

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

ACC

10000/105/808

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

10000/105/808

DEFASCISM, ORG ACC, EPURATION OF THE
PROFESSIONS
APR. - SEPT. 1945

Legal

It is understood that your revised draft is at G.A.
Will you please send us the translation at G.A.
is satisfactory and whether the Italian name is correct
regions.

CAS
26.12.1945

5.

CAS.

- (a) My Italian translators have prepared a revised translation,
which (if you approve it) may be accepted as satisfactory.
(b) I think the G.O. should be signed before circulation.

W.D. Jones
C.A.

3 July 1945

6.

A.E.C.

Signia Cas

Regional Commissioners have expressed a
desire for a General Order to operate the
professions.

Such an order is I think
required + Legal have drafted one for signature of
the C.C.

I propose unless instructed
to the contrary to leave it to the discretion of
Rtys + to whether the order is posted in any particular
Region + what professions are operated

4 July

Sign

g.p.

Minutes

Minutes

It seems that the most of the people who are in the position of being responsible for the production of the goods and services which are necessary for the maintenance of the life of the community are not in a position to be responsible for the production of the goods and services which are necessary for the maintenance of the life of the community.

In the case of Education - the National Education Commission is the body which is responsible for the production of the goods and services which are necessary for the maintenance of the life of the community. It is the body which is responsible for the production of the goods and services which are necessary for the maintenance of the life of the community.

084

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Regat s/c

for special measures RC committee wishes to be able to operate some of the professions. As a matter of policy it was intended that the operation of professions should be left until Dec 1959 some approving was in view of the special circumstances and the request for RC. It is proposed to bring the professions within the ambit of GO 35 to enable numerous members of the professions to be dealt with.

It is suggested that this can best be done by an order GO 35B, adding to Art I a fourth class (d) the members of the professions to which Art 23 & 24, 1959 refers.

Adding to Category I immediate in Art V such members on

the role of registration as many or indeed all (depending on the provisions of the last part of Category I (Ratings)). Sub parties are may require alterations to include members of the 1st 1st or 1st many in kind preferable to have a special addition.

Art II will require prohibition to include a prohibition against practicing the profession.

It would appear to be preferable rather than actually amending the Art. of GO 35 to include in 36 B, the then provisions referred to in Art 1 (C. IX) and apply GO 35 order as applicable.

Would it be possible in the meantime to the other is intended.

It is now the more clear for special measures it is undesirable to wait until the operation under Art 23 of Dec 1959 is put into operation as it is not desirable to encourage any delay to start the operation of the various professions. RC is now concerned

under E.O. 3552, adding to Art. I a fourth column (d) the members of the professions to which Art. 23 of the 1954 return. Adding to Category I individuals in Art. IV such minor professions as the role of application in many instances etc. (following the precedent of the last part of Category I). Such persons are many require attention to individual members of the rolls, as it may be found preferable to have a special column.

Art. IV will require modification to include a provision against practicing the profession.

It would appear to be preferable rather than actually amending the Art. of E.O. 3552 to include in 35 B, the same thing referred to in Art. I (V-X) and apply E.O. 35 as far as applicable.

Should it be possible in the transition to the new to transfer the use to cover other for special reasons it is undesirable to create multiple administrative units. Art. 23 of the 1954 is not suitable operation as it is not desirable to encourage any degree of transfer of jurisdiction of the various professions. Art. 23 is more concerned with purging the administration.

Minutes

CA. 5
17 JUL 1955

* Art. VI B of E.O. 355 will also have to be dealt with items will have to be served upon the members of the rolls in place of the employees.

CAS. Draft for consideration.

15 June 45

W. J. ...
C. J. ...

083

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

21 SEP 1945

SECRET

OUTGOING MESSAGE
HEADQUARTERS ALLIED COMMISSION

TO: AFHQ, SACRED

REF. NO: 6121

DATE: 26 SEPTEMBER 1945 PRECEDENCE: ROUTINE

USE ONE TIME PAD PD SECRET PD

FURTHER BY FOUR FIVE FIVE FOUR OF THREE ONE AUGUST YOUR FOX FOUR ZERO FIVE TWO EIGHT
OF TWO SEPTEMBER PD BADOLIO WAS FORMALLY SERVED YESTERDAY FOR THE FIRST TIME WITH
SUMMONS FROM THE HIGH COURT OF JUSTICE IN REPARATION PROCEEDINGS AGAINST HIM AS SENATOR
PD IN ACCORDANCE WITH USUAL PROCEDURE HE WAS OFFERED OPPORTUNITY TO REVIEW THE
CHARGES FILED BY THE HIGH COMMISSARIAT AND TO ENTER HIS DEFENSE WITHIN FIFTEEN DAYS PD
BADOLIO HAS SENT TO ME A COPY OF HIS ANSWER DATED TODAY CMA ^{SO FAR} NOT MADE PUBLIC CMA
WHICH READS AS FOLLOWS COLON

PAREN TO AFR. CMA SIGNED FROM HQ ALCON FROM ADMIRAL STONE SITE AGSOE PAREN

QUOTE TO THE PRESIDENT OF THE HIGH COURT OF JUSTICE PD I REFER TO YOUR COMMUNICATION
NUMBER TWELVE SLANT TWO FOUR NINE OF THE TWENTY FIFTH PD PARA MY CONDUCT AS SENATOR
OF THE KINGDOM IS RECORDED IN THE MINUTES COMPILED BY THE SECRETARIAT OF THE SENATE
FOR EVERY MEETING CMA AND I THEREFORE CONSIDER ANY EXPLANATION IN THIS REGARD TO
BE SUPERFLUOUS PD PARA BUT I CANNOT HIDE HOW PAINFULLY SURPRISED I HAVE BEEN BY
THE DENUNCIATION OF THE HIGH COMMISSARIAT PD EVIDENTLY IT HAS BEEN FORGOTTEN THAT
THE PERSON WHO OVERTHREW FASCISM CMA WHO UNDERTOOK THE TREMENDOUS RESPONSIBILITY
OF CONCLUDING THE ARMISTICE CMA WHO DECLARED WAR ON GERMANY CMA WHO WAS ITALY'S
LEADER FOR TEN MONTHS UNTIL THE LIBERATION OF ROME CMA HAS I PD PARA 1082

