

Declassified E.O. 12356 Section 3.3/NND No. 7850/6

ACC

10000/105/670

POLITICAL,
SEPT. 1944 -

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

7850/6

10000/105/670

POLITICAL, ADVISORY COUNCIL FOR ITALY
SEPT. 1944 - MAR. 1945

14A
MEMORANDUM FOR THE ATTORNEY GENERAL

6 and 15

BY ASSISTANT ATTORNEY GENERAL

REUR-1102

It is exactly 6 months since I last addressed this Council on the subject of epuration. At that time the position was that the principal decree for Sentences Against Robbers - DL 159 - had recently been passed (29th July). This decree established certain machinery which I described in my last speech dealing with education in its four branches - punishment of crimes, the purging of the administration, the recovery of corruptly gotten wealth and the forfeiture of the property of fascist organizations.

The main focus created the High Commission. It was not possible for this body to work without further provision to lay down the procedure to be followed. On the 3rd September, DL 198 was published which contained, among other matters, the rules of procedure for operating the High Court which had been established in Part I of DL 159 for trying fascist crimes. There was also published on the 3rd October, DL 230 which dealt with the personnel and details of the organization and administration of the High Commission itself. Furthermore on 23 Oct 44 DL 235 was published laying down the rules of procedure for trials of epuration. This decree also contained considerable amendments to the principal decree, among other things it provided for the appointment of delegates in the provinces whose primary functions were to keep the High Commissioner informed of conditions in the provinces, to conduct investigations for the High Commission or to inform the High Commissioner as to the local personages whom it was considered desirable to appoint there as members of provincial commissions.

This decree also contained rules as to the service of papers, the preparation for trial and other essential details.

I propose, therefore, to tell you what has been achieved in the past six months. First of all, as to organization:

The whole of the High Commission itself had to be recruited and naturally the antecedents of all its staff had to be investigated in order to ensure that it could not be said that fascists were in positions of responsibility.

Then the High Commission itself had to be organized and its personnel trained in its functions.

...so concerned with as to the service of papers, the preparation for trial and other essential details.

I suppose, therefore, to tell you what has been achieved in the past six months. First of all, as to organization:

The whole of the High Commission itself had to be recruited and naturally the antecedents of all its staff had to be investigated in order to ensure that it could not be said that fascists were in positions of responsibility.

Then the High Commission itself had to be organized and its personnel trained in its functions.

Then the hearing commissions to consider the dismissal of fascists had to be appointed. The total number of Commissions required is 270 of which 170 have already been appointed. Now under the law, in order to ensure that commissions shall be constituted by a judicial kind, it is provided that every Commission shall be presided over by a judge. After about 150 judges had thus been withdrawn from their normal duties, it was found desirable to call a halt to the administration of justice as being interfered with and a suggestion was made to the Italian Government that advocates of standing and experienced should be allowed to preside on question commissions. This proposal they still have under consideration. This has been one of the causes of delay in appointing the requisite commissions especially as to the provinces.

Another cause of delay has been lack of transport. It has been necessary for the central headquarters to send officials to provincial centres for the purposes of interviewing persons suitable to act as provincial delegates to discuss with prefects and others the persons considered suitable to be appointed to local commissions and also to conduct investigations. It has also been necessary to transfer officials from Rome to the provinces. For a period the High Commission had no cars available whatsoever, and even now has only two cars.

Now to deal with the four headings:

Firstly, the punishment of fascist crimes. This varies in importance.

The principal classes are:

- a) those who took an active part in the breaking up of the old constitution who may be punishable by death and are triable by the specially created High Court,
- b) those who were active in taking part in acts of violence or pillage or who have committed any "political crimes" or been guilty of the grosser forms of political corruption, whose crimes are triable at Assizes,
- c) those who have been guilty of active collaboration with the Germans who are triable before military courts,
- d) those who have committed lesser offences, as for instance, having been informers, who may be deprived of their right to vote, and,
- e) those who are sanatoriums and who have constantly supported the fascist government who can be deprived of their life sentence.

During the past 6 months, the High Commission has investigated cases involving 4,600 persons, of which the conduct of proceedings in 4,398 have been transferred to Assizes or other tribunals, 22 cases have been referred to the High Court of Justice, and of these 16 persons have been convicted and 364 cases are still under preliminary consideration. When considering these figures, it must be borne in mind that all or nearly all of the important fascists at whom this part of the decree was directed, sentenced with the Republican Fascist Government to Northern Italy and that this part of the decree will not effectively come into full force until North Italy has been liberated.

