEN MACFARLANE

A.F.H.

I SAW SPOTTA LAST NIGHT PD WE DISCUSSED OPERATION PD PAUSE TO ADOPT FOR HIS OWN BE TION
HAD BEEN MINUTES AND AMERICAN POLITICAL ADVISER FROM ACC MAIN FROM MACFARLANE PERSONAL
PAUSE FOR THE PD I STRESSED THE NECESSITY FOR DEALING WITH BARDINIA AND APULIA AS
RAPIDLY AS POSSIBLE PD HE AGREED THAT THE FAILURE OF THE LAST GOVERNMENT TO DEAL
ADEQUATELY WITH THESE TWO AREAS SHOULD BE AND WOULD BE REMEDIED AT ONCE PD PAUSE FOR
I TOLD HIM THAT IT SEEMED CLEAR TO ME THAT AS WE ADVANCE FURTHER NORTHWARD ALL OFFICIALS
FOUND BY US WOULD BE GUILTY OF HAVING SERVED THE REPUBLICAN BLANK FASCIST GOVERNMENT AT
A TIME WHEN LIBERATED ITALY POSSESSED A GOVERNMENT OF ITS OWN AND WAS COOPERATING BY
THAT UNDER THESE CIRCUMSTANCES THEY WOULD ALL HAVE TO BE DISMISSED AUTOMATICALLY PD I
TOLD HIM THAT I CONSIDERED THAT THE HIGHER OFFICIALS SHOULD BE HANDLED OVER TO THE
ITALIAN GOVERNMENT SO THAT PROCEEDINGS COULD BE TAKEN AGAINST THEM AS MIGHT BE NECESSARY
PD SPOTTA WAS IN COMPLETE AGREEMENT PD HE SAID THAT AS WE MOVED NORTH HE WOULD TO HAVE
MUCH LESS DIFFICULTY IN FINDING SUITABLE REPLACEMENTS FOR DISMISSED OFFICIALS AND HE
PROMISED TO LET ME KNOW THE CLASSES OF OFFICIALS WHICH HE WOULD LIKE US TO HAND OVER TO
THE ITALIAN AUTHORITIES PD PAUSE FOR PD SPOTTA SAID THAT CRONIN WAS GETTING/VIGOROUSLY
ON
WITH HIS TASK OF STRAIGHT OPERATION WHILE HE HIMSELF WAS SETTING UP HIS JUDICIAL

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

M268 - 2

MACHINERY FOR DEALING WITH ONLY THE MORE FLAGRANT AND CULPABLE CASES HE WOULD NATURALLY BE TAKING PROCEEDINGS AGAINST NON DASH OFFICIAL INDIVIDUALS AS WELL AS OFFICIALS HE HAD HAD GREAT DIFFICULTY IN GETTING THE DEATH PENALTY APPROVED BY THE CABINET BUT POOLIAITI HAD SPOKEN MOST STRONGLY IN ITS FAVOUR AND HAD EVEN THREATENED TO ORGANISE FUNELED DEMONSTRATIONS IF IT WAS NOT ACCEPTED HE DOGMOLOV HAD CALLED ON SPONDA YESTERDAY TO CONGRATULATE HIM ON GETTING THE DEATH ~~XXXXXXXX~~ PENALTY APPROVED PD PARA FIVE PD AS REGARDS REPARATION IN THE FIGHTING SERVICES CMA SPONDA STATED THAT IN PRACTICE IT WOULD NOT BE POSSIBLE TO DO MORE THAN DEAL WITH A FEW OUTSTANDING CASES AMONG SENIOR OFFICERS PD AS FAR AS I COULD ASCERTAIN NO OFFICERS OF PARTICULAR VALUE TO US ARE LIKELY TO BE AFFECTED

NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner

638'

SECRET

(10)

HQ ACC, APR 1944
Sec'y Gen.
Rec'd 24 May 1930
By DFE

May 19, 1944.

MEMORANDUM FOR THE CHIEF COMMISSIONER:

This order is all right as far as it goes, but it is more adapted to the second stage of defascistization in newly-liberated areas than to what should be our first consideration, namely the speedy elimination of Republican fascists. The procedure contemplated in this order envisages the establishment of Commissions to examine the cases of all persons listed in different categories of the Fascist Party and organizations. It does not provide for speedy elimination which seems to me should be the essential basis of our policy as we enter the areas of Italy which have been occupied by the Germans and administered by the self-styled Republican Government.

Would you wish to issue a special directive?

JR *har*

→ Political Section

*I have drafted
this in much
simplified form.*

Am. H. - 2

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
LOCAL SUB-COMMISSION
APO 394

ACC/4082/2/1.

8/31
/rlp.
17 May 1944.

SUBJECT : Defasciatization.

TO : Political Section, ACC (Attn: Mr. Reber). ✓

1. Enclosed are proposed forms of General Order for defasciatization and proposed forms of accompanying Executive Memorandum.

2. It is hoped that this order and memorandum will be signed by next week. Therefore, if you have any comments, please let this sub-commission have them as soon as possible. 6382



Richard H. Wilger
RICHARD H. WILGER,
Lt. Col., GAC,
Deputy Chief Legal Officer. (9)

HEADQUARTERS
ALLIED GENERAL COMMISSION
IN & MC SERVICE
AUG 30A

/rth.
May 1944.

MEMORANDUM FOR THE

MEMORANDUM

TO: Regional Commissioners, Regions III, IV and V and Italian Legal Officers
and Civil Service.

CONFIDENTIAL

1. While many fascists who occupied prominent positions during the Fascist regime have been removed, many are still present in positions described in the General Order. This General Order sets forth the plan for removing the remaining members of this government. However, this General Order in no way prevents the suspension or dismissal of any person by a member of the Allied Military Government as heretofore.

2. The General Order is to be administered by permanent commissions composed of Italians, who will be appointed by the Senior Civil Affairs Officer or Provincial Commissioner. They will be chosen primarily on the ground that they are clear of all fascist taint, but will also be men of good character, standing and ability. They need not be residents of the locality for which the particular Commission is appointed.

3. Commissions will carry out the provisions of the General Order themselves, but will be under the general directions and supervision of the Allied Military Government.

4. It will be necessary that each Commission have an adequate staff. It will be the duty of the Senior Civil Affairs Officer or the Provincial Commissioner to see that an adequate but not excessive staff is secured. The salary of such persons, however, is not to exceed that of employees of the Italian Government performing comparable work. The members of the staff, like members of the Commission, must be free of fascist taint.

5. The salaries of members of a Commission and their staff shall be paid out of the funds of the Prefecture unless otherwise ordered by the Allied Military Government.

the General Order in no way prevents the suspension or dismissal of any person by a member of the Allied Military Government as hereinafter.

2. The General Order is to be administered by separate commissions composed of Italians, who will be appointed by the Senior Civil Italian Officer or Provincial Commissioner. They will be chosen primarily on the ground that they are clear of all fascistic taint, but will also be men of good character, standing and ability. They need not be residents of the locality for which the particular Commission is appointed.

3. Commissions will carry out the provisions of the General Order themselves, but will be under the general directions and supervision of the Allied Military Government.

4. It will be necessary that each Commission have an adequate staff. It will be the duty of the Senior Civil Italian Officer or the Provincial Commissioner to see that an adequate but not excessive staff is secured. The salary of such persons, however, is not to exceed that of employees of the Italian Government performing comparable work. The members of the staff, like members of the Commission, must be free of fascist taint.

5. The salaries of members of a Commission and their staff shall be paid out of the funds of the Commission unless otherwise ordered by the Allied Military Government.

6. A Commission, if it takes fit, may sit in separate **638** and each of such sessions will have all the powers of the Commission itself except that no order of dismissal shall be made until it has been approved by the Commission as a whole. The residents of each Commission will appoint one member of the Commission to be Deputy President and one or more members as Vice Presidents. The Deputy President shall preside over the Commission in the absence of the President and the Deputy President or a Vice President shall preside over a separate session. The appointment of Deputy President and Vice Presidents shall be subject to the approval of the Senior Civil Italian Officer or Provincial Commissioner. Any vacancies occurring will be filled, if necessary, in the same manner as the original appointments were made.