PAGE 1 OF 2 PAGES

SECRET



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SECRET

PAGE 2 OF 2 PAGES

6121

25 SEPTEMBER 1945

DOES NOT FIND HERSELF IN THE SAME CONDITION TODAY AS GERMANY CMA AS THE SUPREMS
 ALLIED COMMANDS CAN CERTIFY CMA SHE OWES IT TO ME PD PARA ALLOW ME CMA MR
 PRESIDENT CMA TO THANK YOU FOR ALLOWING ME TO REVIEW THE FILES CONCERNING ME IN
 THE CHANCELLERY OF THE HIGH COURT CMA BUT I SHALL NOT EXAMINE ANY FILES CMA NOR
 WILL I SAY A WORD IN MY DEFENSE PD PARA I BEG YOU CMA MR PRESIDENT CMA NOT TO
 GIVE A WRONG INTERPRETATION TO THIS COURSE I HAVE CHOSEN CMA WHICH IS NOT DICTATED
 BY ANY LACK OF RESPECT FOR THE ITALIAN MAGISTRACY CMA BUT ONLY BY THE PROUD FEELINGS
 OF MY CONSCIENCE PD UNQUOTE PARA

FROM THE FOREGOING IT SEEMS CLEAR THAT RADOGAIO WILL NOT ASK FOR A STATEMENT FROM
 THE ALLIES OF HIS SERVICE IN THE ALLIED CAUSE

DISTRIBUTION:
 US AMBASSADOR
 BR AMBASSADOR
 US POLAD AC
 BR POLAD AC
 CA SECTION
 EISC COMUS
 CC

1081

Chief Commissioner

222

MILLEY W. STONE
 Rear Admiral, USNH
 Chief Commissioner

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

SECRET

7 40512

33P 121500

13 SET 1943

177419

1210308

NOTES

AFRO SIGNS - CASH CITS FRODO

1000

SECRET.

Reference war 7 40520.

Request your views earliest.

SECRET

ACTION: 40 to Chief Commissioner 2

INFO: US Embassy

Brit

Exec Commissioner 2

FOIA (A)

FOIA (B)

CA Sec

File

HEADQUARTERS

1000

3001 2080

SECRET

0-0-6-6

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

DF/3.34/CR

CAS

SECRET

3 SEP 1945

14A

740528

REF 021545B

7/6261

REF 031000B

ROUTINE

AFHQ DIRECT BUREAU LIKE FORM

ALCOA FORM

MC

14/9

SECRET.

Reference your 25th August 21- 13A

View of Section not yet agreed by other sections with reference para 4 your signal is that if statement is requested for use before secret jury we cannot refuse it.

Statement should be prepared by ALCOA and carefully worded to contain only firm facts and submitted to AFHQ for review. No indication of preparation of statement to be given to any persons except those directly interested in ALCOA and AFHQ.

Statement not to be released to person before high court without approval of AFHQ. Your views which presume will include those your political advisors on above desired.

LIST

- ACTION: GO to Chief Commissioner
- ISRO: Chief Commissioner
- IN Embassy
- IN Embassy
- IN Commissioner
- POLAD(A)
- POLAD(B)
- CA Sec
- File

079

3/11

(N/C Note: Believe reference 13, should read 13A)

SECRET

Declassified E.O. 12356 Section 3.3/NND

No.

785016

SECRET

1 SEP 1945

MP

13A

AFHQ

4554

31 AUG 45

PRIORITY

31 AUG 1945

SECRET PD

PARA ONE PD PLEASE SEE BRITISH EMBASSY SIGNAL THREE NINE FIVE DATED TWO NINE
 AUGUST TO FOREIGN OFFICE CMA COPY TO BRITISH RESMIN PD THE CASES ^{OF} SEVENTY
 SEVEN SENATORS INCLUDING MARSHAL BADOGLIO HAVE BEEN REFERRED TO THE HIGH COURT
 OF JUSTICE FOR CONSIDERATION AS TO WHETHER THEY SHOULD BE EVICTED AS SENATORS PD
 ACTION TAKEN IS IN ACCORDANCE WITH ITALIAN DECREES ONE FIVE NINE AND ONE NINE
 EIGHT PD BADOGLIO HAS PERSONALLY REQUESTED ME TO SEE IF HIS NAME CAN BE
 DELETED FROM THE LIST BECAUSE OF HIS SERVICE TO THE ALLIED CAUSE PD MY
 POLITICAL ADVISERS JOIN ME IN BELIEVING THAT SUCH AN INTERVENTION NOT
 WARRANTED PD

PAREN TO AFHQ FOR SACRED CMA BRITISH RESMIN AND UNCLE SUGAR POLAD FROM
HQ ALCOM FROM ADMIRAL STONE PAREN

PARA TWO PD LUGOTENENTE SENT FOR ME YESTERDAY AND STATED HE WAS UNDER
 CONSIDERABLE PRESSURE TO REQUEST PRIME MINISTER EITHER DIRECTLY OR THROUGH
 ME TO REMOVE BADOGLIO APOSTROPHE SUGAR NAME AND OTHERS FROM THE LIST IN VIEW
 OF HIS SERVICE TO THE ALLIED CAUSE PD HE STATED THAT HIS OWN VIEW WAS THAT
 THE ACTION TAKEN WAS ENTIRELY LEGAL AND THAT NEITHER HE NOR I COULD INTERVENE PD

Chief Commissioner

222

ELLERY W. STONE
 Rear Admiral, USNR
 Chief Commissioner

SECRET

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

SECRET

No A-CCM. Outgoing Message 4554. 31 Aug 45. continued.