In regard to Part II, dealing with exemption. The total number of persons whose cases have been referred to exemption commissions up to date is over 25,800. Of these, 1,200 persons have been dismissed, 3,100 have received some lesser form of punishment and 2,500 have been exempted. There are still 19,000 cases to be decided, but the investigation is by no means complete and many more persons will in the future be referred to exemption. Therefore, of the cases decided, 48% have been dismissed and 37% have been given some lesser punishment. Together, 52% have received some form of punishment.

630 appeals have been filed over half of them by the High Commissioner against non dismissal. The Court of Appeal was inaugurated on 16 Feb.

In October it was realized by the Italian Government that the progress of exemption was going to take longer than it had at first supposed and as the staff of State Department could not be expected to settle down to the work efficiently with some of its funds not dismissed but merely suspended, it was decided that it was necessary to get stability quickly in the number of exemptions and that to effect this new legislation was needed. DL 257,

630 reports have been filed and half of them by the High Commissioner against an official. The Court of Appeal was inaugurated on 10 Feb.

In October it was realized by the Italian Government that the process of corruption was going to take a longer than it had at first supposed and as the staff of State Department could not be expected to settle down to the work of completely with some of its heads not dismissed but merely suspended, it was decided that it was necessary to get stability quickly in the senior state positions and that to effect this new legislation was needed. In 1937, a bill was introduced in the Chamber of Deputies which introduced new and shorter time limits for active priority of consideration and it introduced new and shorter time limits within which proceedings against them must be initiated and the cases must be decided. It also gave power to the President of the Council of Ministers to disburse with the services of other officials who, though not against fascists, had become involved in the ways of fascism, compensating them in some cases for loss of office by adding a few years to their services for a pension, providing that if persons so retired were proved to be fascists, they might be deprived of the whole of their pension or of the increase. The time limit within which officials and officials of the first four grades should be dealt with has been fixed at of 1500 officials of these grades in liberated Italy, 156, or 2% have been dismissed and 283, or 18% have been retired under the alternative provision. It should not be overlooked that the most fascist of such officials filed to the North, so that the proportion of dismissals is not so high as it would otherwise be.

Now to deal with the forfeiture of wealth completely gained. The scheme here has been to declare that all incomes of wealth of persons who held important fascist positions or entered into contracts with the fascist government on which they might have made improper profits over and above the normal increase as compared with the wealth of the same persons in October '22 is deemed to have been corruptly gained except in so far as it can be shown that it was legitimately acquired. The machinery has been the issuing of an order freezing the assets of the "accused" for 60 days while a special financial commission enquired as to the amount by which his present wealth exceeded that of 1922 and made an order accordingly. Not only have the same difficulties in connection with the appointing of Commissions and the conducting of local enquiries been

encountered because of lack of transport, but experience has shown that there are various holes which require blocking and further decrees are now under consideration for closing some of these holes.

So far, 4,400 cases are under investigation, of which 1,300 cases have been prepared for hearing. 524 orders have been made sequestrating estates pending decisions.

As regards the last part of the decree, very little progress, considering the matter as a whole, can be expected in the confiscation of the property of fascist societies because movable property has mostly been removed by the fascists to the north. The amount of property so far recovered amounts to a sum slightly over 1,000 million lire.

To complete the picture, it is necessary to mention that Count Sforza retired on the change of Government last Dec. and his place has not been filled. R. E. Ruggiero Grieco succeeded Scoccimarro (who is now Minister for Occupied Italy) as the Assistant High Commissioner for operations and H. E. Cingolani is now in charge of the recovery of corruptly gained wealth. By DL 2 of 26 Jan 45, it was provided that while the office of the High Commissioner was vacant its functions and powers should be exercised by a Board consisting of the four Assistant High Commissioners under the presidency of the President of the Council of Ministers.

The problem which faces Italy is very different from the problem which faces France. France was occupied for a matter of 4 years, during which time movement was restricted and therefore persons could not move far from their home towns. The only persons to be dealt with were collaborators and local venery and local feeling is sufficient to produce the evidence. Cases are therefore mostly relatively simple and can be dealt with quickly but in Italy fascism has existed for over 20 years, unjust and discriminatory laws 20 years old, not only have to be repealed, but their effects have to be undone, property unjustly confiscated over a period of years has to be restored. Political trials of those who opposed fascism during the past 20 years have to be scrutinized and injustices corrected. The fascist administrative machinery has not only to be broken but a new administrative machinery has to be constructed. The fascist party and fascist organizations have to be dissolved and fascist ideology has to be eliminated. In order to obtain convictions for fascist crimes it is necessary to delve into the past and enquiries are sometimes necessarily very lengthy. The same with alleged corruption. Epuration also may depend upon the investigation of a course of conduct extending over several years.