7. While certain specific times are prescribed in the General Order for things to be done, a Commission may, at its discretion, extend the time whenever in its judgment it is necessary to do so. However, such extensions of time should not be given as a regular course as it is highly important that this work should be proceeded with as rapidly as possible.

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8. Under Article XVIII of the General Order provision in and for the hearing of an objection. Where the interested person wishes to do so, he must be given the opportunity of giving oral testimony in addition to the filing of the required objection. This is particularly essential in the case in which witnesses appear against him in person before the Commission.

9. If a person has previously been dismissed or suspended from employment in an administration or undertaking, included in Article IV of this General Order, by the Allied Military Government on the sole ground that he had committed commissions, such person may lodge as the officer of the Commission appointed for the loyalty a review of the same daily completed and signed by him. With the approval of the Senior Civil Affairs Officer or Provincial Commissioner, the Commission may proceed with the case by hearing on the papers filed by such person as on an objection. In the event of the Commission finding that he is in fact not objectionable as a traitor and would not have been dismissed on such grounds alone if he had still been employed at the time of the commission of such General Order, the Commission may, with the consent of the Senior Civil Affairs Officer or Provincial Commissioner, order that he be restored to the position originally held by him or to such other position for which he may have applied or may later apply, and with the consent of the Senior Civil Affairs Officer or Provincial Commissioner such person may be paid the whole or some part of such salary he could have been entitled to receive had he remained in office.

10. If a person requiring a license, certificate under the requirements of the General Order has been appointed to a position by Allied Military Government, the particular Commission shall not proceed with the case or issue an order of dismissal of such person without the consent of the appropriate Senior Civil Affairs Officer or Provincial Commissioner.

11. Any person by whom a license, certificate has been lodged at the office of a Commission may file in writing with the Commission the consent in his own dismissal and in such an instance the Commission will issue the appropriate order of dismissal.

12. The Rules which may be made under Article XVIII of the General Order shall read with the following addition, respectively:

a. If any of the Commission or of a member of a Commission, normally a Commission or a member would sit as a body of not more than 5 nor less than 3.

b. The absence of a member of the Commission from any sitting shall not invalidate the proceedings of the Commission provided that the member sitting is not returned below 3.

part of such salary he would have been entitled to receive had he remained in office.

10. If a person holding a federal position under the requirements of the General Order has been appointed to a position of Armed Military Government the particular Commission shall not proceed with the case or issue an order of dismissal of such person without the consent of the appropriate Senior Civil Affairs Officer or Provincial Commissioner.

11. Any person by whom a check has been cashed has been lodged at the office of a Commission may file in writing with the Commission the amount to his own dismissal and in such an instance the Commission will issue the appropriate order of dismissal.

12. The Rules which may be made under article XVIII of the General Order shall deal with the following matters, specifically:

a. The time of the Commission or of a Section of a Commission.

Normally a Commission or a Section should sit as a body of not more than 5 nor less than 3.

b. The absence of a member of the Commission from any sitting shall not invalidate the proceedings of the Commission provided that the member sitting is not referred below 3.

c. All persons to be referred of any person lodging an objection or of any witness shall be asked only through the President of the Commission or Section.

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d. A Commission will not require any person to carry out functions analogous to a judicial function.

13. The provisions of Article III should not alone form the basis of the dismissal of persons who participated only once to the Commission that they have not in fact participated in fascist activities. Fascist titles were awarded to many people who in fact did nothing to aid fascism. For instance, a person who held a fascist title or qualification and who did not take part in fascist activities after 23 October 1922 and who prior to such time did not participate in criminal activity need not be dismissed. Likewise there are persons who fall within the provisions of Article III, but who were exempted as a consequence of the office they then held to accept offices or who merely held administrative offices and otherwise did not participate in fascist activities. In such instances it is not necessary that they should be dismissed. Each case must be dealt with fairly on its own facts and its own merits.

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14. In some instances persons holding positions described in Article IV and falling within one or more of the categories described in Article III or within the provisions of Article VII, are still engaged in work essential to military or civilian civil necessity. In such instances a Commission should postpone the dismissal until satisfactory arrangements can be found and in any event until the Senior Civil Affairs Officer or the Provincial Commissioner shall approve.

15. Generally current articles, under other articles of the General Order should be given priority over those arising on insubordination under Article XII.

16. Each Commission must keep full and accurate records and shall keep all these records, objections, denunciations, insubordinations, notices, statements and incidents lodged at the office and copies of all notices and orders served and made by it in each matter so that they can easily be found, and shall dispose of all such records in such manner as the Senior Civil Affairs Officer or the Provincial Commissioner shall direct. All such records shall at all times be open for the inspection of the Senior Civil Affairs Officer or Provincial Commissioner.

17. Copies of the forms prescribed by the General Order are attached and will be used by all Commissions without substantial change:

1. Search warrants	Art. IX
2. Denunciation	X
3. Notice given in case of denunciation	XI
4. Notice given in case of insubordination	XII
5. Notice of intention to dismiss	XIII
6. Objection	XIV
7. Notice fixing date of hearing on objection	XV
	XVI
	XVII (c)

Indigulter,
Executive Commissioner.

and will be used by all Containing without substantial change.

- | | |
|-----------|----------|
| Section | Section |
| 1. Denial | Art II |
| 2. Denial | X |
| 3. Denial | XI |
| 4. Denial | XII |
| 5. Denial | XIV |
| 6. Denial | XVI |
| 7. Denial | XVII (c) |

Brigadier,
Executive Commissioner.

6374

(9)

(Form of Order to be used to fix date for Commencement
of General Order No. _____ in a Locality)

Provincial } HQ.....
Order No. }

I Provincial Commissioner, MU, for the Province
do hereby order and direct that General Order No.
_____ shall commence and become operative in the Province of _____
beginning as of O'Clock hours on the _____ day of _____ 1944.

Provincial Commissioner

(This form may be revised for use by a Senior Civil Affairs
Officer.)

Declassified E.O. 12356 Section 3.3/NND No. 785015

(This form may be revised for use by a Senior Civil Affairs
Officer.)

6378

9

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

GENERAL ORDER NO.

Whereas it is advisable to make provision for the removal from office of persons who were fascists and occupied prominent or representative positions during the fascist regime;

And whereas it is considered that the Italian people themselves have the duty and must now assume the responsibility of carrying out such removal;

Now, therefore, I, MAURICE STANLEY LUSH, GNE, MC, Brigadier, Executive Commissioner, hereby order as follows:

ARTICLE I

Definitions

In this Order the expression

a. "army area" means a province or part of a province under the control of a Senior Civil Affairs Officer, 5th or 8th Army, of the Allied Military Government;

b. "Commission" means a Commission appointed in pursuance of the provisions of this Order and, except as to the issuance of a dismissal order, includes a section of a Commission;

c. "employer", when used in relation to a person, means the head of the administration or undertaking, or of the section, division or department thereof, by which that person is employed at the time he lodges a Scheda personale in accordance with the provisions of this Order;

d. "employee", when used in relation to a person, means a person holding a position whether administrative or executive in any administration or undertaking set forth in Article IV of this Order;

e. "locality" means a province or part of a province;

f. "prescribed form" means a form prescribed by the Allied Military Government or by a Commission;

g. "the date of the commencement of this Order" means such date as by separate Order of a Senior Civil Affairs Officer or Provincial Commissioner shall fix as the date on which this Order shall become operative in a per-

b. "Commission" means a Commission appointed in pursuance of the provisions of this Order and, except as to the issuance of a dismissal order, includes a section of a Commission;

c. "employer", when used in relation to a person, means the head of the administration or undertaking, or of the section, division or department thereof, by which that person is employed at the time he lodges a Scheda Personale in accordance with the provisions of this Order;

d. "employee", when used in relation to a person, means a person holding a position whether administrative or executive in any administration or undertaking set forth in Article IV of this Order;

e. "locality" means a province or part of a province;

f. "prescribed form" means a form prescribed by the Allied Military Government or by a Commission;

g. "the date of the commencement of this Order" means such date as by separate Order of a Senior Civil Affairs Officer or Provincial Commissioner shall fix as the date on which this Order shall become operative in a particular locality; and

h. "undertaking" means an office, enterprise, company, firm, or person of any kind.