HE EXPRESSED HIS PERSONAL VIEW THAT BADOGLIO WAS ENTITLED TO PUT UP THE STRONGEST CASE POSSIBLE OF HIS SERVICE TO THE ALLIED CAUSE CMA WHICH UNDER ITALIAN LAW WILL BE GIVEN FORMAL WEIGHT BY THE HIGH COURT CMA BUT FELT BADOGLIO WAS ILL ADVISED TO SEEK TO HAVE HIS CASE QUASHED PD

PARA THREE PD HEARINGS OF THE HIGH COURT ARE HELD IN SECRET PD

PARA FOUR PD BADOGLIO MAY ASK FOR A STATEMENT FROM THE ALLIES OF HIS SERVICE IN THE ALLIED CAUSE BEGINNING WITH THE ARMISTICE NEGOTIATIONS CMA THE SIGNING OF THE ARMISTICE CMA THE DECLARATION OF WAR AGAINST GERMANY AND THE CONDUCT OF HIS GOVERNMENT IN SUPPORT OF THE ALLIED CAUSE PD

PARA FIVE PD SINCE BADOGLIO WAS APPOINTED A SENATOR IN ONE NINE ONE NINE CMA IT IS UNDERSTOOD THE MAXIMUM PUNISHMENT UNDER EXISTING PROCEDURE WOULD BE DISMISSAL AS A SENATOR PD

PARA SIX PD THE FOREGOING IS FOR INFORMATION CMA AS I PROPOSE TO TAKE NO ACTION UNLESS OTHERWISE INSTRUCTED PD

CC DISTRIBUTION:

U.S. Embassy
 British Embassy
 Chief Commissioner
 Political Adviser (A)
 Political Adviser (B)
 Executive Commr
 Civil Affairs Section

077

SECRET

PF/39/CA ✓

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AG/45/B/LG

Tel: 478190

SUBJECT: Expiration of Senators--right to vote.

10 September 1945

TO : Civil Affairs Section.

1. You asked this Sub Commission verbally (Lt. Col. White--Major Temple) for an opinion in connection with the proceedings recently initiated against ~~the~~ large number of Senators for the purpose of having the High Court of Justice declare them to have forfeited their office, under Article 8 of DLL 159. It was desired to know whether judgment of forfeiture by the High Court also took away the Senators' right to vote.

2. This Sub Commission has looked into the matter itself and also consulted:--

- (a) Dott. VINCENTI, the Acting Head of the Electoral Service of the Ministry of the Interior--see fo. 35, para 3:
- (b) Major E. L. Palmieri of your Section, who in turn consulted:--
- (c) the Legal Division of the Office of the High Commissioner for Sanctions Against Fascism.

3. All the Italian authorities consulted have no doubt that judgment of forfeiture DOES NOT affect the Senators' entitlements to be inscribed in the electoral lists. Major Palmieri accepts and agrees with this opinion, as does this Sub Commission.

4. It should be noted, however, that the Senator may be disqualified to vote if certain other "defascistization" proceedings should be taken, i.e.:--

- (a) if he should be convicted of any of the Fascist crimes dealt with in Title I of DLL 159:
- (b) if the Provincial Commission referred to in the first paragraph of Article 8 of DLL 159 should adjudge him to lose his civil rights.

He would also lose his right to vote if he held any of the high offices in the N.P.P. listed in the Decree of the President of the Council of 2 February 1945.

FOR THE DIRECTOR:

R. R. Temple
RALPH R. TEMPLE, Major
Deputy Director
Local Government Sub Commission

CCRM/pec

5034

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

MEMORANDUM

JUNE 1945

ID/3. A

SUBJECT : Espuration of Senators

TO : VP, CA Section

- 1 Your question as to why Senators are not espurated by a Senate Court as prescribed by the Statuto poses a problem which has been hotly debated in juridical circles ever since the Badoglio Government of 25 July 1943. The issue really is whether the Italian Government possesses the authority to legislate without a parliament.
- 2 There is nothing sacrosanct about the Statuto. It can be repealed, expressly or impliedly by subsequent laws. The provision of the Statuto (Article 57) which confers upon the Senate the exclusive right to judge its own members was in fact expressly repealed by the basic espuration law (Article 42, DLE 159 of 27 July 1944). There is, therefore, a clear basis for holding that the Senators lost the prerogative conferred by the Statuto and that they can be properly espurated by the High Court of Justice established by DLE 159.
- 3 But the opponents of this view hold that DLE 159 was a ministerial decree and that the Italian Government could not validly legislate through its Ministers, without a parliament. Here again, the argument is based upon the Statuto (Art. 3) which provides that legislative power shall be exercised jointly by the King and Parliament.
- 4 However, two laws were enacted, one in 1926 and one in 1939 which gave the Government power to legislate without parliament for reasons of emergency and war. In 1944 the Bonomi Government passed a law which amplified this power.
- 5 Those who claim that the Statuto has not been properly repealed; not only attack the validity of the espuration of Senators, but claim that most of the legislation since 25 July 1943 is invalid. However, I regard the whole controversy as a sham battle. For reasons of practical necessity, the Italian parliament to be created at some future date will very probably give validity to the legislative acts of the Governments since 25 July 1943.

CA Section
30 Aug 45E.L. PALMISTO Maj,
CA Section

2073

JHE

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

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

25 LUG 1945

10A

25 JUL 1945

GCH/10.
25 July 1945.

AC/4082/13/L.

SUBJECT : Epuration of Magistracy

TO : Regional Commissioner (Attn: Regional Legal Officer),
LOMBARDIA Region.