785216

ated over a period of years had to be undone, property unjustly confiscated or seized during the past 20 years have to be restituted. Political trials of those who opposed fascism during the past 20 years have to be scrutinized and injustices corrected. The fascist administrative machinery has not only to be broken but a new administrative machinery has to be constructed. The fascist party and fascist organizations have to be dissolved and fascist ideology has to be eliminated. In order to obtain convictions for fascist crimes it is necessary to delve into the past and enquiries are sometimes necessarily very lengthy. The time with alleged corruption. Repression also may depend upon the investigation or a course of conduct extending over several years.

In order to see whether assistance in dealing with these vast problems could be derived from a study of the methods employed in France, a French speaking officer of this Commission who was not only employed on operation but is also a lawyer, was sent to France in December. He visited Paris, Dijon, Toulon, Mr. Laval, Lyons. He attended at the office of the government departments concerned with the punishment of collaborators where he was given every assistance and given copies of the decrees; he was permitted to attend courts and investigations and conversed freely with officials. In the main his conclusions were that insofar as operation was concerned, that the Italian method was sound, it is a long term policy to proceed with justice and moderation and to leave as little desire as possible for revenge. As the result of his visit he had no important proposals for change to put forward in this field.

5092

With regard to the punishment of collaborators he was of opinion that there were certain advantages in some of the French procedures, namely the representation of the local populace upon tribunals and a speaker and simpler legal process. It is not suggested that a special process should be applied to all fascist crimes, but that it can with advantage be applied particularly to recent acts of collaboration and acts of violence, sabotage or pillage in North Italy. These suggestions have been passed to the Italian Government which has drawn up a decree which is now under consideration with this Commission.

It is hoped that within a relatively short time North Italy may be liberated. It may be desirable therefore that I should refer to the special conditions which we may find there and what arrangements we have to make to meet them. First of all the local Committees of liberation are in being and actively at work. It is desirable that they should have some share in whatever may be done to remove or punish fascists against whom they have been so long and bitterly

struggling and at whose hands they have suffered so much.

To consider first the fascist organs. The draft decree which I have mentioned provides for the setting up of Special Courts of Justice presided over by a judge with a lay assessor. It is proposed that these courts shall deal only with crimes of collaboration since 1943 and that in each province the Committee of Liberation shall be asked to form panels of 200 local persons of repute, men and women, suitable to act as lay assessors and that the President of the Tribunal shall select from these 200 names, 50 persons to act in rotation as 4 lay assessors.

It is hoped that these courts will be formed and will commence operations within two or three days of liberation.

So far as expiation is concerned, it is felt that it would take the Italian Government rather too long to appoint its delegates and Commissions (especially having in view its lack of transport facilities) so that Allied Military Government proposes to undertake the first phases of expiation. It proposes to act directly by Executive Memorandum 67. This is an "immediate action" directive scheduling on the one hand, the most important provincial offices from which it is desirable that fascists should be removed at once. It schedules, on the other hand, the most important positions in the fascist hierarchy and directs that any persons holding any of these specially important offices who is a fascist of sufficient eminence to have held one of the main important fascist positions or distinctions (ranked as a reward for active fascism, shall without any further enquiry be removed from office. This action is followed by General Order 35 of the Allied Military Government which deals more methodically and more deeply with fascism. The Order schedules employees by grade - senior, middle and subordinate - and directs that questionnaires shall be served on all of the first two classes. It sets up in every Province one or more Boards each of five Italian persons appointed by the Military Government Provincial Commissioner (after hearing any recommendations made by the President of the Committee of Liberation), to consider the questionnaires. These Boards then recommend to the Provincial Commissioner which persons should be suspended because they are politically dangerous. The Order lays down the time limits within which the proceedings shall be conducted, priority to be observed in dealing with cases, the formalities to be observed and prescribes forms and so forth. By the time that this work has been got well under way, it is hoped that the Italian Government will be able to resume its active operation. The Commissions under that decree would therefore consider first the cases of persons suspended under GO 35 and when it had dealt with these, would proceed to more complete expiation.

...any recommendations made by the President of the Committee of Liberal-
 ...to consider the questionnaires. These records then recommend to the
 Provincial Government which should be suspended because they are pol-
 itically dangerous. The Order lays down the limits within which the proceed-
 ings shall be conducted, priority to be observed in dealing with cases, the pow-
 er to be observed and prescription forms and so forth. By the time that this
 work has been got well under way, it is hoped that the Italian Government will
 be able to get the 1934 law active operation. The Commission under that decree
 would then consider first the cases of persons suspended under 20 35 and
 then it had dealt with those, would proceed to more complete operation.

