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

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

10000/105/795

DEFASCISM, ORG ACC, APPOINTMENT OF RECEIVERS
JULY 1944 - DEC. 1945

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

Civil Affairs Section

188

DF 3-30/CA

AMG LIGURIA REGION

9104 7 Dec. 1945 PRIORITY

-7 DIC 1945

RESTRICTED PD

SUBJECT IS RECEIVERSHIPS LIGURIA REGION PD

PARENTO AMG LIGURIA REGION FROM ALCOM CITE ACIDY PAREN

PARA ONE PD REFERENCE YOUR SIGNAL ONE FOUR TWO THREE DATED THREE DECEMBER PD

PARA TWO PD COPY OF OUR LETTER ALCOM OBLIQUE FIVE SIX ONE FIVE OBLIQUE INDUSTRY DATED EIGHT NOVEMBER WAS FORWARDED TO YOU FOLLOWING SIGNAL EIGHT ZERO ONE TWO DATED THREE NOVEMBER PD

PARA THREE PD COPY OF OUR LETTER EASY SUGAR OBLIQUE ONE TWO POINT ZERO FIVE DATED FIVE DECEMBER FORWARDED TO YOU SHOWING THAT ITALIAN GOVERNMENT WAS BEING PRESSED TO TAKE NECESSARY ACTION PD

PARA FOUR PD CIVILIAN AFFAIRS SECTION STATE THREE IS NO OBJECTION TO PREFECT TAKING OVER RECEIVERSHIPS OF SMALL REPEAT SMALL LOCAL CONCERNS BUT ALL OTHERS SHOULD BE TAKEN OVER BY GOVERNMENT BY GOVERNMENTAL DECREE PD

PARA FIVE PD CHARLIE ABLE SUGGEST YOU CONTACT PREFECT AND GET

ALLIED COMMISSION HEADQUARTERS 6371

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

HIM ALSO INITIATE ACTION WITH GOVERNMENT BUT STATE THAT NO FURTHER ACTION SHOULD BE TAKEN PENDING GOVERNMENT DECREES FOR WHICH THEY ARE BEING PRESSED

Copy to

Civil Affairs Section
Legal Sub-Commission
Economic Section

3662

Industry Department
328

Major CHARLES FEWINGS

G.J. LEONE
CWO USA
ASST. ADJUTANT

DF/3.SU/SA ✓ TP MC

[illegible] of 19 Oct 44

[illegible] of Receivers & Sequestration of Enemy Property

The Italian version of this decree is the only authoritative text. This text is not a literal translation; its object is to inform officers concerned of the operations carried on by decree.

Officers are referred to the Italian text for all points of detail or matters of interpretation or dispute.

Appointment of Receivers	Arts.	1-5
Powers and Duties of Receivers	"	6-8
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Appointment of Receivers

1 The Minister of State shall have the power to appoint a Commissioner (hereinafter called the Receiver) and delegate the conduct of privately owned public utility undertakings or of concerns recognised as of national importance in any of the following events:

a) Should their continued operation be rendered impossible by the flight of their managers or owners.

b) Should they for whatever reason cease to be more of national importance.

c) Where, because of the hostile attitude of the majority of under-powers (including shareholders) or managers; or, because of past illegal and corrupt exploitation of the political situation, it is considered that the management cannot be trusted to operate in a reliable and competent manner.

The Receiver shall be selected from those whose suitability for the functions they will have to undertake may reasonably be inferred from their political and professional antecedents, and by their qualifications and experience.

The Government if it thinks fit may appoint Joint Receivers or Assistant Receivers.

2 The aforesaid Receiver shall be appointed by decree of the President of the Council of Ministers, after consultation with the appropriate Ministers; the period for which the receivership shall last shall be stated in the said decree but shall in no case extend for more than six months after the cessation of the state of war.

The said decree shall be published in the Official Gazette and a copy thereof shall be deposited in the Chancery of the Tribunal in whose area the head office of the business is located. Where an unincorporated business owns real property, the Receiver shall cause the decree to be recorded in the

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[illegible]

[illegible]

1 The [illegible] shall have the power to appoint a Receiver [illegible] which [illegible] be necessary or [illegible] and manager of [illegible] and [illegible] liability [illegible] or resources recognized as of national importance in any of the following events:

a) Should their continued operation be rendered impossible by the flight of their managers or owners.

b) Should they for whatever reason cease to be of use to national importance.

c) Where, because of the fiscal antecedents of the majority of their owners (including shareholders or members) or because of most illegal and corrupt exploitation of the political situation, it is considered that the management cannot be trusted to operate in a reliable and competent manner.

The Receiver shall be selected from those whose suitability for the functions they will have to be called upon to perform may reasonably be inferred from their political and professional antecedents, and by their qualifications and experience.

The Government if it thinks fit may appoint joint Receivers or Assistant Receivers.

2 The Receivership shall be appointed by decree of the President of the Council of Ministers, after consultation with the appropriate Minister; the period for which the Receivership shall last shall be stated in the said decree but shall in no case extend for more than six months after the cessation of the state of war.

The said decree shall be published in the Official Gazette and a copy thereof shall be deposited in the Chancery of the Tribunal in whose area the head office of the business is located. Where an unincorporated business owns real property, the Receiver shall cause the decree to be recorded in the appropriate land registry.

3 No Receiver shall be appointed to a business to which para (b) of Art 1 refers, unless the business concerned has first been served with a notice requiring it to remedy its activities within a specified time and has not complied with the same.

POWERS AND DUTIES OF RECEIVERS

4 A Receiver shall have full power to act for and manage the business and in the case of commercial undertakings shall have power to assume all normal administrative functions. The provisions of Article 2696 et seq. of the Civil Code shall apply to the Receivership.

The acts of the Receiver shall be subject to the supervision of the Minister specified in the decree appointing him.

[illegible] shall continue to exercise their functions during the Receivership.

The Minister charged with supervision of the Receivership may replace the whole or any part of such [illegible] staff.

3402

The Receiver shall not, except with the consent of the Minister concerned in writing satisfied as to the necessity therefor, dismiss the staffs [illegible] the normal scope of management.

All workers of the management staff of business to which this decree applies shall be liable to apprentice. When such proceedings are to be taken, the provision of Part II of DL 152 of 1961, for conscription against strikes, shall be applied by analogy.

5 The Receiver shall take possession of the assets of the business and an inventory thereof shall be made in the presence of the owner or the business or of his representative.

If the owner of the business or his representative shall not attend for that purpose, the inventory shall be made by a notary in the presence of two witnesses.

Should the owner and the business not have an [illegible] the property constituting the assets of the business, the matter shall be referred to the responsible Minister who shall decide the point in dispute; but, such decision shall, if the owner shall commence legal proceedings in a competent court, be subject to the decision of that court.

Before giving any such decision the Minister shall obtain the opinion of a Commission of the Presidency of the Council of Ministers composed of two Counsellors of State, of whom one, who shall preside, shall be a magistrate of not less than 5th grade and of two members, who shall be appointed respectively by the Minister of Public Works, and by the Minister of Industry, Commerce and Labour.

APPOINTMENT AND POWERS OF CONTROLLERS

6 Where it is considered advisable to control the management of the activities of a business in which a portion has been served under Art 1 hereof and in lieu of a Receiver under part (a) of Art 1 a Controller (instead of a Receiver) may be appointed in which case he shall be appointed in like manner to (a Receiver under) Art 1.