ARTICLE II

Persons to whom this Order applies

This Order applies to every person who at any time comes within any of the categories of persons set out in Article III of this Order or is included in the description contained in Article XII of this Order and who is, at the date of the commencement of this Order employed by, or who, subsequent to the date of the commencement of this Order, becomes through any means, employed by, an administration or undertaking included in Article IV of this Order.

ARTICLE III

Categories of Persons

The categories of persons referred to in Article II of this Order are:

(9)

a. a person who had the title or qualification of "Senepolista", "Squadrino", "Antemario", "Marte in Roma", or "Marte Littorio";

b. a person who was, during the fascist regime, a member of the Central Government, a member of the Grand Council, a member of the Academy of Italy, or a member of the Special Court for the Defense of the State;

c. a person who was a president, vice-president or executive secretary of a Corporation, confederation, federation, or syndical union;

d. a person who was a national secretary or national vice-secretary of the fascist party, or a member of the National Directory, or a national inspector;

e. a person who was a member of the fascist party and who was nominated as a Senator on or after 3 January 1925 and who subsequently obtained any office or post in any administration or undertaking included in Article IV;

f. a person who was nominated as a Senator before 3 January 1925 and who, after that date, joined the fascist party and subsequently obtained any office or post in any administration or undertaking included in Article IV;

g. a person who was a fascist member of Parliament or who was a national Counsellor;

h. a person who was a federal secretary, a federal vice-secretary or an administrative vice-secretary;

i. a person who was a member of the Federal Directory or of the Directory of a fascio di combattimento or a fiduciario rionale of a chief center of a province;

j. a person who was a federal inspector or a vice-inspector;

k. a person who was a president or a member of the Corte Centrale or the federal disciplinary commission of the fascist party;

l. a person who was, during the fascist regime, a president or a vice-president or consultore or rector of a provincial administration;

m. a person who was, during the fascist regime, a mayor, vice mayor or a governmental or prefectural commissioner of a chief center of a province;

n. a person who was, during the fascist regime, a mayor of a commune

after that date, joined the fascist party and subsequently obtained any office or post in any administration or undertaking included in Article 1;

g. a person who was a fascist member of parliament or who was a national Councillor;

h. a person who was a federal secretary, a federal vice-secretary or an administrative vice-secretary;

i. a person who was a member of the Federal Directory or of the Directory of a fascio di combattimento or a fiduciario rionale or a chief center of a province;

j. a person who was a federal inspector or a zone inspector;

k. a person who was a president or a member of the central committee or the federal disciplinary commission of the fascist party;

l. a person who was, during the fascist regime, a president or a vice-president or consultants or rector of a provincial administration;

m. a person who was, during the fascist regime, a mayor, vice mayor or a governmental or prefectural commissioner of a chief center of a province;

n. a person who was, during the fascist regime, a mayor of a comune which had, at the date of the last census, a population of more than 50,000;

o. a person who was a political secretary;

p. a person who was a provincial fiduciary of the fascist fasci;

q. a person who was, during the fascist regime, a president, a vice-president, a director or a manager of an administration or undertaking included in Article IV of this Order;

r. a person who was, during the fascist regime, a political radio commentator;

s. a person who was, during the fascist regime, a director or chief editor of a newspaper or a political magazine;

t. a person who was a professional journalist or publicist and who, after 3 January 1925, exploited the ideas and political aims of fascism;

u. a person who was a member of the Milizia Volontaria Sicurezza Nazionale in permanent active service, and who was not a person referred to in any

other paragraph of this Article and who, while such a member, was

- (1) a member of the Milizia Controverse or the Milizia Costiere; or
- (2) a member of the Milizia Forestale who had been an official or employee of the former forest administration before the creation of the Milizia Forestale; and

3. a person who has been decorated by the German Government for special political services rendered to the Nazi party.

ARTICLE IV

Administrations and undertakings

The administrations and undertakings referred to in Article II of this Order are:

- a. a state administration or an administration in any way controlled by the Italian State including a parastatal administration or undertakings;
- b. a police administration other than a police unit which forms part of the Italian Army which police unit is the subject of separate process of defascistization;
- c. a fire prevention administration;
- d. a provincial or communal administration of whatever kind;
- e. an undertaking which has at any time since 28 October 1922 received, either directly or indirectly, financial assistance or subsidy from the Italian State or from a provincial or communal administration;
- f. an undertaking which controls or operates, either directly or indirectly:
 - (1) a transportation service whether by land, sea or air;
 - (2) the production or distribution of gas or electricity;
 - (3) the collection or distribution of water;
 - (4) a telephone or radio service;
 - (5) a real estate or food cooperative organization;
 - (6) a consorzio of any kind; or

Classification:

- c. a fire prevention administration;
- d. a provincial or communal administration of whatever kind;
- e. an undertaking which has at any time since 28 October 1922 received, either directly or indirectly, financial assistance or subsidy from the Italian State or from a provincial or communal administration;

f. an undertaking which controls or operates, either directly or indirectly:

- (1) a transportation service whether by land, sea or air;
- (2) the production or distribution of gas or electricity;
- (3) the collection or distribution of water;
- (4) a telephone or radio service;
- (5) a real estate or food cooperative organization;
- (6) a consorcio of any kind; or
- (7) an ente di bonifica;

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g. an undertaking which controls or operates, either directly or indirectly, a financial institution, previdenza, or insurance institution;

h. The Bank of Italy or any other banking undertaking, or

i. an undertaking which is controlled, either directly or indirectly, by the Italian State or an ente di diritto pubblico, including Rivelascenica, Ansaldo, Alfa Romeo, Ilva, Silarificio Italiano, Snia Viscosa, Cellulosa and Cloro Soda.

ARTICLE V

Appointment of Commissions

Not later than 15 days after the date of the commencement of this Order in any locality

a. where the locality is an army area, the Senior Civil Affairs Officer

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b. where the locality is not an army area, the Provincial Commissioner.

shall appoint a Commission and designate its president to carry out the provisions of this Order within the locality, and shall give public notice of the appointment of the Commission, stating the locality for which the Commission is appointed and the address of the office of the Commission. Any person so appointed may at any time be removed by the Senior Civil Affairs Officer or Provincial Commissioner.

ARTICLE VI

Personnel of Commissions

Each Commission shall consist of a President and of such other members as the Senior Civil Affairs Officer or Provincial Commissioner shall appoint. The President and each of such other members shall be paid an indemnity equal to the salary of an Italian judicial official of the 4th grade.

ARTICLE VII

Acts, etc., of Commissions not open to Appeal

No act, notice or order done, issued or made by a Commission in pursuance or in consequence of this Order shall be open to any appeal. All such acts, notices and orders shall be final and binding on all persons affected thereby.

ARTICLE VIII

Notification of Order

Not later than 15 days after the date of the commencement of this Order the head of each administration and undertaking included in Article IV of this Order and carrying on business in the locality to which this Order applies, shall post at the place or places of business one or more copies of this Order and shall bring to the notice of all employees of that administration or undertaking employed in that locality that

a. this Order has commenced in that locality; and

b. the particular administration or undertaking is included in Article IV of this Order;

the omission by the head of such administration or undertaking to give notice in accordance with the provisions of this Article shall not afford a defense to any person charged with having failed to comply with the provisions of Article IX of this Order. Whenever this Order shall commence in any locality

of the consequences of this Order shall be open to any appeal. All such acts, notices and orders shall be final and binding on all persons affected thereby.

ARTICLE VIII

Notification of Order

Not later than 15 days after the date of the commencement of this Order the head of each administration and undertaking included in Article IV of this Order and carrying on business in the locality to which this Order applies, shall post at the place or places of business one or more copies of this Order and shall bring to the notice of all employees of that administration or undertaking employed in that locality that

- a. this Order has commenced in that locality; and
- b. the particular administration or undertaking is included in Article IV of this Order;

The omission by the head of such administration or undertaking to give notice in accordance with the provisions of this Article shall not afford a defense to any person charged with having failed to comply with the provisions of Article IX of this Order. Whenever this Order shall commence in any locality the Prefect shall be responsible for posting a copy in every commune of such locality.

