

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

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10000/105/748

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

0000/105/748

DEFASCISM, GOVERNMENTAL BODIES  
JUNE 1944 - DEC. 1945

VP

47

Operation has blown up in the last few days. NENI is openly trying to get it under personal control for political ends; he is abandoning any pretence of judicial proceedings and as PERETTI-GRIVA will not play with him, the High Commission is to be abolished. NENI has attempted a coup by publishing his proposals as the intention of the Government and making it difficult to oppose. Prime facie the abolition of the High Commission falls in with the Liberal Party's view that Operation should cease - but NENI's object is not that-it is to get control of operation for political ends (PERETTI-GRIVA was not subservient) and particularly of the Police Forces. File DF/2.A, 39A - 42A refers.

We were again taken by surprise because we no longer insist on being kept informed of proposals before action. The result is far more embarrassing for all concerned than if we had been able to discuss the proposals beforehand, in which case they would probably never have been made.

CA Section  
17 Dec 45

48

*[Signature]*  
S.H. WHITE Lt Col  
A/VP CA Sec.

*Discussed with Ex Comm 28/11 No further action at  
this stage MC 28/11*

e 2611

44.

Chief Comm.

Reference your note regarding "the decree amended" on Folio 57a. Please see minute 45. I understand that you have already discussed the matter with VP CA Sec. No further action or in view of para 3 of Minute 45 shall we ask Polada if they are still of the same opinion?

45

*T. H. C.*  
15/11.

EC. No action

*W.S.*  
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16  
11

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NOV 16 1951  
0445

VP CAS

Pl. see min 45.

*T. H. C.*  
17/11.



C. 30 D/E r/m

40

I believe C.C. will want to see 39 in reply to his 36. Both Polad seem to think no further letter is necessary, as 36(a) dealt with the question of equalization satisfactorily. However, if CC wishes a letter written, C.H. can be asked to draft another.

CH 8/10

The above promised at 36(a) has been received, but this ~~has not~~ dealt with only one aspect of equalization.

For 7/10

41

TO: Chief Commissioner

Please see 38 and 39 as per your request at 36. I feel that 34A is sufficient assurance to us and no further action is indicated at this time. Do you agree?

10/11

7

C.H. / Chan get a copy of degree in awarded. 7/10/11

43

TO : Executive Commissioner

2609

As has already been pointed out at Minute 35, Signor NENZI's letter at 34-A referred to a particular document and did not answer the general question raised by 31A.

Sign. NENZI did, in fact, send that particular document as promised. It later passed into law as DL 625.

41

TO: Chief Commissioner

Please see 36 and 39 as per your request at 36. I feel that 34A is sufficient assurance to us and no further action is indicated at this time. Do you agree?

2

10/14

*copy shown for a copy of decree in amended.*

43

TO : Executive Commissioner

2603

1 As has already been pointed out at Minute 35, Signor NENZI's letter at 34-A referred to a particular document and did not answer the general question raised by 31A.

2 Sig. NENZI did, in fact, send that particular document as promised. It later passed into law as DL 625.

3 It seems clear that his letter gives us no assurance for the future because this Commission is not being kept informed of the Government's intentions as regards legislation. No prior information was received as to Decree No 621, 623 or 626, until they had become law. Nor did it receive any copy of the latest draft decree before it was considered by the Council of Ministers.

If, the position is to be accepted, no further action would appear to be necessary on this file.

4 With reference to Minute 42 it is not known what decree reference is made; the latest proposals are not amendments to any Decree but are entirely new decrees. If the reference is to the latest proposals will you please see the Summary of the draft decree which was circulated to Exec Comm, Polad A and B and Economic Section on 10 Nov.

CA Section  
13 Nov 45

*M. Carr*  
M. CARR, Brig,  
VP CA Section

-38-

Ex. Com.:  
*can*

I do not approve of the draft letter to the Prime Minister (Folio 37A) on the submission of draft epuration legislation to the Allied Commission prior to its approval by the Italian Government. The instructions from the Department of State were quite clear that any communication going forward to the Italian Government on this subject should be limited to the statement that the Allied Governments are following with interest the implementation of Article 30 of the Instrument of surrender, that they wish to be kept fully informed through the Allied Commission of action taken by the Italian Government in this respect, and that finally the right is reserved to intervene if it is apparent that the Italian Government is not properly carrying out its obligations. Thus the Italian Government may be requested to keep the Allied Commission fully informed but ~~any~~ instructions do not include requesting the Italian Government to submit epuration legislation to the Allied Commission prior to its final approval. I believe the British Foreign Office agrees with the State Department's views as expressed in Folio 33B (see Folio 36A).

I am inclined to agree with the Chief Commissioner (Minute 32) that the question of the present draft legislation is taken care of by Nenni's reply to Frigadler Carr (Folio 34A).

*J. Wesley Jones*  
J. Wesley Jones  
Political Adviser (A)

November 6, 1945. 39.

The Foreign Office in a telegram of the 5<sup>th</sup> October said that they entirely agreed with the State Dept's view as set forth above and added that they had no objection to the proposed adequacy set forth in position. They also said that they were satisfied with the

608

properly carrying out its obligations. Thus the Italian Government may be requested to keep the Allied Commission fully informed but ~~any~~ instructions do not include requesting the Italian Government to submit separate legislation to the Allied Commission prior to its final approval. I believe the British Foreign Office agrees with the State Department's views as expressed in Folio 33E (see Folio 36A).

I am inclined to agree with the Chief Commissioner (Minute 32) that the question of the present draft legislation is taken care of by Nenni's reply to Frigedier Carr (Folio 34A).

*J. Wesley Jones*  
J. Wesley Jones  
Political Adviser (A)

November 6, 1945. 39

The Foreign Office in a telegram of ~~the 5<sup>th</sup>~~

October said that they entirely agreed with the State Dept's views as set forth above and added that they might see action proposed accordingly with regard to the position. They also said that they were not satisfied that the Commission's interpretation of the ~~in~~ <sup>was in line</sup> aide-mémoire was correct.

I also saw that Sir Nenni offered me the case. Did he in fact communicate a copy of the draft, because which, I gather, was approved by the Council of Ministers last week?

*H. Hopkins*  
Pol. Adviser (B) out 7

VP.

Revised draft of 37A

It is noted that the purpose of the information for general dissemination is not sufficient to give the needed knowledge a day or so before it is to be printed

31 OCT 1940  
K. G. S.

35

Ex. Comm.

Draft letter at 37A for consideration please.

Norris's letter at 34A referred only to one particular document and was his answer to the general aspect raised by me in my letter at 31A.

31A

Think Pólad's should know 31 of my letter  
Chaff letters agreed.

31/x

M. L. B. B. (V.P.C. S.)

copy 11

36

NOV 3 10 40

Brief Commissioner

approval

attached is submitted for your V.P.C. S.

2607

particular document and was to answer  
the general aspect raised by me in my letter at  
3/17.

Think Polads should know 31 of my letter  
draft letters agreed.

3/17

M. J. ...  
(1/12/51)

6007

36-

NOV 2 10 40 AM '51

Chief Commissioner

2607

Attached is submitted for your approval

JAN 11 1951

FC Would like Polads' approval, pls. Ind. cc

POWELL (A)  
POLAD (B)

37

Your approval and/or comments on the draft letter opposite  
is requested. Item 35 above also refers

Polads  
R. L. ...



TO : Chief Commissioners

1. A controversy has arisen as to whether the Allied Commission should insist under the Armistice Terms on the Italian Government submitting proposed legislation in Epuration and Defascismo to Allied Commission before final approval is given thereto by the Italian Government - not "for prior approval" by Allied Commission.
2. Nenni resists the proposal. State Department on p.330 rule that the Italian Government should not be required to submit legislation to the Allied Commission for prior approval. Foreign Office, in p.36A, is against unnecessary intervention. (N.S. We never intended that Allied Commission's "prior approval" should be required and Mr. Key has misread our proposals to this extent).
3. VP, CA Section puts the case for the necessity of prior knowledge of legislation by the Allied Commission in minute 30.
4. We certainly ought to know the intentions of the Italian Government in this respect. We need exercise no power of consent. But without previous knowledge we shall be met with faits accomplis which are embarrassing to you - especially when the Luogo Tenente becomes interested as he did the other day. Insistence, however, under the Armistice Terms would be read by all Italians as insistence on approving or disapproving. We should, I think, fall back on Mr. Macmillan's advice when preparing PAN 487 that more often than not we could obtain more by pressure and contact than by wielding the big stick of the Armistice Terms.
5. While I recommended issue of 28A, I feel now that both our Governments are opposed to intervention and that we must fall back on a strong request and constant pressure by Local Government Sub-Commission to achieve our ends.
6. If you agree we will have 28A redrafted on those lines.

18 Oct. 45.

M.S.C. - Brigadier,  
Executive Commissioner.

2606

OGI 197100  
1206

E.C.

Why is this necessary in view of 34 F?

MS  
cc

...especially when under the Armistice Terms would be read by all Italians as insistence on approving or disapproving. We should, I think, fall back on Mr. Macmillan's advice when preparing PAM 437 that more often than not we could obtain more by pressure and contact than by wielding the big stick of the Armistice Terms.

- 5. While I recommended issue of 28A, I feel now that both our Governments are opposed to intervention and that we must fall back on a strong request and constant pressure by Local Government Sub-Commission to achieve our ends.
- 6. If you agree we will have 28A redrafted on those lines.

18 Oct. 45.

M.S.C. Brigadier,  
Executive Commissioner.

OCT 19 1945  
1206  
2606

F.C.

Why is this necessary in view of 34 F?

27  
10 V.P.C.A.S.

33

generally CC

Please draft letter ~~referring to~~ and advise that the draft be sent back in time to give it full & sufficient study: not as in case

18/12/45

Electrical Law ~~has been~~ done 34.

Ex. Comm

MSD



TO : Executive Commissioner

*The RA reply has received and is at 36A.*

- 1 28A which was drafted for a limited purpose was submitted to the Ambassadors (29A and 30A) without this Section having any opportunity to support the letter by any argument or explanation and it is feared that the Ambassador's letter at 33B may have been written without all the relevant considerations having been placed before him.
- 2 The Ambassador appears to be under the impression that this Commission has been in direct control of Defascism. This is not the fact. On occasion it has expressed an opinion and still more occasionally it has tendered advice. It has not at any time issued any positive direction on defascism. It has however taken steps to keep itself informed on two matters:
  - a) Proposed legislation
  - b) Results.
 Unless it is informed, it is not in a position to ensure that the promise of Roosevelt and Churchill (which was later incorporated in the Armistice Terms), namely that fascism would be abolished, is in fact carried out.
- 3 If it is not informed until after action has been taken and a matter to which objection must be taken has arisen, the Italian Government will then have to be required to vary its action and will suffer a loss of prestige and there may also be resultant internal political repercussions.
- 4 The following examples illustrate the importance of pre-knowledge:
  - a) There have been proposals to expiate persons who gave most material assistance to the Allies before and about the time of the surrender negotiations. The Expiation Commission was unaware of the facts and our secret service were not prepared to give evidence of them; if these persons had been expiated and we had thereafter interfered, there would have probably been a scandal in the papers with allegations about interference of the Allies which could not be refuted, but because this Section was aware of what was going on, it was able to inform the High Commissioner of the situation and he personally satisfied himself that these cases should not have been brought and withdrew them.
  - b) On one occasion recently a decree was passed without prior consultation; this Commission felt unable to implement that Decree in AMG Territory. Non-implementation has created difficulties and anomalies and AMG had itself to pass an order to bring part of it into effect. The Italian Government has pressed AJ to reconsider its decision. The amendments which would have made the Decree acceptable were slight and with prior consultation the difficulty would probably never have arisen. The Italians themselves admitted that the Decree would have been improved by the alterations the Commission desired.

5

Proposed legislation

b) Results.

Unless it is informed, it is not in a position to ensure that the promise of Roosevelt and Churchill (which was later incorporated in the Armistice Terms), namely that fascism would be abolished, is in fact carried out.

- 3 If it is not informed until after action has been taken and a matter to which objection must be taken has arisen, the Italian Government will then have to be required to vary its action and will suffer a loss of prestige and there may also be resultant internal political repercussions.
- 4 The following examples illustrate the importance of pre-knowledge:
  - a) There have been proposals to epurate persons who gave most material assistance to the Allies before and about the time of the surrender negotiations. The Epuration Commission was unaware of the facts and our secret service were not prepared to give evidence of them: if these persons had been epurated and we had thereafter interfered, there would have probably been a scandal in the papers with allegations about interference of the Allies which could not be refuted, but because this Section was aware of what was going on, it was able to inform the High Commissioner of the situation and he personally satisfied himself that these cases should not have been brought and withdrew them.
  - b) On one occasion recently a decree was passed without prior consultation; this Commission felt unable to implement that Decree in AMG Territory. Non-implementation has created difficulties and anomalies and AMG had itself to pass an order to bring part of it into effect. The Italian Government has pressed AMG to reconsider its decision. The amendments which would have made the Decree acceptable were slight and with prior consultation the difficulty would probably never have arisen. The Italians themselves admitted that the Decree would have been improved by the alterations the Commission desired.
  - c) If this Commission had not been pre-informed of the proposals to <sup>605</sup> the High Court, it would not have been able to advise the Chief Commissioner on Infante's recent representations.
- 5 The actual course of practice between AG and the Italian Government is completely within the spirit of the Ambassador's letter; in that this Commission has never given any directions to the Italian Government on the subject of Defascism; it has never overruled the Italian Government; it takes no part in any matter of detail not even advising thereon. It has only very seldom offered advice. <sup>1000</sup> This, however, consider it essential that it should be kept informed and, if it is not, it cannot ensure that the Italian Government carries out its obligations; usefully confer with those responsible; or intervene in time to prevent an unfortunate incident.
- 6 It is strongly represented that the system of the Italian Government keeping this Commission informed of its intentions is both proper and desirable and should be continued.

*M. Carr*  
M. CARR, BRIG.

*File BB 410*  
11/10

CA Section  
16 Oct 45

MINUTES 3/3/57

TO: Executive Committee.

Reference should be made to the report of the Committee on the subject of the proposed amendment to the Constitution. I suggest we await the British Ambassador's views in this matter before deciding whether to pursue it further.

Mr. De. ...

*ees* b/10 *File* *v/a*

*MC*  
Mr. De. ...  
V. P. ...

V. P. CAS

*24*

I agree. Neeni has gone part of the way in saying that the draft of the referendum decree will be shown to us.

*1/2/57*

2604

*MC*

VP, CA Section. MC 279 23

The Chief Commissioner has consulted the Polak and agrees with them that you should write to Siroor N.Y.M.I asking him for a written statement of his views. In the meantime the draft letter to the Prime Minister has been sent to the Embassy in order that they can consult their Government.

MLC  
Deputy  
Executive Commissioner.  
(29A-30A)

VP  
MC 279 24

Secure 33A-35. No action is necessary at present. We still await answers to 29/4 and 31/4

*[Handwritten signature]*

CA S  
25

Polak B.

Can you please say whether an early reply

to 29A may be expected

*[Handwritten signature]*

28 SEP 1940

2603

CA Section. 26

The Foreign Office have not sent us their views yet. Mr. Rappaport has sent a reminder saying to his first telegram.

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*[Handwritten signature]*

CA S  
25

Related B.  
Can you please say whether an early reply  
to 24A may be expected

*[Handwritten signature]*

2603

CA Section 26

The Foreign Office has not sent us their  
views yet. Mr. Kephart has sent a reminder asking  
an early reply to his first telegram.

*[Handwritten signature]*  
Mr. Kephart  
CA Section (R)

1/X/10

27.

VP. 24A presumably to be an answer to 24. It is of course nothing  
to do with the question. It is to be sent without discussion  
of the matter. It is to be sent to the matter which is followed up further.

*[Handwritten signature]*

CA S  
27

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Draft at 22A approval

Handwritten note

21

Ex. Commissioners

The draft letter at 25A is I think self-explanatory. C.L. A's Junior is given at Mar. 17. As to Italian Govt are contemplating changes in Expiration procedure (to matter is of importance.

F.I.C. by memo to dispatch of 25A will have it prepared for signature.

M.C. V.P.  
C.O.S.

3/9

21 4/9

13/1

22

REC'D  
SEP 6 1953

Chief Commissioner

Submitted for approval. Although  
not likely to err on the 2606

SEP 10 1953



Mem. 7. As to the Italian grant are contemplating changes in Espionage procedure (to matter is of importance.

F.T.C. by memo to dispatch of ZSA June have it prepared for signature.

M.C. v. P.  
C.O.S.

3/9.

2/4/9

22

SEP 6 1955  
REC'D

Chief Commission

Submitted for approval. Although Nenni is not likely to err on the side of protection justice / consider we should insist on the fulfillment of the Armistice Terms & recommend retransmit the letter (Nenni might be succeeded by a more vocal center minister)

278/4/15

F.C. Congress subject to approval of Mr. Winter Mr. Hapkinson.

try run the Prime Minister

At a recent meeting between Big Carr the Vice President of the Civil Affairs Section and Sir Naini the High Commissioner for Singapore Sir Naini was understood to say that Mr Harold Macmillan's side memo of the 22 Feb 1945 received the High Commission from my delegation to consult this Commission on its proposals or to submit pending legislation to the Commission pending prior to its approval. Sir Naini indicated that a number of queries he would supply this Commission with copies of the decisions <sup>dealing with Epimachus</sup> which were proposed. <sup>PLI</sup> ~~These amendments to the provisions contained in clause 1 of the Bill~~

It is the view of this Commission the whole of the Macmillan's side memo is controlled by the limiting words in the matter of day to day administration ~~which appear in the first paragraph of the side memo~~ that Defacement is a very special subject of particular importance and would be the only ~~which shall be dealt with in the Bill~~ ~~the side memo~~

Further Defacement is specifically dealt with in Article of the Armistice Terms and it is submitted that ~~specifications~~ <sup>provision is not overruled</sup> ~~provision~~ <sup>is</sup> This Commission is of opinion that a specific provision in the Armistice Terms is ~~not~~ <sup>not</sup> ~~in~~ <sup>not</sup>



~~... of ... the would supply this Commission with copies of the records ...~~  
... <sup>immediately</sup> ... <sup>denying the limitation which</sup> ... <sup>was proposed by</sup> ...  
... <sup>(B1)</sup> ...

... the view of this Commission the whole of ...  
... ~~... is ...~~ ... ~~... by the~~ ...  
... ~~... in the matter of day to day administration~~ ...  
... ~~... the first ...~~ ... ~~... that Defascism is a~~ ...  
... ~~... of particular importance and interest~~ ...  
... ~~... which ...~~ ... ~~... the~~ ...

~~... is ...~~  
... ~~... is specifically dealt with by in~~ ...  
... ~~... (Art 30)~~ ... ~~... and it is submitted~~ ...  
... ~~... that ...~~ ... ~~... is not overriden~~ ...  
... ~~... This Commission is of opinion, that~~ ...  
... ~~... in the Armistice Terms is~~ ...  
... ~~... by a general~~ ... ~~... as to the~~ ...  
... ~~... in which the terms in general will be interpreted~~ ...  
... ~~... Defascism is not a~~ ...  
... ~~... matter of day to day administration.~~ ...

I shall be glad to hear that you agree with  
my views

3. Mr. MacMillan's Aide Memoire of 24 February 1945 provided in substance that :-

Clause 1. Control of Italian Government under the Armistice would be relaxed in the matter of day to day administration, and would only be exercised (in such matters) when Allied Military interests require.

Clause 4. With respect to restored territory A. C. will only consult and advise.

Clause 6. In restored territory the Italian Government can legislate without the prior approval of the A. C. - but A. C. should be notified of decrees in advance in order to consider desirability of extending such decrees to A.M.G. territory.

4. I have no doubt at all that :-

- (a) Epuration is not a subject covered by the words or spirit of the expression "day to day administration".
- (b) Both clauses 4 and 6 of the Aide Memoire must be read subject to the qualification expressed in Clause 1.
- (c) Epuration is therefore a subject over which A. C. has retained, throughout Italy, the full control conferred by the Armistice Terms.

5. I have not studied the "two decrees" to which you refer and do not therefore know whether they come within the scope of Article 30. I have no hesitation in saying that in seeking to modify the grounds of epuration, the Italian Government must be proposing to legislate for "the dismissal of fascist personnel", upon which they are bound to comply with the directions of A. C.

LEA. S/C.  
28 Aug 45.

*W. A. Behrens*

W. A. BEHRENS,  
Colonel,  
Chief Legal Advisor.

15

VP. Please see minutes of 17. If you agree I propose to prepare a letter to the Prime Minister for origin by the CC. 2601

expression 'day to day administration'.

- (b) Both clauses 4 and 6 of the Aide Memoire must be read subject to the qualification expressed in Clause 1.
- (c) Epuration is therefore a subject over which A. C. has retained, throughout Italy, the full control conferred by the Armistice Terms.

5. I have not studied the "two decrees" to which you refer and do not therefore know whether they come within the scope of Article 30.. I have no hesitation in saying that in seeking to modify the grounds of epuration, the Italian Government must be proposing to legislate for "the dismissal of fascist personnel", upon which they are bound to comply with the directions of A. C.

*W. E. Barrang*

W. E. BARRANG,  
Colonel,  
Chief Legal Advisor.

LEGAL S/C.  
28 Aug 45.

VP. Please see minutes 16.17. If you agree I propose to prepare a letter to the Prime Minister for signature by the CC.

2601

CA S  
23 AUG 1945

11

Epuration

I agree to a letter. Should like to see  
a draft first please.

3578 MR

16

Legal

Under the committee terms the Station felt uncomfortable to review records etc and also to carry out investigations on matters covered by the Atomic Energy Family Security Act when made a pronouncement on the station's position re and the Station's agreement.

So far does this pronouncement resemble the committee terms when there are specific and how far is the pronouncement merely an admission of non-compliance not specifically required by the committee terms.

The question arises because the High Commissioner of Defense has specifically said that he does not require the right of the station to be consulted on Defense etc has recently caused two decisions to be issued without any previous communication being made to the AC and it is understood that under contemplation a complete change of operation procedure including some the grounds for operation on which he has earlier consulted an informed AC.

~~Therefore~~ The specific statement that the right of the station to be consulted on Defense is not required cannot be passed over if it is not in accordance with the terms position.

Will you please advise.

WMA 22600

CA S  
21 AUG 1945

17

How far does the pronouncement cover into the armistice terms where there are specific and how far is the pronouncement merely an application of interpretations not specifically covered by the armistice terms.

The question arises because the High Commissioner of Defascism has specifically said that he does not recognize the right of the action to be considered as Defascism. He has recently issued his decision to be issued without any previous communication being made to the AC and to understand it was under contemplation a complete change of executive procedure including even the grounds for administration on which he has neither consulted nor informed AC.

~~The~~ <sup>of the</sup> specific statement that the right of the action to be considered as Defascism is not recognized cannot be passed over if it is not in accordance with the true position.

Will you please advise.

CA/S  
2/AUG 1945

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785016

C.A. Section

1. By Art 30 of the Armistice Terms the Italian Government agreed to disband all fascist organisations and to "comply with all such further directions as the United Nations may give for abolition of fascist institutions, the dismissal and internment of fascist personnel, the control of fascist funds, the suppression of fascist ideology and teaching".
2. By Art 22 of the same terms the Italian Government agreed to "abstain from all actions detrimental to the interests of the United Nations and (to) carry out promptly and efficiently all orders given by the United Nations." For the purposes of Defascism this article does not, in my opinion, widen Art 30 by extending the scope of the subjects upon which the United Nations may give directions..

13

GO 357A for signature by A/EC.  
Covering letter for signature by yourself.

The same number of copies are being printed for distribution as of GO 357 (20,000) An addendum to the handbook is also being printed (2,000)

*[Handwritten signature]*

LA  
BWR:1945

14.

VP

Progress (or want of progress) of Expiration.

- 1 As a result of stimulation some Sub-Comms have called conferences with the Officers of their Expiration Commissions, some of which I have attended.
- 2 Among explanations for the slow progress which have been put forward are
  - a) Failure of the High Commission to fill promptly (or in some cases, at all) vacancies as they occur.
  - b) Failure of the High Commission to appoint Sub-Comms when it is obvious that the parent commission cannot cope in time with the volume of work which it has before it - even after the President has written that he cannot accept responsibility for completing the cases in time.
  - c) Want of discrimination by the HC in flooding Commissions with cases against petty officials who are of no importance whatever - who will probably in any event receive only a lesser punishment instead of considering first the more important cases.
- 3 It is impossible for some of the Commissions to finish in time. Would it not be worthwhile for the HC to consider all petty cases and inform the persons concerned that he proposes only to ask for a minor punishment of..... and that if the person accepts that the proceedings will be settled on such terms. You will recollect that the instructions to commissions are that owing to economic conditions they will not normally impose any lesser punishment e.g. suspension or reduction of rank which will impose an economic burden - but that the lesser punishment would be reprimand or loss of seniority.
- 4 If this is followed there would be no question of blackmail (and anyhow the person concerned could elect to take his chance before the commission if he did not think he deserved the punishment offered him) and it might enable a large number of petty cases to be withdrawn and give the Commissions time to deal with the more important cases.

method of improving matters.



- 1 As a result of stimulation some Sub-Comms have called conferences with the Officers of their Education Commissions, some of which I have attended.
- 2 Among explanations for the slow progress which have been put forward are
  - a) Failure of the High Commission to fill promptly (or in some cases, at all) vacancies as they occur.
  - b) Failure of the High Commission to appoint Sub-Comms when it is obvious that the parent commission cannot cope in time with the volume of work which it has before it - even after the President has written that he cannot except responsibility for completing the cases in time.
  - c) Want of discrimination by the HC in flooding Commissions with cases against petty officials who are of no importance whatever - who will probably in any event receive only a lesser punishment instead of considering first the more important cases.
- 3 It is impossible for some of the Commissions to finish in time. Would it not be worthwhile for the HC to consider all petty cases and inform the persons concerned that he proposes only to ask for a minor punishment of..... and that if the person accepts that the proceedings will be settled on such terms. You will recollect that the instructions to commissions are that owing to economic conditions they will not normally impose any lesser punishment e.g. suspension or reduction of rank which will impose an economic burden - but that the lesser punishment would be reprimand or loss of seniority.
- 4 If this is followed there would be no question of blackmail (and anyhow the person concerned could elect to take his chance before the commission if he did not think he deserved the punishment offered him) and it might enable a large number of petty cases to be withdrawn and give the Commissions time to deal with the more important cases.
- 5 There is only a very little time to organize any method of improving matters, it will take at least a fortnight to get anything going and there is only six weeks left.
- 6 Some of the Commissions have been disgracefully slow and our Sub-Comms peculiarly ineffective in stimulating them. In eight weeks Education with five Comms has only completed 32 cases i.e. only 5/4 of a case per commission per week. Public Safety with 3 Comms in four weeks have achieved only 14 cases only just over one case per week. A comm. should be capable of doing at least ten and up to 20 cases a week.
- 7 I have got all the slackers stirred up now but some of the Comms are getting us to help them by stirring up the HC.

Call White  
 29 June 45  
 S.H. WHITE Lt Col  
 We will raise the stable question with  
 him. I have asked for Andy Harvey to make  
 an appointment here or there. Please prepare a general report

30/6/45

Report  
If the order is amended, SCOPs orders will have to be reprobated  
and so will the SCOPs instructions.

PC's always have the power to remove. Also it appears to have  
no submission to PC's that only regular employees will be dealt  
with under 26A.35 and that temporary employees will be dismissed.  
If they are dismissed, they are not subject to 26A.35 or 26A.36.

In the case of regular employees, removal from office by SCOP  
is regarded as a suspension by force majeure. If the order is  
this view as regards temporary employees is  
precluded. If that is so, and the instructions to PC either  
without the actual amendment to the order.

in the case of a proposed submission to 26A, will give SCOP  
the same as a regular employee.

Handwritten signature/initials

CA  
25 MAR 1965  
9

AS Suggest complementary 9.0 or at 27A  
Lloyd  
2 April 65  
I think that 26A is sufficient. 9.0 35 is a 9.0 4. ARTS.

we cannot issue Admin letters which contradict it. well  
In view of the fact that a complementary decree is  
considered necessary, it is considered desirable also to amend  
Art 11 so that it is in accordance with Art 1 of DL no 1105  
will you please amend the text accordingly

Handwritten signature/initials

CA  
25 MAR 1965



CA  
27 MAR 1945

2

CAS Suggest complementary 9.0 as at 27A  
Lynne  
2 April 45  
G. G. Hamner  
4/4/45

I don't think 26A is sufficient. 9035 is a 904. ATIS.  
We cannot issue ATIS books which contain it. well

<sup>10</sup>  
Lynne  
In view of the fact that a complementary device is  
considered necessary it is considered desirable also to amend  
Art 11 so that it harmonize with Art 1 of DC in its effect  
Will you please amend the draft accordingly

CA  
27 MAR 1945

CAS. Herewith a first draft containing your suggestions.  
It may be that I don't think the two subjects go well together.  
I have also indicated a very rough draft of a decision you  
may wish to issue. If you agree we can discuss the final  
writing.

Lynne  
4/4/45  
G. G. Hamner

Lynne 27 A and 35 A. Will you please notify Comstaton 6/27/45 for  
4478-1045  
Lynne Hamner 6/14/45

19  
The responsibility of the Italian Government (as of AC) under the Italian Code of Laws that the Government is to be held liable for the actions of its officials and employees in the performance of their duties in the positions of laborers in Italy and commerce.

Should it be possible to

At the meeting with Prieb on Feb 10 I handed him a photostatic copy which showed that Cecilia's former or permission had been extended to me and noted that he should be removed from employment by the Istituto Metallurgico. Missions is ending for that results our representations effected.

I do not think that the new "conferenza" decree is really as bad as has been represented. This is somewhat outside the spirit of Part III of PL 159, it very largely is the rules and procedure for carrying out Part III of PL 159 and to that extent is similar to PL 285 which contains the implementing rules for Part II and does not appear to be very objectionable though they have not yet been properly pursued.

At the meeting with Bishop of ...  
copy which expressed that ...  
to me ...  
employment by the ...  
for what results our representations effected.

1 I do not think that the new "confiscatory" ...  
has been represented. ...  
III of RL 159, it very largely is the rules and procedure for carrying out  
Part III of RL 159 and to that extent is similar to RL 205 which contains  
the implementing rules for Part II and does not appear to be very objectionable  
though they have not yet been properly revised.

2 With regard to the extent of Part III:  
Art. 1 declares forfeit the property of all persons convicted of ...  
crimes subject to a discretionary grant for maintenance allowances to  
members of the families.

~~Art. 2 ...~~  
~~the maintenance of allowances ...~~

TO : C) Sec.

1. Adventizi or temporary employees may be employed by the State on one of two bases. They may be employed for a fixed term - e.g. 6 months - or they may be employed indefinitely. The second is far more probable.

2. If they are employed for an indefinite term, they can in the normal course be dismissed without notice. If no dismissal they have no right to damages. Furthermore their temporary service, however long continued, carries no right to a pension.

3. Furthermore Italian law provides that the pay of such employees is granted solely for services actually rendered, and any payment of salary made during a period when no work was being performed would have to be disallowed by the Corte dei Conti.

4. It follows from the above that a temporary employee, engaged on indefinite service, cannot under Italian law receive salary for a period during which he is "suspended" from service. It also follows that, whether or not it is legally possible to "suspend" rather than "dismiss" him, nothing is gained by such procedure. In the case of a permanent civil servant who by virtue of his status has specific rights there is an obvious difference between suspension which preserves his status, and dismissal which destroys it. A temporary employee has only a status during employment, and acquires no rights by virtue of that status. The suspension destroys the employment and therefore the status. It is true that at the expiry of the period of suspension the servant can, if he is willing, be re-employed but such re-employment does not create any rights for the period during which he was suspended. For practical purposes therefore it may be said that a temporary employee, engaged on indefinite service, may not be suspended; if it is decided to discontinue temporarily with his services he must be dismissed. This was the position at the time when D.L. 159 was passed and D.L. 159 must therefore be read in the light of it.