A Controller shall be entitled to exercise the usual powers of management, to inspect the books, records and correspondence, and to undertake any investigation he may wish.

The Controller shall be subject to the supervision of the Minister specified in the decree appointing him.

The said decree shall be published in the Official Gazette and a copy thereof shall be deposited in the Chancery of the Tribunal in whose area the head office of the business is located.

The first paragraph of Art 2 shall apply to the duration of the controllership.

APPLICATION TO OTHER RECEIVERS

7 The provisions as to the powers of a Receiver and of the expenditure which are contained in this decree shall apply to a Receiver appointed under any other Decree come into force if the business managed by him is of a class to which Art 1 would apply.

The President of the Council of Ministers shall by decree appoint the Minister [illegible] the preceding section, the Receiver

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HEADQUARTERS ALLIED COMMISSION
CMF
FINANCE SUB-COMMISSION

16a

Ref : 13192/Y 29 October 1944

SUBJECT: Fascist Organizations.

TO : Deputy Chief of Staff,
Civil Affairs Section, HQ AC.

1. In the blocking program promulgated by this Sub-Commission, (see Control of Financial Institutions - Instructions Nos. 1 - 4, copies attached) an important feature is the blocking of assets of Fascist organizations (including para-statal bodies of Fascist origin or character).

2. C.F.I. Instruction No. 4 para 3 states that "Accounts blocked in this category will remain blocked until an Allied Military Government representative has assumed jurisdiction over the organization, or until the management has been approved or reorganized by Allied Military Government authority, or until the competent Italian Ministry has accepted responsibility for the organization. Meanwhile, the Finance Officer should consider applications for Specific withdrawal, and approve them if they meet the following conditions, or if they appear reasonable on other grounds, in the Finance Officer's judgment:

a. For salaries of employees (to maximum 3,000 lire per month each).
b. To finance current activities of value to Allied Military agencies or the public welfare.
c. To pay accounts owed to creditors who would be seriously and unfairly injured by delay of such payments."

3. You will note, however, that we do not specifically provide for possible liquidation of such enterprises during the Allied Military Government phase. The instruction implies that such organizations will be either operated under AMG supervision or "frozen" until the Italian Government assumes jurisdiction.

4. If it is intended that Allied Military Government will liquidate such bodies in some instances, we would consider it desirable to add a specific instruction to release blocked assets to a duly authorised liquidator. If on the other hand no such liquidations (in advance of transfer of the territory to the Italian Government) are contemplated, such an instruction would not be necessary.

5. Therefore we request an expression of the Allied Commission's policy with respect to Fascist organizations in northern Italy.

A P Francesy Lt Col

Joint Director,
Finance Sub-Commission.

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(3,02)

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HEADQUARTERS
ALLIED CONTROL COMMISSION
FINANCE SUB-COMMISSION
APO 394

13052/F

7 September 1944

(Control of Financial Institutions) Instruction No. 1.

SUBJECT: Blocking procedure for Checks.

TO : R.F.O., Region IV
" " V
" " VIII
" " IX
" Piedmonte Region
" Liguria "
" Region XI
" " XII
" AMG 5th Army
" " 8th "

3659

1. Definitions:

(a) - The word "Check" as used hereinafter means Assegno Circolare, Assegni Bancario, Vaglia Bancario, Vaglia Postale and Bonifico (but not Mandato di Pagamento).

(b) - The word "Bank" as used hereinafter means Bank, Institute, Post Office, Cassa and Credito.

(c) - "Liberation date" means the date as of which a particular province or a large section of a province is liberated.

2. The following checks are payable without prior AMG authorization:

(a) - Checks issued on or after liberation date, in all liberated territory for any amount, except those bearing blocked names.

(b) - Checks issued before liberation date, regardless of place of issue, when the amount is 10,000 lire or less, except those bearing blocked names.

(c) - Checks for any amount which were actually paid by a Bank (not merely accepted for collection) prior to liberation and either held as asset items (Cassa - Vaglia o assegni circolari) or endorsed and re-issued to customers in lieu of cash. The bank endorsement must be prior to the liberation date and no subsequent endorser may be in a blocked category.

" Liguria "
" Region XI
" " XII
" AMG 5th Army
" " 8th "

3659

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3. The following checks require prior AMG authorization:

(a) - Checks issued in territory occupied by the enemy as of the date of issue, when the amount is more than 10,000 lire.

(b) - Checks bearing blocked names, as endorser, payee or maker.

4. Application for authority to pay checks will be presented by the holder on a "blocked check" form (CFI Form 1, attached) to his bank, which will forward it to AMG with a typewritten copy, in English if possible, adding on this copy the bank's opinion and recommendation. AMG will return one copy to the bank, stamped "approved" or "disapproved", with an official signature.

5. For any checks described in para 2(b) above, issued in territory occupied by the enemy (as of the date of issue, the holder will present to the bank the "blocked check" form (CFI Form 1, attached). These will be retained by the bank and held available for inspection by AMG when required.

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6. Banks may pay checks described in paragraph 2(a) and 2(b) without reference to AMG, but are privileged to forward applications for AMG decision in cases involving dubious or suspicious circumstances.

7. If a check has been cashed by a bank in a liberated area, and then presented by that bank for payment or clearance in another area, it should be paid without question, as should all clearing items between banks. The first paying bank is responsible to the competent AMG division to follow the instructions issued in it's area.

8. Checks that have been already accepted in payment of taxes by a duly accredited tax receiver or similar government agency, may be paid without prior AMG approval. However, such agencies should be advised of the foregoing blocking instructions, and when this has been done, they should be held responsible for their observance when they accept tax payments.

For Captain Ellery W. STONE (U.S.N.R.)

Joint Director,
Finance Sub-Commission.

H E A D Q U A R T E R S
ALLIED CONTROL COMMISSION
FINANCE SUB-COMMISSION
APO 394

16c

FIR No. 13052/2 7 September 1944

(CONTROL OF FINANCIAL INSTITUTIONS) INSTRUCTION No. 2.

SUBJECT : Statement of Policy to be followed re blocked checks requiring prior AMG authorization.

TO : R. F. D. Region IV
" " V
" " VIII
" " IX
" Piedmonte Region
" Liguria Region
" " XI
" " XII
" AMG 5th Army
" 8th Army

3656

1. Reference is made to paragraphs 3 (a) and 3 (b) of CFI Instructions No. 1, dated 4 September 1944, which stated as follows :

"3. The following checks require prior AMG authorization:

a) - Checks issued in territory occupied by the enemy as of the date of issue, when the amount is more than 10,000.- lire.

b) - Checks bearing blocked names as endorser, payee or maker."

2. Payment of checks described in Paragraph 3 (a) quoted above may be authorized in any of the following cases:

a) - when the immediate or ultimate beneficiary is an approved government agency.

b) - when it can be proved that the funds are intended for essential civilian or Allied military use.

c) - when the place of issue shown on the check is only a technicality and the funds involved actually originated in liberated territory.

d) - when the beneficiary is a unit of the Allied armed forces or an Allied national who acquired the check in a clearly innocent transaction.

