

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

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10000/105/810

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

10000/105/810

DEFASCISM, ORG AC, EPURATION OF PRIVATE
INDUSTRIES (G.O. 46)
MAY-DEC. 1945

VP

The Exaltation of Business

On many we approved of the given disqualifying statements and drew Big Bear's attention to the necessity of further action. Nothing more than done (file 88.514)

Now as a matter of urgency there is the stop gap order to apply until such time as the process is passed

Col. Balanus exists is at 1A. 2 understand from my Balanus that Col. Pallett and the Bear both have criticisms which may now be considered. A further criticism from the Bear is at 3A, which

Perhaps you will see that Balanus is expressing the point in question

CA

18/12/1945

VP

Since this was written that Balanus has made suggestions with Col. Pallett and at 2A & the result is proposed to be done so. The passing of the order is still likely to be done of great urgency.

The order should be made except by the proper manager or by an Exaltation Commission approved by the Provincial Exaltation Commission under 2A. 25 which is important in view of the subject. It allows persons irregularly dismissed to apply for reinstatement. The procedure follows somewhat the lines of 2A and is subject of appeal by a given document.

The amendment to the last part of 2A is in my writing

element addition; Presumably I would have thought that this is an interesting opportunity for might be well be discussed as a precedent for a matter of more but Balanus states that the situation as seen in 2A is not in line with the present

CA

minutes

CA
BWA 1945

VP

Since Ann. was within that Release, Ann. and Associates
with Col. Bowers and at CIA is the result of proposed American
Order is. The question of the name is still a subject
of great urgency.

The order prohibits elements under by the better management
of the Education Commission, authorized by the President's Executive
Commission under E.O. 11652, which is representative of various and
subgroups. It also covers irregularly, however, do apply for
recruitment. The procedure follows, however, the name of 30 or
and state of affairs by a better document.

The amendment to the last part of the Ann. is not willing

status necessary

Presumably I will have thought that we are interested in
one might as well be interested as a sponsor for a number of years
but President states that the situation was known in Washington in
some amendment

Minutes

30 MAY 1945

3

1:12

WTR

DPR 0.46 Randed to C.C. for discussion with
A.C. J.S. G.S. A.F.H.G. *Spahr*

after

legal folio 10A Please send reply I suggest you
Signal to report to all SCAD. RC
11 June

AB Bordenfeld 10/1/5
CAJ

5.

CAJ. Suggests reply herewith.

Wend!

1-1/2 June legal / On Re well-told principle of setting out to catch (Folio 10A) *WTR*

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

TO : ADMIRAL ELLERY STONE

ALLIED COMMISSION

R O M E

Lecce, 12 Dec 45

We have learned from an Italian daily newspaper that the Northern Provinces of Italy shall soon be restored to the Italian Government.

We therefore earnestly beg you to take into consideration the case of many managers and technicians of private concerns of the provinces of Como and Milan who for over seven months have been dismissed from said societies not because of political reasons or of collaboration, but only because they are not well accepted to the workers for the reasons that everybody knows.

General Order No 46 issued by your Excellency has been really timely and providential; however no account whatsoever has been taken of the favourable judgement given by the Commission constituted on the basis of said General Order by the workers who deliberately refused to accept in the respective concerns those officials who were submitted to expunction trial. We deem it superfluous to tell you about the serious moral and economic results of such behaviour, particularly in this very difficult moment. We have already applied to Enti, Organisations, etc. but no efficient result was obtained.

Therefore we wish to ask Your Excellency to take into consideration our cases and see that the decisions of the Commission be observed and justice be finally made by resuming us into our former activities.

We assure you that we will resume our daily work with serenity and assist with brotherly spirit the workers in the work for the highest benefit of our Country.

Fully confident that you will kindly take a quick interest in order to improve the conditions of all us, we thank you also on behalf of our families.

With best regards

AL GRANDI AMIRAGLIO

HARRY S T O R E

Cape della Commissione Alleata in Italia

R O M A

Leggiamo in qualche nostro quotidiano che pressa-
mente anche le Province del Nord passerebbero al Governo Italiano.