5. The situation is the same in the case of a temporary employee engaged for a fixed term, with the obvious difference that until that term has expired he has a contractual right to salary, since *ex hypothesi* he was ready and willing to carry out his contract but was prevented from doing so.

6. The above represents, in my opinion, the position under Italian law. In UG territory there is no legal objection to preserving General Order 35 strictly in its present form. In such case there is no power in the Commissions to dismiss the temporary employees: they can only suspend, and salary will be paid during suspension. In such case the authority of UG would of course be sufficient to override any objection of the Corte dei Conti to the validity of the payment. However the Administration concerned might well ask that the employer be in fact "dismissed" in accordance with regular Italian treatment of temporary employees. Since their employment is in any event terminable without notice, it is difficult to see how UG could refuse to comply.

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*White*

2597

W. S. BROWN,  
Colonel,  
Deputy Chief Legal Advisor.

LEGAL STAFF-COMMISSION  
22 March 1945.  
W.S.B.

Col White

I decide that temporary employees whether engaged on a fixed term (e.g. five months), or an indefinite term will be treated as dismissed whether under Force memo 67 or G.O. 55 or D.L. 159 in King's Landing, & will be suspended & entitled to the benefits of AFK etc. Uniform Capt Falk that this is to treat such employees suspended by him as dismissed; also Finance Section 17 decision. Reports independent to Force memo 67 & G.O. 55.

36

The duration of the AFMR (1974) was the subject in its present form to legal and business for signature

CPA  
29 Mar

*[Handwritten signature]*

37

VP

AC 17A is an instruction from AFMR, which was probably ~~intentionally~~ brought about as a result of AFMR investigation which the papers on the Pellegrini file. Much of what is contained in 17A has already been included in instructions issued with the ~~new~~ ~~matter~~ ~~has~~ to be circulated and the opportunity has been taken to include it in a consolidated instruction at 18A. As to the help to be given by the AFMR to Defensives, which is at 18A, the signature of approval

*[Handwritten signature]*

CPA  
1 APR 1976



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

2596

*[Faint handwritten text]*

*[Faint handwritten text]*

CA  
1405 1000

Minute Sheet

24

TO : Civil Affairs Section,  
(Attn: Lt-Col. White).

1. Fascist Crises. The file does not show what has led you to decide that a directive on this point is necessary. Only one reason is advanced, viz., that "prisons are greatly overcrowded".

I have given thought to the matter, as has Lt-Col. Hannaford, from the point of view of its application in forward areas, because in the back areas organised control is possible. From this point of view then, I think that it is unreasonable to expect AMG officers who have so many pressing activities in the first weeks or so of assumption of authority to concentrate on just one of their tasks to the extent called for by the second paragraph. In the state of unrest and disorganisation which invariably exists at this time I would say that in very few cases would it be possible to complete preliminary investigations within forty eight hours of arrest.

If it has been brought to the attention of the Civil Affairs Section that undue delay is occurring before accused are brought to trial, a directive calling for weekly "delayed action" reports in respect of all persons who have been detained for, say, longer than a fortnight would probably meet the case. I am of opinion that it is impracticable to bind Regional Commissioners to release suspects on the expiry of a stated period.

Should the prisons become overcrowded, there would seem to be no reason why the surplus should not be accommodated in a civilian concentration camp.

Finally, if in the course of fulfilling its task of effecting the security of the fighting forces, AMG should detain a few innocents this is an unfortunate consequence of war and a risk which has to be taken.

2. Sequestrations.

I do not think we can accept the opening statement that "the unnecessary freezing of accounts and property is hampering the rehabilitation of Italy and is obstructive to both trade and farming", without a proper definition of the words "unnecessary" and "property"; further, our instructions as to the blocking of bank accounts provide for partial or total un-blocking where necessary "to finance current activities of value to Allied Military agencies or the public welfare".

The underlying suggestion in Civil Affairs draft, is that our blocking programme should be abandoned as the matter is essentially one for the Italian Government and is adequately taken care of by DL 159. I welcome this suggestion with one reservation - we should, and even more so, every FO in the field -



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The underlying suggestion in Civil Affairs draft, is that our blocking programme should be abandoned as the matter is essentially one for the Italian Government and is adequately taken care of by DL 159. I welcome this suggestion with open arms - as would, and even more so, every PO in the field - but in view of our advises from CCS, I do not feel we can abandon it without a definite directive to this effect from CCS.

This question is currently the subject of separate correspondence between you and ourselves, and I have put to you the suggestion that Civil Affairs, as the section to AC dealing with expropriations and matters arising under DL 159, might signal CCS for authority to abandon our blocking programme.

3. Conclusion - We do not agree the proposed directive at the present time.

*for* BEA 2595  
Joint Director, Finance Sub-Commission.

27 March 1945

*See note (Timmons. White) if the directive is issued to the Army - see also  
minutes of the meeting on 27/3/45. Particularly if the words "undoubtedly" are not  
included. If issued to the Army it is for information only. Local conditions will  
govern when the Army can follow it. 28/3/45*

32.

Some comments on the draft directive to RO 30-44

CAS 21 MAR. 1945

u. Percent crimes

33.

Although I am in complete agreement with the draft directive at 16A in so far as territories at present under AMG are concerned, I feel that for Northern Italy not yet liberated more freedom of action should be left to Regional Commissioners in respect of the above. When we come in the situation may be different than in the South. Just, persons in the North may not be overcrowded. The Germans may have cleared all the inmates before their departure.

Secondly, the feelings of the people may run so high as to necessitate the arrest of many persons charged with major or minor percent crimes in order to protect their lives and avoid wholesale murders in the streets.

Thirdly, the proposed constitution of a new kind of tribunal (Courts of Justice) to try fascist criminals may necessitate a form of procedure which may be in contradiction with the tenor of draft directive.

I am therefore of opinion that while the general lines indicated in the directive should be borne in mind by all ROs in Northern Italy, it should be left to them to deal, to the best of their ability and experience, with local problems which cannot be correctly ascertained

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borne in mind by all R.C.s in Northern Italy, it  
should be left to them to deal, to the best  
of their ability and experience, with local  
problems which cannot be correctly ascertained  
at this juncture.

Regd  
21 March 45

G. G. Hampton  
F. C. C.

2594

Minute Sheet  
No 28

~~(Copy of Minute)~~

To: C.A. Section.

Instructions in minute 27 noted.

It is impossible to bring this matter to a conclusion before the 29th January 1945.

As will be seen from the lists there is a large number of concerns involved, and, having persuaded the particular Commissions to accept responsibility for them, proceedings have still to be commenced against individuals.

There is no reason to believe that the Commissions will deal with this situation any quicker than they have others and it is recommended accordingly that an extension of the final date by at least three months be obtained.

5 January 1945.

*A. J. Baxter*

A. J. BAXTER, Major R.A.  
Finance Sub-Commission

*ag.*  
The minutes have been prepared in a copy of the minutes of the Sub-Commission for the purpose of the minutes of the Sub-Commission.  
The minutes have been prepared in a copy of the minutes of the Sub-Commission.  
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6 JAN 1945

*Agreed*  
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5 January 1945.

A. J. EATYER, Major R.A.  
Finance Sub-Commission

*A. J. Eatyer*

*The situation that is referred to in the report is a serious one and it is recommended that the Commission should consider the possibility of an extension of the final date by at least three months.*

*W. J. ...*

6 JAN 1945

WJ

*Reason: The situation is serious and it is recommended that the Commission should consider the possibility of an extension of the final date by at least three months.*

2593

*If we are to have a copy of the report...*

6 JAN 1945

31.

1. Change our destination.

2. Lin 2 & 2 should read Fossite Antennae?

*W. J. ...*

MINUTE SHEET

25

CA Sec.

(Copy of minute)

I am sorry to have kept your file so long. The Ministry have promised me certain information from day to day. It has not yet been furnished. I will call for the file again later.

*Spad*  
H.J. BAXTER Major

FINANCE

31 Dec 44

26

C.A. Sec.

Requiere minute 21 to 24 above.

The suggested action in minute 24 has already been taken. The "Italian Authorities" by the Ministry of Industry Commerce and Labour have been approached unofficially and express the opinion that the interest payable is applicable only to those concerns which have been so decided in Italian law.

The Ministry of Treasury interpret the phrase a little more but does not cover all concerns. It is evident that all Ministerial Operation Commissions are not applying the same interpretation as was intended by the legal advisors of the U.S. Delegation. Separate lists have been prepared of concerns which are not being dealt with by the Commission.



Refers minutes 21 to 24 above.

The suggested action in minute 24 has already been taken. The "State Autarky" by the Ministry of Industry Commerce and Labor have been approved unofficially and express the opinion that the intense national is applicable only to those concerns which have been so decided in

State Law.

The Ministry of Treasury interprets the phrase a little from but does not cover all concerns.

It is evident that all Ministerial Operation Commission are not applying the same interpretation as was intended by the legal advisors of the U.S. Delegation.

Specific lists herewith of concerns which are not being dealt with by my Commission.

Ag. Radio Financ etc

3 Jan 1945.

2592

Enclosure

The appropriate authorities would be informed that we do not accept the view that "the substance suggested" is a legal basis of act to be applied only to concerns which should already have been dealt with in their own country. We have no objection to the fact that they are doing so. We find it rather surprising for them that they are doing so. The Delegation of the U.S. is not responsible for the substance of the Commission's work but they will be responsible to get on with the opening of hostilities of national importance of which they should be aware that you consider them of national importance. My cabinet may be interested in this. That is why I refer to it.

legal.  
 Please see to Mrs. Belmont's book would not require  
 the legal review of the Department as a result of  
 the volume of 10/13. They do not agree with the view expressed  
 in USA. In this case the words "recognized" as of  
 national importance" were used in a particular article of  
 a particular purpose to define limits of a certain standard  
 they are not able to be used in any other context for a  
 similar purpose and thus not having a term of art  
 meaning them to contain books because they were deliberately chosen  
 the phrase is stated to have been deliberately chosen  
 as a view and comprehensive supervision because of defining clearly  
 of finding a steel-composition from outside of national territory  
 and usually such concerns which affected the national territory  
 It was considered that the phrase was not for the purpose  
 and regard to the interpretation of the phrase the question  
 is a refer case as to whether there is any doubt whether they  
 come within 11(8) in the context of purpose also as often to  
 decision. The question would of course also be open to  
 contribution by the court if it were in fact national  
 need for a reply to some of the questions raised  
 only requires an answer to the view is national

CAS  
23 DEC 1944

*[Handwritten signature]*

CAS.  
 It will be appreciated that any view expressed by this SAC is academic and  
 does not bind the Italian authorities. Our view is that the Detention is right and  
 the view in USA para 3 etc are wrong.  
 However it is fact correct which might  
 have not been separated - see 13/12/44 -

of funding - Staff and professional - national security  
and normally these concerns which affected the program  
is considered that the program was not to be terminated  
and the continuation of the program. They  
with regard to the continuation of the program and to follow the  
in a report dated as to which there is any doubt whether they  
some other person would be concerned of the program  
division. Such division would be concerned of the program  
consideration by the board of the other in fact. However  
if this man is correct then there will need to be a  
need for a copy of the program to be given to the  
only requires an assurance of the program as a

CAS  
23 DEC 1944

23.

CAS. It will be appreciated that any view expressed by this office is academic and

does not bind the Indian authorities. Our view is that the Division is right and

the views in 13A program are wrong. However it is a fact concern which is right

often the "disintentional" view will be operated - see 13A 1/12 -

Our only action is what is. It would seem that an official letter

should be written to the Division inquiring why no proceedings have  
been started & requiring that they be started forthwith. Future  
action depends on the reply.

W.D.B. v. ~~W.D.B.~~ for  
D.D.A.

24.

Division. Report USA.  
Legal's. See also in 23 above. The Division view is that  
both before the view expressed by legal white on 7 Dec. Further you  
will communicate there will be the Division authorities  
in the last time before a sufficient point is to say the view expressed  
to not find them) and evidence which will be taken has been taken under the  
Division. You would refer to the fact that the separation Commission  
has appointed as confirming the USA's view that the legal officers

26 DEC 1944

CAS

Ref 18 documents signed by CC as required.

*E. Gordon*  
Ept  
Office of CAS

1411

Legal #

A and B are signed.  
Please review proof. See English and Italian versions of A  
and send to Legal Member.

It is proposed to submit Italian version of the other notes  
the submission notes as one document for the use of members of  
Committee.

All you please compare with other Members.

*W. Gordon*  
Ept

CAS  
17 NOV 1944

31

Legal

The document submitted to the  
legal  
Please see 18A.  
Please advise what indices are included within the provisions  
of Art 11 (3) of Ible. This seems contradictory substance in the  
agreement put forward by Turner. but the suggested interpretation  
is not consistent with the actual role of the Italian Govt which  
supplies that the interpretation is not correct in their eyes.  
They are for instance actively operating fronts other than the  
one in question. other concerns are also being operated  
1811 you please therefore before making your own opinion that  
the view put forward in 18A is not correct) what concerns are  
covered by the provisions.

1811  
1812  
covered by the provisions  
Special

and need to have...  
It is intended to provide...  
the Commission...  
Commission...  
will you please...  
H. H. H. H.

CAS  
17 NOV 1944

Re: ...

21

The present situation is...

legal...  
Please see...  
From... what... are included within the provisions  
of Act n. (3) of July. This seems considerable substance in the  
agreements put forward by... but the suggested interpretation  
is not consistent with the actual text of the Statute Book which  
states that the interpretation is not correct in their eyes  
They are for instance... activity...  
There is question... other concerns are also...  
Will you please... therefore...  
The view put forward in... is not correct... what concerns are  
covered by the...  
a/ alle Agende speciali  
b/ concessione di...  
c/ riconoscibile di...  
If the Italian view of... is not...  
It appears in fact...  
concerns...  
It is a domestic matter...  
The...  
of the...  
H. H. H. H.

CAS  
21 DEC 1944

CAS.

1. Herewith, revised as agreed, further draft 4.

(a) General Order 35

(b) Adm. Insts.

(c) letter ISRCs.

2. Your attention is called to :-

(a) GOS. AM-V(a)(2)

(b) Adm Insts. para 5.

(c) letter. paras 3 and 4.

3. COS has already signed the old form 4 (c). If therefore the news form is approved as actual signature is required.

4. Signature of CCAO is required on documents A-(a)- and D-(b) if they are approved.

~~W. H. ...~~  
D. C. ...

14 Nov 44.

17.

Same. The above is approved. It covers all your points and for the purpose of submitting first and then approving. You can still have your other comments if above you prefer when you submit your report. You can then have your own copy of a transcription and you should make a copy of the original with your comments attached.

W. H. ...  
D. C. ...



- 2. COS has already signed the document (1)
- is approved as actual signature is required.
- 4. Signature of CCAO is required on documents A-(a)- and D-(6) if there are approved.

~~W. H. ...~~  
D. C. ...

The above is approved. It accepts all points made in the process of suspending first and then re-opening. You can see that you are very cooperative to address the action which would have been taken. You can then have your own action which would have been taken. You can then have your own action which would have been taken.

W. H. ...  
D. C. ...

CMS  
14 NOV 1944

2590

COS

The COS signed documents A1644. It was later decided that it was desirable that the CC should sign the documents. The COS signed documents A1644. It was later decided that it was desirable that the CC should sign the documents. The COS signed documents A1644. It was later decided that it was desirable that the CC should sign the documents.

*[Handwritten signature]*

CMS  
14 NOV 1944

TO: Education S/C & CA Sec.

- 14 -

8 November 1944 /RIP

1. The following amendments are proposed, to cover the points raised in conference:

a. To General Order No. 35, Art V (a) (2) add at end of paragraph:

officials and employees of Grades I to VII inclusive who are employed under the Ministry of Education and are dependent from Provincial Adm. Staff.

b. To Administrative Instructions, amend par. 5 to read:

"a Commission, if it thinks fit, may sit in separate sections and each of such sections will have the powers of the Commission itself.

The President of a Commission will, if so ordered by the Regional Commissioner, allot one or more of such sections to the investigation of officials or employees employed by any particular Ministry or administration or undertaking and especially officials or employees employed by the Ministry of Education. The President of such Commission will appoint

and continue to the end of the paragraph.

c. To Chief of Staff letter add to end of par. 4:

"It is normally desirable for all school teachers to be separated as quickly as possible. Regional Commissioners will, therefore, if so advised by the Regional Education Officer, make an order for one section of Provincial Commissions to devote themselves to these officials."

*Handwritten signature*

W. E. B. Col.,  
DCLA.

11 Nov. 44

To: DCLA

1. (a) above had better be omitted. we can cover this letter for teachers who need nothing (as done by set and teachers) by adding the following to Cops letter  
2. Regional Commissions  
3. ...  
4. ...

Commissioner, allot one or more of such sections to the investigation of officials or employees employed by any particular Ministry or administration or undertaking and especially officials or employees employed by the Ministry of Education. The President of each Commission will appoint

and continue to the end of the paragraph.

2. To Chief of Staff letter add to end of par. 4:

"It is normally desirable for all school teachers to be expurged as quickly as possible. Regional Commissioners will, therefore, if so advised by the Regional Education Officer, make an order for one section of Provincial Commissions to devote themselves to these officials."

*W. E. B. Col.,*  
DCLA.

11 Nov. 48

15

To: DCLA

- 1. (a) above has better be omitted. we can cover this letter for teachers who were with (us) by & not all teachers) by adding the following to C's letter
- 2. Request Commissioner
- 3. at beginning of second sentence, insert: "Except in the case of teachers of secondary and university purposes."
- 4. at beginning of first sentence, insert: "Except in the case of secondary and university purposes."

2. At the end of Para 3, letter 2. RC, add the following:

Any Special Director, with the approval of the Regional Commissioner, may carry out immediate expurcation procedures and recommend expurcation to the Provincial Commissioner, to be followed as expurcation will then be filed with the Commission for full consideration and appropriate action in due course.

RC's letter transmits memorandum to RC of 2 September 1948 on procedure for expurcation machinery personnel, remains in full effect.

*W. E. B. Col.,*  
DCLA.

W.M.

VP  
I have not returned to the administration...

As to many questions in administrative matters...

As we have discussed the various proposals...

As we have discussed the various proposals...

As we have discussed the various proposals...

As we have discussed the various proposals...

As we have discussed the various proposals...

As we have discussed the various proposals...

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As we have discussed the various proposals...

As we have discussed the various proposals...

As we have discussed the various proposals...

17 OCT 1944

COS

2588

An agreed 3-man and 3-man and 3-man...

*[Faint, mostly illegible handwritten notes at the top of the page, possibly bleed-through from the reverse side.]*

17 OCT. 1944

COS

2588

As agreed I have made preference an order to number  
and to put operations into effect in North Italy

at 11 a. 16 the order (GO. 55) for signature by you

11 b. 16 the administrative instruction and six "card" forms

11 c. 16 the letter of instruction to regions and one "notice"

with regard to 11 b and 11 c. You will find these in the file the  
appropriate pages of the document for your signature.

11 a and b will be returned in document also. Steps are  
in and to print the regions copies.

Signed

CAS

16 OCT. 1944

*[Handwritten signature]*

CAS.

Issue

COS

17

Begin Please issue and arrange direct with Luigi Renteria  
as a printing. Is the Order to "post" or will it be a postcard in the form  
of the latter. Several copies will have to be prepared

*[Handwritten signature]*

Answer 17

Paragraph 17 might this give the PC the view that he would have the right to consider the Army's objection and if he considers that it has no merit rule against it. Should it not be made clear that it is the Army's view which is decisive.

(1) Article 15 of Instructions

para 2 Last sentence is desirable the right word is used when the direction is given with it and not with the PC. Should not this sentence read:

"The order will be put into effect on the day of the date of the order with the approval of the appropriate authority who will obtain the approval of the ACC before putting the order into operation."

para 4 In the spirit of the general part of ACC Commission being limited down to Grade IX and since Commission this paragraph would confer very little priority.

In view of the training course as to Grades I to IV officers would be not be desirable to order scheduled to be put into Grade (a) down to 2470 by 6 grade VI (or VII) (c) the remainder. Ungraded employees to be graded on equivalent salary basis.

Sum of not limited as suggested for first class down to Grade III is very large and would confer any priority in Grades I to IV.

It is also noted that the right word declassification which it was used should be dropped has happened. Please see para 6 of min 9. - one would not say the investigation instead of them  
7 OCT. 1944

*[Handwritten signature]*

TO : VP, Civil Affairs Sec. /rlp. 15 October 1944.

1. Herewith revised draft for your approval before final typing. Your particular attention is called to



Commissioners should be notified. Please to Secretary  
Honorable Mr. [Name] would confer very soon  
Priority  
In view of the pending [unclear] - [unclear] [unclear] [unclear]  
Officers should be not be [unclear] to [unclear] [unclear]  
to be [unclear] into [unclear] (a) down to [unclear] [unclear]  
Grade [unclear] (or [unclear]) (c) the remainder. Ungraded  
employees to be [unclear] in [unclear] [unclear] the first  
[unclear] if not [unclear] as suggested. The first  
also down to Grade [unclear] is very large and [unclear]  
confers my priority in Grade I [unclear]

It is also noted that the ugly word defascistization which is  
used should be dropped. It has reappeared. Please  
see para 6 of min 9. - one would not say  
theoristization instead of theorian  
10/11/1944

/rip.  
15 October 1944.

TO : VP, Civil Affairs Sec.

1. Herewith revised draft for your approval before final typing. Your  
particular attention is called to,

a. General Order

(1) Article V a.

The underlying portion was added at the request of Education  
Sub-Commission (see attached memo). I disagree with the memo  
and with the proposed addition as any variation of this nature  
is likely to delay this order without any commensurate advantage.  
Under clause 20 of the Executive Memo, Provincial Commissioner can  
see Schedules at the office of the Epuration Commission as soon as  
they are filed. I recommend that the underlying portion of the  
article be deleted.

(2) Article XI

b. Executive Memorandum, Arts. 4 and 16.

c. Letter, paras. 3 and 4.

2. Please return these documents for preparation of the final text as there are  
no copies.

*[Signature]*  
[unclear] Col.,  
PCLA.

11B draft Regional Order

Art 3 I think antecedent is a better word than qualifications in line 3

All members of the commissions are under Grade IV this is equivalent to Major General. I would suggest President Grade IV other members Grade V or even President Grade V other members Grade VI

The order provides for the completion of a schedule by every single employee. In a big city like Houston this will necessitate thousands of forms for a single works, and hundreds of thousands for the whole town. It is likely to snow under the whole investigation. It will require a large staff and take a long time. Progress reports made to us are limited to certain senior grades down to Senior Foreman. It is necessary for the "ACC. quick fudge" to go down lower than that

The two essentials are quickness and removal of them in position of authority. This will not be obtained unless there is some limitation. Our return forms require five down to Grade IX officials and seven to senior foremen respectively. Cannot in turn lower grades to the labor situation.

The use of the word "intended" ~~is~~ in subpara (a) as a qualification of the word "suspension" implies some form of provisional decision which may impart some feeling of prejudice. Is not "proposed" a better word? If so the relevant notice could take the form that

"The commission has under consideration a proposal that ~~it~~ should be suspended from his office of ~~and~~ and will proceed ~~to~~ on the (date) to make an order to that effect UNLESS the said ~~it~~ files before that day an objection in writing" etc. etc. It would of course require amplifying it in the grounds to create the man's position. The proposal as regards pension. Please attach the opening of the proposed form at 11 C/B, which gives the impression that the matter has been decided.

40 11B.D  
C  
I have the same  
I have the same

Copy  
(copy)

The "ACC. quick things" to go down lower than that  
The two essentials are quickness and transparency of  
these in positions of authority. This will not be obtained  
unless there is some limitation. Our return forms  
require five days to Grade IX officials and seven to  
higher positions respectively. Cannot or leave lower  
grades to the entire Italian system.

The use of the word "intended" ~~is not~~ is not  
is a qualification of the word "suspension" implies  
some form of provisional decision which may imply  
some feeling of prejudice. Is not "proposed" a better  
word. If so the relevant matter could take the  
problem that

"The commission has under consideration a proposal  
that ~~should be~~ ~~intended~~ from his office of ~~\_\_\_\_\_~~  
and will proceed ~~\_\_\_\_\_~~ on the (date) to make an  
order to that effect UNLESS the unit ~~\_\_\_\_\_~~ ~~\_\_\_\_\_~~  
that day "an objection in writing" etc. etc.

It would of course require amplifying the grounds  
on grounds to enable the man to prepare his defense  
and the proposal as regards the proposal form

Please explain the meaning of the proposal form  
at 11 C/B. which gives the impression that the matter  
is rather more than half decided.

Subpara (4) is desirable to give employers notice at this  
stage. They know, having seen the other ~~\_\_\_\_\_~~ ~~\_\_\_\_\_~~  
and in the case, that everybody is ~~\_\_\_\_\_~~ ~~\_\_\_\_\_~~  
They will have a very good idea who is likely to be  
the notice at this stage may likely to result in prejudice  
those who are accordingly cleared. No action has to be  
taken on this notice. I suggest that ~~\_\_\_\_\_~~ the

notice under Art IX is sufficient  
11C draft Exec. Memo.  
para 5 line 4. This might be interpreted as regarding a  
unanimous decision. It is not the advantage of  
every case. It is obvious that those who do not attend the  
meeting should not vote. As the case is known who is  
going to be cleared and who suspended. The whole  
commission must have every case.

11C draft Exec. Memo.  
para 5 line 4. This might be interpreted as regarding a  
unanimous decision. It is not the advantage of  
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unanimous decision. It is not the advantage of  
every case. It is obvious that those who do not attend the  
meeting should not vote. As the case is known who is  
going to be cleared and who suspended. The whole  
commission must have every case.

Ext. 525

9.

SHW/gal

RCIE Section.

- 1 Reference your minute (8), revised draft is at 7A. Clause 6 was drafted in its original form because under the new decree the Prefect is not concerned with defascism of any concern which comes under a Ministry. All Government officials and employees of parastatal concerns and undertakings such as banks, insurance companies and other concerns whose interests are on a national scale will be defasciated centrally. There is a tremendous number of persons to be dealt with and it was thought to relieve RC of a mass of detail, all of a routine nature.
- 2 The latter part of the new para 6 has been arrived at after discussion between our sections (Lt Col White and Major Talbot) it is based upon the amendment suggested by you. I hope you will find it acceptable.
- 3 The only difference between the first sentence of para 6 of the original draft and your revision is the addition of the word "also". I do not think this word should be used as the two responsibilities are so different. ~~para 6~~ - the RC has the duty of keeping Sub-Commissions informed of the local situation so that they can exercise their responsibility of supervision. Under para 6 RCs have full responsibility for supervising and reporting their actions and results.
- 4 Do you agree that where RCs are fully responsible for supervision (i.e. in respect of bodies depending from Provinces and Communes) that they should report to you of progress made. If so will you let me have a note of the information I should require so that you can draft your instructions on that point.
- 5 The matter is urgent for if RCs in territory shortly to be handed over can get Provincial Committees operating before the 15 Aug the Italian Government can not go back on that, but if nothing is done by the 15th it may be weeks before they even get the names.
- 6 The philologically unsound and ugly word "defascistisation" has completely disappeared from the decree which is now entitled "Sanctions against Fascism". On the analogy theorist - theorise, I think defascise is justifiable and the shortest and simplest word which is understandable and apt.

ADMIN SEC  
3 AUG 44

G.R. WYCHEN COL,  
A/Ad. Admin Sec.

*Handwritten note:* The 3 sub-sections (14, 15, 16) were added to the original draft.

... duty of keeping Sub-Commissions informed of the local situation so that they can exercise their responsibility of supervision. Under para 6 ECs have full responsibility for supervising and reporting their actions and results.

- 4 Do you agree that where ECs are fully responsible for supervision (i.e. in respect of bodies depending from Provinces and Communes) that they should report to you of progress made. If so will you let me have a note of the information I should require so that you can draft your instructions on that point.
- 5 The matter is urgent for if ECs in territory shortly to be handed over can get Provincial Committees operating before the 15 Aug the Italian Government cannot go back on that, but if nothing is done by the 15th it may be weeks before they even get the names.
- 6 The philologically unsound and ugly word "defascistisation" has completely disappeared from the decree which is now entitled "Sabotages against Fascism". On the analogy theorist - theorise, I think defascise is justifiable and the shortest and simplest word which is understandable and apt.

ADMIN SEC  
3 Aug 44

*G.R. Wiggins*  
G.R. WIGGIN Col,  
A/Ad. Admin Sec.

10.

*Attending Secy.*  
 Ref your para 4 above, etc. is agreed and I shall  
 be pleased if you will let us have a list of  
 the information required.  
 {  
 Elected 27/7/44  
 for Reg. Sec. Com. 6/8/44  
 (G.R.W.)



RCMG

7.

Memorandum 7A is a draft of a communication which  
is desired to be sent to all PCs within a reasonable period  
or as an EM. For the reasons stated in the last paragraph of the  
draft it is regarded as important that the letter should be dealt  
with the least possible delay and in view of the urgency of this  
it is hoped that it can be put under 15 days' date. A span copy  
of 7A is for your information

*[Handwritten signature]*  
for VP. Admin

Admin  
29.11.64  
X-469.

TO : Acting Head Adm Section. 8

1. I believe that you will get far better results if you  
channel the responsibility for defascistisation in Regions through  
the Regional Commissioners. When it gets down to that level the  
Regional Commissioner is the man who deals with the Prefect and,  
indeed, with many of the senior government officials. He has all  
the authority which may not be shared by many of the representatives  
of Sub-Commissions and he has also the overall interest in seeing that  
his Region is defascistised. I therefore suggest that the last half  
of para 6 should read:-

"At Regional level Regional Commissioners will be  
responsible for supervising the progress of defascistisation. ~~to the~~ to the ~~off.~~  
The Regional Commissioner will see that the divisional officer  
concerned complies with reasonable and proper requests of  
Sub-Commissions for returns or other information. It will  
be the Regional Commissioner's responsibility to see that the  
divisional officer in his Region keeps him and the Sub-Commissions  
fully informed of the progress of defascistisation."

- 2. Paragraph 6 should read:-  
"The responsibility for supervising the progress of  
defascistisation by the Provincial Commissions also devolves  
upon the Regional Commissioner."
- 3. Is the word "Defascise" correct?



1. I believe that you will get far better results if you channel the responsibility for defascistisation in Regions through the Regional Commissioners. When it gets down to that level the Regional Commissioner is the man who deals with the Prefect and, indeed, with many of the senior government officials. He has all the authority which may not be shared by many of the representatives of Sub-Commissions and he has also the overall interest in seeing that his Region is defascistised. I therefore suggest that the last half of para 6 should read:-

"At Regional level Regional Commissioners will be responsible for supervising the progress of defascistisation. ~~The~~ <sup>Regional</sup> Commissioner will see that the divisional officer concerned complies with reasonable and proper requests of Sub-Commissions for returns or other information. It will be the Regional Commissioner's responsibility to see that the divisional officer in his Region keeps him and the Sub-Commissions fully informed of the progress of defascistisation."

2. Paragraph 6 should read:-

"The responsibility for supervising the progress of defascistisation by the Provincial Commissions also devolves upon the Regional Commissioner."

3. Is the word "Defascise" correct?

2586

DEFASCISING-I

M.S.C.

Brigadier,  
Executive Commissioner.

MSL/JG.

TO:- V.P. Administration.

25.9.44.

I suggest that there should be included a direction that the Scheda Personals shall be reviewed by Grades (or equivalent civil status) commencing with the highest and that cases for trial shall be given priority according to grade.

PARA 12 I suggest that other members should be one grade lower than the President. A Prefect is Grade IV = a Maj. General - would not Grades V and VI suffice otherwise there will be an awful lot of "Major Generals" knocking about.