There are other problems. The responsibility of the Italian Government is
 not only to remove fascists from positions of important administrative posts in
 connection with the Government of public companies of national importance but
 there also remains the question of the removal of fascists from controlling posi-
 tions in trade and commerce which problem has not yet been adequately dealt with.
 It is particularly important that firms which are engaged in substantial inter-
 national trade should be defascised as, apart from this being in accordance with
 allied policy, they may become centres of infection in other countries or may
 act as centres of fascist propaganda or for collection of information. It is
 also important that firms having large financial interests should be defascised
 in order to prevent substantial funds from being made available for fascist
 purposes. None of the decrees published so far efficiently deals with this
 important problem. While it is probable that a majority of important fascists
 will be caught by some of the provisions of the many decrees already passed, the
 Italian Government has at the present moment under consideration a draft decree
 which endeavours to stop such bolt holes as still exist.

Another factor which is under consideration is one to disqualify any persons
 convicted of fascist crimes or having suffered forfeiture for corruption or
 because they have given substantial financial support to fascist funds, from hold-
 ing the offices of director or manager of important companies (whether private
 or public). This decree will also forbid the granting of Government contracts
 to companies which are managed by fascists who have been thus convicted or punished.

It will be seen from this brief survey that much progress has been made in
 the last 6 months. No doubt there have been delays in some cases unnecessary
 but on the whole the Italian Government are tackling this most difficult problem
 with energy and firmness.

14/45
PM
(136)
SECRETARIAT
ADVISORY COUNCIL FOR ITALY

- 4 ADD ...

Rome, March 2, 1945

The next meeting of the Advisory Council for Italy,
scheduled for April 2, 10:30 a.m. 1945 under the chairmanship
of the Soviet Union Representative, will be held at Via
Gusta 5.

*Enrollment of participants
in regular way.*

Enclosure:

Agenda.

BRIGADIER G. S. UPTON
VICE PRESIDENT,
CIVIL AFFAIRS SECTION,
ALLIED COMMISSION
Rome.

5091

3426

CS

AGENDA OF THE
APRIL 6, 1946 MEETING OF THE
ADVISORY COUNCIL FOR ITALY.

- 1.) Political Review - by Rear Admiral Ellery L. Stone,
Chief Commissioner of the Allied Commission.
- 2.) Report on Operation - by Brigadier G.R. Upjohn, Vice President,
Civil Affairs Section, Allied Commission.
- 3.) Italian War Crimes Problem.
- 4.) Yugoslavs Actually in Units Stationed on the Islands of Corsica
and Sardinia to Join the National Liberation Army of Yugoslavia.
- 5.) Representative of Yugoslavia on the Allied Commission.
- 6.) Miscellaneous.
- 7.) Other Unannounced.

UNITED STATES REPRESENTATIVE
ADVISORY COUNCIL FOR ITALY

(1700)

Rome, October 10, 1944

D

My dear Brigadier, Unifolm.

I have received your note of October 10, transmitting
six copies of your speech on operation, and wish to take
this opportunity to express my appreciation of your courtesy
in this matter.

Very truly,

A. Kirk
Alexander Kirk

✓

14/10/44

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

7850/6

5085

255

G.R. Upjohn, Brigadier

VP SA Section

Deputy Chief of Staff

Allied Control Commission,

Rome.

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

14/48/CA ✓

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
CA SECTION

File
11a

10 Oct 44

Dear Mr. Goshie,

I am enclosing copies of my speech of 6 Oct 44 on repuration,
which are to be treated as restricted.

As copies have already been sent to the Russian, Yugoslav and
American delegates, I am sending nine copies instead of 12.

Ext 525
JCH/ls

G.R. UPJOHN Brig.
V.P. CA Section
Deputy Chief Staff

The Secretary of Allied
Advisory Council,
Via Vitt. Veneto, 119
F O M E

5088

2397

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
CA SECTION

14/3B/CA ✓

9 Oct 44

SUBJECT : Speech on Epuration.

TO : General VASSILIEU

Dear General,

I enclose a copy of my speech on Epuration to the Allied
Advisory Council on Friday 6 Oct 44. I understand you wished for a copy.

Ext: 525
J.C.H/is

G.R. UPJOHN Brig.
V.P. CA Section.