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ARTICLE IX

Loignment of Scheda Personnel

Within 30 days of the date of the commencement of this Order, or within 15 days after becoming, subsequent to the date of the commencement of this Order, employed by an administration or undertaking included in Article IV of this Order, whichever shall first happen, each person to whom this Order applies shall lodge at the office of the Commission appointed for the locality in which he is employed, through his employer (or where such person is the head of an administration or undertaking, then direct) a Scheda Personnel in the prescribed form, duly completed in all respects and signed by the person lodging it. The head of each administration and undertaking included in Article IV of this Order shall within 35 days after the date of the commencement of this Order report in writing to the office of the Commission appointed for the locality affected by the Order, the generalita, address and particulars of each person to whom this Order applies, employed by such administration or undertaking, and who has not lodged a Scheda Personnel within the time herein

before prescribed stating in each case why his Scheda personnel was not lodged.

Where a person has, prior to the date of the commencement of this Order, in any locality, been dismissed or suspended, from the employment of an administration or undertaking included in Article IV of this Order by the Allied Military Government on the sole ground that he came at any time within the categories of persons set out in Article III of this Order, and such person desires to obtain employment in an administration or undertaking included in Article IV of this Order, such person may, within 30 days of the commencement of this Order in the locality in which he resides, lodge at the office of the Commission appointed for such locality, a Scheda Personnel, duly completed by him. Further proceedings shall be had thereon in accordance with notices and directions given by the Commission.

ARTICLE X

Denunciations to Commissions

Any person may denounce to a Commission any person to whom this Order applies and who resides or works in the locality for which the Commission is appointed. A denunciation shall be in writing on the prescribed form to be obtained from the office of the Commission and shall be accompanied by a detailed statement setting forth the facts giving rise to the denunciation and such documents as are necessary to support those facts, and may be accompanied by such other statements (whether of the person making the denunciation or of any other person) and such other documents as the person making the denunciation desires to be brought before the Commission. The denunciation and accompanying papers shall be submitted in duplicate. The signature of the person making the denunciation shall be authenticated by a notary.

ARTICLE XI

Proceedings on denunciation

Where a denunciation is lodged at the office of a Commission, the Commission shall, unless it is of the opinion that the denunciation is frivolous and discloses no grounds why further action should be taken upon it, serve upon the person denounced

2. a notice in the prescribed form requiring him to lodge a Scheda Personnel within 15 days of the service of such notice upon him; and

3. a copy of the denunciation and each statement and document which accompanied it.

ARTICLE XII

and such documents as are necessary to support those facts, and may be accompanied by such other statements (whether of the person making the denunciation or of any other person) and such other documents as the person making the denunciation desires to be brought before the Commission. The denunciation and accompanying papers shall be submitted in duplicate. The signature of the person making the denunciation shall be authenticated by a notary.

ARTICLE XI

Proceedings on denunciation

Where a denunciation is lodged at the office of a Commission, the Commission shall, unless it is of the opinion that the denunciation is frivolous and discloses no grounds why further action should be taken upon it, serve upon the person denounced

a. a notice in the prescribed form requiring him to lodge a Scheda Personale within 15 days of the service of such notice upon him; and

b. a copy of the denunciation and each statement and document which accompanied it.

ARTICLE XII

Incrimination

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A Commission may ex officio incriminate any person, who resides or works in the locality for which the Commission is appointed whether or not that person came at any time within any of the categories of persons set out in Article III of this Order and who is employed by an administration or undertaking included in Article IV of this Order, as being a person who, during the fascist regime, was either responsible for attempts against individual liberty or for corruption of political or commercial life in Italy, and who, during such regime, obtained illicit advantages by being a member of the fascist party. Notice of such incrimination shall be in writing on the prescribed form and shall be served by the Commission on the person incriminated and shall require the person incriminated to file a Scheda Personale within 15 days of the service of such notice upon him.

ARTICLE XIII

Further Proceedings on denunciation or incrimination

If the person denounced or incriminated fails to comply with the requirements of the notice so served upon him, the Commission may, forthwith after

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the expiration of the said period of 15 days, make a dismissal order against the person denounced or incriminated which order shall take effect from the date on which it is made. A copy of such order shall be served on the employer of the person denounced or incriminated.

ARTICLE XIV

Review of Schedule Personnel

Each Commission shall, at such times and in such manner as the person by whom it was appointed direct, review each Schedule Personnel lodged with it and shall determine, upon such review, which persons should, in the opinion of the Commission, be liable to dismissal in accordance with the provisions of this Order, and shall serve

a. upon each of such persons a notice of intention to dismiss that person; and

b. upon the employer of such person a copy of such notice.

A notice of intention to dismiss shall be in the prescribed form.

ARTICLE XV

Effect of notice of intention to dismiss

Where a notice of intention to dismiss is served on a person in accordance with the provisions of Article XIV of this Order, such person shall be deemed to have had made against him a dismissal order taking effect at the expiration of 15 days after the service of such notice, unless such person shall, before the expiration of such 15 days, lodge at the office of the Commission by which the notice of intention to dismiss was served, an objection prepared in accordance with the provisions of Article XVI of this Order, and shall also serve a copy of such objection on his employer.

ARTICLE XVI

Objections to notices of intention to dismiss

Where a notice of intention to dismiss is served on a person in accordance with the provisions of Article XIV of this Order, such person may, within 15 days after the service of such notice, lodge at the office of the Commission by which the notice was served, an objection thereto. Such objection shall be in writing on the prescribed form and shall be accompanied by such statements

ARTICLE XV

Effect of notice of intention to dismiss

Where a notice of intention to dismiss is served on a person in accordance with the provisions of Article XIV of this Order such person shall be deemed to have had made against him a dismissal order taking effect at the expiration of 15 days after the service of such notice, unless such person shall, before the expiration of such 15 days, lodge at the office of the Commission by which the notice of intention to dismiss was served, an objection prepared in accordance with the provisions of Article XVI of this Order, and shall also serve a copy of such objection on his employer.

ARTICLE XVI

Objections to notices of intention to dismiss

Where a notice of intention to dismiss is served on a person in accordance with the provisions of Article XIV of this Order, such person may, within 15 days after the service of such notice, lodge at the office of the Commission by which the notice was served, an objection thereto. Such objection shall be in writing on the prescribed form and shall be accompanied by such statements (whether of the person making the objection or of any other person) and such documents as the person making the objection desires to be brought before the Commission.

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ARTICLE XVII

Proceedings on objections

A Commission with whom an objection is lodged in accordance with the provisions of Article XVI of this Order, shall review the objection and the statements and documents, if any, which accompany it, and shall

a. if the Commission is of the opinion that the objection is frivolous and discloses no grounds why the person by whom the objection is made should not be dismissed, make a dismissal order against that person and serve a copy of such order on that person and on his employer. A dismissal order made under this paragraph shall take effect on the day on which it is served on the person against whom it is made;

b. if the Commission is of the opinion that the objection does not contain all the information which the Commission requires, serve upon the person by whom the objection is made, a notice in writing stating what further information the

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Commission requires and prescribing a date (not being less than 15 days after the date of the service of the notice) by which such information is to be lodged at the office of the Commission. If such additional information is not lodged at the office of the Commission by the date prescribed by such notice, the Commission shall make and serve such an order as is mentioned in paragraph (a) of this Article; if such additional information is so lodged by the date prescribed by such notice, the Commission shall take such steps as are mentioned in paragraph c of this Article; or

g. in any other case the Commission shall fix a date (not being less than 15 days from the date on which the objection is lodged) for the hearing of the objection and shall serve on the person by whom the objection was lodged a notice in the prescribed form stating the date, time and place of such hearing.

ARTICLE XVIII

Hearings of objections

At the hearing of an objection by a Commission the person by whom the objection was lodged shall have the right to appear, in person or by an advocate, to show cause (the burden of the proof of which shall be on him) why he should not be dismissed.

ARTICLE XIX

Hearings to be in public

Unless otherwise directed by the Senior Civil Affairs Officer or Provincial Commissioner or some officer delegated by him, every hearing of an objection by a Commission shall generally be open to the public.

ARTICLE XX

Powers of Commissions at hearings

At the hearing of an objection by a Commission, the Commission shall have power:

a. from time to time and at any time to postpone or adjourn the hearing to a date, time and place fixed by the Commission;

b. to administer oaths;

c. to exercise the powers conferred on a Court of Law by Articles 398, 347, and 343 of the Italian Penal Code now in force;

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Unless otherwise directed by the Senior Civil Affairs Officer or Provincial Commissioner or some officer delegated by him, every hearing of an objection by a Commission shall generally be open to the public.