PARA 13 The order provided for the completion of Scheda by every single government servant and important businesses down to the most humble and most remote, this will form an enormous mass of paper likely to snow under the whole investigation and will require an enormous staff and a lot of time to investigate. I suggest that the completion of Scheda should be compulsory only in the cases of persons specified in our progress report forms - if as far as that.

PARA 12 The scheme does not provide for a statement in defence being considered until after a provisional decision has been made. This might prejudice or seem to prejudice the defendant. This may be due to the form of words in para 12 (a), obviously statements are not wanted from those obviously innocent. This difficulty is avoided by the amendment suggested in ink.

PARA 13 15 days are allowed for preparation of the defence the Decree allows only 10.

PARA 19 No further orders will be necessary after D.L. 159 is in operation and then the case is heard by the appropriate Commission set up by that body which finds that the man is not a fascist.

PARA 24 should the maxima be continued?

The timetable in paras 8 - 11 is all based on the date of coming into operation of the order which is simple from the point of view of providing time, but means everything matures at once which creates administrative trouble, it is the cause of other delays. For instance if Para 10 was 15 days after the posting of the notice, most notices would be posted relatively early, the schedas would start coming in early, would be spread, and would probably end earlier.

2585

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

HEADQUARTERS ALLIED COMMISSION  
APC 394  
CIVIL AFFAIRS SECTION

23 Jan 46

Ref : 42/24/CA

SUBJECT : Epuration .

TO : Polad (B) .

1. Reference your letter of 10 Jan 46.

The Branch which dealt with Epuration in this Section has been dissolved . In accordance with current policy , Epuration is now entirely the responsibility of the Italian Government , and this Section is precluded from asking for information on the subject . Information as to current events and the intentions of the Government is therefore small .

2. a) The following is the general situation as gathered unofficially and from articles in the Press :

It is understood that the High Commission for Epuration is in the process of being abolished and the Epuration of grades 1 to 7 handed over to the various Ministries . This will leave very little authority with the High Commissioner , who will only have the power to submit lists of names to the Ministries . There will be no denunciations after March 31st 1946 .

The 2 Commissioners , PERETTI GRIVA and MACCALUSO and the Secretary General CANARSA have resigned , but are carrying on work on routine matters only until the new procedure is established . This procedure was under discussion in the Consulta about a week ago .

No law has been passed as yet abolishing the High Commission , but it is understood that the various Ministries have taken over the files . PERETTI GRIVA disagreed violently with NENNI over the proposed abolition of the High Commission as he considered the consequences would be disastrous , and his resignation was due to this disagreement .

- b) The High Commission made a statement concerning the officials in the first 5 grades who are subject to epuration . Out of a total of 4934 belonging to these grades , 393 will be subject to epuration . Their cases will be examined by a Commission of 3 members appointed by the Prime Minister, whose proposals will be further examined by the Council of Ministers for final decision .

M. CARR, Brigadier,  
VF CA Section .

Office : British  
Political Adviser

USA

12 GEN 1946

Vice-President,  
Civil Affairs Section,  
Allied Commission.

Subject: Epuration

I should be grateful if I might be  
furnished with a brief report on the major  
developments in the field of epuration since  
the publication of the Decree Law in the  
Official Gazette No. 136 of November 13th 1945.  
I have some of the papers on this subject, but  
there seem to be gaps.

2702

*F. Balfour*  
Polak (BR)

10.1.46

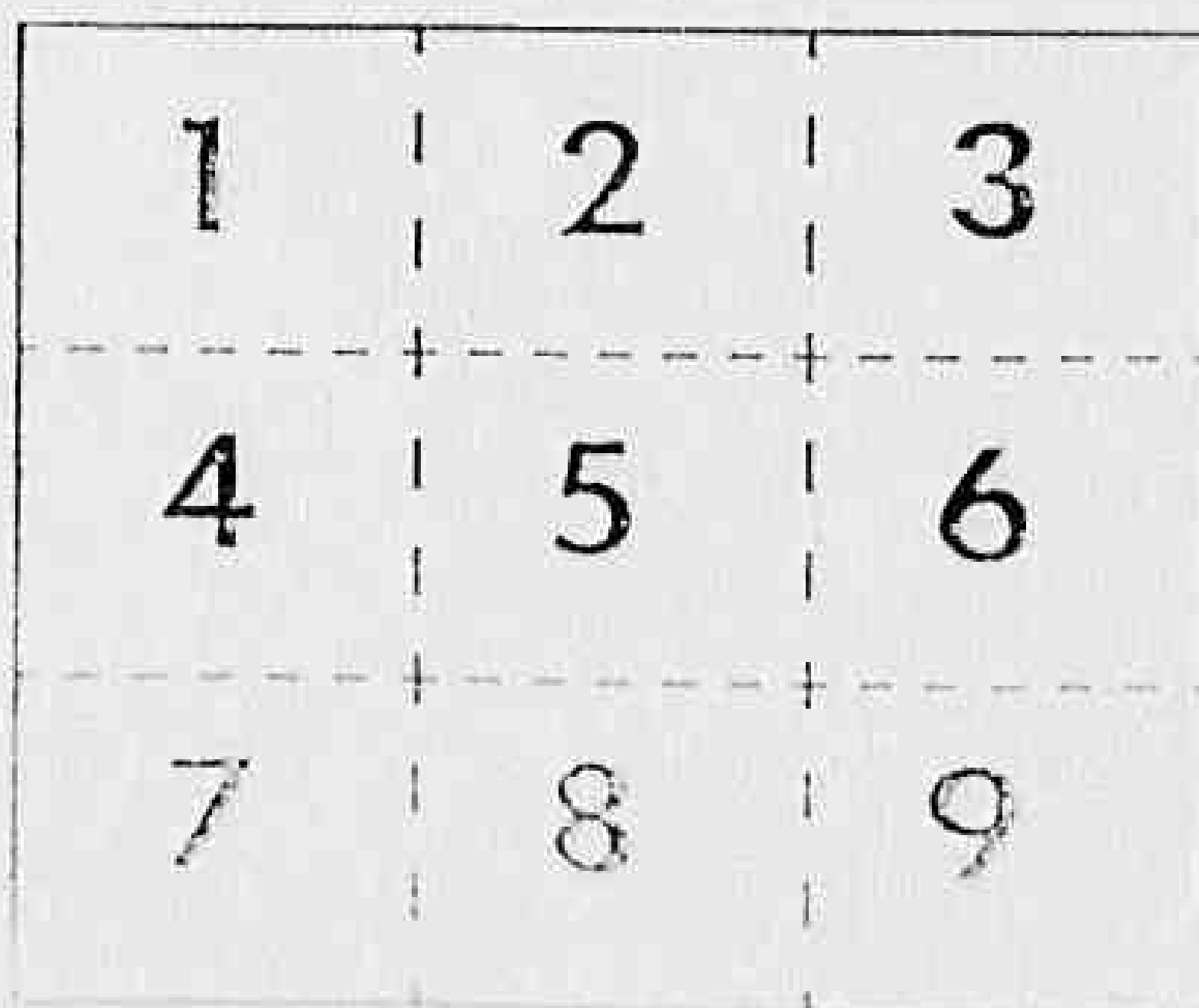
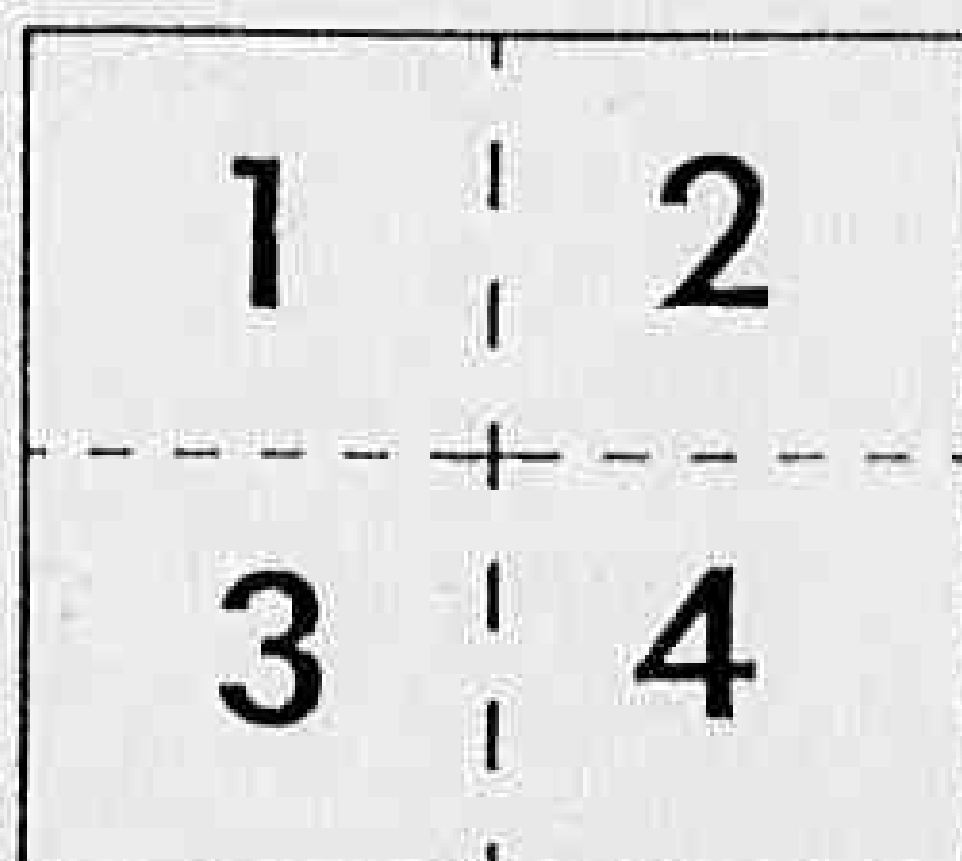
Copy to Political Adviser (A)  
British Embassy.

ALLIED COMMISSION  
216  
HEALTH MATTERS

2583

MAPS AND CHARTS TOO LARGE TO FILM  
ON ONE EXPOSURE ARE FILMED CLOCKWISE  
BEGINNING IN THE UPPER LEFT CORNER,  
LEFT TO RIGHT, AND TOP TO BOTTOM.

SEE DIAGRAMS BELOW.







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

# MENTO LIBERALE

## PARTITO LIBERALE ITALIANO

SABATO 22 DICEMBRE 1945

# ANNOVA LA RICHIESTA LA BARDATURA ARMISTIZIALE

### si sia almeno concesso un "modus vivendi" L'Austria e la questione dell'Alto Adige

del trattato... (il testo è illeggibile e molto piccolo)

### Il nuovo sottosegretario all'Assistenza Post-bellica

Nel Consiglio dei Ministri... (il testo è illeggibile)

# PREVALE L'OTTIMISMO NELL'ATMOSFERA DI MOSCA

### Il lavoro "esplorativo", prosegue regolarmente - Un appello dell'E. A. M. contro tutte le ingerenze straniere

MOSCA, 21. Per la sesta volta del mese, Molotov ha esortato a Berlino la presidenza Lincol... (il testo è illeggibile)

### Il franco francese dimezzato di valore

Secondo l'interim... (il testo è illeggibile)

questo interesse sembrava... (il testo è illeggibile)

La seconda è un telegramma... (il testo è illeggibile)

# CORRIERE del secolo

### Caccia agli spettri

Chi sa che cosa avranno pensato... (il testo è illeggibile)

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

...a parte i protocolli metalischi...  
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# Ferma risposta turca sulla questione della Georgia

## Un discorso del Ministro degli esteri Un o. d. g. di fiducia nell'esercito

ANKARA, 21 (Reuters) — La campagna sovietica per la restituzione da parte turca di quella parte della Georgia che fu ceduta nel 1921 ha avuto ogni il medesimo esito negativo.

Un discorso del ministro Karabekir con aperte critiche alla domanda turca sovietica. Karabekir ha parlato innanzi agli stretti e davanti ai ministri di Kara chiamandoli gli uomini della gola e l'altro la spina dorsale della Turchia.

Dopo il generale ha parlato quindi il Ministro degli Esteri il quale ha detto:

Non vogliamo stabilire a nessuno relazioni con tutti gli stati e siamo disposti a questo scopo. Nostro fine è pace all'interno e pace all'estero. La nostra politica nazionale non intende interferenze a carico di nessuno, ma noi intendiamo vedere insieme ad altri nel sicuro rapporto politica per l'avvicinarsi come abbiamo fatto in passato. Lo stesso fatto che l'Unione Sovietica non abbia rinnovato il trattato di amicizia

esistente in questo tra i nostri due paesi, non diminuisce la nostra esultanza di fronte le lezioni di amichezza con i nostri vicini, e continueremo a nutrire la speranza di poter raggiungere questo obiettivo.

L'Assemblea ha quindi approvato una mozione in cui viene espressa la fiducia dell'Assemblea nelle forze armate e nella fiducia difesa le nostre frontiere durante la guerra e che adempiranno eroicamente qualsiasi incarico che l'Assemblea assegnerà loro per il mantenimento della indipendenza, sovranità e della sicurezza della madre patria.

# Patton è morto

BERLINO, 21

(E. P.) Dopo un improvviso eppoi un lento per complicazioni polmonari, a seguito del trauma che lo aveva colpito dopo il gravissimo scontro automobilistico della scorsa settimana, il gen. Patton è morto oggi alle 18.

...a parte i protocolli metalischi...  
...a parte i protocolli metalischi...  
...a parte i protocolli metalischi...

...a parte i protocolli metalischi...  
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# Il nuovo sottosegretario all'Assistenza Post-bellica

Nel Consiglio dei Ministri è stato nominato alla carica di sottosegretario al Ministero dell'Assistenza Post-bellica l'Avv. Antonio Cifaldi rappresentante del Partito Liberale Italiano.

Il Cifaldi è nato a Benevento nel 1899 da famiglia modesta che partecipò alle lotte nel Risorgimento e mandò come volontario in Libania. Laureatosi in legge presso la Regina Università di Napoli, ha esercitato l'avvocatura nel ramo civile e penale ed ha fatto parte del Consiglio dell'ordine di Benevento. Durante il regime fascista, per il suo antifascismo e per la sua appartenenza al gruppo di sinistra, fu espulso dall'ordine.

Dopo la liberazione di Benevento da parte delle truppe alleate, avvenuta il 2 ottobre 1943, fu nominato sindaco della città, durante l'occupazione, e ricambiò a capo di quella amministrazione comunale fino al 1944, in un periodo particolarmente difficile, procedendo con fermezza alla riorganizzazione del servizio pubblico, alla lotta contro l'epidemia di colera, all'assistenza per i malati e orfani, al funzionamento della ricostruzione edilizia.

# Come saranno suddivise le riparazioni tedesche

PARIGI, 21

(INS) — La conferenza per le riparazioni è terminata oggi con un accordo sulla divisione proporzionale delle massime delle riparazioni tedesche. Questo, con varie riserve, sono state suddivise in due parti, la prima di 10 miliardi e la seconda di 10 miliardi.

# Le deliberazioni adottate dal Consiglio

ISTITUZIONE DEL MINISTERO DEL COMMERCIO ESTERO E SOPPRESSIONE DELLA COMMISSARIATO PER L'ALIMENTAZIONE - PROVVEDIMENTI

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

### Il franco francese dimezzato di valore

PARIGI, 21

Secondo un'aggiornata non ufficiale, il franco francese sarebbe stato dimezzato di valore.

La stampa francese aveva già riferito che il franco francese era stato dimezzato di valore. Secondo un'aggiornata non ufficiale, il franco francese sarebbe stato dimezzato di valore.

In generale l'opinione pubblica francese si divide sul fatto che il franco francese sia stato dimezzato di valore. Secondo un'aggiornata non ufficiale, il franco francese sarebbe stato dimezzato di valore.

La stampa francese ha riferito che il franco francese era stato dimezzato di valore. Secondo un'aggiornata non ufficiale, il franco francese sarebbe stato dimezzato di valore.

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### Il nuovo sottosegretario all'assistenza Post-bellica

Il Consiglio dei Ministri ha nominato sottosegretario all'assistenza post-bellica il signor Luigi...

### Il Circolo è nato a Benevento

Il Circolo è nato a Benevento nel 1945 da una famiglia di patrioti che partecipò alle lotte del Risorgimento...

### Come saranno suddivise le riparazioni tedesche

Il Consiglio dei Ministri ha deciso come saranno suddivise le riparazioni tedesche. Secondo un'aggiornata non ufficiale...

## ALLA COSTITUENTE FRANCESE

# E' necessario che i partiti abbiano uno statuto giuridico?

**A** mano a mano che la costituzione francese è in discussione nella Costituente, si ripropone il problema di uno statuto giuridico per i partiti politici.

La Costituzione francese è in discussione nella Costituente. Si ripropone il problema di uno statuto giuridico per i partiti politici.

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La stampa francese ha riferito che il franco francese era stato dimezzato di valore. Secondo un'aggiornata non ufficiale, il franco francese sarebbe stato dimezzato di valore.

MAX PARODI

## LETTERE SCARLATTE

Caro Direttore, Quando nel 1914 la guerra era ancora di guerra e le nostre città...

## Decreto dal Consiglio dei Ministri

ESTERNO E SOPPRESSIONE DI QUELLO DELLA RICOSTRUZIONE - PROVVEDIMENTI PER LA STAMPA E L'EPURAZIONE



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

che vuole e ritiene che...  
...che vuole e ritiene che...  
...che vuole e ritiene che...

La soluzione alla quale...  
...La soluzione alla quale...  
...La soluzione alla quale...

Ognuno è libero di agire...  
...Ognuno è libero di agire...  
...Ognuno è libero di agire...

Il Consiglio dei Ministri...  
...Il Consiglio dei Ministri...  
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...Il Consiglio dei Ministri...

### Patton è morto

INDIVIDUATO IL

Il 21 mese un improvviso...  
...Il 21 mese un improvviso...  
...Il 21 mese un improvviso...

...che non potremo ammettere...  
...che non potremo ammettere...  
...che non potremo ammettere...

### Come saranno suddivise le riparazioni tedesche

PARIGI, 21

(NS) — La conferenza per...  
...La conferenza per...  
...La conferenza per...

# Le deliberazioni adottate dal Consiglio

## ISTITUZIONE DEL MINISTERO DEL COMMERCIO ESTERO E SOPPRESSIONE - UN COMMISSARIATO PER L'ALIMENTAZIONE - PROVVEDIMENTI PER

Il Consiglio dei Ministri...  
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...Il Consiglio dei Ministri...



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

Come saranno suddivise le riparazioni tedesche

PARIGI. 22 (NS) — La conferenza per le riparazioni è terminata con un accordo sulla divisione delle riparazioni tedesche...

come un interregno di nuovo genere: il partito. Abbiamo detto «di nuovo genere» perché il partito francese...

diato del secolo per le organizzazioni sindacali: quella del loro riconoscimento come Enti di diritto pubblico...

lo è stato, proposto dai socialisti, come riconoscimento del partito; i partiti debbono accettare espressamente nel loro programma la dichiarazione dei diritti individuali dell'uomo e del cittadino...

LEADER SCARLATTE

Quasi nei trent'anni di vita politica e di lotta per la libertà del popolo...

te dal Consiglio dei Ministri

ESTERO E SOPPRESSIONE DI QUELLO DELLA RICOSTRUZIONE - PROVVEDIMENTI PER LA STAMPA E L'EPURAZIONE

quando, la ricostruzione, la ricostruzione, la ricostruzione...

zioni allarmanti a causa delle sofferenze e delle privazioni derivanti dalla guerra...

zione ad altre incarico del Ruff. Luigi Ferrari, Capo della Polizia sono destinate di fondamento.

Arresti arbitrari operati da elementi slavi a Trieste

TRIESTE. 21. La polizia alleata a Trieste ha eseguito alcuni giorni fa una perquisizione nei locali di una organizzazione politica jugoslava...

Un operaio torinese si uccide perché epurato

TORINO. 21. Giuseppe Marinone, meccanico di 25 anni, ucciso, stata e parata dalla FIAT che viveva a tutta la vita...

L'Internazionale organo del partito comunista, in un lungo articolo di Pierre Hervé ha annunciato il progetto socialista di critica e fondazione sui sovrarbolismi che esaltano da ogni possibilità di un corretto ragguaglio logico...

Sul piano concreto, è evidente che un partito del tipo confessionalista non ha interesse ad un controllo sul partito politico e in generale...

La polizia alleata ha inoltre sospeso rilevanti quantitativi di merce di contrabbando in un'operazione e stata scelta ed alcuni arresti sono stati effettuati tra persone molto note negli ambienti slavi.

Nei processi, come è noto, sono state abolite tutte le leggi di cui non fosse possibile il controllo...

Giuseppe Marinone, meccanico di 25 anni, ucciso, stata e parata dalla FIAT che viveva a tutta la vita...

FEDERICO SPAUA | GIUSEPPE BIANCHI, ROMA, ITALIA

PROP: "ITALIA LIBERA"  
of 21 Dec 45

THE PROBLEM OF SEPARATION IN AN INTERVIEW WITH PERETTI-GRIVA

Since in these days it has been often rumored about disagreements within the High Commission for Sanctions against Fascism, we wanted to have an interview with the Commissioner for Separation, Domenico Riccardo Peretti-Griva, about the delicate and important problem of Separation.

- Would you tell us your points of view on the new law of 9 November 45?

"The new decree of 9 November 45 has remarkably mitigated the criteria adopted with regard to separation. From a general point of view, while it has limited the activity of the organs entrusted with separation only to cases calling for dismissal from service and not only for minor punishment, it has also required, in order to justify dismissal from service, some serious reasons. From a special point of view, a more favourable attitude has been adopted towards employees of grade lower than the seventh. I had already examined the possibility of such mitigation of principles, especially in connection with its political and moral causes, in a detailed explanatory plan which I meant to circulate as an instruction to the internal offices and to the Delegations and Commissions. I wanted these bodies to take it into consideration as a point of view of the central organ for separation. In said instruction I emphasized that only really unworthy persons had to be subject to separation, persons who not only had adopted an unworthy attitude, but who had been guilty of fascist bias, of collaboration with the Nazi-fascists, or whose behaviour had been inconsistent with the high and important position they were entrusted with. These principles of a general character were followed by my point of view on the implementation of the procedural rules.

I submitted said prospect to the High Commissioner for Separation and to the President of the Council of Ministers after having drafted, in agreement with the Presidency of the Council of State, a provision of law containing some articles intended to fill some omissions in the law and to avoid problems which might have arisen with regard to the application of the law. Since a substantial disagreement took place with regard to my proposals, I had not the above instruction carried out ~~because~~ I did not want to take upon myself rights which could have been challenged."

- The newspapers of yesterday have published, and the High Commissioner, Werni, has confirmed it, that a disagreement has taken place within the High Commission with regard to the criteria to be adopted for the implementation of the new law. What can you tell us in this connection?

"I was of opinion that, in order to speed up separation procedure, it would be extremely desirable not only to maintain the structure of the High Commission for Separation until the time limit for the termination of separation proceedings had expired, i.e. up to 31 March, as set out by the law, but that the Commission should be entrusted with the greatest number of powers in order to eliminate those procedures which did not come within the provisions of the new instructions.

Within such powers there should have been:

- 1) the possibility for the High Commission to revoke appeals lodged against ~~the~~ decisions of which should have been



than the seventh. I had already examined the possibility of such mitigation of principles, especially in connection with its political and moral causes, in a detailed explanatory plan which I meant to circulate as an instruction to the internal offices and to the Delegations and Commissions. I wanted these bodies to take it into consideration as a point of view of the central organ for epuration. In said instruction I emphasized that only really unworthy persons had to be subject to epuration, persons who not only had adopted an unworthy attitude, but who had been guilty of fascist bias, of collaboration with the Nazi-fascists, or whose behaviour had been inconsistent with the high and important position they were entrusted with. These principles of a general character were followed by my point of view on the implementation of the procedural rules.

I submitted said prospect to the High Commissioner for Epuration and to the President of the Council of Ministers after having drafted, in agreement with the President of the Council of State, a provision of law containing some articles intended to fill some omissions in the law and to avoid problems which might have arisen with regard to the application of the law. Since a substantial disagreement took place with regard to my proposals, I had not the above instruction carried out ~~since~~ I did not want to take upon myself rights which could have been challenged."

- The newspapers of yesterday have published, and the High Commissioner, Menni, has confirmed it, that a disagreement has taken place within the High Commission with ~~the~~ regard to the criteria to be adopted for the implementation of the new law. What can you tell us in this connection?

"I was of opinion that, in order to speed up epuration procedure, it would be extremely desirable not only to maintain the structure of the High Commission for Epuration until the time limit for the termination of epuration proceedings had expired, i.e. up to 31 March, as set out by the law, but that the Commission should be entrusted with the greatest number of powers in order to eliminate those procedures which did not come within the provisions of the new instructions.

Within such powers there should have been:

- 1) the possibility for the High Commission to revoke appeals lodged against decisions of first instance, ~~where~~ the re-examination of which should have been in accordance with the provisions of the new law;
- 2) the possibility to declare "ope legis" the revocation of the decisions of first instance

Further I proposed to re-examine not only the proceedings pending in the Commission and in the Delegations in order to speeding them up, but also to re-examine epuration proceedings already pending, upon request of the Commission, in the Commissions of first instance in order to facilitate and reduce their jurisdictional tasks.

As to the new proceedings, I deemed advisable for them to be carried out by the Commission and by its delegates. I was and I am absolutely convinced that to entrust epuration to public administrations - and, by such procedure, practically exclude the control of the High Commission - would mean to give up a further serious epuration. The various Administrations should start investigation "ex novo", they should be equipped and much time would be lost. Secondly I was and am convinced that the public administration, because of its reluctance to reduce its staff and because of its direct relationship with persons subject to epuration, would have never carried out epuration properly and there would be the danger of

separation proceedings resulting from personal disagreements".

- Which are the exact reasons for which you want to resign?

"I deemed it advisable to request the President of the Council to resign from my position as Commissioner for Espionage because of the obstacles I met with for the application of the criteria I had formulated.

I did not want to be held as a responsible in adopting a decision which I considered and consider as causing the most disastrous consequences inasmuch as, in my opinion, the practical annulment of espionage should also determine the revocation of all sanctions applied in accordance with the past decisions, since it is impossible to adopt two different methods of espionage. And such difference of treatment would appear even more evident in the North, where the application of espionage procedure has still to be initiated, since provisional suspensions only have been pronounced. And I think that it would be extremely unfair that just in North Italy, where the Nazi-fascist oppression has been longer and stronger, an amnesty "de facto" should be granted to many unworthy persons."

- Would you tell us something about the famous lists of persons of the first five grades who are going to be placed in retirement?

"In this connection I cannot but relate to the declarations made by the High Commissioner, Nenni, during the press conference. I have only submitted some lists of names and have notified the submission of said lists to the various administrations from which the officials concerned depended. It comes within the powers of the Council of Ministers to give the final decision.

... about you tell us something about the reasons that persons of this first  
Five grades who are going to be placed in retirement?  
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PIERO MENNI'S DECLARATIONS ON EPURATION

The total number of officials of the first five grades of State Administrations who, in accordance with the legislative decree issued under Prime Minister Parri, are subject to epuration proceeding is 393. (Detailed figures follow showing the number of officials epurable for each Department).

In order to make it clear how much total has been reached and to show the criteria which have been followed in the compilation of such list, the Vice President of the Council and High Commissioner for Sanctions against Fascism, Menni, during a press conference held yesterday afternoon has made the following declarations:

Firstly he has pointed out that the number of officials subject to epuration trial is but a small part of the total number of officials belonging to the first five grades of State Administration. Said officials reach the total of 4984, 1840 of whom belong to the first four grades and 3174 to the fifth. Under Prime Minister Bonomi, in accordance with a similar provision of law, 271 officials were placed in retirement out of 1666 subject to epuration trial.

All the lists of names, coming either from the High Commission or from the various Ministries, shall be examined by a Commission composed of three members, which is going to be appointed by De Gasperi. The proposals of said Commission shall be further examined by the Council of Ministers who shall give the final decision.

Speaking about the criteria followed in the compilation of the list by the Commissioner for Epuration, Avv. Peretti-Griva, "a man whose conscience is above any suspicion whatsoever" and also in order to belie some false statements published in the newspapers, Menni has specified that the names of the officials subject to epuration proceeding have been obtained from lists compiled by the officials who work in the High Commission; such lists contained 700 names of officials of higher grades chosen among those who had been proposed for dismissal from service by the Commissions of first instance and who had been acquitted on appeal.

Menni has added that the above list had been submitted upon request of the Presidency of the Council of Ministers to the High Commission.

"Only this morning, on my return to Rome", Menni has continued, "I have seen the list. Peretti-Griva brought it to me together with his request for resignation, request which, I think, will be accepted. If I had been in Rome and Peretti-Griva had shown me the list before it was ready to be submitted for approval, I would have made a new choice or, rather, I would have told him to submit it just the same, since I could have expressed my views afterwards, in the Council of Ministers

After having specified that Peretti-Griva's resignation is due to disagreements which have occurred on the occasion of the implementation of the new legislation, Menni has stated that, by sending all the documents and files to

1870 of whom belong to the first four grades and 3174 to the fifth. Under Prime Minister Bonomi, in accordance with a similar provision of law, 271 officials were placed in retirement out of 1666 subject to expurgation trial.

All the lists of names, coming either from the High Commission or from the various Ministries, shall be examined by a Commission composed of three members, which is going to be appointed by De Gasperi. The proposals of said Commission shall be further examined by the Council of Ministers who shall give the final decision.

Speaking about the criteria followed in the compilation of the list by the Commissioner for Expurgation, Avv. Peretti-Griva, "a man whose conscience is above any suspicion whatsoever" and also in order to belie some false statements published in the newspapers, Renzi has specified that the names of the officials subject to expurgation proceeding have been obtained from lists compiled by the <sup>(officers)</sup> officials who work in the High Commission; such lists contained 700 names of officials of higher grades chosen among those who had been proposed for dismissal from service by the Commissions of first instance and who had been admitted on appeal.

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After having specified that Peretti-Griva's resignation is due to disagreements which have occurred on the occasion of the implementation of the new legislative provisions, Renzi has stated that, by sending all the documents and files to the various administrations, which shall ultimate proceedings within 31 March 46, the central bodies and offices ~~of~~ for expurgation shall be dismantled and shall have only the power to submit lists of names.

The same would happen for the offices dealing with the punishment of fascist crimes if they had not to deal with the files of "Gfisa" which have to be carefully examined in order to ~~verify~~ establish whether the persons concerned have been guilty of invidious denunciations or of lack of moral responsibility.

Following a previous examination of said files, eight warrants of arrest are under way and two persons have been imprisoned. One of these is a socialist, Carletto, who worked abroad as an informer to the prejudice of the Italian refugees.