Maj General VASSILIEU
Villa Abamelec
Via Aurelia Antica
E O M A

5087

3358

Declassified E.O. 12356 Section 3.3/NND No. 7850/6

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
CA SECTION

✓
14/3B/CA

9 Oct 44

(ga)

SUBJECT : Speech on Epuration.
TO : Dr. MIHA KREK

Dear Dr. Miha Krek,

I enclose a copy of my speech on Epuration to the Allied
Advisory Council on Friday 6 Oct 44. I understand you wished for a
copy.

Ext : 525
JCH/is

G.R. UPJOHN Brig.
V.P. CA Section

Dr. Miha KREK
Via Paganini
(the only house-2nd floor)
R O M A

5086

(2358)

Civil Affairs Section
Allied Control Commission

Ref : IM/4B/CA

20 Oct. 44

SUBJECT : Speech on Epuration.

Your Excellency,

I enclose six copies of my speech to the Allied Advisory Council on Friday Oct. 6th on Epuration. I am sorry there has been a slight delay in forwarding the six copies you required.

G.R. UPJOHN Brig.
VP CA Section
Deputy Chief of Staff.

H E The American Ambassador
American Embassy
Pome.

JCH/jw

5085

926H

THE PERSONAL REPRESENTATIVE OF THE
PRESIDENT OF THE UNITED STATES OF AMERICA
TO HIS HOLINESS THE POPE
2, via Boncompagni, Rome.

14/46/CA^V

file
AA

Ya

October 9, 1944.

Dear Brigadier Upjohn:

I acknowledge the receipt of your letter of October 7, 1944 with which you so kindly sent six copies of your recent speech to the Allied Advisory Council on the subject of epuration. I have read your remarks with much interest and appreciation.

Thanking you for your courtesy, believe me

Sincerely yours,

Myron C. Taylor

Myron C. Taylor

Brigadier G. R. Upjohn,
VP CA Section,
Deputy Chief of Staff,
Headquarters, Allied Control Commission,
Rome.

508

2321

Civil Affairs Section
HQ Allied Control Commission

7 Oct. 44

REF. 14/11/44 ✓

SUBJECT : Speech on Espionage.

Your Excellency,

I enclose six copies of my speech to the Allied
Advisory Council on Friday Oct. 6th on Espionage.
I understand you wished for six copies.

G.R. UPTON Brig.
VP CA Section
Deputy Chief of Staff.

H E The American Ambassador
American Embassy
ROME.

JUH/or

5085

2226

RESTRICTED

Speech to the Allied Advisory Council
on Friday 6 October 1944

by
Brigadier G.E. UPJOHN

EXPLANATION

I must ask the members of the Council to treat the information given in this paper as entirely confidential. The Italian Government have been good enough to tell me of their future plans in this matter of epuration and it is not desirable that there should be any publication thereof.

The Italian Government published its first decree to purge the administration of Fascists while still at Brindisi on the 28th December 1943 but in view of the shortage of personnel and the manifest difficulties then facing the Government the decree was treated more as a declaration of policy than an operational decree and little if any practical results were achieved thereunder.

On the 26 May 1944 the Government passed a decree for the punishment of Fascists and immediately thereafter had under consideration a further decree amalgamating the purely purging decree of the 28th December and the punishment decree of the 26 May, '44, and integrating the operations thereunder. However, the then Badoglio Government fell and was succeeded by the present administration.

The present Government produced its decree which is entitled "Sanctions against Fascism" on the 27th July 1944. It is much broader in scope than the earlier decrees and is divided into four separate parts as follows:

1. Punishment of Fascist crimes.
11. Purging of the administration.
111. Disposal of profits made by Fascists.
- 1V. Confiscation of Fascist property.

The decree creates the office of a High Commissioner for Sanctions against Fascism to supervise the execution thereof and an assistant High Commissioner in charge of each of the four parts.

The present Government produced its decree which is entitled "Sanctions against Fascism" on the 27th July 1944. It is much broader in scope than the earlier decrees and is divided into four separate parts as follows:

1. Punishment of Fascist crimes.
- II. Purging of the administration.
- III. Disposal of profits made by Fascists.
- IV. Confiscation of Fascist Property.

The decree creates the office of a High Commissioner for Sanctions against Fascism to supervise the execution thereof and an assistant High Commissioner in charge of each of the four parts.

H.E. Count Sforza has been as no doubt you are aware, appointed to the important post of High Commissioner and he has four assistants whom I will mention as I deal with each Department.

Part I. CRIMES AGAINST FASCISM

H.E. Berlinguer is in charge of this Department.