3. Payment of checks described in Paragraph 3 (b) quoted above may be authorized in any of the following cases:

a) - when the blocked names appearing on the check have been unblocked.

b) - when the holder is not a blocked name and can prove that the blocked name is merely coincidental and not material to the transactions involved.

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

" " " XI
" " " XII
" AMG 5th Army
" 8th Army

3658

1. Reference is made to paragraphs 3 (a) and 3 (b) of CPI Instructions No. 1, dated 4 September 1944, which stated as follows :

"3. The following checks require prior AMG authorization:

a) - Checks issued in territory occupied by the enemy as of the date of issue, when the amount is more than 10,000.- lire.

b) - Checks bearing blocked names as endorser, payee or maker."

2. Payment of checks described in Paragraph 3 (a) quoted above may be authorized in any of the following cases:

a) - when the immediate or ultimate beneficiary is an approved government agency.

b) - when it can be proved that the funds are intended for essential civilian or Allied military use.

c) - when the place of issue shown on the check is only a technicality and the funds involved actually originated in liberated territory.

d) - when the beneficiary is a unit of the Allied armed forces or an Allied national who acquired the check in a clearly innocent transaction.

3. Payment of checks described in Paragraph 3 (b) quoted above may be authorized in any of the following cases:

a) - when the blocked names appearing on the check have been unblocked.

b) - when the holder is not a blocked name and can prove that the blocked name is merely coincidental and not material to the transactions involved.

4. If the currency supply in your area appears to be inadequate, no payment of a blocked check for a large amount should be authorized until the currency shortage has passed.

5. When an area is returned to the Italian Government, all inquiries concerning checks still blocked at the time shouldbe referred to the appropriate Italian governmental agency.

6. A supply of CPI Form 1 ("blocked checks" form referred to in CPI Instruction No. 1) is available. RFO's should request a number sufficient to provide each financial institution with 50 copies, as a starting supply, after which each institution should be required to provide its own. Copies of CPI Instruction No. 1 in Italian for distribution to banks will be supplied as requested.

For Captain EDGAR W. STONE, USNR:

Joint Director,
Finance Sub-Commission.

VAC/Jbh

3402

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

16d

HEADQUARTERS
ALLIED CONTROL COMMISSION
FINANCE SUB-COMMISSION
APO 394

13052/F

26 September 1944

Control of Financial Institutions - Instruction No. 3

SUBJECT: Blocking Procedure for Accounts.

TO : Regional Finance Officer, Lazio Region
" " " Abruzzi-Marche Region
" " " Toscana Region
" " " Emilia Region
" " " Piemonte Region
" " " Liguria Region
" " " Lombardia Region
" " " Veneria Region
Senior Finance Officer, AMG 5th Army
" " " AMG 8th Army

1. Purpose and Definitions: There follows a summary of instructions and procedure for blocking bank accounts, for the use of all Finance Officers. This instruction has been reproduced in Italian as "CFI Form 4" for distribution to financial institutions. A supply is available also of "Specific Withdrawal" form (CFI Form 3) referred to in this instruction. The leading office of each financial institution should be provided with 50 copies, as a starting supply, after which each institution will produce its own copies, for itself and dependent branches. ROOs will be supplied with copies of CFI Forms 1 and 4 upon request.

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A. The word "account" as used herein includes, but not by way of limitation, current accounts, savings accounts, custody account, safe deposit box, sealed package, overdraft, securities account, line of credit, and bearer-book account.

B. The word "person" as used herein includes, but not by way of limitation, individual, firm, corporation, partnership, and society. Blocking instructions will apply to corporations, firms, etc. whose principal stockholders, owners or managers are persons described in paragraph 2. "Persons" means the beneficial or true owner of an account as well as the nominal owner or legal representative.

C. The word "bank" as used herein includes, but not by way of limitation, bank, credit institution, post office, savings bank (Cassa), securities broker (Agente di Cambio) and any other agency which receives deposits, or makes loans, or accepts custody of assets.

D. "Reports Required" and "Applications" will be delivered promptly by the banks

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

" " " Piedmont Region
" " " Liguria Region
" " " Lombardia Region
" " " Venezia Region
Senior Finance Officer, AMG 5th Army
" " " CIC 8th Army

1. Purpose and Definitions. There follows a summary of instructions and procedure for blocking bank accounts, for the use of all Finance Officers. This instruction has been reproduced in Italian as "CFI Form 4" for distribution to financial institutions. A supply is available also of "Specific Withdrawal" forms (CFI Form 3) referred to in this instruction. The leading office of each financial institution should be provided with 50 copies, as a starting supply, after which each institution will produce its own copies, for itself and dependent branches. SFOs will be supplied with copies of CFI Forms 3 and 4 upon request.

A. The word "account" as used herein includes, but not by way of limitation, current accounts, savings accounts, custody account, safe deposit box, sealed package, overdraft, securities account, line of credit, and bearer-book account.

B. The word "person" as used herein includes, but not by way of limitation, individual, firm, corporation, partnership, and society. Blocking instructions will apply to corporations, firms, etc. where principal stockholders, owners or managers are persons described in paragraph 2. "Persons" means the beneficial or true owner of an account as well as the nominal owner or legal representative.

C. The word "bank" as used herein includes, but not by way of limitation, bank, credit institution, post office, savings bank (Cassa), securities broker (Agente di Cambio) and any other agency which receives deposits, or makes loans, or accepts custody of assets.

D. "Reports Required" and "Applications" will be delivered promptly by the banks to the office of Allied Military Government, Finance Division, from which this instruction emanated.

2. Categories of Accounts Subject to Blocking. Banks will block all accounts of any type in the name of:

A. The German and Japanese governments and governments of countries that are or have been allied to or occupied by Germany or Japan.

B. Fascist organizations, including those controlled by or belonging to or deriving from the National Fascist party or the Republican Fascist party and including para-statal organizations of Fascist origin or character.

C. Persons who have held office in the National Fascist party or Republican Fascist party, or were members of the Fascist militia, Squadrista, Marcia su Roma, Sciarpa Littorio, Antemarcia, Sansepolcrista, Moschettieri del Duce, O.V.R.A., Camera delle Corporazioni, etc.

D. Persons located in territory occupied by Germany and Japan or their allies, in any part of the world, and nationals of Germany and Japan or any country that has been allied to or occupied by Germany or Japan.

E. Governments or nationals of the United Nations, including France.

F. Persons who are not included in the foregoing categories, but who are known to have profited substantially through having Fascist or enemy connections.

Reports Required: Banks will forward immediately lists, in quadruplicate, of all accounts blocked, showing name, address, type of account and balance, classified by categories as above. At the end of each month banks will report, in quadruplicate, changes in such lists, showing accounts newly blocked, accounts unblocked, and corrections of errors, classified by categories.

5. Exemptions and Withdrawal Privileges.

A. When the overall balance of all the accounts (excluding safe deposit boxes and sealed packages) of such person within one institution does not exceed 10,000 lire, accounts of persons in categories C, D, and F of paragraph 2, are exempt from blocking.

Reports Required: Banks will report, in duplicate, the accounts exempted by this instruction showing name, address, type of account, balance, and the "block" category.

B. The following are exempt from blocking instructions in paragraph 2:

(1) social insurance and social welfare institutions
(2) consorzii agrari

Reports Required: Banks will report immediately, in duplicate, the names and balances of accounts exempted by this section.