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ALDE-REMOISE

Supervision of Epuration

1. It has been observed in the Newspapers that it is intended to abolish the offices of the Asst. High Commissioner, if not entirely, at least to deprive it of practically all its present powers and functions. It is desired to know whether these proposals were approved by the Council of Ministers prior to the publication in the press of the plan as a definite Government intention.
2. Is the Prime Minister satisfied that with each minister responsible in his own sphere and each Province independently responsible in its, epuration will in future be carried out with the same equality of standard, with freedom from external influence and in a judicial and unbiased manner.
3. Does the Prime Minister consider that different standards of Epuration according to the political views of various ministers or in the various provinces may discredit epuration.
4. Will not the organization of new offices in each Ministry and the instituting of new staffs and the re-examination by them of all files before new proceedings can commence inevitably lead to very considerable delay and disorganization and is not such delay likely to absorb a large proportion of the three months by which Epuration in North Italy must be completed.
5. Is the Prime Minister satisfied that under the proposed organization there will be available to the Government as quickly and as conveniently the same information as to progress and will the same coordination be possible. Will consideration of results and of future policy and the preparation of legislation be as efficient.
6. In view of the want of coordination resulting from and of the inevitable delay involved in the proposed change, does not the Prime Minister consider that the 31 Mar, the day by which all proceedings including those in that part of Italy recently restored to Italian Administration must be commenced, would be a more appropriate date for the proposed reduction in functions of the High Commission and that even after that date some central staff may be desired to ensure that decisions as to appealing are taken on uniform grounds.
7. Does the Prime Minister approve of the epuration of the Police Forces being under the control of a Minister of one party rather than under the control of a Commission responsible to the Council of Ministers on which all parties are represented. Is he satisfied that the police can be maintained



3. Does the Prime Minister consider that different standards of Epuration according to the political views of various ministers or in the various provinces may discredit epuration.
4. Will not the organization of new offices in each Ministry and the inducting of new staffs and the re-examination by them of all files before new proceedings can commence inevitably lead to very considerable delay and disorganization and is not such delay likely to absorb a large proportion of the three months by which Epuration in North Italy must be completed.
5. Is the Prime Minister satisfied that under the proposed organization there will be available to the Government as quickly and as conveniently the same information as to progress and will the same coordination be possible. Will consideration of results and of future policy and the preparation of legislation be as efficient.
6. In view of the want of coordination resulting from and of the inevitable delay involved in the proposed change, does not the Prime Minister consider that the 31 Mar, the day by which all proceedings including those in that part of Italy recently restored to Italian Administration must be commenced, would be a more appropriate date for the proposed reduction in functions of the High Commission and that even after that date some central staff may be desired to ensure that decisions as to appealing are taken on uniform grounds.
7. Does the Prime Minister approve of the epuration of the Police Forces being under the control of a Minister of one party rather than under the control of a Commission responsible to the Council of Ministers on which all parties are represented. Is he satisfied that the police can be maintained as an honest, unbiased and independent force willing to take action against unconstitutional methods or preparations to use force by whomsoever such methods may be attempted as it would if it were directly responsible to the Council of Ministers. Would an Allied Police Mission be of assistance in maintaining the independent position of the police forces. Is the Prime Minister satisfied that Police Officers, who have fearlessly and independently done their duty in suppressing unorthodox methods and unconstitutional attempts to control or influence the public, will not be removed on some colourable pretext of epuration or transferred to some position of lesser influence or otherwise victimised or rendered ineffective.
8. The Allies are greatly interested in Infascism and that it should be fairly and effectively conducted and also in the reliability and independence of the Police Forces and submits the above matters to the earnest consideration of the Prime Minister and would appreciate an early expression of his views.

Copy to: Executive Commissioner  
Polad (A)  
Polad(B)  
PS S/C

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EPURATION

I have seen PERETTI-GRIVA. Matters appear to be even worse than was thought. It is openly admitted that the object of the proposals is purely to get epuration under political control and that the matter has not been before the Council of Ministers or the Prime Minister. It is an attempted coup by NERMI and he ordered publication in the papers to prejudice the position and make opposition practically impossible. There is to be no coordinating machinery left, no central body capable of supervising and no power to control Ministries or Provinces; neither the Asst High Commissioner or his delegate will have any power to commence proceedings. The delegates are reduced to sinecureya. A decree will be necessary and the proposed date for the change over is 31 Dec. It is significant that SECCOMARRO, though the decree has not even yet been drafted, has already asked PERETTI-GRIVA to hand over all the papers relating to officials of the Ministry of Finance. PERETTI-GRIVA considers the proposals completely disastrous and refuses to be associated with them and has submitted his resignation. The only office which he left will be a relatively small office attached to NERMI and CANARSA; PERETTI-GRIVA's opinion of CANARSA is such that he refuses to be associated with or to have any dealings with him whatever or even to meet him.

CA Section  
17 Dec 45

S.H. WHITE Lt Col.

Copy to : Chief Commissioner  
Executive Commissioner  
Polad (A)  
Polad (B)

2577

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

EXTRACT from the News Paper : GIORNALE DEL MATTINO of Saturday 15 Dec 45

THE HIGH COMMISSION FOR SANCTIONS AGAINST FASCISM  
UNDERWAY OF DISSOLUTION

Rumours have been circulating in the last months of the gradual dissolution of the High Commission for Sanctions against Fascism.

However at present this news is becoming of an official character.

In fact, yesterday morning the Vice President of the Council, NENNI, has gathered in his office the Secretary General of said Commission, Avv. CANARBA, and the Commissioners Avv. PERETTI-CRIVA, dealing with expiation, and Avv. MACCALUSO, dealing with punishment of crimes.

Gradual dissolution

NENNI, together with the above said officials has agreed on the measures to be followed for the dissolution of the High Commission, reducing its body to one office which will carry out the extremely limited functions coming under its jurisdiction.

It has also been agreed that the time limit for the cessation of the activities of the provincial delegations for expiation will be the end of March.

\* 2576

EPURAZIONE

# L'Alto Commissariato in corso di liquidazione

La distribuzione dei seggi secondo la legge elettorale che verrà esaminata dalla Consulta - I nuovi Sottosegretari prestano oggi giuramento

Che l'Alto Commissariato per le sanzioni contro il fascismo fosse in via di gradate sciolgimento era cosa che da più tempo si andava dicendo.

Ora però la notizia esce dal campo delle voci e delle cose possibili, e acquista ufficialità.

Infatti ieri mattina il Vice Presidente del Consiglio Nenni ha rivolto nel suo ufficio di Alto Commissariato il Segretario Generale dello stesso ufficio, avv. Canabara e i commissari, avv. Pirelli Griva per l'epurazione e avv. Maraluso per la punizione dei delitti.

## Progressiva smobilitazione

Con essi Nenni ha concordato le misure per giungere alla smobilitazione dell'Alto Commissariato riducendo l'organismo ad un solo ufficio che sbrigherà le limitatissime funzioni che ancora rimarranno di sua competenza.

E' stato anche concordato che le delegazioni provinciali per l'epurazione esauriscano anche esse il loro compito entro la fine di marzo, improvvisamente.

MEMORANDUM

Mr. Piretti Griva has been to see me he is most disturbed over proposals to reorganise the Ministry.

Mr. Piretti Griva is a Judge of the Court of Appeal he followed two political appointees and was the first non-political Assistant High Commissioner. He has lifted epuration onto a judicial plane, above mere party considerations, and ensured a certain amount of uniformity. He is an honest and strong man not afraid of doing what he believes to be right.

AVV. GARBARA is first a politician. In the early days in Naples Col Polotti put him in charge of Epuration there and he rapidly made it chaotic and it certainly was not impartial. When Nenni became High Commissioner he brought Garbarra with him as Sec Gen in place of Boeri (another honest man who had done excellent work and placed principles before politics).

This Commission has had to deal with Garbarra from time to time but formed such an unpleasant opinion of him and found him so unintelligent, unpractical and uncooperative that it has endeavored to avoid dealing with him (whereas it had the friendliest relations with his predecessor Boeri).

AVV. GARBARA has the ear of Nenni, and has apparently persuaded him that the work of the High Commission should be distributed amongst all the Ministries. I presume because Piretti Griva has not shown himself sufficiently amenable to political ends.

The result of any such reorganization would be to destroy the organization which has been built up under which a uniform procedure and standard of justification for continuing proceedings has been set up throughout Italy and is enforced by the High Commissioners Delegates in every Province.

It will destroy uniformity in that the Ministers of various political persuasions will be responsible for Epuration each in the sphere of his own ministry. A Liberal may set a completely different standard for epuration in one ministry than may be established by a communist in another. A condition which would lead to grave dissatisfaction with epuration and be very bad for the morale of the services and of the public.

The disruption of the present organization will lead to very serious disorganization and delay in that the present files will have to be distributed to Ministries each of which will have to organize their department and all the files will have to be learnt by new and inexperienced Officers before the work will start to flow again.

Instead of one department to deal with epuration questions and to make proposals as to legislation on the level of the Council of State there will be no coordinating body, each ministry will have its own views and interests, a most retrograde step. Further there would be no particular department responsible for epuration with which this Commission could coordinate matters from which it could receive information and statistics or receive information as to the Government's intentions or with which it could discuss proposals.

Lastly the proposal would place the epuration of the Police Forces at the mercy of the Minister of the Interior, a socialist. The efforts of the left parties to disrupt and discredit the Police have been constant and of constant concern to the Public Safety Commission, which regards this proposal with dismay. It would put an end to the Police as an independent and non-party body and cause the removal from the service of all Officers of strength of character who have loyally supported the Allied Commission in the effort to build up a reliable independent and efficient



The result of any such reorganisation would be to destroy the organisation which has been built up under which a uniform procedure and standard of justification for censuring proceedings has been set up throughout Italy and is enforced by the High Commissioners Delegates in every Province.

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The disruption of the present organisation will lead to very serious disorganisation and delay in that the present files will have to be distributed to ministries each of which will have to organise new departments and all the files will have to be sent by new and inexperienced Officers before the work will start to flow again.

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Mr. Pirelli Griva feels so strongly in the matter that he has addressed a letter direct to the Prime Minister - over the High Commissioner's head, a copy of which is attached.

It is considered that the proposal will make epuration subservient to party ends lead to disorganisation and delay, adversely affect morale both of the services and the public.

It is possible that the new Prime Minister may not appreciate the unfortunate consequences which may follow. Is it possible to indicate to him that this Commission dislikes the proposals.

CIRCULARIZI : CHIEF COMMISSIONER  
EXECUTIVE COMMISSION

FILED 'A'  
FILED 'B'



388

HIGH COMMISSION FOR CONDITIONS AGAINST YACISM

COMMISSION FOR REFORMATION

Rome, December 1965

TO : The President of the Council of Ministers

I wish to call your attention on the letter I sent on 17 Dec. to President KAKELI, with documents enclosed, with regard to the serious situation of the High Commission which threatens to have serious repercussions on the epuration procedure.

Lately such situation has become even more serious because of the interference of the Secretary General, AVV. GILBERTO.

I wish to point out that the decision of transferring to the State Council and to Public Administrations all the cases which are being examined by this Commission would cause an excessive burden on the State Council while epuration procedure would be greatly delayed.

Because of my position of a magistrate appointed to this office, I cannot adhere to decisions resulting from political advisability, since I am strongly convinced that the decisions of the Secretary General while apparently deterring a transfer of epuration, would, on the other hand, greatly delay its procedure and hinder the proper outcome contemplated by the law.

The sudden ceasing of the activity of this office would compel me to state officially the reasons of my firm attitude in this connection in order not to be involved in moral responsibility when, later, the disastrous results of such a directive will be plain. I feel I do not deserve to be held as responsible since I have always worked strongly and conscientiously in order to speed up as much as possible the difficult and delicate procedure of epuration.

I have already given special instructions to simplify and speed up at the utmost the purgance of the rules of the new decree which I would like to disclose after they have been examined by your Presidency.

I have also set up a provision of law containing 4 articles, concerning implementation rules, intended to reach an agreement as already set out in consultation with the President of the State Council.

2574

operation, procedure.

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Because of my position of a magistrate appointed to this office, I cannot adhere to decisions resulting from political expediency, since I am strongly convinced that the decisions of the Secretary General while apparently deterring a transfer of epuration, would, on the other hand, greatly delay its procedure and hinder the proper outcome contemplated by the law.

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I have also set up a provision of law containing 4 articles, concerning implementation rules, intended to reach an agreement as already set out in conjunction with the President of the State Council.

2574

I am at your disposal and wish to point out the urgency of such an agreement since I feel that this particularly serious situation of the Commission cannot be any longer subsist.

With my best regards

(V) A.V.V. BERTINI-GRIVA

38A

*L. B. McCombs*  
*Commissioner of the General Land Office*

COMMISSARIATO PER L'EPURAZIONE

14 DIC. 1945

Roma, dicembre 1945



al

PRESIDENTE DEL CONSIGLIO DEI MINISTRI

Mi permetto richiamare la Sua attenzione sulla lettera da me indirizzata il 19 u.s. al Presidente Parri, con allegati documentati, riguardante la grave situazione creatasi in seno all'Alto Commissariato e che minaccia di avere delle gravissime ripercussioni sul accennato e sulla sostanza dell'epurazione.

Le cose si sono ora ulteriormente aggravate, a causa dell'invasione, anche inurbana, del Segretario Generale Avv. Comarsa.

Debbo dirLe, Signor Presidente, che, se si ritenga se di aderire ai criteri di acuta mobilitazione di questo ufficio e di disinteressamento del Commissariato e dei suoi delegati quanto alla revisione dei ricorsi e dei decreti, con l'inviarsi, senza altro, rispettivamente al Consiglio di Stato e alle Amministrazioni pubbliche tutte le pratiche in corso, mentre il Consiglio di Stato, già in difficoltà, si troverebbe enormemente aggravato, l'epurazione subirebbe un

al  
PRESIDENTE DEL CONSIGLIO DEI MINISTRI

Al parso ricklaro la Sua attenzione sulla let-  
tera da me indirizzata il 19 u.s. al Presidente Parri, con  
allegati documentati, riguardante la grave situazione creatasi  
in seno all'Alto Commissariato e che minaccia di avere delle  
gravissime ripercussioni sul riconoscimento e sulla sostanza del  
l'aggravazione.

Le cose si sono ora ulteriormente aggravate, a con-  
seguenza dell'invadenza, anche inurbana, del Segretario Generale  
Avv. Cenrera.

Debo dirle, Signor Presidente, che, se si ritenga  
se di aderire ai criteri di equa mobilitazione di questo  
ufficio e di disinteressamento del Commissariato e dei suoi  
delegati quanto alla revisione dei ricorsi e dei deferimenti,  
con l'inverso, senza altro, rispettivamente al Consiglio di  
Stato e alle Amministrazioni pubbliche tutte la gratie in  
corso, mentre il Consiglio di Stato, già in difficoltà, si  
trovrebbe enormemente aggravato, l'epurazione subirebbe un  
grande ritardo, e, definitivamente, un esito positivo assai  
problematico.

Magistrato addetto, come tale, e questo ufficio,  
non posso aderire a soluzioni di mera opportunità politica,  
avendo la netta convinzione che i divisamenti del Segretario  
Generale avrebbero la respiciva apparenza di una subili-  
tazione dell'epurazione, mentre, in concreto, ne differireb-

2573

./.

*L. B. McCarroll*  
*Commissionario per il D. Commissione contro il fascismo*

COMISSARIATO PER L'EPURAZIONE

- 2 -

bero sotto il corso e ne pregiudicherebbero l'onesto esito politico in conformità della legge.

Il troncarei bruscamente l'attività di questo ufficio si determinerebbe, molto a malincuore, ed uscire dal riserbo che mi sono sempre imposto e a rendere di pubblica ragione i motivi del mio recesso, allo scopo di non essere coinvolto, e posteriori, quando cioè si renderebbero manifesti i disastrosi risultati del deprecato orientamento. In corrispondenza morale con sen te di non meritare, avendo data la mia opera, indeffessamento e con coscienza al proseguimento dello scopo di affrettare al mag sime, e con la maggiore possibile persequazione, la definizione dell'arduo problema dell'epurazione.

Io avrei già formulato delle dettagliate istruzioni, semplificatrici e acceleratrici al massimo, sulla applicazione delle norme sostanziali e processuali del nuovo decreto, alle quali vorrei dare la massima divulgazione, previo esame eventuale di cotesta Presidenza.

Avrei, inoltre, formulato alcuni avvisi per un progetto di legge contenente n° 4 articoli per norme di attuazione del decreto (non quindi derogative) intese sostanzialmente a una chiarificazione, per evitare complicazioni giurisdizionali, sulla

del Consiglio di Stato

bero sotto il corso e ne pregiudicherebbero l'instaurazione po-

sitivo in conformità della legge.  
Il traccarsi bruscamente l'attività di questo ufficio  
si determinerebbe, solite e malincuore, ed uscire dal ricorso che  
si sono sempre imposto e a rendere di pubblica ragione i motivi  
del mio ricorso, allo scopo di non essere coinvolto, e contro-  
ri, quando ciò si renderebbe manifesti i disastrosi risultati  
del deprecato orientamento, in corrispondenza morale che and  
to di non meritare, avendo data la mia opera, indefessamente e  
con coscienza al perseguimento dello scopo di effrettare al mio  
sino, e con la maggiore possibile perfezione, la definizione  
dell'arduo problema dell'epurazione.

Io avrei già formulato delle dettagliate istruzioni,  
semplificatrici e acceleratrici al massimo, sulla applicazione  
delle norme sostanziali e procedurali del nuovo decreto, alle  
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to di legge contenente n° 4 articoli per norme di attuazione del  
decreto (non quindi derogativo) inteso sostanzialmente a una chig  
riflessione, per evitare complicazioni giurisdizionali, sulle  
quali sarei già d'accordo col Presidente del Consiglio di Stato.

Resto a Sua disposizione, Signor Presidente, non senza  
2572  
il piacere di farle presente che riferrei argente una garanzia  
cazione esauriente della pendenza, non sentendomi di protrarre  
ulteriormente l'attuale marcia del servizio del Commissariato.

Con ossequio



DRAFT

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Ref : DF/2.A/GA

November 1945

My dear Mr. Prime Minister:

At a ~~recent~~ <sup>some time ago</sup> meeting between Brig GAPP, the Vice President of the Civil Affairs Section, and Sig. MENNI, the High Commissioner for Defascism, Sig. MENNI was understood to say that Mr. Harold MACMILLAN's Aide-Memoire of the 24 Feb 1945 relieved the High Commission from any obligation to consult this Commission on its proposals for Eparation or to submit pending legislation on this subject to this Commission prior to its final approval.

This Commission does not agree with ~~that~~ <sup>my</sup> view because it considers that Mr. MACMILLAN's Aide-Memoire is controlled by the limiting words "in the matter of day to day administration" which are contained in its first paragraph and it does not regard Defascism, which is a subject of particular importance and interest to the Allies, as one merely of day to day administration.

However, it is not desired to argue ~~that~~ <sup>the</sup> question; but, to submit that on practical grounds it is desirable that the Allied Commission should receive ~~the~~ information of your Government's intentions with regard to Defascism before action is taken; not because such proposals require any prior approval but because an opportunity for prior discussion may avoid the embarrassing situation which might arise if this Commission should at any time feel compelled to disagree with some action actually taken.

I hope that you agree with my view and that you will arrange for this ~~regards~~ Defascising proposals.

on its proposals for Expiration or to submit pending legislation on this subject to this Commission prior to its final approval.

This Commission does not agree with that view because it considers that Mr MACDONALD's Aide-Memoire is controlled by the limiting words "in the matter of day to day administration" which are contained in its first paragraph and it does not regard Defascism, which is a subject of particular importance and interest to the Allies, as one merely of day to day administration.

However, it is not desired to argue that question; but, to submit that on practical grounds it is desirable that the Allied Commission should receive ~~more~~ information of your Government's intentions with regard to Defascism before action is taken; not because such proposals require any prior approval but because an opportunity for prior discussion may avoid the embarrassing situation which might arise if this Commission should at any time feel compelled to disagree with some action actually taken.

I hope that you agree with my view and that you will arrange for this Commission to be kept fully in the picture as regards Defascising proposals.

Yours very truly

2571

ELIY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

*Not approved.  
Get a copy of the  
leave us amended this week*

Professor Ferruccio PARELLI  
The President of the Council of Ministers  
Italian Government  
R O K E

*Note: This has already been done by  
Colonel C. I. [unclear] 3/1/45*



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

350

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Ref DE/2A/CA

28 Sep 45

Dear Mr. Nenni,

I shall be glad to receive an early reply to AG letter  
DE/2.A/CA of 11 Sep with regard to your interpretation of Mr MacMillan's  
Aide Memoire of the 24th Feb.

Yours very truly

*M. Carr*

M. CARR, Brig.  
VP CA Section

Sig. Pietro NENNI  
Alto Commissario per l'Epurazione,  
Palazzo del Viminale,  
R O M A

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2618

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

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34 A

TRANSLATION NO. 935

HIGH COMMISSIONER FOR SANCTIONS AGAINST FASCISM  
Palazzo del Viminale - ROME

ROME, 1st October 1945

Dear Brigadier Carr.

With reference to your letter of 11 September last, I wish to communicate to you that as soon as the draft of the new provisions for operation will be set out, I shall be pleased to send you a copy.

Best regards.

/s/ Pietro Nenni

TO: BRIGADIER CARR  
HQ A.C.  
ROME

2568



L'ALTO COMMISSARIO PER LE SANZIONI CONTRO IL FASCISMO  
PALAZZO DEL VIMINALE - ROMA

1453

Roma, 1° ottobre 1945

3-OCT-1945

Egregio Sig. Carr,

In relazione a quanto Ella mi scrive con la Sua dell'11 settembre u.s., Le comunico che non appena sarà definitivamente predisposto lo schema delle nuove disposizioni che regoleranno la materia dell'epurazione, mi riuscirà gradito inviargliene una copia.

Con i più distinti saluti.

*Am  
L. de N...'*

2567

\_\_\_\_\_  
Sig. Brig. M. CARR  
HEADQUARTERS ALLIED  
COMMISSION

R O M A



CA Sec 33A  
EA

20 September 1945

21 SET 1945

Dear Mr. Key:

33A

Thank you for your letter of 17 September 1945, which gives the State Department's view that the Italian Government should not be required to submit legislation on expiration to the Allied Commission for prior approval.

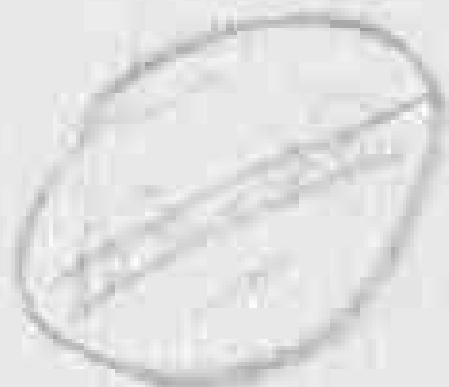
Sincerely yours,

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

Mr. David M. Key.  
Charge d'Affaires a.i.  
American Embassy,  
Rome.

DISTRIBUTION:

- EXEC. COMM.
- CA SEC. me
- POL. ADVSR. (A)
- POL. ADVSR. (B)
- CC



2566



THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY  
Rome, September 17, 1945

My dear Admiral Stone,

I refer to your letter of September 7, 1945, to the Ambassador enclosing a draft letter to the Prime Minister with respect to Signor Nenni's interpretation of the responsibility of the High Commissioner for the Punishment of Fascist Crimes to submit epuration legislation to the Allied Commission in the light of the MacMillan Aide Memoire of February 24, 1945. It is my understanding that you did not intend to address Professor Parri on this subject until after Brigadier Carr had received confirmation of Signor Nenni's views as expressed in the first paragraph of the draft letter. Meanwhile the Embassy has received the views of the United States Government with respect to the position of the Allied Commission as outlined in the draft letter, which I hasten to transmit to you.

In the view of the Department of State the Italian Government should not be required to submit legislation on epuration to the Allied Commission for prior approval. It is considered that the Italian Government is implementing Article 30 of the Instrument of Surrender which relates to defascistization and, as long as it carries out its obligations in this respect, no useful purpose would be served by the Allied Commission exercising direct control over details of this delicate task. In addition to the belief that such control would be contrary to general policy towards Italy and the spirit of existing directives, it is felt that to insist on the Italian Government submitting its epuration legislation to the Allied Commission for approval is to risk accusations of interference in Italian internal politics and unnecessary responsibility for methods of epuration.

With respect to your draft letter to Professor Parri, the Embassy has been instructed to suggest that the Allied Governments are following with interest the implementation of Article 30 of the Instrument of Surrender, that they wish to be kept fully informed through the Allied Commission of all action taken by the Italian Government in this respect, and that finally the right is reserved to intervene if it is apparent that the Government is not properly carrying out its obligations.

2565

Sincerely yours,

/s/ David M. Key  
Charge d'Affaires a.i.

Rear Admiral Ellery W. Stone,  
Chief Commissioner,  
Allied Commission,  
Rome.



DF/2.8/49

32A

TRANSLATION NO. 916

HIGH COMMISSION FOR SANCTIONS AGAINST FASCISM

ROME, 14 Sept 1945

Ref. 1312

Dear Brigadier Carr.

31A

with reference to your letter dated 11 Sept last, I wish to inform you that Vice President Pietro Nenni will be absent from Rome for about ten days.

As soon as he returns I shall communicate your request to him so that he may comply with it in person.

I wish to inform you also that the new criteria concerning the reform of epuration mechanism have not yet been set out in definite legislative measure since they are still being studied.

THE SECRETARY GENERAL



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9824

*Alla Commissione*  
*per la sanzione contro il fascismo*  
SECRETARIATO GENERALE

Roma, 14 settembre 1945

17 SET 1945

324

1312

Egregio Sig. Carr,

In riferimento a quanto Ella scrive con la Sua lettera dell'11 settembre scorso, Le comunico che il Vice Presidente Pietro Nenni è assente da Roma per un periodo di circa dieci giorni.

Mi riprometto al suo rientro in sede di comunicargli il contenuto della Sua richiesta, onde possa direttamente corrispondere in merito ai desideri da Ella espressi.

Intanto Le comunico che i nuovi criteri che presiederanno alla riforma nella materia dell'epurazione non sono stati ancora fissati in un positivo disegno di legge, giacchè costituiscono ancora oggetto di elaborazione e di studio.

IL SEGRETARIO GENERALE

*V. Ferrero*

Sig. Brig. M. CARR  
HEADQUARTERS ALLIED  
COMMISSION

ROMA

2563

(3827)



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

From: Brig. Gen. CARL,  
CA Section 10/AC

31A

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

✓  
DE/2.4/CA

11 Sep 45

Dear Mr. Nenni,

At my meeting with you on the 21 Aug I understood you to say that since Mr. Harold MacMillan's Aide Memoire of the 24 Feb the Italian Government was no longer under any obligation to consult the Allied Commission with regard to proposed changes in the laws and procedure of Expiration nor bound to submit its proposed Decrees on this subject for the views of the Allied Commission prior to their being approved by the Council of Ministers though you would continue as a matter of courtesy to supply the Allied Commission with drafts of decrees approved by that Council.

I would be obliged if you would be good enough to state exactly what your views on this position are. Perhaps you will let me have a short note defining them at your early convenience.

Yours very truly,

*Handwritten signature*  
as usual in daily

Dir. Pietro NENNI  
Alto Commissario per l'Esposizione,  
Palazzo del Viminale,  
ROMA.

157-21

2562

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COPY

30A

7 September 1945

Dear Mr. Kirk:

28A

The attached draft letter to the Prime Minister is forwarded so that you can request the State Department's views. Nenni is being requested to state his position in writing.

Sincerely,

/s/ ELLERY W. STONE

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

The Hon. Alexander Kirk  
The American Ambassador  
119 Via Vittorio Veneto  
Rome

COPIES TO :

Mr. C. A. Stone

C. A. Stone

2561

29A

COPY

7 September 1945

Dear Mr. Hopkinson:

287

The attached draft letter to the Prime Minister is forwarded so that you can request the views of the Foreign Office.

Nenni is being requested to state his position in writing.

Sincerely,

/s/ ELLERY W. STONE

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

Mr. H. L. d'A. Hopkinson  
Deputy British High Commissioner  
British Embassy  
84 Via Venti Settembre  
Rome

1 Incl.

2560

Copies to:

Exec. Comm.

C. A. Sec

D R A P T

17 QUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Ref DE/2.A/CA

3 Sep 45

My dear Mr. Prime Minister:

At a recent meeting between Brig GARR, the Vice President of the Civil Affairs Section, and Sig. NERZI, the High Commissioner for Defascism, Sig. NERZI was understood to say that Mr. Harold MACMILLAN's Aide-Memoire of the 24 Feb 1945 relieved the High Commission from any obligation to consult this Commission on its proposals for Epuration or to submit pending legislation to this Commission prior to its final approval. Sig. NERZI would <sup>on Macmillan</sup> however supply this Commission with copies of the decrees dealing with Epuration which it was proposed to issue,

In the view of this Commission, the whole of Mr. MAC MILLAN's Aide-Memoire is controlled by the limiting words "in the matter of day to day administration" which appear in the first paragraph thereof. Defascism is a very special subject of particular importance and interest to the Allies which is specifically dealt with in the Armistice Terms (Art 30).

This Commission is of opinion, first that a specific provision in the Armistice Terms is not over-ridden by a memoire as to the spirit in which the terms in general will be interpreted and secondly that Defascism is <sup>the side memoire</sup> in any case ~~outside the limiting phrase~~ as <sup>that</sup> it is not a "matter of day to day administration".

I shall be glad to hear that you agree with my views.

over the High Commission from any obligation to consult this Commission on its proposals for Epuration or to submit pending legislation to this Commission prior to its final approval. Sig. NERNI would however supply this Commission with copies of the decrees dealing with Epuration which it was proposed to issue.

In the view of this Commission, the whole of Mr. MAC MILLAN's Aide-Memoire is controlled by the limiting words "in the matter of day to day administration" which appear in the first paragraph thereof. Defascism is a very special subject of particular importance and interest to the Allies which is specifically dealt with in the Armistice Terms (Art 30).

This Commission is of opinion, first that a specific provision in the Armistice Terms is not over-ridden by a memoire as to the spirit in which the terms in general will be interpreted and secondly that Defascism is in any case <sup>the date however</sup> outside the limiting phrase as it is not a "matter of day to day administration".

I shall be glad to hear that you agree with my views.

Yours very truly

2559

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

27A

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

E/L.A/CA

18 June 45

SUBJECT : General Order No. 35.

- TO : HQ Emilia Region (26)
- HQ Liguria Region (12)
- HQ Piemonte Region (11)
- HQ Lombardia Region (11)
- HQ Veneto Region (11)

- 1 Interpretation has been requested of sub-para (a) of Art 2 of GO 35.
- 2 GO 35 is entirely contained in IL 159 and this particular item is derived from the first para of Art 17 of that decree.
- 3 The intention is that in considering disqualification from service the same criteria shall be observed by All Commissions as will ultimately be observed by the Commissions under IL 159, so that the position will be avoided that AGO members employed who are ultimately declared not to be fascists. This is made clear by the introduction to the Handbook for Operation Commissions.  
It should be understood that there is more than one form of oath that to the Republican Marxist Government which is only taken by certain senior officials and party members and that to the "Repubblica Sociale Italiana" which is taken by hosts of minor officials.  
Only the first is within the wording of sub-para (a) of Art 2.  
Attention is particularly directed to  
a) para 5 of the High Commissioners circular No 1 of 20 Aug 44 and  
b) para 5 of Circular No 2 of 5 Sep 44 and  
c) para 4 of Circular No 3 of 26 Oct  
all of which are printed in the Handbook and the attention of Commissions should be drawn to them and to the reference to the Handbook.  
6 The attention of AGO Officers concerned is drawn to the summary of these items which may be found with W/3.32/45 of 1 Feb 45.
- 7 Suspension under GO 35 is not appropriate where there is a reasonable possibility that a former employee that dismissal will ultimately be annulled.

658



2. GC 35 is entirely founded on DL 159 and this particular law is removed from the first part of Art 17 of that decree.

3. The intention is that in considering disqualification from service the case criteria shall be observed by All Commission as will ultimately be observed by the Commissions under DE 159, so that the position will be evaded that All outside employees who are ultimately declared not to be fascists.

This is made clear by the introduction to the Handbook for Examination Commissions.

4. It should be understood that there is more than one form of oath that to the Fascist Fascist Government which is only taken by certain senior officials and party members and that to the "Regolamento Sociale Italiani" which is taken by hosts of other officials.

Only the first is within the wording of sub-para (e) of Art 2.

5. Attention is particularly directed to

- a) para 3 of the High Commissions circular No 1 of 29 July 44 and
- b) para 3 of Circular No 2 of 8 Sep 44 and
- c) para 4 of Circular No 3 of 26 Oct

All of which are printed in the Handbook and the attention of Commissions should be drawn to them and to the preface to the Handbook.