Briefly this part of the decree provides first for the trial by a special High Court of Justice, of which Maroni is president, of members of the Government and high ranking members of Fascism who are guilty of annulling the guarantees of the constitution, of destroying the liberty of the people, of creating the Fascist regime and of betraying the fortunes of the country bringing it to its present disaster.

The punishment is up to penal servitude for life or in specially grave cases, death.

/Secondly it

5082

- 2 -

Secondly it provides for trial in the Courts of Assize Tribunale and Pretore of a more numerous class, namely those who organized Fascist squads and committed acts of violence and those who promoted the revolt of 28th Oct. 1922 and Coup d'Etat of 3rd Jan. 1925.

Thirdly it provides for the punishment for those who whether members of the armed forces or not collaborated with the Germans after 8th Sept., 1943.

The first trial before the High Court of Justice that of Garuso and his assistant Occhetto took place as is well known on the 21st and 22nd Sept., resulting in the death sentence for the former and 30 years imprisonment for the latter.

The trial of Ascolini former director of the Bank of Italy is fixed for the 9th October in Rome before the High Court of Justice.

On the 23rd October Generals Fentimalli and Del Totto will be tried in Rome for collaboration with the Germans and for not having defended the City of Naples from them and on the 22nd October Soprano the ex-prefect of Naples will be tried before the Court of Assize there for failing to resist the Germans. His defence is an interesting one, namely that he acted on the orders of the puppet Government then located in Rome although of course he well knew it was dominated by the Germans. If his defence fails a number of other prosecutions on the same lines will follow.

In addition 86 persons have been arrested and are awaiting trial in Rome including the following well known figures:ovich former Under Secretary for Foreign Affairs, Biagi former Under Secretary of Corporations, Gambelli former Under Secretary of Communications, and Giannini former Ambassador and President of the Council of State.

In a short time a further 141 persons will be arrested and placed on trial they were all members of the notorious Special Tribunal for the Defence of the State.

In addition 66 persons have been arrested and are awaiting trial in Rome including the following well known figures: Division former Under Secretary for Foreign Affairs, Bingi former Under Secretary of Corporations, Canolli former Under Secretary of Communications, and Giannini former Ambassador and President of the Council of State.

In a short time a further 111 persons will be arrested and placed on trial they were all members of the notorious Special Tribunal for the defence of the State.

In addition to the foregoing 600 denunciations have been sent to the Procura del reame throughout liberated Italy; these cases are now under investigation and in many cases the persons denounced will soon be tried before the appropriate Assize Courts, Tribunale and Pretore throughout the Kingdom.

The High Court of Justice will also shortly sit to consider the records of the conduct and voting members of the Senate and it has power to inflict disqualification from holding public office or a loss of political rights for not more than 10 years. If such persons are moreover considered a danger to society they may be sent to an agricultural colony or labour institution for not more than 10 years.

The plea of the senators is it is understood that they were in danger of their lives and could not vote against the Government though 25 of them had in fact done so.

A section of the populace appear to think that there has been an excess of delay in bringing offenders to trial but bearing in mind Count Stora's task in having to organise a completely new office and the time necessarily spent in pretrial investigations I think you will agree, there has been no undue delay.

/ PART II.

- 3 -

PART II. PURGATION OF THE ADMINISTRATION.

H.E. Socciamarro is in charge of this Department which is concerned not with punishment but with the purging of the administration of those (particularly those in high Government office) who have participated in the political life of Fascism, who have been consistent apologists of Fascism, and of those who have obtained high Governmental office through Fascist favouritism. Likewise those who have been guilty of Fascist bias, incompetence or corruption or who have collaborated with the Germans since 8th Sept., '43 are subject to dismissal.

This from a purely administrative point of view is the most important part of the Decree and Count Sforza has repeatedly laid down the policy that the epuration must be carried out rapidly and that the high ranking officials must be dealt with first.

There is now before the Council of Ministers a further decree which will shortly be published compelling epuration down to officials of the rank of Grade IV to be completed within two months from the date of the publication of the decree.

The machinery set up by the decree of 27th July is to provide in each Ministry one or more commissions each commission consisting of a Judge as President and an official of the Ministry and an appointee of the High Commissioner as members. These Commissions consider the cases sent to them by the High Commissioner and after considering the record may propose the employee for dismissal. The employee may appear before them and if they decide against him he may appeal to a central commission appointed by the President of the Council of Ministers and consisting of 7 members.

The Commission of first instance may recommend to the Minister the suspension of employees pending the hearing of his case.

Considerable progress has been made as is shown by the following figures. It is proposed to form a total of 126 Commissions and of these 64 are already appointed and sitting.