Prima che l'Escecll. Vostre abbia a cessare l'alta e saggia pretesa-
ne sin qui usatici e della quale siamo grati, ci permettiamo rivolgere rispo-
teamente all'E.V. una calda preghiera a nome di un cospicuo numero di di-
rigenti, tecnici delle aziende private delle Province di Como e Milano, i
quali da ben sette mesi si trovano estremati dalle aziende per ragioni non
politiche e non di collaborazionismo ma solamente perché invisi alle maestran-
ze per le ragioni ormai note a tutti.

L'Ordinanza N. 46 emessa dall'E.V. è stata umana e provvida però il
giudizio favorevole della Commissione costituito in base a tale ordinanza
non è stato per la massima parte tenuto in conto dalle maestranze che si son-
no deliberatamente opposte al rientro dei giudicati nelle rispettive agenz-
ie. Non ci dilunghiamo ad esporre all'E.V. le gravi conseguenze morali ed eco-
nomiche che ne derivano a ciascun di noi colpite, specie in questo momento
estremamente difficile per tutti. Ci siamo già rivolti ad Enti, Organizzazioni
etc. ma senza risultato.



17 DIC 1943

27A

R O M A

Leggiamo in qualche nostro quotidiano che pressa-
mente anche le Province del Nord passerebbero al Governo Italiano.

Prima che l'Eccell. Vostra abbia a cessare l'alta e saggia protezione
ne sin qui usateci e della quale siamo grati, ci permettiamo rivelare rispe-
tosamente all'E.V. una calda preghiera e nome di un cospicuo numero di di-
rigenti, tecnici delle aziende private delle Province di Como e Milano, i
quali da ben sette mesi si trovano estremi delle aziende per ragioni non
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no deliberatamente opposte al rientro dei giudicati nelle rispettive agden-
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conomiche che ne derivano a ciascun di noi colpito, specie in questo momento
estremamente difficile per tutti. Ci siamo già rivolti ad Enti, Organizzazioni
etc. ma senza risultato.

E' pertanto che preghiamo con tanto fervore e fiducia l'E.V. perchè
ben compresa della nostra delicate, grave e ingiusta situazione si compiac-
ci intervenire con la Sua Alta Autorità per fare osservare con disciplina e se-
renità le decisioni delle Commissioni e ridareci il pane e la tranquillità

a centinaia di famiglie che si sono viste così improvvisamente colpite.

Da parte nostra assicuriamo di rimetterci al lavoro senza rancori, con spirito fraterno con le maestranze per il bene supremo della Nazione dalla quale chiediamo non essere abbandonati.

Con piena fiducia nell'intervento dell'EV per la felice soluzione della situazione di noi tanti, ringraziamo vivamente anche a nome delle nostre famiglie.

Con alta osservanza

Lecco, 12 dicembre 1945
(prev. Com)

Alessandrini Ing Giuseppe	- dirigente -	Lecco - <u>Capo Picco</u> 131	<i>P. Alessandrini</i>
Cortesi Guido		Como	<i>G. Cortesi</i>
Ma Gatti Primo		- capi reparto	<i>P. Gatti</i>
Maggi Renato		Lecco	<i>R. Maggi</i>
Quitedame Ing Giovanni	- capo sezione	- Lecco	<i>G. Quitedame</i>
Traversi dott. Carlo	- capo personale	- Milano	<i>Traversi</i>

La parte nostra assicuriamo di rimetterci al lavoro senza ren-

ceri, con spirito fraterno con le maestranze per il bene supremo della

Nazione dalla quale chiediamo non essere abbandonati.

Con piena fiducia nell'intervento dell'EV per la felice soluzione della situazione di noi tanti, ringraziamo vivamente anche a nome delle nostre famiglie.

Con alta osservanza

Lecco, 12 dicembre 1945
(prev. Como)

Alessandrini ing Giuseppe - dirigente - Lecco - *Info Picco 13/1/1946*

Certosi guide

Como

G. Cortesi

Ma Gotti Primo

- capi reparto - Lecco

L. Gotti

Maggi Renato

Lecco

R. Maggi

Quitadani ing Giovanni

- capo azienda - Lecco

G. Quitadani

Traversi dott. Carlo

- capo personale - Milano

Traversi

7/2/3.4/CA
MEMORANDUM

TO : Chief Commissioner, H. AC.