1. The remarks contained in para 2 of your LEG/5073
of 23 July are fully appreciated.

2. On the other hand you must remember that President
PERETTI GRIVA of Torino is now in charge of epuration. Whether
his presence at the head of this Department will restore in
the public and the Magistracy the confidence which to date
is lacking is a matter of conjecture. There can be no doubt
however that he appears fully qualified for the very thankless
task he has agreed to undertake.

By command of Rear Admiral STONE:

G. G. HANNAFORD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Copy to CA Sec.

2074

(14)

Declassified E.O. 12356 Section 3.3/NND No. 7850169AHEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DE/5.39/CA

22 June 45

SUBJECT: Separation of Professions

TO: RSO Emilia Region

plan

Reference your RIX/12/783/472 of 19 June 45. (9B)

An amendment to GO 35 is being considered which may permit the operation of certain professions. If the amendment is approved, this operation could be undertaken within about ten days. Where GO 35 is not in effect, the matter is one which should be taken up with the appropriate Italian authorities under D.L. 159. The matter will be called to the attention of the High Commissariat in Rome. Our DE/3.39/CA of 19 Apr also refers.

(1A)

E.L. BALMORI
Major,
CA Section

4073

1814

TF 5.34/CA V

CA SEC 9B

HEADQUARTERS EMILIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

REF: RIX/IE/783/172

WHL/dsh.
19 June 1945.

SUBJECT: Epuration of Professions.

TO: Headquarters, Allied Commission, APO 394 (for Vice-president, CA Section).

1. Will you please advise when Commissions for Epuration of Professions may be expected to be appointed for Provinces in this Region.

For the Regional Commissioner:

W. H. Levit
WILLIAM H. LEVIT
Lt. Col., J.A.G.D.
Regional Legal Officer.

072

This matter is being considered now. When G.O. 35 is effected, a special amendment to G.O. 35 is being considered which may permit the epuration of certain professions. If the amendment is approved, this epuration could be undertaken within (139) about ten days. Where G.O. 35 is not

in effect the matter is one
which should be taken up with
the appropriate Italian authorities.
under D.L. 159 ~~will be called to the attention of~~ ^{The}
the author ~~of the book~~ ^{the} ~~High~~
Criminal Social in Rome.

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

8a

107/3,39/CA

9 July 43

SUBJECT : Defensions - Expiration of the Professions.

TO : See Distribution

Enclosed for your information are copies, in English and Italian
of General Order No 35 - E.

W. J. H. H. H.
G.R. JAMES Brig,
VP CA Section.

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RCA Piemonte, Lombardia, Sicilia, Liguria, Venezia Regione
For Info : SCADA 5 Army, 8 Army, IV Corps, Venezia Giulia.

Scale of Distribution : RH (4) - BK (2)

071

ARMED FORCES GOVERNMENT
OF GUINEA-BISSAU

GENERAL ORDER NO 35-B

EXPLANATION OF THE PROVISIONS

WHEREAS it is desirable to suspend certain former members of the Fascist Party from the exercise of their professions or callings

I, ELABRY WHEELER STONE, Rear Admiral, United States Naval Reserve, Chief Civil Air Force Officer, for and on behalf of the Supreme Allied Commander and Military Governor hereby order as follows:

ARTICLE I

Any person exercising such of the professions referred to in Article 23 of MIL 155 of 27 July 1944 as may be specified by order of the Regional Commander of the Allied Military Government shall be subject to proceedings under General Order No 35 of the Allied Military Government as modified by this Order and the provisions and principles of General Order No 35 shall apply by analogy to all such persons and professions.

ARTICLE II

For the purposes of this Order, Article IV, Section (a) of General Order No 35 shall be modified to read as follows:

Not later than 7 days after the making into operation of this Order the Keeper of the Roll in a Province of, or (as the case may be) the provided authority supervising the professions to which this Order applies or has been made applicable by order of the Regional Commander mentioned in Article I hereof shall give notice to all members of the profession as may be specified by the Regional Commander that this Order has or is into operation in that Province.

Provided that the subsection to give such notice shall not afford a defence to a person charged with non-compliance with the provision of General Order No 35 as modified by Article III of this Order.

ARTICLE III

070

ARTICLE I

Any person exercising such of the professions referred to in Article 25 of the Law of 27 July 1954 shall be qualified by order of the Regional Commander of the Allied Military Government shall be subject to proceedings under General Order No. 35 of the Allied Military Government as notified by this Order and the provisions and regulations of General Order No. 35 shall apply by analogy to all such persons and professions.

ARTICLE II

For the purposes of this Order, in Article IV, Section (a) of General Order No. 35 shall be modified to read as follows:

Not later than 7 days after the coming into operation of this Order the Director of the Police in a Province of, or (as the case may be) the provincial authority exercising the functions to which this Order applies or has been then assigned by order of the Regional Commander, mentioned in Article I hereof shall give notice to all members of the profession in any be specified by the Regional Commander that this Order has come into operation in that Province.

Provided that the notice to give such notice shall not afford a defence to a person charged with non-compliance with the provisions of General Order No. 35 as modified by Article III of this Order.

ARTICLE III

(a) Members of professions are not divided into categories as provided in Article V, Section (a) of General Order No. 35, but any member of a profession subject to Article 35 of the Law of 27 July 1954 who may from time to time be ordered by or on behalf of the Regional Commander of Allied Military Government through the authority mentioned in Article II hereof to complete a schedule personnel shall complete, sign and lodge the same with the aforementioned authority within 7 days of receiving notice of such order. The said authority shall, within 2 days of the receipt of any such schedule, cause a list of such schedule to be prepared and transmitted with the schedule personnel to the appropriate section established under General Order No. 35.

(b) For the purposes of Article V, Section (b) and (c) of General Order No. 35, the authorities mentioned in Article II hereof shall be substituted for the words of the administration or administration.