ARTICLE XX

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At the hearing of an objection by a Commission, the Commission shall have power:

- a. from time to time and at any time to postpone or adjourn the hearing to a date, time and place fixed by the Commission;
- b. to administer oaths;
- c. to exercise the powers conferred on a Court of Law by Articles 338, 341, and 343 of the Italian Penal Code now in force;
- d. generally to exercise all the powers of a Court of Law necessary for the purposes of this Order.

ARTICLE XXI

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Subpoenas

A Commission may at any time by order require any person other than the person lodging the objection (subject to the provisions of Article 350 of the Italian Code of Penal Procedure and Article 307 of the Italian Penal Code)

f. to make a statement relevant to the matter before the Commission and mentioned in such order and to lodge such statement at the office of the Commission by the date mentioned in the order;

b. to attend before the Commission on a date, and at a time and place mentioned in the order to be examined on oath by, or to give evidence before, the Commission;

c. to produce at the office of the Commission before a date mentioned in the order, or on a date and at a time and place mentioned in the order, the document or documents specified in the order and which shall be relevant to the matter before the Commission or all the documents in his possession or under his custody relating to the matter mentioned in the order.

A copy of an order made by a Commission under the provisions of this Article shall be served by the Commission upon the person to whom it is addressed.

Any person who fails to comply with an order made by a Commission under the provisions of this or any other Article and served upon him may be punished by the Commission in accordance with Article 144 of the Italian Code of Penal Procedure.

ARTICLE XIII

Decisions of Commissions

The Commission shall render its decision upon an objection on the basis of fairness and shall

a. if it is of opinion that the objection is well founded, make an order sustaining the objection; or

b. in any other case make a dismissal order against the person by whom the objection was lodged which order shall take effect from the date on which it is made.

A copy of an order made under the provisions of this Article shall be served by the Commission upon the person in respect of whom the order is made and upon his employer.

ARTICLE XIV

Effects of a dismissal order

Where in pursuance of this Order a person has, or is deemed to have had, a dismissal order made against him that person shall

a. where he is at the date when such dismissal order takes, or is deemed to take effect, in the employ of an administration or undertaking included in Article IV of this Order, be dismissed, as from that date, from that employment; and

b. in any event, not be employed or reemployed thereafter by the same or by any other administration or undertaking included in Article IV of this Order.

2. If it is of opinion that the objection is well founded, make an order sustaining the objection; or

b. in any other case make a dismissal order against the person by whom the objection was lodged which order shall take effect from the date on which it is made.

A copy of an order made under the provisions of this article shall be served by the Commission upon the person in respect of whom the order is made and upon his employer.

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a. where he is at the date when such dismissal order takes, or is deemed to take effect, in the employ of an administration or undertaking included in article IV of this Order, be dismissed, as from that date, from that employment; and

b. in any event, not be employed or reemployed hereafter by the same or by any other administration or undertaking included in Article IV of this Order.

ARTICLE XXIV

Pensions and indemnities

where a person is dismissed in pursuance of the provisions of this ~~Order~~

a. such person shall be entitled to the pension which is then due to him according to the rules of the administration or undertaking by which he was employed;

b. and such person was, when he was so dismissed, employed by an administration included in paragraph a of Article IV of this Order, and he had, prior to that date, completed at least 15 years of service with that administration, he shall be entitled to a pension equal to the minimum pension to which he would have been entitled if he had served sufficient years with that administration to qualify for the same minimum pension;

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c. and such person was in the permanent employ of the administration or undertaking by which he was employed but was not entitled to a pension, he shall be entitled to an indemnity equal to one-twelfth part of the total salary or wages and indemnities of his last year of service for every year of his service with that administration or undertaking; or

d. and such person was not in the permanent employ of the administration or undertaking by which he was employed, he shall be entitled to an indemnity equal to one-fourth part of the total salary or wages and indemnities of his last year of service with that administration or undertaking.

ARTICLE XXV

Service of notice or papers

Where under this Order a notice or an order, or a copy of a notice or an order, is to be served it shall be served by an ufficiale giudiziario or a messo comunale on the person to whom it is addressed in the manner prescribed by Articles 138, 139 and 140 of the Italian Code of Civil Procedure.

ARTICLE XXVI

Public notice of dismissals

Each Commission shall keep full, complete and accurate records showing the generalities address and occupation of every person against whom a dismissal order is made or is deemed to have been made, and the records mentioned in this Article shall be open to public inspection, without charge, at the office of the Commission during the hours that the office is open.

In addition each Commission shall not later than the 10th day of each calendar month post outside its office and in such other places in the locality for which it is appointed as it may consider fit notices giving generalities, address and occupation of every person against whom a dismissal order has been made or is deemed to have been made, during the preceding calendar month.

ARTICLE XXVII

Stamp duty

No stamp duty of any kind shall be payable upon any Scheda Personale, objection, denunciation, incrimination, notice, order, statement, or document, or any copy thereof, lodged at the office of a Commission or served on any person under the provisions of this Order.

Public notice of dismissals

Each Commission shall keep full, complete and accurate records showing the generalities address and occupation of every person against whom a dismissal order is made or is deemed to have been made, and the records mentioned in this Article shall be open to public inspection, without charge, at the office of the Commission during the hours that the office is open.

In addition each Commission shall not later than the 10th day of each calendar month post outside its office and in such other places in the locality for which it is appointed as it may consider fit notices giving generalities, address and occupation of every person against whom a dismissal order has been made or is deemed to have been made, during the preceding calendar month.

ARTICLE XXVII

Stamp duty

No stamp duty of any kind shall be payable upon any Schedule Personale, objection, denunciation, incrimination, notice, order, statement, or document, or any copy thereof, lodged at the office of a Commission or served on any person under the provisions of this Order.

ARTICLE XXVIII

Rules

Each Commission shall have power from time to time and at any time 6369

- a. to make rules, not inconsistent with the provisions of this Order, to regulate its proceedings;
- b. to amend or revoke such rules, and to make other rules in place thereof;
- c. to publish such rules as for the time being are in force, the contents of which shall be available for inspection by the public.

such rules or amendments shall be subject to the approval of the Senior Civil Affairs Officer or Provincial Commissioner.

ARTICLE XXIX

Army Areas

Where a Commission has been appointed for an army area, and such area subsequently ceases to be an army area, the persons forming the Commission shall be added to and form part of the Commission, if any, appointed by the Provincial Commissioner of the province of which that area forms part.

ARTICLE XXX

Offences

No person shall make in a Scheds Personnel or in an objection or a denunciation, or in a statement or document which accompanies an objection or a denunciation, any statement which he knows, or has reasonable grounds for knowing or believing, to be false.

No person shall forge or falsify a Scheds Personnel, objection, or denunciation, or a statement or document which accompanies an objection or a denunciation, or a notice or order served, lodged or made, or purporting to be served, lodged or made in pursuance of the provisions of this Order or shall utter such a Scheds Personnel, objection, denunciation, statement, document, notice or order which he knows, or has reasonable grounds for knowing or believing, to be forged or falsified.

No person shall give to or before a Commission any evidence which he knows, or has reasonable grounds for knowing or believing, to be false.

No person shall offer, seek, give or receive any bribe, whether in money, goods or services, in connection with any matter mentioned in this Order or with anything done, or to be done, or which ought to be done, in pursuance or in consequence thereof.

ARTICLE XXXI

Penalties

Any person who violates any of the provisions of this Order shall, upon conviction by an Allied Military Court, be liable to imprisonment or fine, or both, with or without other lawful punishment, as the Court may determine.

ARTICLE XXXII

Saving for the powers of the Allied Military Government

Nothing in this Order or Area is intended to

renewable, objection, denunciation, statement, document, notice or order which he knows, or has reasonable grounds for knowing or believing, to be forged or falsified.

No person shall give to or before a Commission any evidence which he knows, or has reasonable grounds for knowing or believing, to be false.

No person shall offer, seek, give or receive any bribe, whether in money, goods or services, in connection with any matter mentioned in this Order or with anything done, or to be done, or which ought to be done, in pursuance or in consequence thereof.

ARTICLE XXVI

Penalties

Any person who violates any of the provisions of this Order shall, upon conviction by an Allied Military Court, be liable to imprisonment or fine, or both, with or without other lawful punishment, as the Court may determine.