C. Withdrawals may be permitted without Allied Military Government authorization from blocked personal accounts (excluding safe deposit boxes and sealed packages) or bearer-book accounts in categories C, D, and F of paragraph 2 up to a maximum of 6,000 lire per person per month for living expenses. Such person or holder is required to sign a declaration that the funds are strictly personal property, that the amount withdrawn is actually needed for personal living expenses, and that the maximum of 6,000 lire has not been or will not be exceeded by withdrawals during the same monthly period from any other accounts.

D. Withdrawals may be permitted without Allied Military Government authorization for the following purposes, provided that the bank makes the payment directly to the payee and provided that any borrowing power, credit or collateral released by such payment remains blocked:

(1) payment of Italian taxes, imposts and social insurance contributions

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and sealed packages) of such person within one institution does not exceed 10,000 lire, accounts of persons in categories C, D, and F of paragraph 2, are exempt from blocking.

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D. Withdrawals may be permitted without Allied Military Government authorization for the following purposes, provided that the bank makes the payment directly to the payee and provided that any borrowing power, credit or collateral released by such payment remains blocked:

(1) payment of Italian taxes, imposts and social insurance contributions
(2) payment of interest on bank loans, repayment of bank loans, and amortization payments on mortgages.

Reports Required: Banks will report in duplicate at the end of each month a list of withdrawals permitted under the foregoing instructions, showing name, address, purpose, amount and date of withdrawal, balances of all relative accounts, and "block" category.

E. Persons in blocked categories may deposit new funds in new accounts, or rent new safe deposit boxes, which may be operated freely for normal business and personal requirements. Such new accounts will be kept clearly separate from blocked accounts.

Reports Required: Banks will report, in duplicate, all such new accounts, with the depositor's name and amount of first deposit. Subsequently, banks will report immediately any unusual or suspicious transaction in such accounts and at the end of each month will forward extracts of those accounts.

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16E

4. Applications for Specific Withdrawals and General Unblocking.

A. Applications for a Specific Withdrawal will be presented by the depositor on a "Specific Withdrawal" form (CFI Form No. 3, attached) to his bank, which will forward it to Allied Military Government with a typewritten copy, in English if possible, adding on this copy the bank's opinion and recommendation. Allied Military Government will return one copy to the bank, marked "approved" or "disapproved", with an official signature.

B. Applications for General Unblocking will be in the form of a letter from the depositor to the bank, in duplicate. The bank will forward the two copies with a covering letter, in duplicate, to Allied Military Government stating the "block" category, its opinion on the reliability of the depositor's statements, and its own confidential opinion and recommendation on the application. The depositor's application will indicate:

(1) descriptions and balances of all accounts of which he is the record or beneficial owner
(2) nature of his work, business or profession
(3) his professional, commercial, political and government activity during the past twenty years.
(4) in the case of corporations, partnerships, etc. the application will show the information as per sub-section (2) and (3) above for each principal owner or stockholder.

Allied Military Government will return one copy of the application with the bank's covering letter, marked "approved" or "disapproved", with an official signature.

C. Accounts Blocked in Error may be unblocked without Allied Military Government authorization, with the bank held responsible that the corrected status is in accordance with Allied Military Government instructions. The bank will report immediately each such correction, as well as include them in the monthly reports required in paragraph 2.

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D. Depositors Located in Enemy-occupied Territory and therefore blocked in Category D, who subsequently make their way to liberated territory, may not have accounts unblocked without Allied Military Government authorization except when the overall balance of the accounts involved is 10,000 lire or less. When such balance exceeds 10,000 lire, application for unblocking must be made in the prescribed manner, with special reference made to the change of address, giving full particulars.

E. Accounts Identified by Bearer Bank-books will be considered in terms of both the holder and the true owner, if known. Bearer-book accounts of 10,000 lire or less are exempt from blocking. Bearer-book accounts of more than 10,000 may be considered free from blocking restrictions if the bank has identified the holder and ascertained that he is not in a blocked category and obtains his written declaration that the book does not rightfully belong to any person in a blocked category.

F. Doubtful Cases. Banks are instructed to block all accounts involving dubious or suspicious circumstances in the light of the foregoing instructions.

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(2) [illegible], business or profession

(3) His professional, commercial, political and government activity during the past twenty years.

(4) In the case of corporations, partnerships, etc. the application will show the information as per sub-section (2) and (3) above for each principal owner or stockholder.

Allied Military Government will return one copy of the application with the bank's covering letter, marked "approved" or "disapproved", with an official signature.

C. Accounts Blocked in Error may be unblocked without Allied Military Government authorization, with the bank held responsible that the corrected status is in accordance with Allied Military Government instructions. The bank will report immediately each such correction, as well as include them in the monthly reports required in paragraph 2.

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D. Depositors located in Enemy-occupied Territory and therefore blocked in Category D, who subsequently make their way to liberated territory, may not have accounts unblocked without Allied Military Government authorization except when the overall balance of the accounts involved is 10,000 lire or less. When such balance exceeds 10,000 lire, application for unblocking must be made in the prescribed manner, with special reference made to the change of address, giving full particulars.

E. Accounts Identified as Bearer Book-books will be considered in terms of both the holder and the true owner, if known. Bearer-book accounts of 10,000 lire or less are exempt from blocking. Bearer-book accounts of more than 10,000 may be considered free from blocking restrictions if the bank has identified the holder and ascertained that he is not in a blocked category and obtains his written declaration that the book does not rightfully belong to any person in a blocked category.

F. Doubtful Cases. Banks are instructed to block all accounts involving dubious or suspicious circumstances in the light of the foregoing instructions.

For the Acting Chief Commissioner:

Joint Director,
Finance Sub-Commission.

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
FINANCIAL SUB-COMMISSION
APO 394

16

SECRET

14 October, 1944

Control - Financial Institutions - Instruction No. 4

SUBJECT: Statement of Policy on Blocked Accounts.

TO: SPO, Semi-Debtor Branch
" Accrual-Y Tax "
" Treasury "
" Banks "
" Discounts "
" Southern Region (for Naples)

SPO, Credit Branch
" Liabilities "
" Venezia "
SPO, AMG 5 Corps
" AMG 6 Army

BLOCKED ACCOUNT APPLICATIONS

1. Finance Officers will receive applications for General Unblocking and for Specific Withdrawals as outlined in part 4, sections A and B of SPI Instruction No.3. Policy and procedure will be as follows, by "block" categories (described in para 2 of SPI Instruction No. 3).

2. Category A (Enemy funds). All credits, balances, bonds, assets or claims of any kind held in the name of enemy governments or agencies will be seized.

A. If the credits are in the form of lire balances or actual lire currency in custody, the bank will forward to the SPO or SPO a vaglia or assegno circolare payable to his order for the total, accompanied by a report, in duplicate, showing, in respect of each account, the name, address, authorized signatories, amount of balance and amount of interest. The SPO or SPO will deposit these vaglia and assegni circolari in his bank account and will enter the deposit as a receipt in his Cash Book. One copy of the report showing full details concerning the seized accounts will be forwarded to the Chief Accountant, attached to the duplicate F/T receipt form, with the monthly Abstract of Receipts and Disbursements.