070

ARTICLE IV

For the purpose of Articles VI and IX of General Order No 35 the author-
ities specified in Article II hereof shall be substituted for the "employer".

ARTICLE V

Effect of Suspension Order -- A Suspension Order made against any
person compels that person from the exercise of his profession as from the
date of the Order.

ARTICLE VI

This Order shall come into effect in any Province or part thereof on the
date of its first posting therein.

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR :

SA/

WALTER WHEELER STONE,
Rear Admiral,
United States Naval Reserve,
Chief Civil Affairs Officer.

Dated : -9 LUG 1944

COMANDO MILITARE ALLATO
DEL TERRITORIO OCCIDENTALE

ORDINANZA GENERALE N. 35-3

EMERGENZE DELLE PROFESSIONI

La TO che emette le presenti norme, in nome del Re, appartenenti al Partito Fascista dell'ordinamento della loro professione, arte o mestiere,

Io, LUIGI EUGENIO STONE, Comandante della Riserva della Marina degli Stati Uniti, Ufficiale Capo degli Affari Civili, in nome e per conto del Comandante Supremo alleato e Governatore Militare, ordino quanto segue:

ARTICOLO I

Sono soggetti ai provvedimenti previsti dall'Ordinanza Generale No. 35 del Comando Militare Alleato, salvo le esenzioni apportate dalla presente Ordinanza, coloro che esercitano, tra le professioni di cui all'Art. 25 del D.L. 27 luglio 1944, la 3ª, quella che saranno specificate con ordinanza del Comandante Regionale del Governo Militare Alleato; alle persone ad al processo di guerra e di guerra per analogia le disposizioni ed i principi dell'Ordinanza Generale No. 35.

ARTICOLO II

Agli effetti della presente Ordinanza, la lettera (a) dell'Art. IV dell'Ordinanza Generale No. 35 è modificata come segue:

Nei 7 giorni successivi all'entrata in vigore della presente Ordinanza, l'organo incaricato nella Provincia della tenuta degli Affari per l'ordinamento delle professioni, arti o mestieri nei cui confronti la presente Ordinanza si applica o si applica applicabile d'ordine del Comandante Regionale nominato all'Art. I 3, se del caso, l'organo provinciale di controllo sulle dette professioni, arti o mestieri, deve, entro della entrata in vigore della presente Ordinanza nella Provincia stessa e coloro che esercitano una professione, arte o mestiere e siano specificati dal Comandante Regionale.

Resta comunque fermo che il mancato invio del suddetto avviso non potrà essere adottato e finanziario da chi sia imputato di trasgressione alle disposizioni dell'Ordinanza Generale No. 35, modificata dall'Art. III della presente Ordinanza.

2069

BBX

Salvo, rispettivamente, al prefetto della provincia, all'Ordinanza Generale No. 35 del Governo Militare Alleato, salva la delegazione esportata dalla presente Ordinanza, coloro che esercitano, tra le professioni di cui all'Art. 23 del Reg. 27 Luglio 1914, n. 151, quelle che hanno specificato con ordinanza del Comandante Regionale, o Governo Militare Alleato, alle persone ed ad alcuni clienti, redatti al regolamento, con allegato le disposizioni ed i principi dell'Ordinanza Regionale.

ARTICOLO III

Le disposizioni della presente Ordinanza, le lettere (a) dell'Art. IV della Ordinanza Generale No. 35, e l'allegato come segue:

Nel 7 giorni successivi all'entrata in vigore della presente Ordinanza, l'organo incaricato nella provincia della tenuta degli atti, per l'esercizio delle professioni, arti o mestieri, nel cui esercizio la presente Ordinanza si applica o si applica applicabile d'ordine del Comandante Regionale, emanando all'Art. 1. o, se del caso, l'organo provinciale di controllo delle dette professioni, arti e mestieri, deve, entro della entrata in vigore della presente Ordinanza nella provincia, avere a coloro che esercitano una professione, arte o mestiere e classe specificati dal Comandante Regionale.

Resta comunque fermo che il momento d'iva del suddetto avviso non potrà essere addotto a dissenso da chi sia imputato di trasgressione alle disposizioni dell'Ordinanza Generale No. 35, notificata dall'Art. III della presente Ordinanza.

ARTICOLO III

(5) Gli esercenti una professione, arte o mestiere non sono ripartiti nelle categorie previste dall'Art. 23 dell'Ordinanza Generale No. 35, ma qualunque esercitanda una delle professioni, arti e mestieri contemplati dall'Art. 23 del Reg. 27 Luglio 1914, n. 151, deve, prima d'essere ammessa allo Art. 11, del Comandante Regionale del Governo Militare Alleato, o in suo nome, l'ordine di ricevere una scheda personale, deve, riempirla, firmarla e presentarla alla competente autorità, nel termine della data di ricezione dell'ordine stesso. Tale autorità, nel suo piano della ricezione di ciascuna scheda, ha cura di riferire in una lista da essere trasmessa, con le schede personali, alla Commissione competente istituita a norma dell'Ordinanza Generale No. 35.

(b) dell'art. 1 dell'art. 1, (b) e (c) dell'Ordinanza Generale No. 35, "il Capo dell'Amministrazione di Assistenza" viene sostituito dagli organi esecutivi dell'art. 11 della presente Ordinanza.

ARTICOLO IV

Agli effetti degli art. VI e IX dell'Ordinanza Generale No. 35 "il Capo di lavoro" viene sostituito dagli organi esecutivi dell'art. 11 della presente Ordinanza.

ARTICOLO V

Effetti dell'ordine di sospensione. -- L'ordine di sospensione non-
tra chiunque avuto sospende la persona dall'esercizio della sua profes-
sione, arte o mestiere a partire dalla data dell'ordine stesso.

ARTICOLO VI

La presente Ordinanza entrerà in vigore in ogni Provincia o parte di
essa alla data della sua prima pubblicazione nella stessa.