6. The attention of All Officers concerned is drawn to the summary of these laws which was issued with DE/3.2/CA of 1 Feb 45.

7. Suspension under GC 35 is not appropriate where there is a reasonable possibility that a lesser punishment than dismissal will ultimately be awarded but only where ultimate dismissal appears to be probable.

2558

BY ORDER OF THE CHIEF COMMISSIONER :

*W. J. M. ...*  
 C. B. FROTH BRIG,  
 VC CA Section.

15 Army G. C. S. (3)

- Command for Life to : 60AO 1 Army 2
- 60AO 2 Army 2
- 1st Corps 2
- 2nd Corps 2

(mode of Distribution : HQ (5), FR (2))

Copy to : All Defascising Sub-Commissions

*129*

INTERNATIONAL ALLIED COMMISSION  
APR 1945  
CIVIL AFFAIRS SECTION

Despatches 97 Q/D/5  
APR 11 1945

Ref: 157/2.A/CA

LEGISLATIONS OF ITALY

- 1 This complementary order has been rendered necessary by the fact that temporary employees (Avventuali) do not have, under Italian legislation, the same privileges as permanent officials (di ruolo).
- 2 There exists no provision enabling the Italian administration to suspend its temporary employees, but only the right to classify them with the usual bodies. It has therefore been found necessary to conform to the existing legislation in order that Italian officials belonging to the same categories may receive equal treatment, whether they were under Allied or Italian jurisdiction. (Articles 1 and 2 of General Order No 35 A refer).
- 3 Article 3 of DD No 35 A deals with the question of the calculation of the basic salary to be paid to permanent officials during the period of their suspension. The first provisions of the Italian Government on which General Order No 35 was based were subsequently amended by DL No 23 of Feb 45 which raised the amount to be paid to suspended officials by adding to their basic salaries the increases granted under RL 15/3 and DL 320 only because operative in provinces where the Provincial Commissions had not yet become operative in provinces where the Provincial Commissions had not yet become operative. At present it is the intention not to implement this decree in North Italy.
- 4 It is understood that the Italian Government is preparing legislation with a view to enabling the recent increases of salaries in a consolidated decree (Decreto Unico), pending the promulgation of this decree, when calculating the basic salary of suspended officials. Provincial Administrations in provinces where DL No 320 has been implemented should take into account the increases granted under both RL 15/3 and DL 320. In provinces where DL 320 has not been implemented, the increases granted under RL 15/3 only.
- 5 Copies of the order of the same title as DL 35 will be circulated shortly as will a print of the Italian version for inclusion in the Handbook.

2557

7 11 14  
G.F. BERTON 216

Division may receive equal treatment under the Italian jurisdiction. (Articles 1 and 2 of General Order No 254 refer).

- 3. Article 3 of Law No 35 deals with the question of the calculation of the basic salary to be paid to Parliament officials during the period of their suspension. The first provision of the Italian Government on which General Order No 35 was based was subsequently modified by ILL 14 of 20 Feb 63 which raised the amount to be paid to suspended officials by adding to their basic salaries the increases granted under ILL 13/5 and ILL 328.
- 4. While ILL 13/5 has been implemented in territory under ILL 13/5 328 duty became operative in provinces where the Provincial Commissioners no longer by Provincial Order. At present it is the intention not to implement this decree in North Italy.
- 5. It is understood that the Italian Government is preparing legislation with a view to amending the result increase of salaries in a consolidated decree (Testo Unico). Pending the promulgation of this decree, when calculating the basic salary of suspended officials, Provincial Commissioners in provinces where ILL 13/5 has been implemented should take into account the increases granted under both ILL 13/5 and ILL 328. In provinces where ILL 328 has not been implemented, the increases granted under ILL 13/5 only.

6. Copies of the order on the same scale as GO 35 will be prepared shortly on mill 6 print of the Italian version for inclusion in the Handbook.

2557

1 13 14

U.S. AIRMAIL 3216,  
NY Ca Section

DISTRIBUTION :-

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*118 IV*

20/10/10

260

### GOVERNO MILITARE ALLEATO DEL TERRITORIO OCCUPATO

#### ORDINANZA GENERALE N. 35 A

CONSIDERATO che, ai sensi ~~del~~ ~~disposizione~~ dell'Ordinanza Generale n. 35, ~~adempimento~~ tutti coloro ai quali si applicano ~~le~~ ~~disposizioni~~ ~~stesse~~ ~~devono~~ ~~essere~~ ~~sospesi~~ ~~dal~~ ~~loro~~ ~~ufficio~~ ~~o~~ ~~impiego~~ e che (e nel caso) ~~il~~ ~~loro~~ ~~corrisposto~~, durante il periodo di sospensione, ~~il~~ ~~titolo~~ ~~alimentare~~, lo stipendio base, esclusa ogni altra indennità ~~o~~ ~~altro~~ ~~beneficio~~.

È CONSIDERATO che il Governo italiano col Decreto Legislativo ~~del~~ ~~25~~ ~~febbraio~~ ~~1945~~, n. 44, ha disposto che taluni ~~elementi~~ ~~di~~ ~~stipendio~~ ~~e~~ ~~indennità~~ ~~in~~ ~~aggiunta~~ ~~allo~~ ~~stipendio~~ ~~base~~ sono da considerarsi anche a coloro che sono sospesi dal loro ufficio ~~o~~ ~~impiego~~ ~~in~~ ~~applicazione~~ ~~di~~ ~~sanzioni~~ ~~contro~~ ~~il~~ ~~fascismo~~;

~~che~~ ~~il~~ ~~presente~~ ~~ordinanza~~ ~~è~~ ~~applicabile~~ ~~per~~ ~~la~~ ~~parte~~ ~~che~~ ~~concerne~~ ~~il~~ ~~Comandante~~ ~~Supremo~~ ~~Alleato~~ ~~e~~ ~~Governatore~~ ~~Militare~~, con la presente ordino quanto segue:

#### Articolo I

Nei confronti di coloro che, essendo compresi nelle categorie di cui all'articolo I dell'Ordinanza Generale n. 35, ~~riceveranno~~ ~~un~~ ~~ufficio~~ ~~o~~ ~~impiego~~ ~~in~~ ~~qualità~~ ~~di~~ ~~avventizi~~, deve essere disposto il licenziamento dall'ufficio ~~o~~ ~~impiego~~ e non la sospensione. Gli articoli II, VI, VII, VIII, IX, X e XI della detta Ordinanza Generale, devono considerarsi modificati in conformità.

#### Articolo II

Nessun funzionario o impiegato avventizio ~~effettivamente~~ ~~licenziato~~ ~~in~~ ~~base~~ ~~alle~~ ~~disposizioni~~ ~~dell'articolo~~ ~~precedente~~, ~~avrà~~ ~~diritto~~ ~~allo~~ ~~stipendio~~ ~~o~~ ~~ad~~ ~~indennità~~ ~~alcuna~~ ~~dalla~~ ~~data~~ ~~in~~ ~~cui~~ ~~avrà~~ ~~effettuato~~ ~~il~~ ~~suo~~, ~~licenziamento~~ ~~come~~ ~~sopra~~ ~~indicated~~.

2556

GOVERNO MILITARE ALLEATO  
DEL TERRITORIO OCCUPATO

ORDINANZA GENERALE N. 45 A

*del r.d. n. 1000 del 1944*  
CONSIDERATO che, ai sensi ~~del~~ ~~disposizione~~ dell'Ordinanza  
Generale n. 45, ~~che stabilisce~~ ~~che~~ tutti coloro ai quali si applicano  
~~le~~ ~~disposizioni~~ ~~che~~ ~~devo~~ ~~essere~~ ~~sospesi~~ ~~dal~~ ~~loro~~ ~~ufficio~~ ~~o~~ ~~impiego~~  
e che in tal caso ~~de~~ ~~ve~~ ~~essere~~ ~~sospesi~~ ~~durante~~ ~~il~~ ~~periodo~~ ~~di~~ ~~sospensione~~,  
a titolo alimentare, lo stipendio base, esclusa ogni altra indennità.

E CONSIDERATO che il Governo Italiano col Decreto Legislativo  
L. n. 23 del 28 febbraio 1945, n. 44, ha disposto che taluni  
categori di stipendio e indennità in aggiunta allo stipendio base  
sono da corrisponderci anche a coloro che sono sospesi dal loro uff.  
con o impiego in applicazione ~~di~~ ~~le~~ ~~sanzioni~~ ~~contro~~ ~~il~~ ~~fascismo~~.

*del r.d. n. 1000 del 1944*  
~~del~~ ~~Regio~~ ~~Decreto~~ ~~n. 10~~, ELLEBY W. STONE, Ammi-  
nistratore Militare, con la presente ordino quanto segue:

Articolo I

*del r.d. n. 1000 del 1944*  
Nei confronti di coloro che, essendo compresi nelle categorie di  
cui all'articolo I dell'Ordinanza Generale n. 36, ~~riservato~~ <sup>anz</sup> un ufficio o  
impiego in qualità di avventizi, deve essere disposto il licenziamento  
dall'ufficio o impiego e non la sospensione. Gli articoli II, VI, VII,  
VIII, IX, X e XI della detta Ordinanza Generale, devono considerarsi  
modificati in conformità.

Articolo II

*del r.d. n. 1000 del 1944*  
Nessun funzionario o impiegato avventizio, <sup>anz</sup> ~~effettivamente~~ <sup>anz</sup> licen-  
ziato in base alle disposizioni dell'articolo precedente, ~~avrà~~ <sup>avrà</sup> diritto allo  
stipendio o ad indennità alcuna dalla data in cui avrà effetto il suo  
licenziamento come sopra indicato.

ARTICOLO III.

es. STICARD /  
JEREMIAH /  
A ~~data~~ base ai sensi dell'articolo XI dell'Ordinanza Generale  
o, verranno ~~elaborati~~ in conformità alle istruzioni da emanarsi  
di volta in volta dal Commissario Provinciale.

ARTICOLO IV.

es. /  
La presente Ordinanza entrerà in vigore in ciascuna ~~provincia~~  
o parte di provincia nel Territorio del Governo Militare alla data  
della sua prima affissione nella stessa.

Per il Comandante Supremo Alleato  
e Governatore Militare

ELLERY W. STONE

Ammiraglio R.N.S.U.  
Ufficiale Capo degli Affari Civili.



... di cui, verranno ~~controllati~~ in conformità alle istruzioni da emanarsi di volta in volta dal Commissario Provinciale.

1000

Articolo IV.

La presente Ordinanza entrerà in vigore in ciascuna ~~provincia~~ o parte di provincia nel Territorio del Governo Militare alla data della sua prima affissione nella stessa.

Per il Comandante Supremo Alleato  
e Governatore Militare

ELLERY W. STONE  
Ambasciatore R.N.S.U.  
Ufficiale Capo degli Affari Civili

78/28/CA

CAS

HEADQUARTERS  
EMILIA REGION  
ALLIED MILITARY GOVERNMENT  
APO 394

19 APR 1945  
LHW

WHL/jm

16 April 1945

SUBJECT: General Order No. 35A.

19 APR 1945

TO: HQ Allied Commission,  
(for Civil Affairs Section).

1. Provincial Commissioner, Bologna Province  
requires 200 copies of General Order No. 35A im-  
mediately.

2. Please forward this supply to HQ Bologna  
Province care of AMG 5th Army, Legal Officer.

FOR THE REGIONAL COMMISSIONER:

*WHL*  
WILLIAM H. LEVIT,  
Lt. Colonel,  
Regional Legal Officer,  
Emilia Region.

HEADQUARTERS  
18 APR 1945

*Reference to HL/jm of 16 April 45  
copies of General Order 35 A will be  
forwarded as soon as possible.*

*WHL 19/4*

2554

2104

HEADQUARTERS  
TOGGANA REGION  
ALLIED MILITARY GOVERNMENT

CA SECTION

RYTIL/200A/245

5 Mar 45.

24A

15 MAR 1945

SUBJECT : Defascistization.

-8 APR 1945 /16A

TO : All P.C.'s.

1. The directive of the Allied Commission, dated 29 Mar 45, DF/2.4/CA, is attached. This timely document is self-explanatory. The position and powers of Provincial Commissioners concerning (c) Fascist Crimes and (b) Sequestration are set out with clarity.

2. In connection with sequestration, for your information, there is attached a copy of letter from the Assistant High Commissioner (Italian) to the Intendente of Firenze, LUCCA, (Italian). As pointed out in a recent letter from Brigadier G.R. UFFIN : "In sequestrating the proper action would appear to be for the delegates to investigate; for the High Commissioner (Italian) to take action under Article 36 of D.L.L., 159, for the Commission mentioned in article 30 to adjudicate, and that Article 35 should ONLY be used where there is some real risk of the assets being done away with; the power referred to being one to conserve property "in jeopardy".  
The directive here attached confirms such premise.

3. It need not be emphasized that armed with this directive, Provincial Commissioners should act thereunder forthwith.

By ORDER of Colonel KIRKWOOD:

*G.T. Johnson*

G.T. JOHNSON,  
Colonel,  
Deputy Regional Commissioner.

JTM/ST.

Copies to: - HQ, AC.

-- Your DF/3.36/CA dated 22 Mar 45, and DF/2.4/CA dated 29 Mar 45, refer. Para 7 of the first quoted letter will be the subject of separate correspondence.

R.L.O.

HEADQUARTERS

TO : All P.C's.

- 8 APR 1945

16A

1. The directive of the Allied Commission, dated 29 Mar 45, DF/2.A/CA, is attached. This timely document is self-explanatory. The position and powers of Provincial Commissioners concerning (a) Fascist Crimes and (b) Sequestration are set out with clarity.

2. In connection with sequestration, for your information, there is attached a copy of letter from the Assistant High Commissioner (Italian) to the Intendente of Firenze, LUCCA, (Italian). As pointed out in a recent letter from Brigadier G.R. UTCHIN : "In sequestrating the proper action would appear to be for the delegates to investigate; for the High Commissioner (Italian) to take action under Article 36 of D.L.L., 159, for the Commission mentioned in article 30 to adjudicate, and that Article 35 should ONLY be used where there is some real risk of the assets being done away with; the power referred to being one to conserve property "in jeopardy".

The directive here attached confirms such premise.

3. It need not be emphasized that armed with this directive, Provincial Commissioners should act thereunder forthwith.

By ORDER of Colonel KIRKWOOD:

*G.T. JOHNSON*

G.T. JOHNSON,  
Colonel,  
Deputy Regional Commissioner.

JHM/ST

Copies to: HQ, AC.

... Your DF/3.36/CA dated 22 Mar 45, and DF/2.A/CA dated 29 Mar 45, refer. Para 7 of the first quoted letter will be the subject of separate correspondence.

R.L.O.



2553

SP/2A/CA

23A

LICENZA GENERALE NO 35 A.

CONSIGLIATO che, ai sensi delle disposizioni dell'Ordinanza Generale No 35, e' stato ordinato che tutti coloro ai quali si applicano le disposizioni stesse devono essere sospesi dal loro ufficio o impiego e che in tal caso e' loro corrisposto, durante il periodo di sospensione, a titolo di licenziamento, lo stipendio base, esclusa ogni altra indennita'.

E CONSIGLIATO che il Governo italiano col DL 23 Febbraio 1945 Nr. 44 ha disposto che taluni aumenti di stipendio e indennita' in aggiunta allo stipendio base sono da corrispondersi anche a coloro che sono sospesi dal loro ufficio o impiego in applicazione di sanzioni contro il fascismo;

CIO' TUTTO CONSIDERATO, IO, ELLERY S. STONE, Ammiraglio, R.N.D.U., per e in rappresentanza del Comandante Supremo Alleato e Governatore Militare, con la presente ordino quanto segue:

ARTICOLO I

Nei confronti di coloro che, essendo compresi nelle categorie di cui l'Art. I dell'Ordinanza Generale No 35, rivestono un ufficio o impiego in qualita' di eventuali, deve essere disposto il licenziamento nell'ufficio o impiego e non la sospensione. Gli Art. II, VI, VII, VIII, IX, X e XI della detta Ordinanza Generale, devono considerarsi modificati in conformita'.

ARTICOLO II

Nessun funzionario o impiegato eventuale effettivamente licenziato in base alle disposizioni dell'articolo precedente avra' diritto allo stipendio o ad indennita' alcuna dalle date in cui avra' effetto il suo licenziamento come sopra indicato.

ARTICOLO III

I salari base ai sensi dell'Art. XI dell'Ordinanza Generale No 35 verranno calcolati in conformita' alle istruzioni da emanarsi di volta in volta dal Commissario Provinciale.

ARTICOLO IV

La presente Ordinanza entrera' in vigore in ciascuna provincia o parte di provincia nel Territorio del Governo Militare alla data della sua prima affissione nelle stesse.

ARTICOLO I

Nei confronti di coloro che, essendo compresi nelle categorie di cui l'Art. I dell'Ordinanza Generale No 35, rivestono un ufficio o impiego in qualità di avventizi, deve essere disposto il licenziamento dell'ufficio o impiego e non la sospensione. Gli Art. II, VI, VII, VIII, IX, X e XI della detta Ordinanza Generale, devono considerarsi modificati in conformità.

ARTICOLO II

Nessun funzionario o impiegato avventizio effettivamente licenziato in base alle disposizioni dell'articolo precedente avrà diritto allo stipendio o ad indennità alcuna dalle date in cui avrà effetto il suo licenziamento come sopra indicato.

ARTICOLO III

I salari base ai sensi dell'Art. XI dell'Ordinanza Generale No 35 verranno calcolati in conformità alle istruzioni de emersi di volta in volta dal Commissario Provinciale.

ARTICOLO IV

La presente Ordinanza entrerà in vigore in ciascuna provincia o parte di provincia nel Territorio del Governo Militare alle date della sua promulgazione nelle stesse.

2552

Per il Comandante Supremo Alleato e Governatore Militare

ELMER R. STONE  
Ammiraglio U.S.N., U.S.C.  
Ufficiale Capo degli Affari Civili



3/2A/CA

23B

GENERAL ORDER NO 35 A

WHEREAS under the provisions of DO 35 it was ordered that persons to whom such provisions applied be suspended from their office or employment and in that event and during the period of such suspension receive for their support their basic salary without any further allowance.

AND WHEREAS the Italian Government by L. No 44 of 23 Feb 45 have provided that certain increases of salary and allowances in addition to their basic salary shall be payable to persons suspended from their office or employment in the course of sanctions against fascism.

NOW, THEREFORE, I, ELLERY V. STONE, Rear Admiral, USN, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows :

ARTICLE I

In the case of all persons listed in Art. I of DO 35 who held office or employment on a temporary basis the order to be made against such persons shall be one of dismissal from office or employment and not one of suspension and Arts II, VI, VII, VIII, IX, X and XI of the said General Order shall be considered as modified accordingly.

ARTICLE II

No temporary official or employee effectively dismissed under the provisions of the precedent article shall be entitled to any salary or allowance from the effective date of dismissal as aforesaid.

ARTICLE III

3/2A/CA

23B

GENERAL ORDER No 35 A

WHEREAS under the provisions of GO 35 it was ordered that persons to whom such provisions applied be suspended from their offices or employment and in that event and during the period of such suspension receive for their support their basic salary without any further allowances.

AND WHEREAS the Italian Government by L. No 44 of 23 Feb 45 have provided that certain increases of salary and allowances in addition to their basic salary shall be payable to persons suspended from their office or employment in the course of sanctions against fascism.

NOW, THEREFORE, I, ELLENY A. STONE, Rear Admiral, USMC, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows :

ARTICLE I

In the case of all persons listed in Art. I of GO 35 who held office or employment on a temporary basis the order to be made against such persons shall be one of dismissal from office or employment and not one of suspension and Arts II, VI, VII, VIII, IX, X and XI of the said General Order shall be considered as modified accordingly.

ARTICLE II

No temporary official or employee effectively dismissed under the provisions of the precedent article shall be entitled to any salary or allowances from the effective date of dismissal as aforesaid.

ARTICLE III

...in the course of elections against fascism.

W. H. THOMPSON, I. ELIZABETH STONE, Rear Admiral, USMC, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows:

ARTICLE I

In the case of all persons listed in Art. I of GO 35 who held office or employment on a temporary basis the order to be made against such persons shall be one of dismissal from office or employment and not one of suspension and Arts II, VI, VII, VIII, IX, X and XI of the said General Order shall be considered as modified accordingly.

ARTICLE II

No temporary official or employee effectively dismissed under the provisions of the precedent article shall be entitled to any salary or allowance from the effective date of dismissal as aforesaid.

ARTICLE III

Basic salaries under Art. XI of GO 35 shall be calculated in accordance with instructions to that effect which shall be issued from time to time by the Provincial Commissioner.

2551

ARTICLE IV

This order shall come into operation in any province or part thereof within the Military Government Territory on the date of its first posting therein.

For the Supreme Allied Commander and Military Governor

ELIZABETH STONE  
Rear Admiral USMC  
Chief Civil Affairs Officer

0123

29A

REPRESENTING ALLIED COMMISSION  
450 394  
CIVIL AFFAIRS SECTION

Ref: 17/2.A/CA

7 APRIL 45  
(not yet issued)

INSTRUCTIONS ON GENERAL ORDER NO. 25.

- 1 This complementary order has been rendered necessary by the fact that temporary employees (avventori) do not have, under Italian legislation, the same privileges as permanent officials (di ruolo).
- 2 There exists no provision enabling the Italian administration to suspend its temporary employees, but only the right to dismiss them with the usual notice: it has therefore been found necessary to conform to the existing legislation in order that Italian officials belonging to the same categories may receive equal treatment, whether they were under Allied or Italian jurisdiction. (Articles 1 and 2 of General Order No 25 A refer).
- 3 Article 3 of GO No 25 A deals with the question of the calculation of the basic salary to be paid to permanent officials during the period of their suspension. The first provision of the Italian Government on which General Order No 35 was based was subsequently amended by IL 44 of 27 Feb 45 which raised the amount to be paid to suspended officials by adding to their basic salaries the increases granted under RIL 15/3 and RIL 328.
- 4 While RIL 15/3 has been implemented in territory under AOC, RIL No 328 only becomes operative in provinces where the Provincial Commissioner so orders by Provincial Order. At present it is the intention not to implement this decree in North Italy.
- 5 It is understood that the Italian Government is preparing legislation with a view to expediting the recent increases of salaries in a consolidated decree (Tetto Unico). Pending the promulgation of this decree, when calculating the basic salary of suspended officials, Provincial Commissioners in provinces where RIL No 328 has been implemented should take into account the increases granted under both RIL 15/3 and RIL 328. In provinces where RIL 328 has not been implemented, the increases granted under RIL 15/3 only.
- 6 Copies of the order on the same scale as GO 25 will be circulated shortly as will a print of the Italian version for inclusion in the Handbook.

2550

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

existing legislation in order that Italian officials employed or categorized may receive equal treatment, whether they were under Allied or Italian jurisdiction. (Articles 1 and 2 of Senzani Order No 35 & refer).

Article 3 of GO No 35 & deals with the question of the calculation of the basic salary to be paid to Parliament officials during the period of their suspension. The first provisions of the Italian Government on which General Order No 35 was based were subsequently amended by DL 14 of 23 Feb 43 which raised the amount to be paid to suspended officials by adding to their basic salaries the increases granted under RL 18/3 and DL 326.

While RL 18/3 has been implemented in territory under AOC, DL No 326 only becomes operative in provinces where the Provincial Commissioner so orders by Provincial Order. At present it is the intention not to implement this Decree in North Italy.

It is understood that the Italian Government is preparing legislation with a view to modifying the recent increase of salaries in a consolidated Centre (Tuscan-Emilia). Pending the promulgation of this decree, when allowing the basic salary of suspended officials, Provincial Commissioners in provinces where DL No 326 has been implemented should take into account the increases granted under both RL 18/3 and DL 326; in provinces where DL 326 has not been implemented, the increases granted under RL 18/3 only.

Copy of the order on the same scale as GO 35 will be circulated shortly as will a print of the Italian version for inclusion in the Handbook.

12550

A.S. UFFICIO DIRIG.  
VI 3. Section

DISTRIBUTION

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HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Ref: ~~DF/537/CA~~

April 1945

INSTRUCTIONS ON GENERAL ORDER NO 35A

1. This complementary order has been rendered necessary by the fact that temporary employees (Avventizi) do not have, under Italian legislation, the same privileges as permanent officials (di ruolo).

2. There exists no provision enabling the Italian administration to suspend its temporary employees, but only the right to dismiss them with the usual notice; it has therefore been found necessary to conform to the existing legislation in order that Italian officials belonging to the same categories may receive equal treatment, whether they were under Allied or Italian jurisdiction. (Articles 1 and 2 of General Order No 35A refer).

3. Article 3 of General Order No 35A deals with the question of the calculation of the basic salary to be paid to permanent officials during the period of their suspension. The first provisions of the Italian Government on which General Order No 35 was based were subsequently amended by DLL 44 of 23 February 1945 which raised the amount to be paid to suspended officials by adding to their basic salaries the increases granted



2. There exists no provision enabling the Italian administration to suspend its temporary employees, but only the right to dismiss them with the usual notice; it has therefore been found necessary to conform to the existing legislation in order that Italian officials belonging to the same categories may receive equal treatment, whether they were under Allied or Italian jurisdiction. (Articles 1 and 2 of General Order No 35A refer).

3. Article 3 of General Order No 35A deals with the question of the calculation of the basic salary to be paid to permanent officials during the period of their suspension. The first provisions of the Italian Government on which General Order No 35 was based were subsequently amended by DLL 44 of 23 February 1946 which raised the amount to be paid to suspended officials by adding to their basic salaries the increases granted under RDL 18/B and DLL 32B. **2549**

4. While RDL 18/B has been implemented in territory under AMG, DLL 10 A2A only becomes operative in provinces where the Provincial Commissioner so orders by Provincial Order. **At present**

*it is the intention not to implement this decree in N. Italy.*

- 2 -

5. It is understood that the Italian Government is preparing legislation with a view to embodying the recent increases of salaries in a consolidated decree (Testo Unico). Pending the promulgation of this <sup>decree</sup> act, when calculating the basic salary of suspended officials, Provincial Commissioners in provinces where D.L. No 328 has been implemented should take into account the increases granted under both RDL 18/B and D.L. 328; in provinces where D.L. 328 has not been implemented, the increases granted under RDL 18/B only.

*4. Contingency provisions for the suspension of officials in the event of a change of status in the light of the suspension remains in effect in the event of a change of status.*

G. R. UPJOHN, Brig.  
VP CA Sec HQ AC

8157

where DIL No 328 has been implemented should take into account the increases granted under both RDL 13/3 and DIL 328; in provinces where DIL 328 has not been implemented, the increases granted under RDL 13/3 only.

*In provinces where DIL 328 has not been implemented, the increases granted under RDL 13/3 only.*

G. R. UPJOHN, Brig.  
VP SA Sec HQ AU

2548

ORDINANZA GENERALE N. 35 A. 90 A

CONSIDERATO che, ai sensi delle disposizioni dell' Ordinanza Generale N. 35, ~~in~~ <sup>stato</sup> ordinato <sup>stesso</sup> che tutti coloro ai quali si applicano ~~le~~ <sup>le</sup> disposizioni <sup>stesse</sup> devono, sospesi dal loro ufficio o impiego e che in tal caso è loro corrisposto, durante il periodo di sospensione, a titolo alimentare, lo stipendio base, esclusa ogni altra indennità;

E CONSIDERATO che il Governo italiano col D.L.L. 23 febbraio 1945 n. 44 ha disposto che taluni aumenti di stipendio e indennità in aggiunta allo stipendio base sono da corrispondersi anche a coloro che sono sospesi dal loro ufficio o impiego e in applicazione di sanzioni contro il fascismo;

CIO' TUTTO CONSIDERATO, IO, ELLEFRY W. STONE, ~~Ammiraglio~~ Ammiraglio, R.N. S.N., per e in rappresentanza del ~~del~~ Comandante Supremo Alleato e Governatore Militare, con la presente ordino quanto segue:

in tal caso è loro corrisposto, durante il periodo di sospensione, a titolo alimentare, lo stipendio base, esclusa ogni altra indennità;

E CONSIDERATO che il Governo italiano col D.L. 23 febbraio 1945 n. 44 ha disposto che taluni aumenti di stipendio e indennità in aggiunta allo stipendio base sono da corrispondersi anche a coloro che sono sospesi dal loro ufficio o in ~~più~~ ~~a~~ in applicazione di sanzioni contro il fascismo;

CIO' TUTTO CONSIDERATO, IO, ELLERY W. STONE, ~~Ho~~ Ammiraglio, R.N. S.M., per e in rappresentanza del ~~Lo~~ Comandante Supremo Alleato e Governatore Militare, con la presente ordino quanto segue:

#### Articolo I

2547

Nei confronti di coloro che, essendo compresi nelle categorie di cui l'art. I dell'Ordinanza Generale n. 35, rivestono un ufficio o impiego in qualità di ~~avventizi~~ ~~deve~~ ~~essere~~ ~~per~~ ~~essere~~ ~~di~~ ~~grado~~ ~~sto~~ il ~~Comandante~~ ~~della~~ ~~ufficio~~ ~~o~~ ~~impiego~~ e non la sospensione. Gl. art. II, VI, VII, VIII,

IX, X e XI della detta Ordinanza Generale  
devono considerarsi modificati in conformita'.

Articolo II.

avventizio

Nessun ~~non~~ funzionario impiegato effettivo  
mente licenziato in base alle disposizioni  
dell'articolo precedente avrà diritto allo stipen-  
dio o <sup>ad</sup> indennita' alcuna dalla data in cui  
avrà effetto il suo licenziamento come sopra  
indicato.

Articolo III.

I salari base ai sensi dell'art. XI dell'ordi-  
nanza Generale n. 35 verranno calcolati in  
conformita' alle istruzioni da emanarsi  
di volta in volta dal Commissario Provinciale.

Articolo IV.

La presente Ordinanza entrerà in vigore in  
ciascuna provincia o parte di provincia ~~entro~~  
~~del~~ Territorio del Governo Militare alla data  
della sua prima affissione nella stessa.



dell'articolo precedente avrà diritto allo stipen-  
dio o <sup>ad</sup> indennità alcuna dalla data in cui  
avrà effetto il suo licenziamento come sopra  
indicato.

### Articolo III.

I salari base ai sensi dell'art. XI dell'Ord.  
Mare Generale n. 35 verranno calcolati in  
conformità alle istruzioni da emanarsi  
di volta in volta dal Commissario Penitenziario.

### Articolo IV.

La presente Ordinanza entrerà in vigore in  
ciascuna provincia o parte di provincia ~~entro~~  
~~del~~ Territorio del Governo Militare alla data  
della sua prima affissione nella stessa.

Per il Comandante Supremo Alato  
E Governatore Militare.

Elery W. Stone  
Protocollo N.

Risposta a nota del  
F. N. S. H.

Ufficiale capo degli Affari Civili.

UFFICIO INFORMAZIONI

FEDERAZIONE DI ROMA

PARTITO FASCISTA REPUBBLICANO

DRAFT

19A

~~DEFESCA~~

SUBJECT : Defescism - Temporary Employees

TO : All RCs & SCAOs.

- 1 In the event of its being necessary in AWG territory to remove any temporary employee from office whether under Exec Memo 67; GO 35 or EL 159 such employee, whether he is employed for a fixed term or for an undefined period, will be dismissed and he will not be entitled to any benefit under Art 22 of EL 159.
- 2 Working copies of GO 35 will be noted that the order applies only to regular employees and that temporary employees whose services are no longer required will be dismissed.