The office of the High Commissioner has had or now has under consideration up to the 27th September a total of 6051 cases. Of these 3471 having already been referred to Commissions with a proposal for the suspension

The Commission of first instance may recommend to the Minister the suspension of employees pending the hearing of his case.

Considerable progress has been made as is shown by the following figures. It is proposed to form a total of 126 Commissions and of these 61 are already appointed and sitting.

The office of the High Commissioner has had or now has under consideration up to the 27th September a total of 6051 cases. Of these 7474 having already been referred to Commissions with a proposal for the suspension pending hearing of 641. Ministers have ordered suspensions in 167 cases. This last figure is a little misleading however for in a very large number of cases Ministers have on their own initiative and frequently on the advice of unofficial committees set up by them before the decree came into force, ordered suspensions on their own account. In many other cases employees have wisely accepted a hint that their continued attendance at the office would serve no good purpose. The figures of these unofficial suspensions are not however available at present.

Bearing in mind the magnitude of the task the somewhat slow progress that has been made was to be expected but now that the machine is running a greatly accelerated speed of operation is to be hoped for especially having regard to the provisions of the new decree which I have already mentioned.

In addition to these Ministerial Commissions, in each province Commissions will be set up to purge organisations such as the Ufficio sanitario which depend entirely from the prefect. Until the purge of prefects is completed however it is not proposed to appoint provincial commissions. The purge of prefects is of course having the urgent attention of the High Commissioner.

/ PART III. 5081

- 4 -

PART III. DISPOSAL OF PROFITS MADE BY FASCISTS.

This Department is under the charge of H.E. Gingolani and is concerned with the collection and disposal of the profits of Fascists. Briefly an increase of property obtained after the 28th October 1922 by persons holding public office or in any way engaged in political activity as Fascists is presumed to constitute a profit from the Fascist regime unless the owner is able to prove the contrary. Where such property has been parted with such increase is constitut ed a debt from the former owner.

The investigation and assessment of the amount of the profit derived from the regime is placed within the jurisdiction of a Special Section of the Provincial Taxation Commission of each province.

Down to date denunciations have been received in respect of 1427 persons and in Rome alone protective measures for the sequestration of the property of 20 persons have already been taken. I will mention the names of 7 of the best known, Federzoni, Bottai, Vaselli, Farinacci, Dino Grandi, Starace and Azzolini.

The property of these 20 persons is estimated to amount to 3 billions of lire.

In addition investigations are being carried out in Rome with respect to the property of 95 other persons.

In the province of Naples the Intendente of Finance there

informs us that protective sequestration has been taken against the property of 945 persons and the sequestered property of the five brothers Piscitelli alone amounts to nearly $3\frac{1}{2}$ million lire.

Beginning with this month the Provincial Taxation Commissions have been instructed to send to the Government on the 1st and 16th of each month lists of persons considered to be profiteering and the action taken so that in future more complete figures will be available. The preliminary figures which I have briefly given above however seem to indicate a satisfactory start.

The Council of Ministers has under consideration the creation of an organisation to deal with the assets collected, to run businesses where they are taken over and generally to prevent a dissipation of the assets forfeited under the provisions of the decree.

In the province of Naples the Intendente of Finance there informs us that protective sequestration has been taken against the property of 915 persons and the sequestered property of the five brothers Piscitelli alone amounts to nearly 3 1/2 million lire.

Beginning with this month the Provincial Taxation Commissions have been instructed to send to the Government on the 1st and 15th of each month lists of persons considered to be profiteering and the action taken so that in future more complete figures will be available. The preliminary figures which I have briefly given above however seem to indicate a satisfactory start.

The Council of Ministers has under consideration the creation of an organisation to deal with the assets collected, to run businesses where they are taken over and generally to prevent a dissipation of the assets forfeited under the provisions of the decree.

PART IV. CONFISCATION OF FASCIST PROPERTY.

This Department is under the charge of H.E. Stanganini. It is charged with the collection and disposal of Fascist organisations and societies dissolved by the Badoglio decree of 2nd August, 1943.

The properties of the organisations which have been dissolved run into many millions of lire but it is obviously not possible at this stage to give any figures which would be of value.

Purely by way of example, in Rome alone cash to the value of 269000 lire and other movable property to the value of 6 million lire have already been secured.

So far as real estate is concerned Commissioners have been appointed to manage many properties or they have been handed over to deserving purposes; I need only mention one property in Rome the G.I.L. property at Monte Mario now handed over to the Don Orione Institution for assistance to abandoned and exiled children.