PER IL COMANDANTE GENERALE ARMAIO E GOVERNATORE MILITARE :

SA/

WILSON WILSON STONE,

Contrammiraglio,

Riserva della Marina degli Stati Uniti,

Ufficiale Capo degli Affari Civili

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

28 June 1945

I certify that General Order No. 35-D "Expiration of the
Professionals" is in the proper form for signature by the Chief
Civil Affairs Officer.

W. E. HERRING

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

Legal S/C.

068

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

GENERAL ORDER NO. 35-B

EXERCISE OF THE PROFESSIONS

WHEREAS it is desirable to suspend certain ~~members~~ former members of the Fascist Party of their professions or callings

I, MILTON WHEELER STONE, Rear Admiral, United States Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor hereby order as follows:

ARTICLE I

Any person exercising such of the professions referred to in article 23 of DML 159 of 27 July 1944, as may be specified by order of the Regional Commissioner of the Allied Military Government shall be subject to proceedings under General Order No. 35 of the Allied Military Government as modified by this Order and the provisions and principles of General Order No. 35 shall apply by analogy to all such persons and proceedings.

ARTICLE II

For the purposes of this Order, Article IV, Section (a) of General Order No. 35 shall be modified to read as follows:

Not later than 7 days after the coming into operation of this Order the Keeper of the Polls in a Province of, or (as the case may be) the provincial authority supervising the professions to which this Order applies or has been made applicable by order of the Regional Commissioner mentioned in Article I hereof shall give notice to such members of the Profession as may be specified by the Regional Commissioner that this Order has come into operation in that Province.

Provided that the omission to give such notice shall not afford a defence to a person charged with non-compliance with the provisions of General Order No. 35 as modified by Article III of this Order.

ARTICLE III

(a) Members of professions are not divided into categories as provided in Article V, Section (a) of General Order No. 35, but any

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ARTICLE I

Any person exercising such of the professions referred to in Article 23 of DLI 159 of 27 July 1944 as may be specified by order of the Regional Commissioner of the Allied Military Government shall be subject to proceedings under General Order No. 35 of the Allied Military Government as modified by this Order and the provisions and principles of General Order No. 35 shall apply by analogy to all such persons and proceedings.

ARTICLE II

For the purposes of this Order, Article IV, Section (a) of General Order No. 35 shall be modified to read as follows:

Not later than 7 days after the coming into operation of this Order the Keeper of the Rolls in a Province of, or (as the case may be) the provincial authority supervising the professions to which this Order applies or has been made applicable by order of the Regional Commissioner mentioned in Article I hereof shall give notice to such members of the profession as may be specified by the Regional Commissioner that this Order has come into operation in that Province.

Provided that the omission to give such notice shall not afford a defence to a person charged with non-compliance with the provisions of General Order No. 35 as modified by Article III of this Order.

ARTICLE III

(a) Members of professions are not divided into categories as provided in Article V, Section (a) of General Order No. 35, but any member of a profession subject to Article 23 of DLI 159 who may from time to time be ordered by or on behalf of the Regional Commissioner of Allied Military Government through the authority mentioned in Article II hereof to complete a schedule persons shall complete, sign and lodge the same with the aforementioned authority within 7 days of receiving notice of such order. The said authority shall, within 2 days of the receipt of any such schedule, cause a list of such schedule to be prepared and transmitted with the schedule personnel to the appropriate Commission established under General Order No. 35.

(b) For the purpose of Article V, Sections (b) and (c) of General Order No. 35, the authorities specified in Article II hereof shall be substituted for the head of the administration or undertaking.

ARTICLE IV

For the purpose of Articles VI and IX of General Order No. 35 the authorities specified in Article II hereof shall be substituted for the "employer."

ARTICLE V

Effect of Suspension Order -- A Suspension Order made against any person suspends that person from the exercise of his profession as from the date of the Order.

ARTICLE VI

This Order shall come into effect in any Province or part thereof on the date of its first posting therein.

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR:

Wm. H. Stae

WILLIAM HAZEL STAE,

Rear Admiral,

United States Naval Reserve,

Chief Civil Affairs Officer.

Dated: -9 AUG 1945

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GOVERNO MILITARE ALLEATO
DEL TERRITORIO OCCUPATO

ORDINANZA GENERALE N. 35 - B

ESCLUSIONE NELLE PROFESSIONI

4/ax
Dato che conviene sospendere alcuni elementi sia ^{appartenenti al partito fascista} dall'esercizio della loro professione, arte o mestiere,

Io, ELIZY WHEELER STONE, Contrammiraglio della Riserva della Marina degli Stati Uniti, Ufficiale Capo degli Affari Civili, in nome e per conto del Comandante Supremo Alleato e Governatore Militare, ordino quanto segue:

ARTICOLO I

Sono soggetti ai procedimenti previsti dall'Ordinanza Generale N. 35 del Governo Militare Alleato, salvo le modifiche apportate dalla presente Ordinanza, coloro che esercitano, tra le professioni di cui all'art. 23 del D.L.L. 27 luglio 1944, n. 159, quelle che saranno specificate con ordinanza del Commissario Regionale del Governo Militare Alleato; alle persone ed ai procedimenti suddetti si applicheranno per analogia le disposizioni ed i principi dell'Ordinanza Generale n. 35.

ARTICOLO II

Agli effetti della presente Ordinanza, la lettera a) dell'art. IV dell'Ordinanza Generale n. 35 e' modificata come segue:

Nei 7 giorni successivi all'entrata in vigore della presente Ordinanza, l'organo incaricato nella Provincia della tenuta degli Albi per l'esercizio delle professioni, arti o mestieri nei cui confronti la presente Ordinanza si applica o e' resa applicabile d'ordine del Commissario regionale menzionato all'art. I. o, se del caso, l'organo provinciale di controllo sulle dette professioni, arti o mestieri, dara' avviso dell'entrata in vigore della presente Ordinanza nella Provincia stessa a coloro che esercitano una professione, arte o mestiere e siano specificati dal Commissario Regionale.