ARTICLE XXVII

Saving for the powers of the Allied Military Government

Nothing in this Order or done in pursuance or in consequence thereof shall in any way derogate from or prejudice or affect the powers of the Allied Military Government in the occupied territory and those powers may at all times be exercised so if this Order had not been made.

Nothing in this Order shall in any way enable any person to infringe any Proclamation, Order or regulation made by the Allied Military Government.

ARTICLE XXVIII

Extent of Order and Effective Date

This Order shall become operative in each province or part thereof within the occupied territory on the date fixed therefor in a separate order of the Senior Civil Affairs Officer of an army area or of the Provincial Commissioner of a Province.

Dated, May 1944.

FOR THE ALLIED MILITARY GOVERNMENT,
ALLIED MILITARY GOVERNMENT,
FOR THE ALLIED MILITARY GOVERNMENT.

Declassified E.O. 12356 Section 3.3/NND No. 785015

TOP SECRET

M 196

ACC MAIN (GEN MACFARLANE C COMMA)

12th. May, 1944.

TOP SECRET

V 16

PRIORITY

GEN MACFARLANE

A.F.H.Q.

IN THE COURSE OF TODAY'S CONVERSATION BADOGLIO MENTIONED THE FOLLOWING POINTS PD ONE
 PD PAREN TO AFHQ FOR MGS CMA BRITISH RESIDENT MINISTER AND AMERICAN POLITICAL ADVISER
FROM ACC MAIN FROM MACFARLANE PERSONAL PAREN HOWEVER MUCH SFORZA MAY CLAIM TO BE AN
 ELDER STATESMAN WITHOUT ANY PARTY TIES CMA HE IS IN FACT VERY DEFINITELY THE LEADER
 OF THE ACTION PARTY PD TWO PD BADOGLIO EXPECTS THE AMMASSI PRICE FOR WHEAT TO BE
 PASSED BY THE CABINET AND ISSUED TOMORROW PD THREE PD THE EPURATION DECREE IS NOW
 PRACTICALLY AGREED IN FINAL FORM AND WILL BECOME LAW AFTER SCRUTINY BY ACC PD FOUR PD
 BADOGLIO NO LONGER PROPOSES TO REPLACE SANDALI AS AIR MINISTER BY PIACENTINI PD
~~SANDALI WILL REMAIN IN OFFICE UNLESS THE ALLIED AUTHORITIES DESIRE THAT A CHANGE BE~~
~~MADE~~

Dfnc.

NOEL MASON MACFARLANE
 Lieutenant General
 Chief Commissioner

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TOP SECRET NO PERSONAL

YNNM/rj

Ref. CC/P/274.

8th. May, 1944.

Reference my Cable No. M190 of 7th. inst..

1. I enclose herewith a copy of a document submitted to the Advisory Council by Bogomolov and a copy of an Aide Memoire which I submitted in reply. This Aide Memoire, I think, explains itself.
2. As regards the document submitted by Bogomolov, the question was again discussed at the last meeting of the Advisory Council. Bogomolov withdrew paragraph 5. entirely and it was noted that of the individual Fascists mentioned by name two had been already dismissed and strong representations regarding the others had been made to the late Italian Government.
3. The Bogomolov document was based on information supplied to him by Solodovnik after a visit to Sardinia where he appears to have met some of his friends.
4. The situation as regards epuration and of the administration of justice is much worse in Sardinia and in Apulia, which have never been under proper military government control, than in the remaining Provinces and Sicily. A.C.C./A.M.G. have not had the chance of acting executively in these two areas and the late Italian Government was most ineffective as regards carrying out the advice and suggestions we made to them. We have every reason to believe that certainly as regards epuration the new Government will probably do everything that is necessary without much further pressure from us. As their new epuration decree will not issue until the end of this week it may naturally take another few weeks before we see the tangible results thereof.
5. The judiciary is a much more difficult business and the delay in dealing with prisoners and the overcrowding of prisons is due to a lack of courts and judges. In A.M.G. Regions we have pretty well caught up by means of working A.M.G. courts and Italian courts at full pressure side by side. But in the Regions which have never been under A.M.G., such as Sardinia, they are badly in arrears and the main

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difficulty

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difficulty is the shortage of judges and officials competent to try cases.

6. This situation looks like getting worse. As we hand over more territory to the Italians our A.M.G. courts will cease to function in such areas, thus throwing more work on the Italian courts. Furthermore, there is every likelihood that a certain number of judges now functioning may fall below the Epurators Acts.

7. You will see that the problem is one of great difficulty and we are exploring every means of trying to cope with the situation. We should at any rate be able to count on much more effective collaboration in this respect from the new Government than we could from the old.

8. I hope that the above and the attached will provide you with adequate information with which to answer any questions that may have been put to you.

NORL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Lieut-General James A.H. Gammell,
CB, DSO, MC,
Chief of Staff,
Allied Force Headquarters.

6365

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TOP SECRET

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

SUBJECT: Apuration of Fascists and Prison conditions in Sardinia.
(Reference request for information on an aide memoire on this subject made by the Advisory Council at its last meeting)

1. A.C.C. control of Sardinia commenced on 1st. February, 1944. Prior to that date the Island was under the direct control of AFHQ and it is presumed that the Advisory Council informed itself of conditions in the Island through AFHQ.

2. Apuration of fascists.

Of the officials who held office under the Fascist Government no have been removed up to date. 2, cases are still under consideration by the Italian Government. These results are largely due to constant pressure applied by the A.C.C. representatives in Sardinia.

Attiavalle and Fabria have been removed as have 2 officers of the CVRA and 7 officers of the Fascist Militia.

To ensure the efficient working of the Carbonia coal mine the head of the mines has had to be retained in his appointment although he is known to have held Fascist views.

Colonna and Urali, both members of the CVRA, continue to hold office though with different functions and in spite of requests to remove them.

It should be remembered that Fascism was not so strongly supported by the Sards as by the Italians on the mainland. I am satisfied that since A.C.C. took over control in Sardinia the A.C.C. representatives have done their best to urge the Italian authorities to carry out an effective purge of Fascist officials. It must be remembered that in this respect the A.C.C. representatives have no executive power and that the late Italian Government was weak.

It is to be anticipated that under the new Italian Government the requests of the A.C.C. will receive speedier and more effective response.

3. State of the Courts in Sardinia.

Attiavalle and Fabris have been removed as have 3 officers of the OVRA and 7 officers of the Fascist Militia.

To ensure the efficient working of the Carbonia coal mine the head of the mines has had to be retained in his appointment although he is known to have held Fascist views.

Colonas and Orzi, both members of the OVRA, continue to hold office though with different functions and in spite of requests to remove them.

It should be remembered that Fascism was not so strongly supported by the cards as by the Italians on the mainland. I am satisfied that since A.C.C. took over control in Carbonia the A.C.C. representatives have done their best to urge the Italian authorities to carry out an effective purge of Fascist officials. It must be remembered that in this respect the A.C.C. representatives have no executive power and that the late Italian Government was weak.

It is to be anticipated that under the new Italian Government the requests of the A.C.C. will receive speedier and more effective response.

3. State of the Courts in Carbonia.

The state of the courts at the end of January was deplorable. It was with the greatest difficulty that the Italian judges who had the refuge in the interior could be persuaded to return to Cagliari and the Italian officials were most lethargic in finding alternative accommodation for the courts of justice and other judicial bodies whose buildings had been destroyed or occupied by the Italian Army.

An Allied Officer of the Legal Sub-Commission who visited the Island in March with the object of re-establishing the courts of justice succeeded in persuading the Italian authorities to re-open the Civil Court of Appeal and the Criminal and Civil Tribunals and Prature courts during April. There is, however, still a grave shortage of judges which would have continued had not the Chief Legal Officer of the Allied Control Commission persuaded the Minister of Justice to promote 12 local auditors and despatch 6 new judges to the Island.

The condition of the jails is bad, although there are slight signs of improvement. In the penal colonies there is no congestion but in the Judiciary Prisons, especially at Sassari, there is considerable overcrowding, and 2,37 persons are detained in prisons of which the capacity is 1,127 only.