In conclusion I hope my remarks have not been too long or too statistical but perhaps they have assisted to present a fair picture of the progress of operation by the Italian Government, a picture to which I feel that full justice is not always done in the Italian Press.

Declassified E.O. 12356 Section 3.3/NND No. 7850/6

14/40/CA

SECRETARIAT
ADVISORY COUNCIL FOR ITALY

Lh *A 50*
RM

Rome, October 3, 1944

6 OCT 1944

The next meeting of the Advisory Council for Italy,
scheduled for October 6, 10:30 a.m., 1944, will be held at
the British Embassy, Via XX Settembre 84, under the chairman-
ship of the British Representative on the Council.

Enclosure:

Agenda.

Rec'd 10.20.44

Brigadier Upjohn

Deputy Chief of Staff

Civil Affairs Section,

Allied Control Commission,

Rome.

5080 *2007*

PS

REVISED
A G E N D A
for the
OCTOBER 6, 1944 MEETING
of the
ADVISORY COUNCIL FOR ITALY.

4a

SECRET

- 1.) POLITICAL REVIEW - by Captain Stone, Acting Chief
Commissioner of Allied Control
Commission.
- 2.) REPORT ON EDUCATION - by Brigadier Upjohn, Deputy
Chief of Staff, Civil Affairs,
Section, Allied Control
Commission.
- 3.) TRANSFER OF CERTAIN PROVINCES TO ITALIAN
ADMINISTRATION.
- 4.) WAR CRIMES PROBLEM WITH REFERENCE TO ITALY.
- 5.) ROOSEVELT-CHURCHILL STATEMENT REGARDING ITALY.
- 6.) MISCELLANEOUS.
- 7.) PRESS COMMUNIQUE.

Rome, October 4, 1944

Chute
Tavara
Pescara
Aquila
Rieti
Viterbo

5075

Brig. Upjohn

SECRETARIAT
ADVISORY COUNCIL FOR ITALY

Rome, October 3, 1944

(3w)

The next meeting of the Advisory Council for Italy, scheduled for October

6, 10:30 a.m., 1944, will be held at the British Embassy, Via XX Settembre 84,

under the chairmanship of the British Representative on the Council.

Enclosure :
Agenda.

Captain Ellery W. Stone

Acting Chief Commissioner

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

Captain Ellery W. Stone

Acting Chief Commissioner

Allied Control Commission

P.O. M.F.

5072

1706

REVISED

A G E N D A
for the
OCTOBER 6, 1944 MEETING
of the
ADVISORY COUNCIL FOR ITALY.

(Jaw)

SECRET.

- 1.) POLITICAL REVIEW - by Captain Stone, Acting Chief
Of Allied Control Commission.
- 2.) REPORT ON REURATION - by Brigadier Upjohn, Deputy
of Staff, Civil Affairs Section,
Allied Control Commission.
- 3.) TRANSFER OF CERTAIN PROVINCES TO ITALIAN ADMINISTRATION.
- 4.) WAR CRIMES PROBLEM WITH REFERENCE TO ITALY.
- 5.) MISCELLANEOUS *Roosevelt Churchill Statement
Regarding Italy*
- 6.) PRESS COMMUNIQUE.
- 6.) *Miscellaneous*
- 7.) *Press Communique*

Rome 4 Oct 44

5011

URGENT

ORJ *Open a new file*

14/24 R

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

Sub/af

1/00 071.

19 September 1944

MEMORANDUM TO: Army Sub-Commission
Naval Sub-Commission
Air Forces Sub-Commission
Legal Sub-Commission
Brig. UPJOHN. 1

1. Supreme Allied Commander - Mediterranean has directed that guidance be requested from the Advisory Council for Italy as to whether in principle Italian nationals of Croat and Slovene origin serving in the Italian armed forces might be permitted to volunteer for service with the Yugoslav Forces of National Liberation.

2. The next meeting of the Advisory Council is on Friday, September 22, at 10:00 A.M. I shall therefore be grateful for observations by mid-day Thursday, September 21, on how these service sub-commissions consider this will affect the Italian forces for which they are responsible. In forming their estimate there is no objection to their discussing this question with the Italian Minister concerned and stating what his views may be.

3. Legal sub-Commission are being asked to prepare a short note:

- (a) What is present Italian law concerning volunteering by Italian nationals in foreign forces, and
- (b) What steps in the light of (a) would have to be taken by the Italian Government to legalize such volunteering?

HENRY W. STONE
Captain, USN
Acting Chief Commissioner

cc: Political Section (Mr. Caccia)

50.0

1452