Resta comunque fermo che il mancato invio del suddetto avviso non potra' essere addotto a discarico da chi sia imputato di trasgressione alle disposizioni dell'Ordinanza Generale n. 35, modificate dall'art. III della presente Ordinanza.

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Sono soggetti ai procedimenti previsti dall'Ordinanza Generale N. 35 del Governo Militare Alleato, salvo le modifiche apportate dalla presente Ordinanza, coloro che esercitano, tra le professioni di cui all'art. 23 del D.L.L. 27 luglio 1944, n. 159, quelle che saranno specificate con ordinanza del Commissario Regionale del Governo Militare Alleato; alle persone ed ai procedimenti suddetti si applicheranno per analogia le disposizioni ed i principi dell'Ordinanza Generale n. 35.

ARTICOLO II

Agli effetti della presente Ordinanza, la lettera a) dell'art. IV dell'Ordinanza Generale n. 35 e' modificata come segue:

Nei 7 giorni successivi all'entrata in vigore della presente Ordinanza, l'organo incaricato nella Provincia della tenuta degli Albi per l'esercizio delle professioni, arti o mestieri nei cui confronti la presente Ordinanza si applica o e' resa applicabile d'ordine del Commissario regionale menzionato all'art. I o, se del caso, l'organo provinciale di controllo sulle dette professioni, arti o mestieri, dara' avviso dell'entrata in vigore della presente Ordinanza nella Provincia stessa a coloro che esercitano una professione, arte o mestiere e siano specificati dal Commissario Regionale.

Resta comunque fermo che il mancato invio del suddetto avviso non potra' essere addotto a discarico da chi sia imputato di trasgressione alle disposizioni dell'Ordinanza Generale n. 35, modificate dall'art. III della presente Ordinanza.

ARTICOLO III

(a) Gli esercenti una professione, arte o mestiere non sono ripartiti nelle categorie previste dall'art. V, a) dell'Ordinanza Generale n. 35, ma chiunque, esercitando una delle professioni, arti o mestieri contemplati dall'art. 23 del D.L.L. 27 luglio 1944, n. 159, ricorra, tramite l'autorita' menzionata all'art. II, dal Commissario Regionale del Governo Militare Alleato, o in suo nome, l'ordine di riempire una scheda personale, dovra' riempirla, firmarla e presentarla alla suddetta autorita' nei sette giorni dalla data di ricezione dell'ordine stesso. Tale autorita', nei due giorni dalla ricezione di ciascuna scheda, ne curera' l'iscrizione in una lista da essere trasmessa, con la scheda personale, alla Commissione competente istituita a norma dell'Ordinanza Generale n. 35.

(b) Agli effetti dell'art. V, b) e c) dell'Ordinanza Generale n. 35, "il Capo dell'Amministrazione od Azienda" viene sostituito dagli organi specificati nell'art. II della presente Ordinanza.

ARTICOLO IV

Agli effetti degli art. VI e IX dell'Ordinanza Generale n. 35 "il datore di lavoro" viene sostituito dagli organi specificati nell'art. II della presente Ordinanza.

ARTICOLO V

Effetti dell'ordine di sospensione. -- L'ordine di sospensione contro chiunque emanato sospende la persona dall'esercizio della sua professione arte o mestiere a partire dalla data dell'ordine stesso.

ARTICOLO VI

La presente Ordinanza entra in vigore in ogni Provincia o parte di essa alla data della sua prima affissione nella stessa.

PER IL COMANDANTE SUPREMO ARMATO E GOVERNATORE MILITARE:

MILNEY WHEELER STONE,
Contrammiraglio,
Riserva della Marina degli Stati Uniti
Ufficiale Capo degli Affari Civili

GOVERNO MILITARE ALLEATO
DEL
TERRITORIO OCCUPATO
ORDINANZA GENERALE NO. 35-B
EPIURAZIONE NELLE PROFESSIONI

ART I

Coloro che esercitano una delle professioni di cui all'Art 23 del DIL 159 del 27 Luglio 1944 specificate per ordine del Commissario Regionale del Governo Militare Alleato sono soggetti a procedimento in base all'Ordinanza Generale No. 35 del Governo Militare Alleato modificata da questa Ordinanza e le disposizioni ed i regolamenti della Ordinanza No. 35 saranno per analogia applicate a tutte dette persone e procedimenti.

ART II

Agli effetti di questa Ordinanza l'Articolo IV, Sezione (a) dell'Ordinanza Generale No. 35 sarà modificato come segue:

«Non oltre 7 giorni dall'entrata in vigore di questa Ordinanza l'organo incaricato nella Provincia del mantenimento degli Albi Professionali, ovvero (come potrebbe darsi il caso) l'organo provinciale direttivo per le professioni cui questa Ordinanza si applica ovvero e' stata resa applicabile per ordine del Commissario Regionale indicato nell'Articolo I del presente decreto, da' notifica a detti membri della professione specificata dal Commissario Regionale che questa Ordinanza e' entrata in vigore in quella Provincia, purché la mancata comunicazione di tale notifica non costituisca una difesa per la persona imputata di trasgressione delle disposizioni dell'Ordinanza Generale No. 35 modificata dall'Articolo III di questa Ordinanza.

effetti il procedimento in base all'Ordinanza Generale No. 35 del Governo Militare Alleato modificata da questa Ordinanza e le disposizioni ed i regolamenti della Ordinanza No. 35 saranno per analogia applicate a tutte dette persone e procedimenti.