BY COMMAND OF THE CHIEF COMMISSIONER :

G.R. UPJOHN Brig.  
VP CA Section

2546

HEADQUARTERS ALLIED COMMISSION  
APO 304  
CIVIL AFFAIRS SECTION

18A

REF DP/24/CA

5 April 45

SUBJECT : Cooperation of the Allies in Defascism

TO : See Distribution

- 1 All possible assistance will be given to Operation Commissions consistent with care of Allied interests.
- 2 Documentary evidence as to the political past of individuals (including cohorts) in Allied possession should normally be handed to or made available to the High Commissioner for Defascism or his Provincial Delegate unless it contains matter which would endanger the national security of an Allied nation or cause serious injury to the interests or prestige of any such nation.
- 3 In the case of a document originating in an Allied agency the following additional provisions apply: that
  - a) it does not disclose the name of any informant, investigator or writer of any security report, nor the reason for, the extent of, or the procedure employed in any enquiry;
  - b) that the evidence contained therein is not available from other sources.
- 4 As the Italian people are in general far better aware of the past political history of each other than we are likely to be, the production of any document which originated in an Allied office can only very exceptionally be justifiable. In any case no such document will be produced without the consent of the office in which the document originated.
- 5 It will be exceptional for Allied personnel to have personal knowledge of the pre-liberation activities of an Italian national. A request for Allied personnel to give evidence can therefore seldom be justified. In any case, no Allied personnel will give evidence, whether for or against an individual, without the prior sanction of this HQ.
- 6 Where it is considered that an individual by virtue of good service to the Allied cause deserves that such service shall be taken into consideration in mitigation of his sentence the record of such service and the Allied view of the value thereof may be submitted to the High Commissioner or his Delegate for inclusion with the papers to be submitted to the Commission. Any such record will not include any request to the Commission to take any particular course nor will it otherwise attempt to influence the Commission from arriving at a free decision. It will be signed by the Regional Commissioner or by the Director of a Sub-Commission.
- 7 Exception under Art 16 of DL 159 is granted only where the individual has done some act which is particularly notable or useful to the Allied War Effort

2545

and not merely for being competent. Competence can be taken into account in mitigation of punishment.

When a request for the suspension or removal of an individual for "fascism" is made by the appropriate Italian authority it shall be complied with, unless the Regional Commissioner or this HQ otherwise directs.

In arriving at his decision the RC shall be guided by the following direction:

- a) When it is believed that the loss of the services of a man almost unique in technical or administrative ability would have a reasonably direct and seriously adverse effect on the Allied War Effort the suspension or dismissal will be deferred and the matter referred to this HQ. The use of this procedure will be quite exceptional and confined to the cases of experts holding very senior and important appointments. In other cases:
- b) Where essential work would be interrupted by the proposed removal the suspension or dismissal may be deferred but only for such minimum time as is reasonably necessary to appoint a successor whether or not that successor is as capable as the man to be removed.

FOR THE CHIEF COMMISSIONER

*Handwritten signature*

S.R. URGON Brig  
VR C. Section

Distribution:

- RC Umbria-Marche Region
- RC Toscana Region
- RC Emilia Region
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GBI-C 27 Mar)

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~~CONFIDENTIAL~~  
**CONFIDENTIAL**

JG/15a

ALLIED FORCE HEADQUARTERS  
APO 512 30 MAR 1945

AF 399

CA SECTION (2)

6

AG 000.5/143 (BT-2)

30 MAR 1945 27 March 1945

4029

SUBJECT: Allied Assistance to Epuration Committees

TO: All Concerned

1. While it is realized that all possible assistance should be given to aid in the functioning of epuration committees, as distinct from war crimes commissions, extreme care should be exercised so as to protect United States and British interests. The transmittal of classified information to these committees must be carefully considered.

2. In particular, care must be exercised to insure that no documents or information which reveal the names of investigators, writers of reports, or informants is given to the committees or persons connected with the committees. The reasons for investigations and the extent of investigations must not be revealed or implied. Any methods which may reveal procedures employed by United States or British intelligence agencies which are unusual or peculiar to the nation concerned must not be divulged.

3. Before any United States or British investigative report is furnished an epuration committee, the agency originating the report must give its approval.

BY COMMAND OF FIELD MARSHAL ALEXANDER:

*subordination*  
C. S. CHRISTOPHERY  
Colonel, AGD  
Adjutant General

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2544

**CONFIDENTIAL**

187A

HEADQUARTERS ALLIED COMMISSION  
APO 294  
CIVIL AFFAIRS SECTION

29 Mar 45

22E/C.44/C.4

SUBJECT : Defascism

TO : 1 FC Toscana Region  
RC Urbino-Marche Fog  
Cia.O 5 & 8 ARDES

Fascist Crimes

1 Prisons are greatly overcrowded. Requests by Italian Defascising Officers for the arrests of persons for alleged fascist crimes will be carefully scrutinized. Prefects, Procuratori, Provincial Delegates and CC RR will be informed that in such cases the accused will not be arrested unless there is evidence that he is likely to attempt to abscond or when a serious charge carrying possibility of a death sentence or a sentence of imprisonment for not less than 10 years is preferred and the evidence available indicates a reasonable possibility of conviction.

2 Any person hereafter arrested for a fascist crime will be released unless he is charged within 48 hours and sufficient evidence placed before the appropriate CMC Officer to enable him to satisfy himself that one of the two above mentioned conditions is fulfilled.

3 Persons already under arrest for alleged fascist crimes will be released unless the said charges and evidence are produced within such time as the Provincial Commissioners may fix as reasonable.

Sequestrations

1 Uncontrolled applications by Italian defascising Officers for the freezing of accounts and property may hamper the rehabilitation of Italy and be obstructive to both trade and farming. The normal procedure to be followed is contained in Art 36 of IL 159, the property is thereby frozen for two months while the Special Section referred to in Art 30 assesses the amount due. Normally property should not be frozen until the special Commission is ready to act.

2 Judges of Tribunale, Intendenti di Finanze and Delegates will be informed that resort will only be had to the procedure referred to in Art 35 when there is a real prospect of property disappearing. If the proceeds of conversion are not accessible the right to avoid transactions contained in Art 29 allows resort to property no longer the debtor's; in view of this the amount...

2543



2543

carefully scrutinized. Prefect, Procuratori, Provincial Delegates and CC RF will be informed that in such cases the accused will not be arrested unless there is evidence that he is likely to attempt to abscond or when a serious charge carrying possibility of a death sentence or a sentence of imprisonment for not less than 10 years is preferred and the evidence available indicates a reasonable possibility of conviction.

2 Any person hereafter arrested for a fascist crime will be released unless he is charged within 48 hours and sufficient evidence placed before the appropriate MAG Officer to enable him to satisfy himself that one of the two above mentioned conditions is fulfilled.

3 Persons already under arrest for alleged fascist crimes will be released unless the said charges and evidence are produced within such time as the Provincial Commissioners may fix as reasonable.

B Sequestrations

1 Uncontrolled applications by Italian defascising Officers for the freezing of accounts and property may hamper the rehabilitation of Italy and be obstructive to both trade and farming. The normal procedure to be followed is contained in Art 36 of RL 159, the property is thereby frozen for two months while the Special Section referred to in Art 30 assesses the amount due. Normally property should not be frozen until the special Commission is ready to act.

2 Judges of Tribunali, Intendenti di Finanze and Delegates will be informed that resort will only be had to the procedure referred to in Art 35 when there is a real prospect of property disappearing. If the proceeds of conversion are not accessible the right to avoid transactions contained in Art 29 allows resort to property no longer the debtor's; in view of this, the circumstances which would justify resort to Art 35 must be quite exceptional.

3 Sequestrations already ordered will be scrutinized and any which hamper the rehabilitation of the country and which are not justified by any real fear of the property disappearing will be reversed without prejudice to any future action.

BY COMMAND OF THE CHIEF COMMISSIONER:  
*[Signature]*  
G.R. UFFONI JRIS,  
VF Section

- copies to : HC Emilia Region )
- HC Venetia Region )
- HC Lombardia Region ) for information only. Conditions in
- HC Piemonte Region ) N. Italy may not be the same as in
- HC Liguria Region ) territory now under A.G.

15 Army Group - IV Corps - for information

# GOVERNÒ MILITARE AL'EATO

**M. B. - Penaltá severíssime, di priglione e di ammenda sono previste per chiunque facesse delle dichiarazioni false nella presente scheda.**

AMMINISTRAZIONE 9 ENTE

## SCHEDA PERSONALE

1. Cognome e Nome				Patentità	
Luogo e data di nascita					
Attuale domicilio					
Titolo di studio					
Natura dell'impiego					
<input checked="" type="checkbox"/> Se celibe o coniugato				<input checked="" type="checkbox"/> Se ha figli	
<input checked="" type="checkbox"/> E' stato iscritto al P.N.F.?	/Data d'iscrizione (ed eventuale retrodatazione)				
Aveva una delle seguenti qualifiche					
Sanapolerista?	Antimercaia?	Squadrista?			Marchia su Roma?
Sciarpia Littorio?					
3. Ha ricoperto una delle seguenti cariche nel P.N.F.					
Secretario del P.N.F.?				(In quale periodo)	
Vice Secretario del P.N.F.?					
Membro del Direttorio Nazionale?					
Componente della Corte di disciplina?					
Ispettore del P.N.F.?					
Secretario Federale?					
Vice Secretario Federale?					
Membro del Direttorio Federale?					
Componente di Commissione federale di discipl.					
Ispettore Federale?					
Secretario Politico?					
Membro del Direttorio del Fascio?					

Gruppo e data di nascita

Attuale domicilio

Titolo di studio

Natura dell'impiego

Se celibe o coniugato

Se ha figli

2. E' stato iscritto al P.N.F. ( ) Data di iscrizione (ad eventuale reintegrazione)

Avete una delle seguenti qualifiche

Sansepolcrista?

Antemariaia?

Squadrista?

Marcia su Roma?

Sciurista Littorio?

3. Ha ricoperto una delle seguenti cariche nel P.N.F.

Segretario del P.N.F.?

In quale periodo?

Vice Segretario del P.N.F.?

Membro del Direttorio Nazionale?

Componente della Corte di disciplina?

Ispettore del P.N.F.?

Segretario Federale?

Vice Segretario Federale?

Membro del Direttorio Federale?

Componente di Commissione federale di disciplina?

Ispettore Federale?

Segretario Politico?

Membro del Direttorio del Fascio?

Fiduciario di Gruppo regionale?

Consulatore?

Componente di Commissione disciplina di fascio o di

Gruppo regionale?

Capo Settore?

Capo Nucleo?

4. Ha ricoperto altre cariche o avuto incarichi presso il P.N.F. e quali?

In quali periodi e dove?

5. Ha ricoperto cariche o avuto incarichi nella G.I.L. (compresi O.N.B. e fasci giovanili) e quali?

In quali periodi e dove?

2542

33. A quale ufficio era destinato alla data dell'8 settembre 1943?

Ha continuato a prestare servizio (indicare tutti gli uffici ricoperti durante il periodo dell'occupazione nazi-fascista e le eventuali nomine, promozioni o trasferimenti)

In caso contrario, quale attività ha svolta?

34. Si è trasferito al Nord? (precisare se volontariamente o meno)

Ha avuto missioni per il Nord?

35. Ha prestato giuramento al Governo fascista repubblicano?

In quali circostanze?

36. Se alla data dell'8 settembre si trovava sotto le armi, come si è comportato?

37. Avendo obblighi militari ha risposto alle varie chiamate dei tedeschi o del governo fascista repubblicano?

38. Ha svolto attività poliziva, militare o di polizia dopo l'8 settembre 1943 e quale?

In particolare, ha appartenuto alla guardia nazionale repubblicana?

Con quale grado?

39. Se ha avuto chiamate per il servizio del lavoro, come si è comportato?

40. E' stato mai arrestato?

Quando?

Da chi?

Per quale motivo?

41. Ha mai subito condanne?

Se sì, specificare

42. Si è impegnato all'Estero?

Dove?

Quando?

Per quale motivo?

43. E' stato in qualsiasi modo e con qualsiasi attività impiegato con qualsiasi Comando, agenzia o qualsiasi sorta di organizzazione tedesca? (Si diano ampi particolari; in caso contrario scrivere NO)

- 36 Se alla data dell'8 settembre si trovava sotto le armi, come si è comportato?
- 37 Avendo obblighi militari ha risposto alle varie chiamate dei tedeschi o del governo fascista repubbli-  
cano?
- 38 Ha svolto attività politica, militare o di polizia dal 1° settembre 1943 e quale?  
In particolare, ha assistito alla guardia nazionale repubblicana?
- 39 Se ha avuto chiamate per il servizio del lavoro, come si è comportato?  
Con quale grado?
- 40 E' stato mai arrestato?  
Quando?  
Da chi?  
Per quale motivo?
- 41 Ha mai subito condanne?  
Se sì, specificare
- 42 Sono mai stato ricercato all'Estero?  
Dove?  
Quando?  
Per quale motivo?
- 43 E' stato in qualsiasi modo e con qualsiasi attività impiegato con qualsiasi Comando, agenzia o qualsiasi  
sorta di organizzazione tedesca? (Si diano ogni particolare; in caso contrario scrivere NO)

**Dichiaro sul mio onore e sotto la mia responsabilità che le indicazioni sopra scritte rispondono a verità.**

Data

Firma

**M. B. - Ritagliate prima di consegnare la scheda, e, se avete scritto il falso, correggete. Vi ricordiamo che le dichiarazioni di cui sopra sono state fatte sotto giuramento, e che pene severe sono stabilite per il falso giuramento.**

GOVERNO MILITARE ALLEATO

**M. B. - Penalties severissime, di prigione e di ammenda sono previste per chiunque facesse delle dichiarazioni false nella presente scheda.**

AMMINISTRAZIONE o ENTE

**SCHEDA PERSONALE**

1. Cognome e Nome				Patrimonia
Luogo e data di nascita				
Attuale domicilio				
Titolo di studio				
Natura dell'impiego				
<input checked="" type="checkbox"/> Se celibe o coniugato	<input checked="" type="checkbox"/> Se ha figli			
<input checked="" type="checkbox"/> E' stato iscritto al P.N.F.?	Data d'iscrizione (ed eventuale retrodatazione)			
Aveva una delle seguenti qualifiche				
Sinsepulcrista?	Antemarcia?	Squadrista?	Marcia su Roma?	
Sciappa Littorio?				
3. Ha ricoperto una delle seguenti cariche nel P.N.F.				
Segretario del P.N.F.?	in quale periodo?			
Vice-Segretario del P.N.F.?				
Membro del Direttorio Nazionale?				
Componente della Corte di disciplina?				
Ispettore del P.N.F.?				
Segretario Federale?				
Vice-Segretario Federale?				
Membro del Direttorio Federale?				
Componente di Comm. ne federale di discipl.				
Ispettore Federale?				
Segretario Politico?				
Membro del Direttorio del Fascio?				
Fiduciario di Gruppo (regionale)?				



Luogo e data di nascita

Attuale domicilio

Tipolo di studio

Natura dell'impiego

Se celibe o coniugato

Se ha figli

2. E' stato iscritto al P.N.F. Data d'iscrizione (ed eventuale retrodatazione)

Aveva una delle seguenti qualifiche

Sansepolarista?  Antemarcia?  Squadrista?  Marcia su Roma?

Sciista Littorio?

3. Ha ricoperto una delle seguenti cariche nel P.N.F.

Secretario del P.N.F.?

Vice Secretario del P.N.F.?

Membro del Direttorio Nazionale?

Componente della Corte di disciplina?

Ispettore del P.N.F.?

Secretario Federale?

Vice Secretario Federale?

Membro del Direttorio Federale?

Componente di Commissione federale di disciplina?

Ispettore Federale?

Secretario Politico?

Membro del Direttorio del Fascio?

Fiduciario di Gruppo nazionale?

Consulitore?

Componente di Commissione disciplina di fascio o di

Gruppo nazionale?

Capo Settore?

Capo Nucleo?

4. Ha ricoperto altre cariche o avuto incarichi presso il P.N.F. e quali?

In quali periodi e dove?

5. Ha ricoperto cariche o avuto incarichi nella G.I.L. (compresi O.N.B. e fasci giovanili) e quali?

In quali periodi e dove?

2542

6. Ha ricoperto cariche o avuto incarichi nel G.I.F. e quali?

In quali periodi e dove?

7. Ha ricoperto cariche o avuto incarichi nell'O.N.D. e quali?

In quali periodi e dove?

8. Ha ricoperto cariche o avuto incarichi nei fasci femminili e quali?

In quali periodi e dove?

9. E' stato impiegato o comunque destinato ad uffici del P.N.F.?

In quali periodi e dove?

10. Ha appartenuto alla M.V.S.N.?

In quali periodi?

In servizio effettivo, nei quadri e fuori quadri?

Che grado, anche onorario, ha conseguito?

Quali incarichi vi ha esercitato?

E' stato sottosegretario del duce o ha appartenuto ai Battaglioni M.?

In quali periodi?

11. Ha appartenuto a milizie speciali?

Quali?

Che grado, anche onorario, ha conseguito?

In quali periodi?

12. Ha appartenuto al Tribunale speciale per la difesa dello Stato?

In quali periodi?

In che qualità?

13. Ha fatto parte della O.V.R.A.?

In che qualità?

14. Ha fatto parte dell'Ufficio politico della P. S.?

In quali periodi e dove?

In che qualità?

15. Ha fatto parte delle Commissioni per il confino?

In quali periodi e dove?

In che qualità?

16. Ha fatto parte di uffici o commissioni razziali?

In quali periodi e dove?

1229

10. Ha appartenuto alla MVSN?

In quali periodi?

In servizio effettivo, nei quadri o fuori quadro?

11. Che grado, anche onorario, ha conseguito?

Quali incarichi vi ha conferito?

12. E' stato marchettiere del duce o ha appartenuto ai Battaglioni "M"?

In quali periodi?

Quali?

13. Ha appartenuto a milizie speciali?

Che grado, anche onorario, ha conseguito?

In quali periodi?

In che qualità?

In che qualità?

14. Ha fatto parte della O.V.R.A.?

In che qualità?

15. Ha fatto parte dell'ufficio politico della P. S.?

In quali periodi e dove?

In che qualità?

16. Ha fatto parte delle Commissioni per il confino?

In quali periodi e dove?

17. Ha fatto parte di uffici o commissioni razziali?

In quali periodi e dove?

In che qualità?

Ha fatto pubblicazioni o conferenze di carattere razziale?

Quali e quando?

18. E' stato senatore?

Data della nomina

Cariche avute nel Senato

19. E' stato deputato dopo il 28 ottobre 1922?

In quali legislature?

Cariche avute nella Camera dei deputati

20. E' stato consigliere nazionale?

In quali periodi?

Cariche avute nella Camera dei fasci e delle corporazioni

1225  
521

20. Quali sono stati lo svolgimento della carriera, le promozioni e le destiny più avute dal 28 ottobre 1922 all'8 settembre 1943?

21. Ha conseguito avanzamenti o preferenze nei concorsi o in carriera per titoli fascisti e quali?

Ha avuto compensi per benemerite fasciste di qualunque natura?  
Quali e in quali epoche?

22. E' stato preposto o addetto al gabinetto o alla segreteria di Ministri o di Sottosegretari (precisare nome del Ministro o Sottosegretario e il periodo)

23. Ha ricoperto cariche corporative o sindacali e quali?

X E' stato impiegato o comunque ha appartenuto ad uffici od organi corporativi o sindacali?  
In quali periodi e dove?

24. Ha ricoperto cariche o avuto incarichi presso lo Stato, le provincie o i comuni? e quali?

In quali periodi?

Come retribuita?

25. Ha ricoperto cariche o avuto incarichi presso enti pubblici di qualsiasi genere o presso enti, aziende, società anche private?

In quali periodi e dove?

Come retribuita?

26. Onorificenze e decorazioni italiane conseguite, e data del conseguimento

X 27. Onorificenze e decorazioni straniere e date del conseguimento

28. Ha svolto attività pubblicistica, in quale periodo e in quale quotidiano o periodico?

29. E' stato autore di libri, opuscoli o pubblicazioni in genere, aventi anche indirettamente carattere politico?  
(indicare quali)

nome del Ministro o Sottosegretario e il periodo) (precisare)

- 23. Ha ricoperto cariche corporative o sindacali e quali?
  - > E' stata impiegato o comunque ha appartenuto ad uffici od organi corporativi o sindacali? In quali periodi e dove?
- 24. Ha ricoperto cariche o avuto incarichi presso lo Stato, le provincie o i comuni? e quali?
  - In quali periodi?
  - Come retribuito?
- 25. Ha ricoperto cariche o avuto incarichi presso enti pubblici di qualsiasi genere o presso enti, aziende o società private?
  - In quali periodi e dove?
  - Come retribuito?
- 26. Onorificenze e decorazioni italiane conseguite, e data del conseguimento
- 27. Onorificenze e decorazioni straniere e date del conseguimento
- 28. Ha svolto attività pubblicistica, in quale periodo e in quale quotidiano o periodico?
- 29. E' stato autore di libri, opuscoli o pubblicazioni in genere, aventi anche indirettamente carattere politico? (indicare quali) **2541**
- 30. Ha tenuto discorsi o conferenze di carattere politico, sia in pubblico, sia alla Radio?
  - In quali periodi?
  - 31. Posizione e grado militare
    - E' stato volontario nelle campagne d'Africa?
    - E' stato volontario nella guerra di Spagna?
    - E' stato volontario nella guerra attuale?
    - Ha avuto cannoni dal servizio militare? Data e motivo?
- 32. Ha aderito al Partito Fascista Repubblicano?
  - Vi ha ricoperto cariche e quali?

33 A quale ufficio era destinato alla data dell'8 settembre 1943?

Ha continuato a prestare servizio? (Indicare tutti gli uffici ricoperti durante il periodo dell'occupazione nazifascista e le eventuali nomine, promozioni o trasferimenti)

In caso contrario, quale attività ha svolta?

34 Si è trasferito al Nord? (precisare se volontariamente o meno)

Ha avuto missioni per il Nord?

35 Ha prestato giuramento al Governo fascista repubblicano?

In quali circostanze?

36 Se alla data dell'8 settembre si trovava sotto le armi, come si è comportato?

37 Avendo obblighi militari ha risposto alle varie chiamate dei tedeschi o del governo fascista repubblicano?

38 Ha svolto attività politica, militare o di polizia dopo l'8 settembre 1943 e quale?

In particolare, ha appartenuto alla guardia nazionale repubblicana?

Con quale grado?

39 Se ha avuto chiamate per il servizio del lavoro, come si è comportato?

40 È stato mai arrestato?

Quando?

Per quale motivo?

41 Ha mai subito condanne?

Se sì, specificare

42 Si è recato all'Estero?

Dove?

Per quale motivo?

43 È stato in qualsiasi modo e con qualsiasi attività impiegato con qualsiasi Comando, agenzia o qualsiasi sorta di organizzazione tedesca? (Si dicano ogni particolare; in caso contrario scrivere NO)

Quando?

Da chi?



- 36. Se alla data dell'6 settembre si trovava sotto le armi, come si è comportato?
- 37. Avendo obblighi militari, ha risposto alle varie chiamate dei tedeschi o del governo fascista repubblicano?
- 38. Ha svolto attività politica, militare o di polizia dopo l'8 settembre 1943 e quale?
- In particolare, ha appartenuto alla guardia nazionale repubblicana?
- Con quale grado?
- 39. Se ha avuto chiamate per il servizio del lavoro, come si è comportato?
- 40. E' stato mai arrestato?
- Quando?
- Per quale motivo?
- 41. Ha mai subito condanne?
- Se si, specificare

42. SO: <sup>seccato, all'Estero</sup> ~~SO~~

Dove? Quando?

Per quale motivo?

43. E' stato in qualsiasi modo e con qualsiasi attività impiegato con qualsiasi Comando, agenzia o qualsiasi sorta di organizzazione tedesca? (Si danno esempi particolari in caso contrario scrivere NO)

Dichiaro sul mio onore e sotto la mia responsabilità che le indicazioni sopra scritte rispondono a verità.

Data

Firma

**M. B. - Rileggete prima di consegnare la scheda, e, se avete scritto il falso, correggete. Vi ricordiamo che le dichiarazioni di cui sopra sono state fatte sotto giuramento, e che pene severe sono stabilite per il falso giuramento.**

1 JAN 1945

*in Aff Section*

*- 7000 1944  
DF/20/09 ✓*

HEAD OFFICE ALLIED COMMISSION  
FINANCE SUB-COMMISSION  
APO 394

1319173

8 January 1945

Subject: Sanctions against Fascism, Commercial Insurance Companies.

To: H.E. The Minister of Industry, Commerce & Labour.

1. Your Excellency will be aware that no action has yet been taken by the Italian Government to apply the provisions of Dec. 153 of 22 July 1944 to the commercial insurance companies - that is to say, to all the undertakings in Italy conducting insurance operations with the exception of the State-owned Istituto Nazionale delle Assicurazioni. We have been advised by the Insurance Section of your Ministry that the reason for absence of action in this respect has been due to the contention that such concerns are not covered by the definitions of article 11 Titolo II of the Decree.

2. This interpretation of the Decree has been receiving the attention of the Allied Commission, and I have now to inform you that the Commission does not agree that the commercial insurance companies are exempt from application of the Decree. On this point, the legal advisers of the High Commissioner for Sanctions against Fascism are in agreement with the Allied Commission.

3. I have therefore to request that you cause the necessary steps to be taken to ensure that the commercial companies are dealt with in the appropriate manner, with a view to investigating their personnel and disposing of such elements in them as are proved to be of the categories covered by the Decree.

4. In order that undesirable elements in these companies may not evade investigation through expiry of the time-limit, set at the present time for 28 January, I must urge upon Your Excellency the necessity for the utmost possible speed in arranging for proper machinery.

5. I have further to inform you that if, upon receipt of this letter, you are still advised that these companies are exempt from the Decree, the point should be referred to the President of the Council of Ministers for a ruling. Should this ruling be such as to support the suggestion of exemption, I must request that this Sub-Commission be notified immediately, in order that other representations may be made.

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*HHS*

- 2 -

6. May I therefore have your assurance that this matter is being dealt with. This Sub-Commission is ready to assist your officials in whatever way may be possible, and in ensuring that all companies are covered.

*Signed: J. GRAFFIN, SMITH*

Joint Director,  
Finance Sub-Commission.

Copies to:

INS/O17/Y

Civil Affairs Section, reference Minute 27, file DF/2A/AS,  
dated 4 January 1945.

MCS.

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HEADQUARTERS ALLIED COMMISSION  
FINANCE SUB-COMMISSION  
APO 394

131517

16 December 1944

SUBJECT : Sanctions against Fascism - Insurance

TO : Civil Affairs Section. ✓

1. There is considerable doubt as to whether RDL 159 of 29 July 1944 can be applied to the Italian insurance industry which, with the exception of one State agency to which this letter does not apply, consists of a large number of companies, some of considerable size, in form either companies with a share capital, or mutual companies having a guarantee fund, the whole being usually referred to by the expression "compagnie (or "imprese") private di assicurazione". A dozen or more have their registered Head offices in presently liberated territory: others are operating from temporary head offices established here. A proportion of their higher officials (directors &c.) are known to consist of undesirable persons, and no action has yet been taken by the Italian authorities to apply expurgation measures to them.

2. The uncertainty about RDL 159 in its application to such companies centres around Article 11, Titolo II, of which the relative part of the Italian text reads:

" Sono sottoposti a giudizio di epurazione gli appartenenti: \*

" (1).....

" (2).....

" (3) alle Aziende private.....riconosciute di interesse nazionale".

On 7 December, Lt. Col. White of the Civil Affairs Section gave it as his opinion that sub-section 3 of this Article covered the Italian insurance industry, whose constituent

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companies with a share capital, or mutual companies having a guarantee fund, the whole being usually referred to by the expression "compagnie (or "imprese") 'private' di assicurazione". A dozen or more have their registered Head offices in presently liberated territory: others are operating from temporary head offices established here. A proportion of their higher officials (directors &c.) are known to consist of undesirable persons, and no action has yet been taken by the Italian authorities to apply expurgation measures to them.

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- " appartenenti: \*
- " (1).....
- " (2).....
- " (3) alle Aziende private.....riconosciute di
- " interesse nazionale".

On 7 December, Lt. Col. White of the Civil Affairs Section gave it as his opinion that sub-section 3 of this Article covered the Italian insurance industry, whose constituent companies be considered to be "aziende private riconosciute di interesse nazionale". This opinion, however, has not been held by the Italian authorities concerned, and hence no action has yet been taken by them to apply the decree to these companies.

3. Their opinion has been based on the reasoning that the description "di interesse nazionale" is applicable only to those concerns which have been so described by existing Italian law, namely three banks, the Banco di Roma, the Banca Commerciale Italiana and the Credito Italiano. Article 25, Titolo IV of RDL 1400 of 17 July 1937 makes it clear that the description "di interesse nazionale" is only accorded to banks fulfilling certain requirements: they must

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have the constitution of companies with shares, have a wide organization of national character, and maintain branches ("filiali") in not less than thirty provinces. Article 103 of the same decree confers the description "di interesse nazionale" on the three banks mentioned. No insurance company has received a legal definition such as Article 103 confers on these banks, and in fact it is doubtful if any such company has branches ("filiali" as in the decree), as opposed to agencies, in thirty provinces. Moreover, the mutuals are not companies with a share capital.

4. The most authoritative statement from the Italians in this connection has been that of H.E. Mauro Scoccimarro. Then, in September last, it was learned that his office had approached two of the companies in Rome, an interview with him took place in order to arrange for co-operation with this Sub-Commission. Sig. Scoccimarro then stated definitely that his office had erred in approaching the two companies, since he had no power to touch them, the phrase, quoted above, in RDL 159 only having reference to those concerns legally entitled to the description "di interesse nazionale". No action with any such company has accordingly taken place.

5. It seems possible, however, that the wording of RDL 159 can be interpreted to refer not only to concerns already entitled to the description "di interesse nazionale", but also to some other categories of undertaking which might be regarded as of national interest for the purpose of applying this decree. How far the Italian insurance industry could be regarded as "of national interest" in this wider sense seems a debatable point. It is an independent industry, not having other national activities dependent upon it, as has, for example, the electrical industry. The term "Aziende" is, we believe, only used to apply to companies with a share capital and hence would not cover the mutual companies. Some of the larger companies are of unquestionable national importance, but the smaller ones are not, and it is not thought that a measure such as RDL 159 is to be applied



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6. It is considered essential that the insurance industry as a whole be included beyond ambiguity in the provisions for elimination of Fascist elements. Not only are there already known to be many undesirable personages who have been purged or suspended in other fields, but still able to exercise important functions in their insurance connections - connections which will presumably, in due course, re-assume their international character, but many suspensions under AMG authority are expected in North Italy, and it is clearly undesirable that there should be no Italian mechanism for clearing such provisional suspensions.

7. May, therefore, the Italian Government be asked to clarify RDL 159 in this respect, if necessary by an amendment (specifically "imprese private di assicurazione" is recommended as a definition), and to take the necessary steps for establishment of Commissions for the companies, steps which, as explained above, the High Commissioner has not considered RDL 159 empowers him to take.

*A.P. Grasseley Smith*  
Colonel

Joint Director  
Finance Sub-Commission.

Copy to INS/017/P

' ' Major Baxter

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*A.P. Grassley Smith*  
*Colonel*

Joint Director  
Finance Sub-Commission.

Copy to INS/O17/F

' ' Major Baxter

2536

File

14A

ADMINISTRATIVE SERVICES DIVISION  
400 THE  
GENERAL INVESTIGATIVE DIVISION

10/12/57

2:00 PM

SUBJECT: Removal of employees of Communist Espionage Government.

TO: See Distribution.

1. In the evidence through many recently in Communist Espionage, and  
and as reflected will have before and the problem of releasing during  
Government service.

2. It has sometimes been assumed that every employee of the Govern-  
ment Espionage Government is (or may be) employable. If this source is  
followed administrative release will result. It may be more wrong to  
many persons of some service have own copies that insufficient are  
left to carry out essential duties. It is essential that sufficient  
personnel be retained in all the various services to allow them to  
function.