B. If the credit is in the form of foreign currencies or credits of any kind, it will be transferred to the nearest available bank of Italy for account of Allied Financial Agency, and a detailed advice sent to the AFA branch concerned. Such transfers will operate in the original foreign credit form and will not be converted in lire. Banks will forward to Allied Military Government, Finance Division, credit advices of such transfers, with separate identification of each account as above, in duplicate.

C. Securities and sealed packages or other tangible assets held for accounts of enemy governments or agencies will be delivered to the nearest AFA branch against receipt, with separate identification of each account as above, in duplicate.

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1. Finance Officers will receive applications for General Unblocking and for Specific Withdrawals as outlined in para 4a sections A and B of GFI Instruction No. 3. Policy and procedure will be followed, by "block" categories (described in para 2 of GFI Instruction No. 3).

2. Category A (Frozen funds). All credits, balances, funds, assets or claims of any kind held in the name of enemy governments or agencies will be seized.

A. If the credits are in the form of lire balances or other lire currency in Italy, the bank will forward to the GFI or GFO a weekly or semi-monthly circular payable to his order for the total, accompanied by a report, in duplicate, showing, in respect of each account, the name, address, authorized signature, amount of balance and amount of interest. The GFO or GFI will deposit these credits and assume circularis in his bank account and will show the amount as a receipt in his Cash Book. One copy of the report showing full details concerning the seized accounts will be forwarded to the Chief Accountant, attached to the duplicate F/FI receipt form, with the monthly abstract of receipts and disbursements.

B. If the credit is in the form of foreign currency or credits of any kind, it will be transferred to the account originating bank of Italy for account of Allied Military Government, and a detailed advice sent to the AFA branch concerned. Such transfers will results in the original foreign credit funds will not be converted to lire. Banks will forward to Allied Military Government, Finance Division, credit memorandum of each transfers, with separate identification of each account as above, in duplicate.

C. Securities and similar property or other tangible assets held for accounts of enemy governments or agencies will be delivered to the nearest AFA branch (either receipt, with separate identification of each account as above, in duplicate.

3. Category B (Frozen organizations). Accounts blocked in this category will remain blocked until an Allied Military Government representative has assumed jurisdiction over the organization, or until the management has been approved or reorganized by Allied Military Government authority, or until the concerned Italian Ministry has accepted responsibility for the organization. Meanwhile, the Finance Officer should consider applicant up for Specific Withdrawal, and approve them if they meet the following conditions, or if they appear reasonable on other grounds, in the Finance Officer's judgement:

A. For salaries of employees (to maximum 3,000 lire per month each).
B. To finance current activities of value to Allied Military agencies or the public welfare.
C. To pay creditors and to creditors who would be seriously and unfairly injured by delay of such payments.

4. Category C (Frozen individuals). Living and other essential expenses are already provided for by Sect 3, Section C and D of GFI Instruction No. 3. In consequence, a specific withdrawal applicant to freely will be justified. Exceptions would be for withdrawals such as those described above in para 3, section A, B, and D. In AMG Army areas, all applications for General Unblocking will be held for

later turnover to the appropriate Regional Administration. In all such cases:

a. If the applicant is an owner, official or employee of a government agency, which based primarily on grounds of national interest, the application will be referred to the appropriate Regional Director. If the Regional Director is alone in his opinion with respect to the grant of service, special unblocking may be authorized. If the Operating Division removes the applicant from the list of persons to possess a "private individual" (see b).

b. If the applicant is a private individual, his application will be referred to the "Budget Enrichment Foundation", a special section of the Provisional Foundation for Education set up by the Italian Government.

If the Conditions described above have not yet assumed operations, applications will be retained and forwarded for referral at the appropriate time. Certain cases will obviously require reference to an Allied Military Intelligence Branch without delay.

5. Category D (non-resident aliens and foreign nationals). It will be obvious that applications should not be received from persons not resident in liberated Italy. However, there will be instances of applications by local representatives of the absent owner. When such a representative is a member of the family, completely dependent for subsistence upon the funds blocked, the application should be considered. This would include a bank requesting authority to honour standing instructions from the non-resident person to pay from his account rent, insurance premiums, etc. for his family left behind. Living expense disbursement privileges (para 3, section C of CFI Instruction No. 3) will apply to all nationals of enemy countries or of neutral countries that have been occupied by Germany or Japan. No other action need be taken in these cases. Cases will be found of United Nations nationals blocked under this category. These should be transferred to Category E.

6. Category E (United Nations nationals and governments). All applications in this category will be referred to the Regional Property Control Officer. A practical way to do this is to advise all banks to communicate directly with the Regional Property Control Officer on all matters involving Category E and to ask Property Control to address requests directly to the banks, with copies to the Provincial Finance Officer. Note: This applies also to checks drawing a "Category E" blocked note, and to cash deposit boxes blocked in this category.

7. Category F (Fascist or enemy connections). Applications in this category will be treated in the same manner as those in Category C (para 4 above).

BLOCKED ACCOUNT EXCEPTIONS

8. Provincial Finance Officers will receive lists of blocked accounts and

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

[illegible] Allied Military Government which is [illegible].

5. Category D (non-resident persons and foreign nationals). It should be borne in mind that applications should not be received from persons not resident in liberated Italy. However, there will be instances of applicants only legal representatives of the absent owner. Upon such representative is a member of the family, completely dependant for subsistence upon the funds blocked, the application should be considered. This would include a bank requesting authority to honour standing instructions from the non-resident person to pay from his account rent, insurance premiums, etc. for his family left behind. Having anyone withdrawal privileges (para 1, section C of GMI Instruction No. 4) will apply to all nationals of enemy countries or of neutral countries that have been occupied by Germany or Japan. No other action need be taken in these cases. Cases will be found of United Nations nationals blocked under this category. These should be transferred to Category E.

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7. Category F (Fascist or enemy connections). Applications in this category will be treated in the same manner as those in Category D (para 4 above).

BLOCKED ACCOUNT STATISTICS

8. Provincial Finance Officers will receive lists of blocked accounts and monthly reports of changes in such lists, in quadruplicate, (GMI Instruction No.3, para 2.). One copy will be transmitted to Property Control Division; one copy will be sent to the Repatriation Commissioner; one copy will be held in reserve for delivery to the Provincial Director of the Treasury when the Italian Government assumes jurisdiction; the fourth copy will be retained for reference and for the permanent files of the Regional Finance Officer.

9. Reports will be received, in duplicate, in compliance with para 2 of GMI Instruction No. 3. One copy to be retained for verification and permanent filing; the other for eventual transmission to the Provincial Director of the Treasury.

For the Acting Chief Coordinator,

Joint Director,
Finance Sub-Commission.

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

5a

L

LF/3.30/AS

1st Oct 44

SUBJECT : Appointment of Receivers

TO : Finance Sub-Commission.

4a

With reference to your 1319/F of 27th Sep 44.

3654

1 No decree issued by the Italian Government can modify by one iota any Allied right; our position will not therefore be affected by the decree to which you refer.

2 There is an agreement between the Italian Government and ACC that no 'official' appointed by 'AMG' would be removed without the consent of ACC.

3 This agreement was reached when discussing the cases of removal of prefects and similar officials. The term 'official' was not more closely defined but is obviously limited by the intention in the minds of the parties when the agreement was reached.