ART II

Agli effetti di questa Ordinanza l'Articolo IV, Sezione (a) dell'Ordinanza Generale No. 35 sarà modificato come segue:

«Non oltre 7 giorni dall'entrata in vigore di questa Ordinanza l'organo incaricato nella Provincia del mantenimento degli Albi Professionali, ovvero (come potrebbe darsi il caso) l'organo provinciale direttivo per le professioni cui questa Ordinanza si applica ovvero e' stata resa applicabile per ordine del Commissario Regionale incaricato nell'Articolo I del presente decreto, da' notifica a detti membri della professione specificata dal Commissario Regionale che questa Ordinanza e' entrata in vigore in quella Provincia, purché la mancata comunicazione di tale notifica non costituisca una difesa per la persona imputata di trasgressione delle disposizioni dell'Ordinanza Generale No. 35 modificata dall'Articolo III di questa Ordinanza.

ART III

a) I membri delle professioni non sono suddivisi in categorie come previsto in Art V Sezione (a) dell'Ordinanza Generale No. 35, ma ogni membro di una professione soggetta all'Art 23 del MIL 159 cui può essere ordinato di tempo in tempo dal (o per incarico) del Commissario Regionale del Governo Militare Alleato tramite l'autorità indicata in Art II del presente decreto di riempire una scheda personale, compilano, formano e presentano la stessa alla suddetta autorità nel termine di 7 giorni

dall'avvenuta comunicazione della detta ordinanza. La stessa autorità, nel termine di 2 giorni dalla ricevuta di detta scheda, compila una lista di dette schede da essere preparata ed inviata con le schede personali alla commissione competente istituita in base alla Ordinanza Generale No. 35.

b) Agli effetti dell'articolo V, Sezione (b) dell'Ordinanza Generale No. 35, le autorità specificate nell'articolo II del presente decreto sono sostituite al capo dell'amministrazione od impresa.

ART IV

Agli effetti degli Articoli VI e IX dell'Ordinanza Generale No. 35 le autorità specificate nell'articolo II del presente decreto sono sostituite al datore di lavoro.

ART V

Effetti dell'Ordinanza di Sospensione - Una ordinanza di sospensione fatta contro qualsiasi persona sospende detta persona dall'esercizio della sua professione dalla data dell'Ordinanza.

ART VI

Questa Ordinanza entra in vigore in ogni provincia o parte di essa alla data della sua prima pubblicazione in essa.

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APO 394

Lig/Leg/24

WGS/sf
8 June 1945

SUBJECT : Epuration.

TO : Headquarters, Allied Commission - APO 394.
(Attn: Legal Sub-Commission)

1. May reference be made to this Hq. Lig/Leg/03.1 letter dated 1 June 1945 and report enclosed para 5 subject epuration.
2. The above report pointed out that the CLN at this point now wanted a procedure for the Epurations of the Professions and suggested a form of order similar to G.O. 35 or an order to amplify that order to include Epuration of the Professions.
3. Since the report was forwarded G.O. 46 has been received. It would be appreciated if consideration could be given to the issuance of a similar order for Epuration of the Professions.

For the Regional Commissioner:

W. G. Elder
W.G. ELDER
Lt. Col., Gen. Prov. G.,
Regional Legal Officer.

C.A. Sec.

For consideration, please

"June 45"

under
C.A.

4001

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HEADQUARTERS
LIGURIA REGION
ARMED MILITARY GOVERNMENT
APO 394

Ja

Dig/leg/03.1

WGE/af
1 June 1945

SUBJECT : Legal Report - Liguria Region.

TO : Regional Commissioner.

1. The following Report is submitted covering the legal situation in this Region as at this date.

+ + +

5. Evacuation Orders have been issued to provinces to publish GO 35 as soon as preliminary arrangements are complete. All provinces are working on this now and the machinery may be expected to be set in motion throughout the Region within a few days. The so called Committee of Justice of the C.L.N. now want in addition to GO 35 some procedural authority for the evacuation of the professions. This, it has been suggested, could be accomplished by (A) a form of order similar in effect to GO 35, or alternatively an order amplifying the provisions of GO 35 to permit such evacuation. (B) The immediate appointment of Commissioners under DDL 159 so as to make Evacuation operative thereunder. As to this matter see also below under para 6.

+ + +

V. G. ELDON,
Lt. Col., Can. Prov. C.,
Regional Legal Officer.

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(12)

HEADQUARTERS ARMY CORPS
APR 1974
CIVIL SERVICE SECTION

17 APRIL 74

22/23/74

SUBJECT: Organization of the Commission.

TO : See Description

1. The Commission is to be established in the form of a Board of Appeal (see 1.1-2.1) B. 2

The Commission will be composed of representatives of the various branches of the Ministry of Justice and the Ministry of the Interior and the various departments authorized by the respective Ministers to make appointments and:

Profession	Rank
Notaries	Procurator General of the Court of Appeal
Ministers	
Doctors	
Veterinary Surgeons	Inspector
Geologists	
All other professions	Secretaries of the Court of Appeal.

3. All Provincial Delegates have been asked to submit to the Minister of Justice or of the Interior their proposals as to who shall represent them on the Commission. Some names have already been received, a few commissions have already been appointed. All are expected to be appointed shortly. Provincial Delegates will arrange for the official under the heading of "Study" above to keep them informed of what commissions are constituted.

4. These commissions are composed of first instance and are distinct from the normal Provincial Commission or the Division of a Ministerial Administration, respectively.

BY ORDER OF THE CIVIL SERVICE SECTION:

[Signature]
S. A. DEPUTY DIR.
CIVIL SERVICE SECTION

DESCRIPTION:

CONCLUSIONS

1912

[illegible]

2010-11-11 10:11:11

6/16 2/3
 Cameros 2/3
 Plancha 2/3
 Eau 2/3
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Navy S/C
 Equal Forces S/C
 Transport S/C
 Communications S

Dec 20 19 Army Group.

Journal of Interpersonal Violence 28(12)

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