TOP SECRET

The two chief reasons for overcrowding are the stagnation in the courts and the number (500) of military personnel awaiting trial. At the beginning of April 1954, civilians were awaiting trial; 500 however were granted an amnesty during the month at the instigation of A.C.S. Officers and the figure is probably considerably less at present. Arrangements have also been made through the efforts of A.C.S. Officers (though they are not yet complete) to detain military personnel in special military camps.

During March the Officers of the Legal Sub-Commission and the Regional Commissioner held numerous meetings with the High Commissioner and his officers at which they insisted on immediate action. As will be seen some success has been achieved.

There is no doubt that the presence in Sardinia of a very large number of Italian troops whose general conduct has been in certain instances unsatisfactory has contributed substantially and adversely to the island's problems.

The new Italian Government is being urged to take drastic action immediately and to support effectively the efforts of the Regional Commissioner and his staff who, it must again be remembered, had and have no executive powers.

ADOLFO MASOJA MACFARLANE,
Lieutenant-General
Chief Commissioner.

4th May, 1954.

To: The Secretariat
of the Advisory Council for Italy.

and to support effectively the efforts of the Regional Commissioner and his staff who, it must again be remembered, had and have no executive powers.

4th May, 1944.

TO: The Secretariat
of the Advisory Council for Italy.

Distribution:

orig. by Brig. Lush
Copies to: Lord Stanhope
Capt. Stand
S. S. file ✓

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JOHN MASON MCGARRAN,
Lieutenant-General
Chief Commissioner.

Declassified E.O. 12356 Section 3.3/NND No. 785015

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M190

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ACC MAIN (GEN MACFARLANE C COM)

7th. May, 1944.

TOP SECRET

V16 MACFARLANE

PRIORITY

A.F.H.Q.

Retained
by Gen
Mac F

File #7

YOUR NUMBER FOUR TWO ONE THREE ZERO PD PAREN TO ADVISE FOR GENERAL GARNELL FROM ACC
MAIN FROM MACFARLANE PERSONAL PAREN AM SENDING YOU BY MAG COPY OF MY MEMORANDUM TO THE
ADVISORY COUNCIL ON THIS SUBJECT PD THE GIST OF THE SITUATION IS AS FOLLOWS PD ACC CMA
ESPECIALLY IN AREAS SUCH AS SARDINIA AND APULIA WHERE AM NEVER FUNCTIONED PROPERLY CMA
NEVER SUCCEEDED IN GETTING THE LATE GOVERNMENT TO TAKE SUFFICIENTLY VIGOROUS ACTION AS
REGARDS REPRESSION AND ADMINISTRATION OF JUSTICE PD IN POINT OF FACT AS YOU WILL SEE
FROM MY MEMORANDUM A GOOD DEAL WAS ACCOMPLISHED IN SARDINIA PD THE SHORTAGE OF JUDGES
IS ACUTE EVERYWHERE PD THERE IS EVERY REASON TO HOPE THAT THE NEW ITALIAN GOVERNMENT
WILL TAKE MUCH MORE VIGOROUS ACTION THAN ITS PREDECESSOR

NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner

TOP SECRET

Copy of 9 May

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TOP SECRET

W185

ACC MAIN (GEN MACFARLANE/^CCO^{MM})

6th. May, 1944.

TOP SECRET

V16

PRIORITY

GEN MACFARLANE

A.F.H.Q.

BADOGLIO TOLD ME YESTERDAY THAT HIS CABINET HAD SPENT NEARLY THREE HOURS ON THE PREVIOUS DAY DEALING WITH THE QUESTION OF DEFASCISTISATION PD PAREN TO AFHQ FOR GENERAL WILSON CMA BRITISH RESIDENT MINISTER AND AMERICAN POLITICAL ADVISER FROM ACC MAIN FROM MACFARLANE PERSONAL PAREN THEY HAD REACHED AGREEMENT IN PRINCIPLE AND A COMMITTEE WITH OMODEO AS CHAIRMAN AND A REPRESENTATIVE OF EACH OF THE PARTIES WAS NOW ENGAGED ON DRAFTING A DECREE WHICH WOULD BE TAKEN CMA AND HE CONFIDENTLY THOUGHT PASSED CMA AT THE CABINET MEETING NEXT WEEK PD ZANINBONI IS BEING REMOVED FROM HIS APPOINTMENT AND WILL PROBABLY BE GIVEN SOME LESS EXACTING ONE PD A CABINET MINISTER WILL BE PLACED IN CHARGE OF EPURATION AS A WHOLE AND BADOGLIO TOLD ME IN CONFIDENCE THAT THIS WOULD ALMOST CERTAINLY BE SFORZA PD OMODEO WOULD BE PLACED IN CHARGE OF THAT PORTION OF THE EPURATION SCHEME DEALING WITH STATE OFFICIALS PD BADOGLIO CONFIRMED THE FACT THAT THE GOVERNMENT INTENDED TO CONCENTRATE ON THE MORE NOTORIOUS AND PROMINENT FASCISTS STILL AT LARGE AND THAT THEY DID NOT INTEND TO CONDUCT A GENERAL CRUSADE AGAINST ALL AND SUNDRY WHO HAD BEEN CONNECTED WITH FASCISM

636:
NORL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner.

TOP SECRET

Copied 6 May

(5)

NOTES

1. Badoglio asked me to give an interview to Cerabona (Communications) on the subject of railways. I told him I would contact Cerabona and arrange a meeting at which I would have my own railway experts present. ✓

2. Badoglio promised to produce di Napoli next time I came to see him to enable us to discuss the basic principles on which the new labour legislation should be produced. ✓

3. Badoglio said he had written to me to ask for some motor cars to be made available for the Italian Ministries, as the Ministers and their staffs were at present unable to get around the country as they should. I promised to do everything possible.

4. I spoke to Badoglio about the situation in Sardinia as regards:-

(a) Prisons and Courts. (b) De-Fascistisation.

Badoglio again promised to speak very strongly to his Minister of Justice and promised me that drastic action in connection with the Prisons and the delay in bringing prisoners to trial would be taken at once.

As regards de-Fascistisation. He informed me that I might rest assured that this would be very adequate in Sardinia as soon as the new Government's decree was issued and the process of epuration commenced.

He mentioned the ~~WFA~~ in this connection and explained that it was often extremely difficult to get reliable evidence or information regarding

staffs were ~~at present~~ unable to get around the country as they should. I promised to do everything possible.

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As regards de-Fascistisation. He informed me that I might rest assured that this would be very adequate in Sardinia as soon as the new Government's decree was issued and the process of epuration commenced. He mentioned the OVRA in this connection and explained that it was often extremely difficult to get reliable evidence or information regarding former members of the OVRA. He was, however, determined that they should be dealt with in every possible case.

5th. May, 1944

NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner,
Allied Control Commission.

done with

Unit 1-24

(4)

Unit 630

SECRET

ALLIED ADVISORY COUNCIL FOR ITALY

3 May, 1944.

Subject: Meeting of the Allied Advisory Council for Italy,
6 May, 1944

To : Mr. Alexander C. Kirk.

AGENDA

1. The political situation in liberated Italy - Report of Lt. Gen. Sir Noel M. MacFarlane.
2. Actions taken in Sardinia in accordance with the statement of the Soviet Delegation on the last meeting of the Advisory Council.
3. Discussion of the status of the Secretary General of the Allied Advisory Council's Secretariat.
4. Measures taken regarding the request of the Greek Delegation request to establish the Italian medal commemorating the campaign in Greece.
5. Miscellaneous.

The meeting will be held at 1100 hours, 6 May, 1944,
at the American Residence, Villa Matarazzo, via Tasso, 180.

KONST. GRISHCHENKO
Lt. Cmdr.
Acting Secretary.

Soviet Delegation,
A.A.C.I.

6354

Added for source

7
further detail.

- neither received.

— Robinson, ^{D. Heath}
Gen. Starnes & Kirk. Prof. B.

Read his report before sending
Lark & Glodman.

3

Basis of Sec. 5. has given all his
details to me & got things done
rather than only make report to
Adm. Council.

I am the
executive.

~~Will come help from
my personal experience on
prison and admin. of justice.~~

1 | Welcome suggestions from everywhere
and council criticism. I would like
to have it rapidly in concrete form.

2

I am especially glad to
have suggestions from my former
members of the Sec. on the subject
of administering prison and
of justice.

6358

(3)

Transmittal of Document at 708.