4 While it would possibly be held to cover Commissars of Parastatal concerns it is questionable whether it would extend to cover Commissars of private concerns.

5 The Government's powers under the decree will of course be limited by the agreement referred to above.

6 The views attributed to Lt Col. JENNY in your letter are considered to be substantially correct but it is desirable that no removals should be undertaken except in consultation with ACC if only to avoid the chance of any case being considered by one party as within by the other as outside the agreement. The Government has always seemed very willing to consult and to fall in with our views.

7 We have also heard criticism of some of the appointments to which you refer; in such cases it is for the Sub-Commission principally concerned (having obtained the concurrence of all other Sub-Commissions who may be affected) to give such instruction or advice to the Italian Government as may seem desirable under the circumstances of the particular case, bearing in mind that it may be a case in which ACC has no right to insist on the retention of an AMG appointee.

8 I do not quite understand what action is requested by the last sentence

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

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8 I do not quite understand what action is requested by the last sentence of your 4th para and by your 5th para.

The wording of the clause defining the enterprises to which the decree will apply was agreed with the Italian Government. A concern either is or not within the decree

a conferring Commissars appointed by AMG;

b permitting appointment of Commissars only in the existence of certain circumstances

b allowing of the removal of Commissars if these circumstances no longer exist.

I do not see what action is called for.

9 It seems undesirable to write anything to the Italian Government which might suggest to them that we have no right to insist on the retention of Commissars of concerns within the decree seeing that they are willing to confirm the appointment of those Commissars and I see no reason to insist on the retention ~~of such Commissars, or anything else which may be important for us to tell the Italians further~~.

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

DF/3.3

HEADQUARTERS
ALLIED CONTROL COMMISSION
FRANCE SUB-COMMISSION
APO 394

4a

3.9/f

27th September 1944

To: Brigadier G.R. Upjohn,
Administrative Section,
ACC HQ.,

Subject: Removal and substitution of Commissari for private enterprises

1. On a number of occasions officials of the Italian Government have informally requested my opinion regarding their authority to remove Commissari appointed by AC-AMG for particular private enterprises. My reply has been to the effect that prior authorization from AC would be necessary.

3655

2. With the imminent passage of the new decree regarding private enterprises the question has been raised again. It would appear that the Government will have full powers to remove, substitute or appoint Commissari. This is a particular interest since the Government apparently feels that in certain cases AMG (Col. Poletti) has erred in the appointment of Commissari.

3. There are attached two letters from the owners of the Impresa Scalera and Impresa Federici which request that action be taken to regularise their position. Vaselli has also vigorously questioned the maintenance of a Commissario. The High Commissioner for Sanctions against Fascism, Mr. Mario Cingolani, has already requested the removal of the Commissario from the Impresa Vaselli. This was on the grounds that the man appointed was not a technician and that there would be an undesirable division of jurisdiction between the Commissario appointed by Colonel Poletti and the general procedure of sequestration of the property of Mr. Vaselli. In addition, Mr. Cingolani also raised the question of reinstating Mr. Vaselli [illegible] and experience were

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

To: Brigadier D.A. [illegible],
Administrative Section,
ACC Hq..

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4. I have spoken to Lt.-Col. [illegible], Chief of the Public Works Sub-Commission and his opinion seems to be that unless a man is a rabid political fascist, we should permit the Italian Government to remove Commissari and return enterprises to their previous owners. The Italian Government, or at least certain members of it, share this opinion. It should be noted that there is nothing in the Allied Order regarding the appointment of these Commissari, which specifically charges the individuals involved of being Fascists. Moreover, such attacks as have been made by the press, in at least one case (that is, Federzoni), no attempt was made to charge the individual involved with being a Fascist Hierarchist. Finally, it would appear necessary, from a legal point of view, that the position of these enterprises be integrated into the new decree regarding private enterprises.

5. I would suggest a communication to the Italian Government confirming the provisions of the new decree regarding these enterprises and their freedom to reconsider the necessity of Commissari in these inprese as well as the competence of existing appointees, most of whom are lawyers.

J. J. Lawler
Lieut Colonel 3655

Acting Joint Director,
Finance Sub-Commission.

Enclosures

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

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

Impresa Elio Federici
ROMA
Via Tuscolana, Appiano 1

Roma lì 25 Settembre 1944
Telefono [illegible]

Alla Sottocommissione Alleata
di Controllo

R O M A

Ia

In relazione al ricorso già presentato dalla sottoscritta Impresa, con il quale veniva richiesta la cessazione della gestione del Commissario nominato in dipendenza dell'ordinanza del Commissario Regionale per la Regione di Roma 20 luglio 1944, si fa presente:

1°) Che l'Impresa, privata così del suo Capo che ne è l'animatore e l'esponente va incontro ad una graduale dissoluzione che non può non pregiudicare gravemente non soltanto gli interessi dell'Impresa, ma anche e sopratutto quelli dello stesso servizio pubblico e delle opere pubbliche all'Impresa affidate.
È ovvio infatti che il Credito Bancario e dei fornitori che è la base della vita di una azienda non può sussistere ove l'Impresa non dia più quell'affidamento che solo può dare la presenza del Titolare della Ditta.

2°) L'azienda affidata ad un estraneo che ha esautorato, con i suoi poteri, il Capo dell'Azienda stessa sempre vigile per il passato sulle sorti di essa, risente in quanto alla disciplina degli impiegati e salariati, della mancanza di ogni diretto controllo di chi aveva ed ha la capacità tecnica per la organizzazione ed azione produttiva dell'Impresa.

3°) Si va così ad una diminuzione della produttività dell'Azienda ed alla notevole dispersione di forze e di materie che ne costituiscono il fulcro, con la conseguenza che ne risentono gravemente i servizi che vengono disimpegnati e, indirettamente, l'economia Nazionale.

Ciò premesso sorge la necessità di una urgente decisione sul [illegible] dalla imminente pubblicazio-

2651

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

R O M A

In relazione al ricorso già presentato da la sottoscritta Impresa, con il quale veniva richiesta la cessazione della gestione del Commissario nominato in dipendenza dell'ordinanza del Commissario Regionale per la Regione di Roma 30 luglio 1944, si fa presente:

1°) Che l'Impresa, privata così del suo Capo che ne è l'animatore e l'esponente va incontro ad una graduale dissoluzione che non può non pregiudicare gravemente non solo tutti gli interessi dell'Impresa, ma anche e soprattutto quelli dello stesso servizio pubblico e delle opere pubbliche all'Impresa affidate.
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3°) Si va così ad una diminuzione della produttività dell'Azienda ed alla notevole dispersione di forze e di materie che ne costituiscono il fulcro, con la conseguenza che ne risentono gravemente i servizi che vengono disimpegnati e, in direttamente, l'economia Nazionale.

Ciò premesso sorge la necessità di una urgente decisione sul ricorso presentato anche in considerazione della imminente pubblicazione del Decreto del Governo Italiano che disciplina la nomina dei Commissari e Sindacatori delle Aziende private.

In detto Decreto è prevista infatti la possibilità di una immediata cessazione delle gestioni Commissariali per quanto riguarda le Società Anonime, ma si lascia invece alla interpretazione la cessazione delle Gestioni Commissariali di Imprese private di cui Titolare e Capo sono la stessa persona.