3. The feasible as follows is that:  
a) Release of employees of important agencies may be dealt with in  
accordance with the instructions of the G.I.D. If the latter is  
in operation.

b) In case of the lower grade as to whom there is no evidence of  
active interest participation will be retained to work under new  
conditions but will not be given any other special active  
instructions (see also instructions to the G.I.D.).

4. The new hands will, if any personnel of suitable qualifications  
ability and antecedents are available, be recruited with necessary rank  
from those retained. If none are available, replacements will be  
recruited.

5. Every effort will be made to organize sufficient and efficient  
service and if, after review, insufficient personnel remain to carry  
out necessary duties, information must be requested, but it must  
be recalled that due to the uncertainty of the procedure of release-  
ment in terms of service of personnel, the latter may be available. Hence  
the necessity for persons in operating departments.



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La presente Ordinanza Generale é intesa alla immediata attuazione delle misure preliminari nell'opera di epurazione della vita nazionale dal fascismo intrapresa dal Governo Italiano.

L'Ordinanza, per avendo propria autonomia, siccome provvedimento del governo Militare Alleato, si inquadra nell'insieme delle disposizioni emanate in materia dal Governo Italiano, e cioè:

- (1) - D.L.L. 27 luglio 1944, N. 159;
- (2) - D.L.L. 3 ottobre 1944, N. 238
- (3) D.L.L. 11 ottobre 1944, N. 257
- (4) D.L.L. 23 ottobre 1944, N. 285.

Nell'applicazione delle norme contenute nella presente Ordinanza si dovrà essenzialmente aver presenti la lettera e lo spirito delle norme stesse; ma nei casi da questa non provisti si dovrà fare riferimento ai precetti e ai principi informativi dei susseguenti provvedimenti del Governo Italiano.



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

I certify that General Order No. 35 is in proper form for the signature  
of the ~~Executive Commissioner~~  
*Chief Commissioner*

2. Oct 22  
HQ ACC

*W. E. SERIES*

W. E. SERIES,  
Colonel,  
Deputy Chief of Legal Advisor.

2533

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORIES

GENERAL ORDER No. 55

SUBMISSION OF FASCIST OFFICIALS AND MILITARIES

WHEREAS it is the policy of the Allied Military Government that persons who were fascists and occupied prominent or representative positions during the fascist regime or have since 8th September 1943 collaborated with the Republican Fascist Government shall be removed from office

AND WHEREAS the Italian Government has undertaken such removal and has enacted D.L.N. Number 159 of 29 July 1944 and further implementing decrees for that purpose

AND WHEREAS it is the intention of the Allied Military Government that without prejudice to the operation of the said decrees the suspension from office of all persons affected shall become effective forthwith.

NOW THEREFORE I, ELIZABETH R. STONE, COMMANDER IN CHIEF and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows :-

ARTICLE I

Persons to whom this Order applies

Officials and employees of the following bodies shall be subject to proceedings under this Order

- (a) Civil State administrations, even if autonomous
- (b) Local authorities and other public bodies and institutions
- (c) Special concerns operating under public authorities or bodies and private concerns recognised by the State as controlling public utility undertakings or concerns having national wide interests.

ARTICLE II

Categories of Persons

The following persons shall be suspended from service :-

- (a) Any person who has shown that he is unworthy of serving the State either by having participated actively in the political life of fascism or by having shown himself a consistent apologist of fascism and particularly if he has so acted when holding high office.
- (b) Any person who has obtained an appointment or promotion through favouritism of the party or of fascist officials of high rank.

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- (b) Any person who has obtained an appointment or promotion through favouritism of the party or of Fascist officials of high rank.
- (c) Any person who has been guilty of Fascist bias or corrupt practices.
- (d) Any person who has held the position of *condottista*, or *sarapollista*, or *artemurcia*, or *marcia nu-ona*, or *Sciarpa Vittoria*, or who has been an officer of the Fascist militia.
- (e) Any person who after the 8th September 1943 moved to North Italy with or has pledged allegiance to or has in any way collaborated with the Republican Fascist Government.

ARTICLE III

2532

Appointments of Commissioners

- (a) Not later than 3 days after the coming into operation of this Order in any locality the Provincial Commissioner shall appoint a Commission of Italian citizens of integrity and non Fascist antecedents to carry out the provisions

of this order within the locality and shall give public notice of the appointment of the Commission and the address of its office.

(b) Each Commission shall consist of a President who shall be designated by the Provincial Commissioner and of such other members as the Provincial Commissioner may appoint. A Commission may sit in separate sections.

(c) Any person appointed to the Commission whether as President or member thereof may at any time be removed by the Provincial Commissioner.

#### ARTICLE IV

##### Notification of Order

(a) Not later than 7 days after coming into operation of this Order the Head of each administration and undertaking included in Article I of this Order and carrying on business in a locality to which this Order applies shall post at the place or places of business one or more copies of this Order and shall give notice to all officials and employees of that administration or undertaking employed in that locality that

- (i) this Order has come into operation in that locality, and
- (ii) the particular administration or undertaking is included in Article I of this Order.

Provided that the omission by the head of such administration or undertaking to give such notice shall not afford a defence to a person charged with non-compliance with the provisions of Article V of this Order.

(b) Whenever this Order shall come into operation in any locality the Prefect shall cause a copy thereof to be posted in every commune of such locality.

#### ARTICLE V

##### Lodgment of Scheds Personale

(a) All persons to whom this Order applies are divided into three categories as follows:

- (1) Category Immediate, consisting of:
  - Civil Service Officials down to Grade VI.
  - Officials and employees in the Head Office of any administration or undertaking who occupy positions as Directors, Managers, Works Managers, Technical Heads or Senior Technicians.
  - Officials and employees in a Branch office of any administration or undertaking who occupy positions as Managers or Senior Technicians.
- (2) Category Routine, consisting of:
  - Civil Service Officials of Grade VII to IX (incl.).
  - Officials and employees employed in the Head Office of an administra-

- (1) this Order has come into operation in that locality, and  
(ii) the particular administration or undertaking is included in Article I of this Order.

Provided that the omission by the head of such administration or undertaking to give such notice shall not afford a defence to a person charged with non-compliance with the provisions of Article V of this Order.

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Officials and employees in a Branch Office of any administration or undertaking who occupy positions as Managers or Senior Technicians.

- (2) Category Routine, consisting of :  
Civil Service Officials of Grade VII to IX (incl.).  
Officials and employees employed in the Head Office of an administration or undertaking who occupy positions as Assistant or Deputy Manager, or Assistant or Deputy Works Manager, Heads of Departments or Senior Foreman.  
Officials and employees employed in the Branch office of any administration or undertaking who occupy positions as Deputy or Assistant Manager, or as Works Manager or Assistant Works Manager, or as Heads of Departments or as Senior Foreman.  
Such persons being officials or employees of Grades X to XIII inclusive who are employed under the Ministry of Education and are dependent from Provveditori agli studi es may be ordered by or on behalf of the Regional Commissioner of the Allied Military Government to complete sign and lodge scheude personale.

- (3) Category Postponed, consisting of :  
All other officials and employees.

- (b) Within 14 days from the date of the coming into operation of this Order each person to whom this Order applies and who is a person included in Category Immediate or Category Routine as above defined shall complete

sign and lodge with the head of his administration or Schedo Personale in the prescribed form. The head of each administration or undertakings shall arrange the Schedo Personale to be received by him into the said two categories, and within 10 days from the coming into operation of this Order shall lodge the same so arranged with the office of the Commission together with a Schedo Personale duly completed and signed by himself.

(c) Within 10 days from the date of the coming into operation of this Order the head of each administration or undertaking will sign and deposit with the Commission a list of all persons being officials or employees in his administration or undertaking who come within the said two categories and a certificate that a Schedo Personale has been completed and lodged in respect of each such official or employee or a statement to account for the absence thereof.

(d) Persons to whom this Order applies who are included in category postponed are not required to complete it or lodge a Schedo Personale nor do they otherwise become liable to the terms of this Order without further order made by or on behalf of the Allied Military Government.

ARTICLE VI

Review of Schedo Personali

The Commission shall thereupon review such Schedo Personali together with such other evidence as may be brought before it and shall determine which persons it considers to be liable to suspension in accordance with the provisions of this Order and shall serve

- (a) Upon each of such persons a notice of proposed suspension and
- (b) Upon the employer of each of such persons a copy of such notice.

ARTICLE VII

Objection to notices of proposed suspension

Where a notice of proposed suspension is served on any person, such person may within 10 days lodge at the office of the Commission an objection thereto which shall be in writing and may be accompanied by such statement and documents as it is desired to bring before the Commission.

ARTICLE VIII

Proceedings on objections

(a) The Commission shall consider the objection and shall, unless it is of opinion that the objection is frivolous, proceed to investigate and



Order made by or on behalf of the Allied Military Government.

ARTICLE VI

Review of Schude Personnel

The Commission shall thereupon review such Schude Personnel together with such other evidence as may be brought before it and shall determine which persons it considers to be liable to suspension in accordance with the provisions of this Order and shall serve

- (a) Upon each of such persons a notice of proposed suspension and
- (b) Upon the employer of each of such persons a copy of such notice.

ARTICLE VII

Objection to notices of proposed suspension

Where a notice of proposed suspension is served on any person, such person may within 10 days lodge at the office of the Commission an objection thereto which shall be in writing and may be accompanied by such statement and documents as it is desired to bring before the Commission.

ARTICLE VIII

Proceedings on objections

(a) The Commission shall consider the objection and shall, unless it is of opinion that the objection is frivolous, proceed to investigate and hear the objection in accordance with the rules provided therefor. At such hearing the person by whom the objection was lodged shall have the right to appear in person or by an advocate and to show cause why he should not be suspended.

(b) At such proceeding the Commission shall take into account among other matters :-

- (i) that any person who has after the 8th September 1945 distinguished himself in the struggle against the Germans may be excused from suspension, and
- (ii) that any person mentioned in Article II (a) hereof may be excused from suspension if he has not in fact been guilty of any fascist partisanship or improper conduct.

2530

ARTICLE IX

Decisions of Commission

- (a) At the expiration of 10 days from the service of a notice of proposed suspension the Commission shall in every case in which no objection has been lodged make a suspension order against the person named in the notice.
- (b) In every case in which an objection has been lodged the Commission shall after the consideration and where necessary the hearing of the objection either
  - (i) sustain the objection and order that the notice of proposed suspension be cancelled; or
  - (ii) dismiss the objection and make a suspension order against the person by whom the objection was lodged.

Copies of the order will in every case be served upon the person in respect of whom the order is made and on his employer.

ARTICLE X

Effect of a suspension order

- (a) A suspension order made against any person suspends that person from the date of the order from any office or employment with any administration or undertaking mentioned in Article I of this Order.
- (b) NO person who has been suspended as the result of a suspension order may subject to Article XII of this Order be employed or re-employed thereafter by the same or by any other administration or undertaking included in Article I of this Order without further order of the Commission.

ARTICLE XI

Salary of persons suspended

Any person against whom a suspension order is made shall during the period of his suspension receive for his support his basic salary without any further allowance.

ARTICLE XII

NO appeal from Decisions of Commissions

- (a) NO act notice or order done, issued or made by a Commission in pursuance of its consequence of this Order shall be open to appeal and all such acts notices and orders shall be final and binding unless and until a Commission appointed under D.L.O. 159 for the purging of the

Copies of the order will in every case be served upon the person in respect of whom the order is made and on his employer.

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ARTICLE XII

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- (a) NO act notice or order some, issued or made by a Commission in pursuance or in consequence of this Order shall be open to Appeal and all such acts notices and orders shall be final and binding unless and until a Commission appointed under D.L.L. 159 for the purging of the administrations shall otherwise direct.
- (b) Nothing in this Order and no act decision notice or order done taken issued or made in pursuance or consequence thereof may be used to influence, prejudice, limit or in any way bind the conduct of any Commission set up under D.L.L. 159 in the consideration of the cases heard by that Commission.

ARTICLE XIII

Miscellaneous Provisions

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- (a) At the hearing of an objection the Commission shall :
  - (i) have power to administer oaths
  - (ii) exercise the powers conferred on a Court of Law by Articles 330,

342 and 343 of the Italian Code of Penal Procedure to the extent necessary for the purposes of this Order.

- (344) have power to make such rules and orders and do all such acts as shall be necessary for the purposes of this Order.
- (b) No stamp duty of any kind shall be payable upon any Scheda Personale, objection, notice, order or other document used or required for the purposes of this Order.

#### ARTICLE XIV

##### Offences

Any person who

- (a) Being required under the provisions of this Order to complete, sign, and lodge a Scheda Personale fails either to complete or to sign or to lodge such Scheda Personale;
- (b) In any Scheda Personale, objection or other document makes any false statement, knowing the same to be false;
- (c) Gives false evidence before a Commission;
- (d) Offers, seals, gives or receives a bribe in connection with any matter covered by this Order

shall be guilty of an offence and upon conviction by an Allied Military Court may be punished by imprisonment or fine or both as such Court may determine.

#### ARTICLE XV

Saving of the powers of the Allied Military Government

Nothing in this Order shall derogate from or affect the powers of the Allied Military Government in this territory and those powers may at all times be exercised as if this Order had not been made.

#### ARTICLE XVI

Extent of Order and effective date

This Order shall come into operation in a Province or part thereof within the Military Government territory on the date fixed therefor in a separate order of the Provincial Commissioner of such Province.

or to lodge such notices personally;

- (b) In any Schedules, Parnokilo, objection or other document makes any false statement, knowing the same to be false;
- (c) Gives false evidence before a Commission;
- (d) Offends, seeks, gives or receives a bribe in connection with any matter covered by this Order.

shall be guilty of an offence and upon conviction by an Allied Military Court may be punished by imprisonment or fine or both as such Court may determine.

ARTICLE XV

Saving of the powers of the Allied Military Government

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ARTICLE XVI

Extent of Order and effective date

This Order shall come into operation in a Province or part thereof within the Military Government territory on the date fixed therefor in a separate order of the Provincial Commissioner of such Province.

FOR THE HONOURABLE ALLIED GOVERNOR AND MILITARY GOVERNOR :

*W. W. D. Pace*

WILLIAM W. STONES  
Commander DMMR  
Chief Civil Affairs Officer.

2528

OFFICE OF THE CHIEF OF STAFF  
A.O. 394

ADMINISTRATIVE INSTRUCTIONS PURSUANT TO GENERAL ORDER No. 35.

1. While many fascists who occupied prominent positions during the fascist regime have been removed, many others may be still remaining in positions described in General Order No. 35. That Order sets out the plan for suspending the persons of this general category. However, that 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 Provincial Commissioners. They will be chosen primarily on the ground that they are clear of all fascist taint, and they 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. Each Commission will require an adequate staff and the Provincial Commissioner must see that an adequate but not excessive staff is secured. The members of the staff must be free of fascist taint.
4. The salaries of members of a Commission and their staff shall unless otherwise ordered by the Allied Military Government be paid out of the funds of the Prefecture and shall be as follows :-  
 The President of each Commission shall be paid the salary with allowances of an Italian judicial official of the 4th grade.  
 Other members of each Commission shall be paid the salary with allowances of an Italian judicial official of 5th grade.  
 Members of staffs shall be paid a salary with allowances not exceeding that of an employee of the Italian Government performing comparable work.
5. A Commission, if it thinks fit, may sit in separate sections and each of such sections will have powers of the Commission itself. The President of a Commission will, if so ordered by the Regional Commissioner, allot one or more of such sections to the investigation of officials or employees employed by any particular Ministry or Administration or undertaking and especially officials or employees of the Ministry of Education. The President of each Commission will appoint one member of the Commission to be Deputy President and one or more members as Vice President. 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 section. The appointment of a Deputy President and Vice-President shall be subject to the approval of the Provincial Commissioner. Any vacancy occurring will be filled, if necessary, in the same manner as the original appointments.
6. Normally the Commission or a Section thereof should sit as a body of not more than 5 nor less than 3.
7. The absence of a member of the Commission from any sitting shall not invalid-



... will require an adequate staff and the provincial Commissioner must see that an adequate but not excessive staff is secured. The members of the staff must be free of fascist taint.

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

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

8. Proceedings under Article VI of the General Order shall be in private. The Commissions will base its decision in each case on a fair review of the facts appearing from the records before it and from other evidence in the possession of the Commission.

9. In every case in which the Commission decides that a Notice of proposed suspension shall be served, the Commission shall decide and shall state in the notice the grounds of such proposed suspension. These grounds shall be stated in sufficient detail to enable the person affected to prepare his objection thereto.

2527

10. Unless otherwise directed by the Provincial Commissioner or some other officer delegated by him, every hearing of an objection by a Commission shall be open to the public.

11. On the hearing of an objection both oral and documentary evidence shall be admitted save that the Commission shall never at any time or at any stage of any proceedings under the General Order receive in evidence or take cognizance of any anonymous communications.

Where the person objecting wishes to give evidence in person he shall be permitted to do so, and he and the Commission may call such other relevant evidence as they think fit.

All questions to the person lodging the objection and to other witnesses giving evidence before the Commission will be put only through the President of the Commission or Section.

12. The Commission will ~~not~~ appoint any person to carry out functions analogous to a "Public Relations Officer".

13. Any person may denounce another to whom the General Order applies. The denunciation must be in writing and sworn ~~before~~ it can be received by the Commission. Hearing on a denunciation shall be had as in any other case.

14. If a person has previously been dismissed or suspended from employment in an administration or undertaking by the Allied Military Government on the basis of a finding that he had fascist connections, such person may lodge at the office of the Commission appointed for the locality a *Rechts Personale* duly completed and signed by him, with the approval of the 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 fascist and would not have been suspended on such grounds alone if he had still been employed at the time of the commencement of the General Order, the Commission may, with the consent of the 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 Provincial Commissioner ~~such salary~~ <sup>that he</sup> may be paid the whole or some part of such salary as he would have been entitled to receive had he remained in office.

15. If a person lodging a *Schieds Personale* 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 enter an order of suspension of such person without the consent of the appropriate Provincial Commissioner.

16. As to persons included in categories Immediate and Routine, the General Order applies without distinction of grade, rank or salary. Nevertheless Commissions will initially concentrate on officials and employees occupying ~~important~~ <sup>important</sup> positions in these categories.

In reviewing *Schieds Personale*, serving notices of proposed suspensions, hearing objections thereto, and making orders thereon Commissions will, save in exceptional cases, complete all proceedings in respect of persons in category Immediate before commencing proceedings in respect of persons in category Routine.

received by the

14. If a person has previously been dismissed or suspended from employment or undertaking by the Allied Military Government or the Allied Military Government in the sole possession of the leniency of the Provincial Commission duly completed and signed with the approval of the Provincial Commissioner, the Commission may proceed to the event of the Commission finding that he is in fact not objectionable. In and would not have been suspended on such grounds alone if he had still been employed at the time of the commencement of the General Order, the Commission may, with the consent of the 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 Provincial Commissioner ~~such salary as he would have been entitled to~~ ~~may order~~ receive had he remained in office.

that he

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In reviewing Schedules Personals, serving notices of proposed suspensions, hearing objections thereto, and making orders thereon the Commission will, save in exceptional cases, complete all proceedings in respect of persons in category Immediate before commencing proceedings in respect of persons in category Routine.

17. If a suspension order is made against a person when the Provincial Commissioner considers to be engaged in essential work and to be irreplaceable, the Provincial Commissioner may require the Commission to order the reinstatement of such employee until a suitable replacement is obtained.

18. The Commission shall have power from time to time and at any time

- a. to make rules, ~~for the regulation of its proceedings provided they are not inconsistent with the G.O. or these instructions.~~
- b. to amend or revoke such rules, and to make 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.

2526

All such rules or amendments shall be subject to the approval of the Provincial Commissioner.

19. While certain specific times are prescribed in the General Order for things to be done, a Commission has the right to 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 proceed as rapidly as possible.

20. Each Commission must keep full and accurate records and shall keep all "Schede Personnel", objections, remonstrations, notices, statements and documents lodged at its office and copies of all notices and orders served and made by it in such manner that they can easily be found, and shall dispose of all such records in such manner as the Provincial Commissioner shall direct. All such records shall at all times be open for the inspection of the Provincial Commissioner.

21. Copies of forms required for the full purposes of the General Order are attached and will be used by all Commissions without substantial change.

- a. SCHEDULE PERSONNEL
- b. NOTICE OF HOPED SUBMISSION
- c. NOTICE OF HEARING
- d. SUSPENSION ORDER
- e. ORDER SUSTAINING OBJECTION
- f. CERTIFICATE OF SERVICE.

For the Supreme Allied Commander and Military Governor:

ELBERT W. STONE,  
Commander, USAF,  
Chief Civil Affairs Officer.

November 1944.

1. SUSPENSION ORDER

2. REASONS SUBSTANTIATED OR SUSPECTED

3. CAPTIVE HEADS OF SERVICE.

For the Supreme Allied Commander and Military Governor

ALBERT W. STONE,  
Commander, USMARPAC,  
Chief Civil Affairs Officer.

November 1944.

2525

2524



0179

CC ASSIGN FOR EXPIRATION

SCHEMA PERSONALE

(To be completed personally by the party concerned in accordance with provisions of General Order No. ...)

- 1. Nome ..... Paternity.....  
 (Maternity)..... (Place and date of birth).....  
 ..... Place of residence.....  
 Profession ..... Present condition .....
- 2. Date and place of entering the fascist party.....  
 Sanspelorista?..... Squadrista?..... Fascista? Anto Mercia?.....  
 Marcia su Roma?..... Sciarpa littoria?.....
- 3. Have you been a member of the Fascist Government?..... of the Grand  
 Fascist Council?..... of the special Tribunal for the defense of the  
 State?.....
- 4. Have you been a member of the Accademia d'Italia and in what status?.....
- 5. Have you been President, Vice President or Managing Secretary of any corporation,  
 confederation, federation, or syndicate union?.....
- 6. Have you been National Secretary or Vice Secretary, a member of the National  
 Directory, ~~.....~~ or a national inspector of the  
 fascist party?.....
- 7. If you have been a member of the Senate of the Kingdom give the date of your ap-  
 pointment to Senator and the date on which you took the oath, setting out in full  
 your functions, duties, or public offices administrative or commercial.....
- 8. Have you been a fascist deputy or a national councillor and for what legislature  
 or period?.....
- 9. Have you been federal secretary or a vice secretary, administrative, federal  
 vice secretary, a member of the federal directory or federal inspector or vice  
 inspector, a "fiduciario" of the ~~.....~~ fascist group in the capital  
 of a province (when, where and for how long)?.....
- 10. Have you occupied any of the following positions in the fascist party?



2. Date and place of entering the fascist party.....

Sansepolcrista?..... Squadrista?..... Fascista?..... into Merito?.....

Marcia su Roma?..... Sciurpa l'Attoria?.....

3. Have you been a member of the fascist Government?..... of the Grand Fascist Council?..... of the special Tribunal for the defense of the State?.....

4. Have you been a member of the Accademia d'Italia and in what status?.....

5. Have you been President, Vice President or Managing Secretary of any corporation, confederation, federation, or syndicate union?.....  
6. Have you been National Secretary or Vice Secretary, a member of the National Directory, ~~or a national inspector of the fascist party?~~.....

7. If you have been a member of the Senate of the Kingdom give the date of your appointment to Senator and the date on which you took the oath, setting out in full your functions, duties, or public offices administrative or commercial.....

8. Have you been a fascist deputy or a national councillor and for what legislature or period?.....

9. Have you been federal secretary or a vice secretary, administrative, federal vice secretary, a member of the federal Directory or federal inspector or senior inspector, a "fiduciario" of the ~~Italian~~ fascist group in the Hospital of a province (when, where and for how long)?.....

10. Have you occupied any of the following positions in the fascist party?  
a. A position of authority in the GPU?  
b. A position of authority in the OVV?  
c. Any other office in the Party?.....

11. Have you been President, vice president or Sector (Governor) of a Province (when, where and for how long)?.....

12. Have you been Podesta', vico-Podesta', Consulere, Commissario by royal appointment or by appointment by Prefetto, of any commune, ~~the chief of the Province~~ (when, where and for how long)?.....

13. Have you been President or a member of the Central Government or of the federal commission for Fascist party discipline (when, where and for how long)?.....
14. Have you been Pedestre, Caudinero by royal appointment or by appointment of the Prefect, of any commune with a population of more than 50,000 inhabitants (according to the last census)?.....
15. Have you been a fascist political secretary (when, where and for how long)?.....
16. Have you been Provincial fiduciaria of women fascists (when, where and for how long)?.....
17. Set out below any other offices national, provincial, or communal, governmental, or para-statal held by you since 1921.....  
.....  
.....  
.....  
.....
18. Have you been a director or chief editor of any political periodicals or daily papers? (which ones, where and when)?.....  
.....  
.....  
.....  
.....
19. Have you been a professional journalist, political writer and what has been your journalistic activity since 3rd January 1935?.....  
.....  
.....  
.....  
.....
20. Have you been made a radio political broadcaster?.....
21. Set out your chief sources of income during the fascist regime.....  
.....  
.....  
.....
22. Have you done military service?.....
  - a. In what year?.....
  - b. ~~where~~ **Where?**.....
  - c. What was your last rank?.....
  - d. Where did you do your service?.....
  - e. Were you a volunteer in the Spanish Civil War?.....
  - f. Were you a volunteer in the East African Campaign?.....  
North African Campaign?..... Russian Campaign?.....
  - g. Have you enjoyed any exemption from military service?.....  
For what reasons?.....

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

19. Have you been a professional journalist, political writer and what has been your journalistic activity since 3rd January 1925? .....

20. Have you ever made a radio political broadcast? .....

21. Set out your chief sources of income during the fascist regime. ....

22. Have you done military service? .....

- a. In what army? .....
- b. ~~When~~ **Where?** .....
- c. What was your last rank? .....
- d. Where did you do your service? .....
- e. Were you a volunteer in the Spanish Civil War? .....
- f. Were you a volunteer in the West African Campaign? .....
- North African Campaign? .....
- g. Russian Campaign? .....
- h. Have you enjoyed any exemption from military service? .....
- i. For what reasons? .....

23. Have you been a member of the permanent service of the fascist militia and in what branch and for how long? .....

24. Have you received any German decoration of honor and what was the circumstance for which you were decorated? .....

25. Where were you and how were you employed on 8 September 1943? .....

2523  
2326

26. Where have you been and how have you been employed since 8 September 1943? .....

I declare that all that I have stated above is the truth

Date .....

Signature of person making declaration.....

Form No. 35(b)

COMMISSION FOR EMULATION .....

NOTICE OF PROPOSED SUSPENSION

TO .....  
(Name)

.....  
(Address)

1. TAKE NOTICE that the Commission for Emulation has under consideration the PROPOSAL that you be SUSPENDED from the office or employment which you now hold with .....  
(name of employing administration or undertaking)

2. AND FURTHER TAKE NOTICE that the grounds upon which the Commission is considering this proposal are :-

3. AND FURTHER TAKE NOTICE that you have the right within 10 days of the service upon you of this notice to put forward an objection in writing which should state the reasons why you consider that such proposal should not be put into effect. You may attach to your objection any documents you wish.

4. AND FURTHER TAKE NOTICE that unless you put forward such objection within such time and lodge the same with this office at .....  
....., this Commission will proceed forthwith to make against you an order suspending you from your said office or employment.

Date :

Signed :

2. AND FURTHER TAKE NOTICE that the grounds upon which the Commission is considering this proposal are :-

3. AND FURTHER TAKE NOTICE that you have the right within 10 days of the service upon you of this notice to put forward an objection in writing which should state the reasons why you consider that such proposal should not be put into effect. You may attach to your objection any documents you wish.

4. AND FURTHER TAKE NOTICE that unless you put forward such objection within such time and lodge the same with this office at ..... this Commission will proceed forthwith to make against you an order suspending you from your said office or employment.

Date :

Signed :

(Secretary of the Commission)

Copy to

2521

(Employing administration or undertaking)

2522

(address)

Form No. 35 e

COMMISSION FOR THE EMIGRATION .....

NOTICE OF HEARING

TO .....  
( name )  
.....  
( address )

1. You are hereby notified that the hearing of your case will take place at the office of the Commission, Via ..... 1944 at ..... hours on the ..... day of .....
2. You are at liberty to appear at the said hearing with or without an attorney and to be heard by the Commission. At the said hearing you may call such witnesses and produce such documents as are relevant to the case and you may desire.
3. In default of appearance by you, the Commission will proceed to consider your objection in your absence.

Date : .....

Signed .....

.....  
( Secretary of the Commission )



appear at the said hearing with or without call such witnesses and produce such documents as are relevant to the case and you may desire.

3. In default of appearance by you, the Commission will proceed to consider your objection in your absence.

Date : .....  
Signed .....

.....  
(Secretary of the Commission)

2521  
2520

Form No. 35 a

COMMISSION FOR EXPLANATION FOR .....

SUSPENSION ORDER

TO .....  
(person suspended)  
of .....  
(private address)

1. TAKE NOTICE that with effect from the date of this Order  
you are ~~SUSPENDED~~ from your office or employment as ..... (state nature of  
..... with or under ..... (state name of employing administration or  
.....  
undertaking)

2. The reasons for making this order are that .....  
.....  
.....  
.....  
.....  
.....

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 194...

1. TAKE NOTICE that with effect from the date of this Order you are ~~supplied~~ from your office or employment as ..... (state nature of ..... with or under ..... (state name of employing administration or ..... undertaking)

2. The reasons for making this order are that .....  
.....  
.....  
.....  
.....

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

.....  
President of the Commission  
2520

Copy to .....  
(employing administration or undertaking)

.....  
(address)

ORDER No. 35(0)

COMMISSION FOR EXPIRATION .....

ORDER SUSTAINING OBJECTION

The Commission for the Expiration above mentioned  
having considered the objection entered by .....  
( objector )

ORDERS

that the notice of proposed suspension served against him and  
dated ..... shall be cancelled and  
that no action shall be taken in respect of the office or employment  
held by the said .....  
With or under ( name )  
(state name of employing organization or undertaking)  
administration

Date :

Signed:

Copy to: .....  
(President of the Commission)

.....  
(employing administration or undertaking)

.....  
(address)

that the notice of proposed suspension served against him and  
dated ..... shall be cancelled and  
that no action shall be taken in respect of the office or employment  
held by the said .....

With or under .....  
(state name of employing organization or undertaking)  
administration

Date :  
Signed:

Copy to: .....  
(President of the Commission)  
.....  
(employing administration or undertaking)  
.....  
(address)

2519 17  
2519

COMPLAINT FOR EXPIRATION FOR .....

Certificate of service.

I, .....  
( name )

of .....  
( address )

heroby declare

(1) that on the \_\_\_ day of \_\_\_\_\_ 194\_\_\_ I did serve

- a. Notice of Proposed Suspension
  - a. Notice of hearing
  - a. Suspension Order
  - an Order sustaining objection
- } of which a copy is attached

herete on .....  
( Name of person affected )

of .....

by { handing it to him personally  
{ leaving it at .....

and

(1i) that on the \_\_\_ day of \_\_\_\_\_ 1944 I did also serve a copy

of the same document on .....  
( employing administration or undertaking )

by { handing it to .....  
{ leaving it at .....

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 1944.



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

a Suspension Order  
an Order sustaining objection

is/wrote on .....  
(Name of person affected)

of .....

by { handing it to him personally

{ leaving it at .....

and

(11) that on the \_\_\_ day of \_\_\_\_\_ 1944. I did also serve a copy

of the same document on .....  
(employing administration or undertaking)

by { handing it to .....

{ leaving it at .....

Dated the \_\_\_ day of \_\_\_\_\_ 1944.

.....  
(signature of server)

.....  
Office held by server: employee of  
Commission: ER 63 etc )

2518 25

**R E S T R I C T E D**

HEADQUARTERS ALLIED COMMISSION

AFG 394

OFFICE OF CHIEF OF STAFF

REF/DE/2.A/AS.