SECRET 9

The political situation in Sardinia, from information in our possession, can be stated as follows:-

1. Officials who held office under the Fascist Govt. of MUSSOLINI remain in the majority of cases. No purge has been made of Fascist officials continuing on the old system.
2. Since the Allied occupied Sardinia the prisons have not been controlled and they contain thousands of arrested persons. For example in the prison of CAGLIARI most of the prisoners await trial but the powers of the judiciary have not been decided.
3. Officials of AGO in Sardinia do not show the energy indispensable to a "democratization" of the political order in Sardinia conforming with the Armistice terms. Any action takes must comply with Articles, 29, 30 and 31 of the Armistice of 26.Aug.43.
4. On this subject the Advisory Council for Italian Affairs recommends to the Allied ~~Military~~ Commander-in-Chief:-
 - (a) That AGO makes the following proposals to the Italian Govt. for the execution of Articles 29, 30 and 31 of the Armistice of 26.Aug.43:-
 - (1) To proceed immediately with the purging of Fascist officials still concerned in local administration in Sardinia and particularly officials in the local councils, police, gendarmerie, justice, and

(11) To remove M. ATTAVALLI, Prefect of the Province of Sassari,

who has held this position since the time of the Mussolini Govt.,

(111) To remove ~~Arrest~~ and bring to trial ~~officials~~

31 of the Armistice of 26.Aug.43.

4. On this subject the Advisory Council for Italian Affairs recommends to the Allied ~~Supreme~~ Commander-in-Chief:-

(a) That AOC makes the following proposals to the Italian Govt. for the execution of Articles 29, 30 and 31 of the Armistice of 26.Aug.43:-

(i) To proceed immediately with the purging of Fascist officials still concerned in local administration in Sardinia and particularly officials in the local councils, police, Gendarmerie, Justice, and

(ii) To remove M. ATTAVIALI, ~~Prefect~~ of the Province of Sassari, who has held this position since the time of the Mussolini Govt., (iii) To remove, arrest and bring to trial, OTRA officials who continue to hold office in Sardinia, e.g., M. ~~PARISI~~, Commissioner of Police at ~~Cassari~~, and M.M. Eugenio COLOMBA and Salvatore ~~URZI~~, vice commissioners of the police.

(iv) Conduct a public enquiry as quickly as possible into the cases of persons arrested at Sassari on 15.Jan.1944 on the occasion of a demonstration.

(b) To direct that AOC will supervise the execution on the part of the Italian Govt of the terms of paras (a) (i) (ii) (iii) & (iv) above.

Declassified E.O. 12356 Section 3.3/NND No. 785015

Advisory Council

6/5-

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 - (12) To remove M. ATTAVALLI, Prefect of the Province of Sassari, who has held this position since the time of the Mussolini Govt.,

Armistice terms. Any action taken must comply with Articles 29, 30 and 31 of the Armistice of 26.Aug.43.

4. On this subject the Advisory Council for Italian Affairs recommends to the Allied Commander-in-Chief:-

(a) That ACC makes the following proposals to the Italian Govt. for the execution of Articles 29, 30 and 31 of the Armistice of 26.Aug.43:-

(i) To proceed immediately with the purging of Fascist officials still concerned in local administration in Sardinia and particularly officials in the local councils, police, Gendarmerie, Justice, and

(ii) To remove M. ATTAVIAILLI, Prefect of the Province of Sassari,

who has held this position since the time of the Mussolini Govt.,

(iii) To remove, arrest and bring to trial, OVRA officials who continue to hold office in Sardinia, e.g., M. FARRIS, Commissioner of Police at Sassari, and M.M. Eugenio COLOMBA and Salvatore UZZI, vice commissioners of the police.

(iv) Conduct a public enquiry as quickly as possible into the cases of persons arrested at Sassari on 15.Jan.1944, on the occasion of a demonstration.

(b) To direct that ACC will supervise the execution on the part of the Italian Govt. of the terms of paras (a) (i), (ii), (iii) & (iv) above.

HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

2 Sec Gen. 6494
U-5434

26 Apr 1944
DFE

ACC/74/INT

25 Apr 44

SUBJECT : Defascistisation.

TO : Secretary General.

Chief Commissioner
100

- 1 The Chief Commissioner enquired whether the position of H.E. Tito ZANIBONI was affected by the recent change in government. The answer is that it is not.
- 2 The following progress has recently been made and appeared in the Gazettes 15th and 19th April.

12 Apr Decretal Law 101 modifying Decretal Law 29/8 of last December by varying some of the proposed machinery and (because matters have not moved as fast as was hoped) extending the time for denunciation of fascists etc. ✓

13 Apr Decretal Law 110 establishing appointment of High Commissioner for purgation of fascism the appointment to be made by Royal Decree and the objects and powers would be defined by the Chief of Government. ✓

13 Apr Royal Decree appointing Sig Tito ZANIBONI High Commissioner for national purgation of fascism. ✓

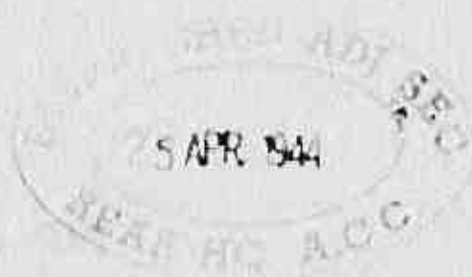
- 3 I shall be obliged if you will be good enough to inform the Chief Commissioner accordingly.

H.R. Chipp
H.R. CHIPPS, *etc.*
Lieut-Colonel,
for VP Adm Sec.



W.D. 24 6

(2)



Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

OUTGOING

27 FEB 1944

FISH/hjp

SECRET

Priority

FATIMA

FREEDOM

NF

FEB

27/230A

27 FEB 1944

SIGNOR ZANTHONI CALLED ON ME TODAY PD HE STATED THAT HE WAS MOST ANXIOUS TO COLLABORATE WITH ME AS CLOSELY AS POSSIBLE IN HIS TASK OF PURGING THE COUNTRY OF FASCISTS PD PAREN TO FREEDOM FOR COMRADES IN CHIEF CMA MAKING CMA REINHARDT CMA AND MRS FROM MACFARLANE PERSONAL FROM FATIMA PAREN HE FULLY UNDERSTANDS THAT HE CAN NOT TOUCH ANY OFFICIALS APPOINTED BY US WITHOUT OUR CONSENT PD HE TOLD ME THAT HE WAS INVITING THE COMMITTEE OF NATIONAL LIBERATION TO COLLABORATE WITH HIM IN HIS TASK PD HE HAD NOT YET RECEIVED THE COMMITTEE'S REPLY BUT WAS CONFIDENT THAT THEY WOULD AGREE PD HE EXPLAINED THAT IN DEALING WITH FASCISTS THERE WOULD BE FOUR DEGREES OF SEVERITY OF ACTION TO BE TAKEN AGAINST THEM ONE PD REMOVAL ONLY FROM OFFICE PD TWO PD CONFINEMENT IN CONCENTRATION CAMP PD THREE PD CRIMINAL PROCEEDURE BY ORDINARY COURTS FOR ORDINARY CRIMINAL OFFENSES PD FOUR PD TRIAL BY SPECIAL TRIBUNAL UNDER MILITARY LAW IN CASES OF OFFENSES AGAINST THE STATE PD I WAS FAVORABLY IMPRESSED BY ZANTHONI WHO HAS CHARMING AND ALMOST GENTLE MANNERS FOR ONE WHO HAS ASPIRED TO BE AN ASSASSIN PD HE WAS ACCOMPANIED BY SIGNOR OMETTO FROM GENOVA WHO IS COLLABORATING WITH HIM PD I HAVE HEARD GOSSIP AND GIVE IT FOR WHAT IT MAY BE WORTH THAT ZANTHONI WHO IS A SOCIALIST INTENDS TO ARRAIGN SOME PROMINENT MEMBERS OF THE GOVERNMENT AND THE SERVICES AND THEREBY PUT THE BADOLIO REGIME ON THE SPOT PD HE GAVE NO INDICATION OF THIS DURING OUR INTERVIEW

AUTHENTICATED:

Distribution:

2 - AG Files 1 - Chief Commissioner
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SECRET

NOEL WASON 6301
Lieutenant General
Chief Commissioner

①

2069