3651

199

E' chiaro che non possa essere data una interpretazione estensiva di una norma eccezionale e perciò non vi è dubbio che i Commissari possano restare in carica solo se ricorrano tutte le condizioni volute per la nomina a termini del nuovo Decreto.

E poichè la sottoscritta Impresa non si trova in alcuna delle ipotesi previste in detto Decreto, così come si è dimostrato nel precedente ricorso, si chiede che venga riesaminata la sua posizione e che venga chiarito che la Gestione Commissariale deve cessare non sussistendo gli estremi voluti per la nomina in base al nuovo Decreto e non ostandovi la precedente Ordinanza Regionale assorbita dal Decreto stesso che disciplina l'intera materia.

Il provvedimento di revoca risponde ai criteri di giustizia e di equità richiamati nel ricorso presentato, riguardando un'Impresa il cui Titolare non ha ricoperto mai cariche pubbliche nè rilevante mai attività politica, e non ha mai prestato alcuna collaborazione con i tedeschi, e risponde anche a criteri di opportunità e necessità, essendo stati affidati all'Impresa notevoli lavori stradali dal Comando Alleato.

IMPRESA ELIA FEDERICI

Elia Federici

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

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IMPRESA ELIA FEDERICI

Elia Federici

Copia conf. all'originale
27.9.44

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

S. I. C. E. L. P.

Società Italiana Costruzioni e Lavori Pubblici

DEI FRATELLI SCALERA

SOCIETÀ IN NOME COLLETTIVO

SEDE IN ROMA VIA FORNOVO, 2 - TELEF. 361076 - 361839

COSTRUZIONI EDILIZE, FERROVIARIE, IDRAULICHE
COSTRUZIONE E MANUTENZIONE DELLE STRADE
COSTRUZIONI IN CEMENTO ARMATO
LAVORI PORTUALI

TELEGRAMMI: SICELP
C. P. E. Roma N. 2667

Copied NMT/TS
27.9.44

Roma 11 - 20 settembre 1944

On.
COMMISSIONE ALLEATA DI CONTROLLO
R O M A =

Il 19 luglio u.s. il Col. CLARENS POLMIER, nella qualità di Commissario regionale di Roma, nominava un Commissario per la gestione delle "Imprese Scalera".-

In data 20 luglio c.a. i sottoscritti dott. Salvatore e dott. Michele Scalera presentavano al Commissario regionale un ricorso col quale chiedevano la revoca del provvedimento, determinato dall'errato convincimento che l'Impresa Scalera avesse esercitato nella Capitale per conto dell'ex Governatorato un'attività collaborativa nel campo delle opere pubbliche.-

36.50

Senonchè, per il sopravvenuto trasferimento dei poteri dal Governo militare alleato alla Autorità italiana, essendo per ciò tutto venuto a cessare ogni potere del Commissario regionale, il ricorso rimase inoperante, e pertanto in data 13 settembre i sottoscritti hanno riproposto dinanzi a codesta On. Commissione la domanda di revoca del Commissario alla gestione.

In via di massima la nomina del Commissario all'"Impresa Scalera" non ha alcun significato giuridico, dato che una "Impresa Scalera" non esiste e non è mai esistita.

Tuttavia occorre che intervenga la regolare declaratoria di revoca, in quanto il provvedimento, sebbene non possa colpire in concreto la

COSTRUZIONI IN CEMENTO ARMATO
LAVORI PORTUALI

TELEGRAMMI: SICELP
C. P. E. ROMA N. 2667

Copied NND/15
27.3.14

Ill.mo
Presidente Nazionale Democrazia Cristiana
R O M A =

Il 15 luglio u.s. il Col. CLARIZIO Vincenzo, nella qualità di Commissario Regionale di Roma, nominava un Commissario per la gestione della "Impresa Scuiero".-

In data 20 luglio c.a. i sottoscritti Dott. Salvatore e Dott. Michele Scuiero presentavano al Commissario regionale un ricorso con cui essi devono da revoca del provvedimento, determinato dall'errato convincimento che l'Impresa Scuiero avesse esercitato delle imprese per conto dell'ex Governatorato ed attività collaterali nel campo delle opere pubbliche.-

Senonché, per il sopravvenuto trasferimento dei poteri del Governatorato libero alla Autorità italiana, essendo per tale fatto venuto a cessare ogni potere del Commissario regionale, il ricorso risulta insussistente, e pertanto in data 31 settembre i sottoscritti hanno ripropostо dinanzi a codesta On.Commissione la istanza di revoca del Commissario alla gestione.

In via di massima la nomina del Commissario all'"Impresa Scuiero" non ha alcun significato giuridico, dato che una "Impresa Scuiero" non esiste e non è mai esistita.

Tuttavia occorre che intervenga la regolare deliberazione di revoca, in quanto il provvedimento, sebbene non possa colpire in concreto la "Società Italiana Costruzioni e Lavori Pubblici dei Fratelli Scuiero", di cui i sottoscritti sono i titolari, può comunque per i suoi riflessi morali ledere tutte le attività dei sottoscritti, i quali per tal fatto trovano difficoltà nel credito bancario, oltre che nelle normali relazioni con gli affari non è certo buona in corso urgenti lavori di ricostruzione.-

26.5

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segue lettera del 25/9/1944

A tal riguardo non va dimenticato che i sottoscritti non hanno eseguito alcuna commessa in collaborazione con i tedeschi e con i repubblicani fascisti; mentre hanno intrattenuto ed intrattengono importanti rapporti di lavoro con le Amministrazioni che eseguono opere urgenti di ricostruzione per conto e sotto il controllo di codesta On. Commissione.

Occorre infine considerare che l'attuale stato di fatto, suscitando incertezze sulla competenza del Commissario, rilassa tutti i vincoli disciplinari e crea un vero stato di anarchia che è causa di malessere nella vita dell'azienda in cui strutture si va di giorno in giorno visibilmente disorganizzando.

Ad eliminare quindi gl'inevitabili intralci che la presenza del Commissario provoca specialmente nella conduzione dei lavori che i sottoscritti hanno assunto con senso di assoluta collaborazione con le forze Armate Alleate, è necessario addivenire all'esame del ricorso presentato a codesta On. Commissione in data 13 settembre e quindi alla revoca del provvedimento di nomina del Commissario alla gestione.

In assenza del Commissario regionale, i cui poteri sono venuti a cessare nell'ambito del territorio di Roma, essendo inoltre l'assoluta stabilità delle Autorità italiane di esaminare e revocare provvedimenti emanati dal Governo Militare Alleato, i sottoscritti si rivolgono a codesta On.Commissione, come l'organo competente a pronunciarsi sul ricorso dei sottoscritti avanzato.

Tale revoca s'impone anche in vista delle nuove norme recentemente votate dal Consiglio dei Ministri che ne disciplinano la materia delle nomine dei Commissari.

Sarebbe infatti oltre che ingiusto antigiuridico mantenere in vita Commissari straordinari per quelle Imprese che non rientrano nelle disposizioni del Decreto Luogotenenziale emanato dal governo Italie-

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A tal riguardo non va dimenticato che i sottoscritti non hanno svolto alcuna attività in collaborazione con i nazisti e con i repubblichini fascisti; mentre hanno intrattenuto ed intrattengono importanti rapporti di lavoro con le Amministrazioni che svolgono opere urgenti di ricostruzione per conto e sotto il controllo di codesta On. Commissione.