November 1944.

SUBJECT: Epuration in occupied territory.

TO: Regional Commissioner, Lazio-Umbria, Abruzzi Marche, Toscana, Emilia, Liguria, Piemonte, Lombardia and Venezia Regions.

1. In view of the strong anti-fascist feeling which is likely to prevail in Northern Italy you may find it necessary to ensure and to satisfy the public that Epuration and the removal from office of suspected persons are proceeding as quickly as possible.

2. Epuration is being undertaken by the Italian Government under D.L.L. 159 and subsequent decrees. Moreover in June 1944 an agreement was made between the Italian Government and AC that AC would leave this work to the Government and would not operate an independent scheme of their own. However, the Italian Government has experienced many delays in working their scheme in Southern Italy and you may find it desirable in the North to ensure more rapid progress. With this end in view General Order No. 35 has been prepared which provides for the suspension of fascists through Provincial Commissions.

This Order follows the lines of the Italian Government Scheme and does not therefore infringe the spirit of the June agreement. Moreover the Italian Government has been informed of and has welcomed the Order. It is, however, important that the Order if put into operation should be enforced in its entirety so as to ensure uniformity throughout all Regions. The Order will be put into operation at the discretion of Regional Commissioners but such discretion will not be exercised without the previous consent of HQ AC.

3. The Order is in no way intended to prevent the suspension or dismissal of any person from office by a member of the Allied Military Government as heretofore. No system of epuration, however, will be employed by any Regional or Provincial Commissioner or any other member of the Allied Military Government except under Executive Memorandum No. 67 and 76 and/or this General Order.

4. It is important that the work under the Order should be done by the Italians themselves, but great care must be taken that the Epuration proceedings shall not become the basis of vindictive or unfair action by any Commission or persons connected with it. These proceedings must not be allowed to become witch hunts. Close supervision will be necessary particularly in the initial stages. It is very important that Commissions concentrate on the officials of high grades. Experience so far under the Italian Government Scheme has shown that

785016

the Italian Government and AC that AC would leave this work to the Government and would not operate an independent scheme of their own. However, the Italian Government has experienced many delays in working their scheme in Southern Italy and you may find it desirable in the North to ensure more rapid progress. With this end in view General Order No. 35 has been prepared which provides for the suspension of fascists through Provincial Commissions.

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4. It is important that the work under the Order should be done by the Italians themselves, but great care must be taken that the epuration proceedings shall not become the basis of vindictive or unfair action by any Commission or persons connected with it. These proceedings must not be allowed to become witch hunts. Close supervision will be necessary particularly in the initial stages.

It is very important that Commissions concentrate on the officials of high grades. Experience so far under the Italian Government Scheme has shown that the tendency is to pursue the small men occupying low grade and unimportant posts, and to pass over the more important officials.

Article VZ of the Order is designed to meet this problem but Provincial Commissioners must ensure that even within categories Immediate and Routine the officials and employees are considered in order of importance.

It is normally desirable for school personnel to be epurated as quickly as possible. Regional Commissioners will, therefore, if so advised by the Regional Educational Officer, make an order for one section of Provincial Commissions to devote themselves to these officials.

In no circumstances will any attempt be made to commence epuration proceedings against persons in category Postponed without the previous consent of HQ AC.

5. Generally, it is not to be <sup>excepted</sup> ~~excepted~~ that Commissioners will be in Army Areas unless they become static and the particular SCAO shall so approve.

6. In some Provinces it may not be possible to find locally enough commissioners or commission staffs with the requisite qualifications. While it is preferable to employ local personnel this is not obligatory and any Italian may be appointed even though he resides in another province or region, provided he

2517

cases the requisite qualifications.

7. Hasty suspensions of persons in important positions in administrations or undertakings performing services essential to the Allied Forces may easily cause disruption of their work unless acceptable substitutes are immediately available. The civil administration and the judiciary may suffer likewise from such action. Therefore, particular care must be taken to avoid any such disruptions. Your attention is drawn to par. 17 of the Administrative Instructions in this respect.

8. In appointing Commissions only 5 or 3 members should be appointed for each Commission or for each Section when it is contemplated that a Commission will sit in Sections. Where vacancies occur they should not be filled unless it is necessary to do so.

9. Commissions when appointed must proceed speedily with their work and if any member thereof is not performing satisfactory service such member should be removed.

10. When the Order is to become operative in a certain locality the Provincial Commissioner should see that the Order and the separate order fixing the commencement date are posted together a sufficient time in advance of the commencement date and at the requisite places to give the public and all persons concerned reasonable advance notice. A suggested form of Provincial Order is attached.

11. The contents of this communication should be made available to officers of Allied Military Government who will perform services in connection with these Commissions, but NOT to the Italians.

12. Attached hereto are copies, in English and Italian, of General Order No. 35 and the Administrative Instructions. The Administrative Instructions which cover details of procedure, are for the use of members of the Commissions as well as members of the Allied Military Government. They are not in any way secret, but it is not thought necessary that they should be publicly posted.

By Command of Commodore STONE:

M. S. WOOD,  
Brigadier,  
Chief of Staff.

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

...should see that the Order and the separate order fixing the commencement date are posted together a sufficient time in advance of the commencement date and at the requisite places to give the public and all persons concerned reasonable advance notice. A suggested form of Provincial Order is attached.

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By Command of Commodore STONE:

M. S. LEECH,  
Brigadier,  
Chief of Staff.

2516 2010

ORDER FIXING DATE OF COMMENCEMENT OF GENERAL ORDER No. \_\_\_\_\_

Provincial }  
Order No. }

I, ....., Provincial Commissioner for the  
Province of ..... do hereby order and direct that General  
Order No. 35 shall commence and become operative in the Province of Kenya  
..... beginning as of 0001 hours on the ..... day of ..... 1944.

Dated :

Signed :

.....  
( Provincial Commissioner )



Commissioner for the

Order No. 35 shall commence and direct that General  
..... beginning as of 0001 hours on the ..... day of ..... 1944.

Dated :

Signed :

.....  
( Provincial Commissioner )

2515

EWB/ajp

A/CG 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,

ELLEN W. STONE  
Captain, USNR  
Acting Chief Commissioner

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

2514

(Drafted by Admin. Section)

c.c. Brig. Upjohn. ✓

Sec'y Gen.
DISPATCHED
5 SEP 1944
43
U.S.A.

ALLIED CONTROL COMMISSION  
INTER OFFICE MEMO

From: Acting Chief Commissioner

31 Aug 1944

SUBJECT: Enforcement of Italian laws on matters of defascistization.

File No. A/CC 250

30 August 1944

TO: Vice President, Administrative Section

1. Re attached letter N. 13057/10124/7/1.7 of 29 Aug 44 from H.S. Bonomi, 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

*WJ*  
Stone

*of the Italian laws to the  
issue of the same nature. As the laws have been issued  
and enforced in Italy without further delay  
necessary to the case.*

0 2 0

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

TRANSLATION

THE PRESIDENT OF THE COUNCIL  
OF MINISTERS

29 August 1944

S. 13057/1012/7/1.7

HO 622 201 20  
103 201 201  
200 20 Aug 1944  
R. L. M.

Dear Admiral Stone,

In your letter of July 15th 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  
/s/ Ivanoe Bonomi

Admiral Eliery W. Stone  
Chief Commissioner  
Allied Control Commission

R O M S

2513

TRANS. E.C.

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
R. C. & M. G. SECTION  
ACC 324

SA

Ref: 543/167/DA

4 August 44

Subject: Defascism.

For Regional Commissioners, Regions I II III IV V VI VII VIII IX X.  
S.C.A.C.'s 9 and 6 Articles.

1. ML 159 "Sanctions against Fascism" was published on July 29. A translation has already been circulated for distribution down to Provincial Commissioners.
2. The ~~document~~ has already been extended to Military Government Territory which is under Regional Control and all Regional Orders or other instructions on this subject will no longer be enforced.
3. The ~~document~~ which is in six parts, deals with three main classes of cases:
  - a. Part I declares certain political acts committed in the past to be crimes against the state, sets up courts to try such cases and lays down the punishments.
  - b. Part II provides the machinery for investigating the political background of officials and of employees of national commands of local bodies and directs the removal from office or employment of those with fascist sympathy.
  - c. Part III provides for the investigation of cases of "enrichment" and for forfeiture of property where no satisfactory explanation of "enrichment" is forthcoming.
  - d. The other three parts are of an administrative nature.
4. So far as ACC is concerned 3a and 3c are for the time being regarded as matters domestic to the Italian people though ACC may have to take supervisory steps later; but, ACC is pledged (as is the Italian Government) to remove fascists and to clear Italian administration and industry of fascism. 3b therefore is very much the concern of ACC.
5. The ~~document~~ provides for the setting up in every Ministry of a **2512** ~~commission~~ which is responsible for investigating the political history and in appropriate

1. MIL 199 "Sanctions against Fascists" was published on July 25. A translation has already been circulated for distribution down to Provincial Commissions.
2. The decree has already been extended to Military Government Territory which is under Regional Control and all Regional Orders or other instructions on this subject will no longer be enforced.
3. The decree which is in six parts, deals with three main classes of cases:
  - a. Part I declares certain political acts committed in the past to be crimes against the state, sets up courts to try such cases and lays down the punishments.
  - b. Part II provides the machinery for investigating the political background of officials and of employees of national concerns and of local bodies and directs the removal from office or employment of those with fascist sympathies.
  - c. Part III provides for the investigation of cases of "enrichment" and for forfeiture of property where no satisfactory explanation of "enrichment" is forthcoming.
  - d. The other three parts are of an administrative nature.
4. So far as ACC is concerned Ia and Ic are for the time being regarded as matters domestic to the Italian people though ACC may have to take supervisory steps later; but, ACC is pledged (as is the Italian Government) to remove fascists and to clear Italian administration and industry of fascists. It therefore is very much the concern of ACC.
5. The decree provides for the setting up in every Ministry of a **2512** which is responsible for investigating the political history and in appropriate cases dismissing or otherwise dealing with not only the officials of that Ministry down to junior officials in rural areas but of all employees of national concerns for which under Italian law the Ministries are responsible, again right down to the branch office.
6. At HQ ACC the appropriate Sub-Commission is responsible for ensuring that defascism is effectively carried out by these Commissions (vol 2 of A/OX 250 of 15 Jul). Though these Sub Comens will be notified by the Ministerial Commissions of persons dismissed that will give them no picture of the persons remaining in Regions who ought to be but have not been dealt with, nor with the rates at which defascising is proceeding; for this information they must rely upon reports from Regions. At Regional level Regional Commissions will be responsible for supervising the progress of defascising; he will ensure that his divisional officers keep his and Sub-Comens fully informed of the progress of defascism and in particular report persons who should be but have not been dealt with and ensure that any dismissals ordered are effectively carried out.



7. The annex also provides for the setting up in every province of a Provincial Commission which is responsible for dealing with the officials and employees of local bodies, welfare institutions and the like which are under the control of provinces or communes and do not come directly under any Ministry.

8. The responsibility for supervising the progress of de-fascising by the Provincial Commissions devolves upon the Regional Commissioners. Instructions as to the returns required to enable progress to be watched will be the subject of a separate communication.

9. The usual distinction between military and Italian Government territory will apply; namely that in the former the responsible officer can direct the prefect to set up a commission and ensure that it functions; in the latter he can only advise and press. In the latter case if no satisfactory response is obtained, the matter will be reported so that HQ AGC (which has received the Italian Government's undertaking that de-fascising will be dealt with expeditiously) can through that Government bring pressure to bear on the defaulting party.

10. It is important that as much progress as possible should be made in areas soon to be restored to the Italian Government. If it is possible to get provincial commissions started and functioning before the Italian Government takes over, much time will be saved.

11. Nothing in this annex affects the right of a GA officer in Military Government territory to remove any Italian officials from their employment whether for fascist, incompetent, corruption or for any other reason.

In Army areas in particular, it is important that the directives outlined in Annex Memo 67 should continue to be effectively applied.

ROBERT M. FISHER,  
Colonel,  
Deputy Executive  
Commissioner.

Copy to : Acting Chief Commissioner.

- Room Sec (10)
- Admin Sec (10)
- Pol Sec (2)
- Army Sub Comm (2)
- Navy Sub Comm (2)
- Air Sub Comm (2)
- Coordination Sub Comm (2)
- Security Branch (2)
- PRC (2)

... will be reported so that HQ AOC (which has received the Italian Government's undertaking that defensing will be dealt with expeditiously) can through that Government bring pressure to bear on the defaulting party.

10. It is important that as much progress as possible should be made in areas soon to be restored to the Italian Government. It is desirable to get individual commissions formed and functioning before the Italian Government takes over, such time will be saved.

11. Nothing in this decree affects the right of a CA officer in Military Government territory to remove any Italian officials from their employment whether for fraud, incompetence, corruption or for any other reason. In Army areas in particular, it is important that the directives contained in Exec Memo 67 should continue to be effectively applied.

Copy to : Acting Chief Commissioner. (10)  
 Econ Sec (10)  
 Admin Sec (2)  
 Pol Sec (2)  
 Army Sub Comm (2)  
 Navy Sub Comm (2)  
 Air Sub Comm (2)  
 Communication Sub Comm (2)  
 Security Branch (2)  
 HRG (2)  
 File (2)

NORMAN S. FISKE,  
 Colonel,  
 Deputy Executive  
 Commissioner.

SECRET

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

Ref/320/47/CA

1 August 1944

SUBJECT: Treatment of Italian Officials Reentered in Advance Northwards.

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

1. I refer to para 3 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 P.S. Section/C.I.C. Detachment. Where this is impracticable such man should be handed over to P.S./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 P.S./CIC personnel in respect of those thought to be dangerous both from a military and from a political standpoint. Where P.S./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 SOM's Fifth and Eighth Armies and Region VIII in respect of FLORENCE, PISA, LIVORNO 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 decision reached as to who should be interned, a list of such persons, giving

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Security Branch  
P.H.C.

1. I refer to para 5 of Executive Memorandum No. 67 which supercedes para 4 of Commissioner's Directive of 21 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 SEAS's Fifth and Eighth Armies and Region VIII in respect of FLORENZE, PISA, LIVORNA 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 decision reached as to who should be interned, a list of such persons, giving brief reasons and particulars, should be forwarded to V.P. Admin. Section.

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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.

*for file*

NORMAN E. WISKE  
Colonel  
Deputy Executive  
Commissioner

Copy to: 19. AMI (GSI(b) Ref AMI/1.02/5/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.

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HEADQUARTERS  
ARMED SERVICES COMMISSION  
ASAC 302  
ADMINISTRATIVE SECTION

20 Jul 64

SUBJECT: Defalcation.

TO : Distribution as below.

With reference to AFOS Letter 250 of 15 Jul.

- 1 It is understood that some Ministries are suggesting that they are unable to proceed with the formation of the Ministerial Accounting Committee as the authorizing sources have not been provided.
- 2 Ministries are perfectly aware of the new proposals which the Service will introduce and our perfectly well save time by considering now what actions they will appear when this Service is passed. They can also supply us periodically with the names of those persons to enable us to put something in hand.
- 3 If this is not firm much time will be plus unnecessarily lost after the Service comes into effect before the Commission will be able to get to work.
- 4 The Sections and Sub-Commissions mentioned in Vol 2 of AFOS 250 of 15 Jul are therefore requested to begin the Ministerial Accounting for the names of the persons they propose to appoint and to put them on record.

FRANK  
S. J. WOODS, CO2  
AFOS, 302 Sec.

It is indicated that some Ministers are suggesting that they may wish to discuss with the formation of the Ministerial Administration Committee as the ministerial decisions have not been passed.

Ministers are perfectly aware of the new proposals which the Doerue will introduce and can perfectly well save the by consideration that some steps will appear when this Bureau is passed. They certainly agree as previously with the need of these persons to enable us to get around in hand.

3 If this is not done now they will be quite unnecessarily late after the Doerue comes into effect before the conditions will be able to get to work.

4 The Doerue and Sub-Committee mentioned in Oct 2 of 1/50 250 of 1 Jul are therefore requested to press the Minister concerned for the names of the persons they propose to appoint and to get this approved.

1 1 1 1 1

G. H. BRYAN, CML  
A/Asst. Sec. Gen.

2510

- DISTRIBUTION:
- Acting CML of Communications. (10)
  - Administrative Section. (10)
  - Records Section. (2)
  - IS & IS Section. (2)
  - Political Section. (2)
  - Naval Sub-Committee. (2)
  - Air Sub-Committee. (2)
  - Communications Sub-Committee. (2)
  - File. (2)

GMB/WH  
Ext: 469.



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

ERS/hjp

A/CC 250

14 July 1944

Dear Prime Minister Bonomi:

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

I asked Colonel Upjohn (Acting Head of the Administrative Section in the absence of Lord Staggate) 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 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

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

Yours very truly,

HENRY W. STONE  
Captain, USMC  
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)

2502

U. S. CORP. D. A. FU  
Equals British CON C N. A. I

Colonel Upjohn

Admin Section

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Office of the Acting Chief Commissioner  
APO 154

15 JUL 1944

A/CC 250

DF/A/A/PS

16 July 1944

SUBJECT: Defascistization of Governmental Institutions in Rome

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

Place  
order of  
Small Bodies

1. The responsibility for the removal of Fascist officials and employees of governmental institutions in Rome and their replacement is established as follows:

Municipal Institutions - Rome Region

Provincial Institutions - Region IV (with the concurrence of Rome Region where indicated)

National Institutions - Allied Control Commission

2. Initially, and until such time as the Italian Government can itself undertake the task of defascistization of national ministries and parastatal institutions, this work will be carried on by the relevant subcommission. The director or deputy director of each subcommission should, in consultation with the minister or under-secretary, set up and supervise the necessary machinery within each ministry.

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

4. Included as national institutions are all bodies of a national character which have heretofore been under the control of a ministry of the National Government but shall not include regional subdivisions thereof.

ELLEN W. STONE  
Captain, USNR  
Acting Chief Commissioner

2507

U. S. CORP. D. A. FU  
Equals British CON C N. A. I

A/186

0213

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

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
APC 394  
ADMINISTRATIVE SECTION

DF/4/1A/AS

14 July 1944

SUBJECT : Defascistisation.  
TO : Acting Chief Commissioner.

1. Following your instructions to Acting Head of Administrative Section yesterday, I am directed to submit for your approval a revised draft of a memorandum on this subject.

*R.R.C.* 2500

R. R. CRIPPS,  
Colonel, GSO,  
Admin Section

*Set by special message 17/12/44*

Copy to: Executive Commissioner.  
VP Economic Section.

667

*Admin. Section*  
*2 copies to Mr. Tolson*

CONFIDENTIAL

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
APO 394

17 JUL 1944

1/00 250

25 Jul 44

SUBJECT : Defascistification.

TO : Distribution below.

- 1 This memorandum is concerned with the defascistification 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 defascistification 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 those bodies 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	Sub-Comm
Foreign Affairs	Political Section	
Interior	Interior	{ Public Health Public Safety IAC re Press, and Information
Grass and Justice	Legal	Public Safety
Treasury		Property Control

2500

with government representatives in the field of P. Prefects.

2. In each ministry there has been or will shortly be set up a committee to advise each minister on the de-functionalisation 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 administrations do not go 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 those 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 H&O in Press. and Information
Crown and Justice	Legal	Public Safety
Treasury Finance	Finance	Property Control
Industry, Commerce & Labour	Commerce	{ Industry Labour
Public Works	Public Works	-
Agriculture	Agriculture	Food
Public Instruction	Education	MSIA
War	ARMY	-
Aviation	Air	-
Marine	NAVY	-
Communications (Posts & Tel) (Roads & Airways) / Transportation	Shipping	Shipping

2500

CR??

R/11



-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 HC & M 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 referring 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 (i.e. Banca d'Italia, Banca di Napoli, numerous companies and so on) and of parastatal institutions (i.e. I.R.I., I.R.I.P. and S.I.A.B.).

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 ACC 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 21 July 43 to Vice President, Administrative Section who will be the co-ordinating authority.

10/11/43

MICHAEL W. STONE  
Captain, I.M.S.  
Acting Chief Commissioner.

...to direct... shall... be... to the defendant-  
...tion of nation-wide institutions (e.g. Banca di Napoli, Assicur-  
...zione di Napoli and so on) and of parastatal institutions (e.g. I.R.I., I.R.I.P. and  
I.I.A.R.).

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

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- (b) The declassification of branch offices, even those situated in the same  
city as the Head Office, will be the responsibility of the Regional Commis-  
sioner 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. Progress reports to be rendered weekly commencing  
MONDAY 24 Jul 44 to Vice President, Administrative Section who will be the co-  
ordinating authority.

*[Handwritten signature]*

ELBERT W. STONE  
Captain, USNR  
Acting Chief Commissioner.

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MEMORANDUM  
ALICE M. W. COMMISSIONER  
S.C. & Sub. Section  
420 394

5 July 1944

EXECUTIVE MEMORANDUM }  
NUMBER 67 }

TREATMENT OF ITALIAN OFFICIALS EMPLOYED IN AUSTRIAN GOVERNMENTS.

1. Attached as the Director and the separate memorandum of the Chief Commissioner both dated 24 May 1944 have given rise to a few questions, the following constitutes a revised and consolidated directive, assigned to meet these questions and possibly to Forestall others.

2. Many of the Italian officials in the area north of the line marking the beginning of the recent offensive were placed in office by the so called Republican Fascist Government or by the Germans. Others, however, say, despite their hostility to the Fascist Government, have been compelled through coercion to remain in office or through devotion to duty may have chosen to remain and serve their people. Others stayed at their posts for some months and then for alleged fear of persecution deserted. It is impossible at a glance to say in which of these classifications a particular public servant should be placed. Obviously many of the first classification, particularly those highly placed, will have fled before our advancing troops, but on the other hand many will remain and those that do desert with us accordance with this directive.

3. The object of WCC is to rid the country on an outbreak of the important fascist and of persons put in office by the Republican Government. While many important fascists are not necessarily men who are now holding important administrative posts considerations of expediency make it necessary for WCC and WCC to confine themselves to an enumeration of those holding the more important posts.

For this purpose two lists have been prepared and are attached hereto. List A contains a list of Italian governmental and ministerial offices which should be placed of fascist personnel as quickly as possible as the offices are important. The list contains those categories in order of importance.

List B contains a list of purely fascist offices and serves as a guide as to what type of fascist party members are particularly conspicuous.

4. These two lists will normally be used together. Thus if you find a person who occupied one of the offices in List A and who has had an office party affiliation contained in List B he is likely to be an official to be removed at once.

Where an official holding office in List A the has never been removed by the Fascist Republican Government should be classified as other 2504

2A

Republican Government or by the Germans. Others, however, are, despite their hostility to the Fascist Government, have been employed through various means in office or through devices to duty may have chosen to remain and carry their jobs. Others stayed at their posts for some months and then for alleged fear of prosecution deserted. It is impossible at a glance to say in which of these classifications a particular public servant should be placed. Obviously many of the first classification, particularly those slightly placed, will have fled before our advancing troops, but on the other hand many will remain and those that do desert will be incorporated into the activities.

3. The object of this is to fill the country in its entirety with the important fundamental positions put in office by the Republican Government. While many important fascists are not necessarily men who are a highly important administrator, they are nevertheless of consequence as they are in the offices and are to continue thereafter to an examination of their holding the more important posts.

For this purpose two lists have been prepared and are attached hereto. List A contains a list of Italian Governmental and ministerial offices which should be closed of fascist personnel as quickly as possible as the offices are important. The list contains large categories in order of importance.

List B contains a list of purely fascist offices and persons as a guide as to what type of fascist party members are particularly objectionable.

4. These two lists will normally be used together. Thus if you find a person who occupies one of the offices in List A and who has had a party affiliation contained in List B he is likely to be an official to be removed at once.

5. However, an official holding office in List A who has never been released to one of the fascist offices mentioned in List B, should be removed from office by the Fascist Government should be dismissed without further delay.

6. Officials (as well as any other personnel) regarded as potentially dangerous should in addition be locked up immediately. They may be interned or if the Italian Government requests that they be turned over to it suitable arrangements should be made to comply with the request. Whenever a person is interned a report may be furnished by cable to the IGC, to the IGC Section.

7. It is emphasized that in carrying out the important duty of this country of fascists acting herein is intended to preserve the right of the country to decide and/or intern individuals at their discretion in proper cases without reference to their present official position or past fascist office.

8. In Rome officials of the Ministries and members of the Court of Cassation and of special courts of appeal, as officers to local jurisdiction will be dealt with by the IGC direct and not by some other. Such offices in List A are marked with an asterisk.

9. IGC and IGC may full discretion in exceptional cases to return as a purely temporary expedient a fascist in office when the immediate administration

.....Sheet Two...

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- Sheet Two -

of any locality renders this essential. In all such cases the work of the individual should be closely supervised and application should be made at once for a replacement to the appropriate Sub-Commission.

*Handwritten notes:*  
W. S. LISH  
Executive  
for Chief Commissioner, S. D. W.

320/42/GA.

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LIST 1A1

Category 1.

- x 1. Ministers.
- x 2. Undersecretaries of State.
- x 3. Chiefs of Cabinet and Private Secretaries of Ministers.
- 4. National Councilors of the Chamber of Fascist and of Corporations.
- 5. Chief of the police attached to the Government.
- 6. Prefects in charge of provinces and assigned to the Ministry.
- 7. Presidents, judges, procurators of the Republic and Assistant procurators of the Republic at the special tribunals.
- 8. Secretary General, vice-secretary General, administrative secretary and vice-secretary, members of the National Directory, Inspector General, vice-inspectors general and respective private secretaries of the fascist national party.
- 9. Federal Secretaries, administrative federal secretaries, federal inspectors, members of federal directory, zone inspectors of the fascist national party.
- 10. Directors and vice-directors of GIL.
- 11. Directors and vice-directors of the Opera Bellica.
- 12. Directors and vice-directors of the Opera Nazionale Dopolavoro.
- 13. Political secretaries of all parties.
- x 14. Governor and vice-governor of Rome.
- 15. President (preside) of the provinces and vice-president (vice-preside).
- 16. Mayors (podestà) of cities with a population of more than 50,000 inhabitants.
- 17. Officers of any rank in the militia including those "fuori ruolo". (unassigned) and those who hold a civilian authority only.
- 18. Ambassadors and consuls of the republican government.
- 19. Inspectors general of public safety.
- 20. Presidents and directors of the national council of corporations.



vice-secretary, members of the National Directory, inspectors general, nine-inspectors general and respective private secretaries of the federal national party.

- 9. Federal Secretaries, administrative federal secretaries, federal inspectors, members of Federal Directory, 4000 inspectors of the fascist national party.
- 10. Directors and vice-directors of oil.
- 11. Directors and vice-directors of the Opera Ballia.
- 12. Directors and vice-directors of the Opera Meritista Popolare.
- 13. Political secretaries of all communes.
- x 14. Governor and vice-governor of Rome.
- 15. President (preside) of the provinces and vice-president (vice-preside).
- 16. Mayors (podesta) of cities with a population of more than 50,000 inhabitants.
- 17. Officers of any rank in the militia including those "fuori ruolo" (unassigned) and those who hold a civilian authority only.
- 18. Ambassadors and consuls of the republican government.
- 19. Inspectors general of public safety.
- 20. Presidents and directors of the national council of corporations.
- 21. All members of the National Republican Guard composed of volunteers with duties pertaining to public safety.

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Category 2.

- x 1. President of the Court of Cassation.
- x 2. Procurator General of the Court of Cassation.
- x 3. President of the Court of Accounts.
- x 4. President of the Council of the State.
- x 5. Advocate general of the treasury (avvocato generale erariale).

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- 2 -

- 6. Principals (rettori) of universities.
- x 7. Directors general of all ministries.
- x 8. Personal heads of all ministries.
- 9. Mayors (podestà) of all communes with a population of less than 50,000 inhabitants.
- 10. Members of the fascist directory (direttorio del fascio) of all communes.
- 11. Presidents and directors of the provincial council of corporations.
- 12. Presidents and provincial and communal directors of the Opera Nazionale Balilla, Dopolavoro and ILL.

Category 3

- 1. Vice-Prefects and chiefs of cabinet of prefects.
- 2. Procurators of the republic.
- x 3. Advocates General of Cassation.
- 4. Presidents and secretaries of provincial syndicates of all professions and callings.
- 5. University professors who do not hold regular appointment (non di ruolo) but merely "charged" (incaricati) with instruction.
- 6. Provincial Superintendents of Studies (Sovrintendente agli Studi).
- 7. Intendants of finance.

1. Vice-Prefects and chiefs of cabinets of prefects.
2. Procurators of the republic.
- x 3. Advocates General of Cassation.
4. Presidents and secretaries of provinciali sindicates of all professions and callings.
5. University professors who do not hold regular appointment (non di ruolo) but merely \*charged\* (incaricati) with instruction.
6. Provinciali Superintendenti of Studies (Gravvelettero Agli Studi).
7. Intendenti of Finance.

x Officials marked with an asterisk will be issued with by HQ ACC.

LIST 'A'

- A. A person who had the title or qualification of "Munnepolierista", "squadrinista", "antemurcia", "marcin su Roma", or "societa 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 member of the fascist party and who was nominated as a senator on or after 3 January 1925 and who subsequent to such nomination obtained any office or post in any administration or undertaking included in List 'A'.
- E. 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.
- 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 included in List 'A'.
- G. A person who was a fascist member of parliament or who was a national councillor.
- H. A person who was a secretary federal, 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 titolare of a chief centre 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 of the federal disciplinary commission of the fascist party.
- L. A person who was, during the fascist regime, a president or a vice-president or conduttore 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 centre of a province.
- N. A person who was, during the fascist regime, 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.

2997

- 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 included in list 'A'.
- G. A person who was a fascist member of parliament or who was a national councillor.
- H. A person who was a secretary federal, 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 titolare of a chief centre 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 of the federal disciplinary commission of the fascist party.
- L. A person who was, during the fascist regime, a president or a vice-president or councillor 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 centre of a province.
- N. A person who was during the fascist regime, 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 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 a State, parastatal or public service organization.
- 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 <sup>2502</sup> of a newspaper or a political magazine.
- T. A person who was, a professional journalist/and who, after 3 January 1925, exploited the ideas and political aims of fascism.  
or publicist
- U. A person who was a member of the Militia Volontaria 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 Militia Companies of the Militia Company, or
- (2) a member of the Militia Foresters who had been an official or employee of the former forest administration before the creation of the Militia Foresters, and

Y. A person who has been absorbed by the German Government for special political services rendered to the Nazi Party.

NOTE. For the purpose of this guide, the terms "fascism", "fascist party", and "fascist regime" include their equivalents as set up by the **SS** Administration.

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

MS/hjp

A/CC 250

30 June 1944

Dear Prime Minister Bonomi:

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,

WILEY W. STONE  
Captain, USNR  
Acting Chief Commissioner

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

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Incl 2

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ALLIED CONTROL COMMISSION  
INTER OFFICE MEMO

From: Office of the Acting Chief Commissioner

SUBJECT: Defascistization

FILE No. A/CC 250

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

30 June 1944

1. Reference is made to translation of letter No. 7336 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.W.S."

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*  
L. D. DENSMORE  
Colonel, 5847  
FA to A/CC

2 Incls:  
As per paras 1 and 3 above.

Declassified E.O. 12356 Section 3.3/NND No. 785016TRANSLATIONTHE PRESIDENT  
OF THE COUNCIL OF MINISTERS

No. 7536

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 Bonomi

To: Captain Ellery S. Stone, USNR  
Allied Control Commission

Trans - Sgt Shenfield/lvs

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

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
APO - 384

GRY/gat

June 1944

My dear Marshal:

Thank you for your letter of 6 Jun 44.

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 freely in the interests of a due and proper administration of liberated territory.

Yours Sincerely,

Lieutenant-General,  
Chief Commissioner,  
Allied Control Commission.

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