Occorre infine considerare che l'attuale stato di fatto, suscitando incertezze sulla competenza dei Commissari, rende i vincoli disciplinari e crea un vero stato di caos che è causa di malessere nella vita dell'azienda in cui attualmente si va di giorno in giorno vistosamente disorganizzando.

Ad eliminare quindi gli inevitabili intralci che la presenza dei Commissario provoca specialmente nella conduzione dei lavori che i sottoscritti hanno assunto con senso di assoluta collaborazione con le Forze Armate Alleate, è necessario addivenire all'esame del ricorso presentato a codesta On. Commissione in data 13 settembre e quindi alla revoca del provvedimento di nomina del Commissario alla gestione.

In assenza del Commissario regionale, i cui poteri sono venuti a cessare nell'ambito del territorio di Roma, stante inoltre l'assoluta 26-49
stabilità delle Autorità italiane di esaminare e revocare provvedimenti emanati dal Governo Militare Alleato, i sottoscritti si rivolgono a codesta On.Commissione, come l'organo competente a pronunciarsi sul ricorso dei sottoscritti avanzato.

Tale revoca s'impone anche in vista delle nuove norme recentemente votate dal Consiglio dei Ministri che ha disciplinato la materia delle nomine dei Commissari.

Sarebbe infatti oltre che inglusto anticipatorio mantenere in vita Commissari straordinari per quelle Imprese che non rientrano nelle disposizioni del Decreto Luogotenenziale emanato dal Governo Italiano, e ciò per il principio dell'eguaglianza di tutti di fronte alla legge.

Non si può invero nell'ordine di una legislazione civile creare una singola categoria di cittadini di cui l'uno abbia a soffrire oneri maggiori dell'altro.

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segue lettera del 27/9/1944

Tale è il caso delle Imprese sottoposte alla gestione commissariale per effetto di un Ordine regionale le cui pregiudiziali differiscono da quelle del nuovo decreto luogotenenziale in materia.

Dato che le norme definitive e quelle consacrate ormai in una legge italiana, che indubbiamente ha ottenuto la superiore approvazione di codesta On.Commissione, i provvedimenti emanati nella stessa materia in base ad un'ordinanza eccezionale, la cui efficacia è venuta ora a cessare, non possono ulteriormente restare in vita e ciò sia perchè sono conseguenze di un'ordinanza che ha perduto vigore sia perchè, non essendo in vigo di massima compresi nella ipotesi della nuova legge, debbono ritenersi a questa comuni.

Nella specie corre l'obbligo di rilevare che i sottoscritti non risultano in nessuna delle tre ipotesi indicate dal Decreto luogotenenziale.

Non nell'ipotesi dell'art. 1 n.1 del Decreto in quanto i titolari si trovano in sede e quindi presenti al funzionamento dell'Impresa; non in quella dell'art. 1 n.2, in quanto oltre a non aver sospeso la propria attività i sottoscritti collaborano attivamente con tutta l'organizzazione della propria Impresa con le Autorità Alleate e quelle italiane, per conto delle quali hanno eseguito e stanno eseguendo importanti e urgenti lavori (v. certificato allegato della Commissione Alleata di Controllo); non nella ipotesi dell'art. 1 n.3, in quanto i sottoscritti non hanno svolto nel clima attività politica, non hanno ricoperto durante tutto il ventennio del regime fascista alcuna carica politica o sindacale, e si sono iscritti al partito fascista soltanto nel 1933 allorquando ciò fu necessario per l'iscrizione all'albo nazionale degli appaltatori.

E pertanto i sottoscritti, presente le lunghe vagate regioni, insistono nel chiedere la revoca del Commissario alla gestione e pregano codesta On.Commissione di volervi provvedere con cortese sollecitudine considerando che ogni indugio comporta un danno note-

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Le imprese sottoposte alla gestione commissariale per effetto di un Ordine regionale le cui pregiudiziali differiscono da quelle del nuovo decreto luogotenenziale in materia.

Detto che la norma definitiva è quella contenuta ormai in una legge italiana, che immediatamente ha ottenuto la superiore approvazione di codesta On.Commissione, i provvedimenti emanati nella stessa materia in base ad un'ordinanza eccezionale, la cui efficacia è venuta ora a cessare, non possono ulteriormente restare in vita e ciò sia perchè sono conseguenza di un'ordinanza che ha perduto vigore sia perchè, non essendo in via di massima compresi nelle ipotesi della nuova legge, debbono ritenersi a questa costituiti.

Nella specie corre l'obbligo di rilevare che i sottoscritti non risultano in nessuna delle tre ipotesi indicate dal Decreto luogotenenziale.

Non nell'ipotesi dell'art. 1 n.1 del Decreto in quanto i titolari si trovano in sede e quindi presenti al funzionamento dell'Impresa; non in quella dell'art. 1 n.2, in quanto oltre a non aver sospeso la propria attività i sottoscritti collaborano attivamente con tutta l'organizzazione della propria Impresa con le Autorità Alleate e quelle italiane, per conto delle quali hanno eseguito e stanno eseguendo importanti e urgenti lavori (v. certificato allegato della Commissione Alleata di Controllo); non nella ipotesi dell'art. 1 n.3, in quanto i sottoscritti non hanno svolto mai alcuna attività politica, non hanno ricoperto durante tutto il ventennio del regime fascista alcuna carica politica o sindacale, e si sono iscritti al partito fascista soltanto nel 1933 allorquando ciò fu necessario per l'iscrizione all'albo nazionale degli appaltatori.

E pertanto i sottoscritti, premesse le innanzi esposte ragioni, insistono nel chiedere la revoca del Commissario alla gestione e pregano codesta On.Commissione di volervi provvedere con cortese sollecitudine considerando che ogni indugio comporta un danno notevole al normale svolgimento dei lavori in corso.

Con ossequio

Michele Ferrara

Salvatore Calcara

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14

HEADQUARTERS REGION IV
Allied Control Commission

APO 394

6th July 1944

THIS IS TO CERTIFY/

that the firm of SCAIERA BROS have undertaken important reconstruction work on roads and bridges in the provinces of BARI, FOGGIA, POTENZA, AQUILA and FROSINONE and have also furnished rubble and stone for the port of BARI.

They have been employed under the direction of the Allied Control Commission.

Signed:

A.G.PEMBLEY Major

A. D. C.

36..

Copia conforme all'originale
depositato presso la Commissio-
ne Alleata di Controllo-Divisio-

AFO 394

5th July 1944

THIS IS TO CERTIFY/

that the firm of SCAIERA GHOS have undertaken important reconstruction work on roads and bridges in the provinces of BARI, FOGGIA, POTENZA, AQUILA and TRONTONE and have also furnished gravel and stone for the port of BARI.

They have been employed under the direction of the Allied Control Commission.

Signed:

A.V.PERLEY Major

A. C. C.

36.

Copia conforme all'originale depositato presso la Commissione Alleata di Controllo-Divisione Finanziaria.

Servizio Lavori Costruzioni e Lavori Pubblici
Ufficio Affari Stabili
L'Amministratore Generale

Salvatore Calera

Copied HJT/IS
27.9.44

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