STATEMENT AS TO PURPOSE
OF GENERAL ORDER NO 46

- 1 The attached General Order No. 46 provides a system of epuration in private industry.
- 2 At the present time in the north, and particularly in Milan, large numbers of employees in private industry are being thrown out of employment on the alleged ground that they have been fascists. In many cases the real purpose is to enable some other employee to pay off an old score or to take over the position of the dismissed employee.
- 3 It is the considered view of the CLN, Lombardia Region, AMI, and CA Sec that the only way to check this is to provide a system of epuration for private industry under which all complaints of fascist activity against an employee are investigated by an impartial commission.
- 4 This order provides for this and establishes the necessary machinery. It is approved by the CLN, the Regional Commissioner, and the High Commissioner for Epuration in Rome.

Dated: June 1945.

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

I certify that General Order No 45 (separation in private industry) is
in proper form for the signature of the Chief Civil Affairs Officer.

258

136

W. A. ...

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

Legal Sub-Commission
1 Jan 1945

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

GENERAL ORDER NO. 46

EXCLUSION IN PRIVATE INDUSTRY

WHEREAS it is necessary that persons in private industry who through fascist activities or for fascist motives or for the purpose of collaboration with the Fascist Republican Government or the German invaders have abused their position in such industry, shall be removed from their employment in such industry.

AND WHEREAS it is necessary that such removals be carried out in accordance with the principles of justice and good order

NOW, THEREFORE, I, MERRY 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

This Order shall apply to any company or firm within territory subject to the Allied Military Government in which the same is posted and shall come into force on the date of such posting therein. Such company or firm is hereinafter called the said firm.

ARTICLE II

alleged
No worker or employee who now is or may hereafter be employed by the said firm may be dismissed or suspended from his employment with the said firm in consequence of any act, neglect or omission which was earlier in date than the effective date of this Order unless the order for such dismissal or suspension is made in writing and is signed by the manager/receiver of the said firm.

Any person other than such manager/receiver or his duly authorized agent who gives to any worker or employee an order purporting to dismiss or suspend him from employment or who otherwise prevents or endeavours to prevent him from continuing in that employment shall be guilty of an offence.

ARTICLE III

When it is necessary that a worker or employee who now is or may hereafter be employed by the said firm should be dismissed or suspended from his said employment on account of any act, neglect or omission which was occasioned by fascist motives or resulted from fascist activities or colla-

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0 1 2 1

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

Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows:

ARTICLE I

This Order shall apply to any company or firm within territory subject to the Allied Military Government in which the same is posted and shall come into force on the date of such posting therein. Such company or firm is hereinafter called the said firm.

ARTICLE II

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No worker or employee who now is or may hereafter be employed by the said firm may be dismissed or suspended from his employment with the said firm in consequence of any act, neglect or omission which was earlier in date than the effective date of this Order unless the order for such dismissal or suspension is made in writing and is signed by the manager/receiver of the said firm.

Dr
Any person other than such manager/receiver or his duly authorized agent who gives to any worker or employee an order purporting to dismiss or suspend him from employment or who otherwise prevents or endeavours to prevent him from continuing in that employment shall be guilty of an offence.

ARTICLE III

When it is necessary that a worker or employee who now is or may ¹³⁵ be employed by the said firm should be dismissed or suspended from his said employment on account of any act, neglect or omission which was occasioned by fascist motives or resulted from fascist activities or collaboration with the Fascist Republican Government or the German invaders, the procedure set out in this Order shall be followed and the order of dismissal or suspension of the said worker or employee shall be made by the manager/receiver of the said firm in accordance with this procedure and not otherwise.

of the Quarter set forth in Article III
ARTICLE IV
All complaints against workers and employees of the said firm shall be investigated and determined by an Epuration Commission which shall consist of a President and two members who shall all be appointed, subject to the approval of the Allied Military Government, by the Provincial Commission established in accordance with General Order No. 35 of the Allied Military Government.

In appointing the said two members the Provincial Commission shall select one member to represent the workers and employees of the said firm and the other to represent the association of employers of the industry concerned, or in the absence of such association to represent the manager/receiver of the said firm.

In making the appointments aforesaid the Provincial Commission shall have regard to the reasonable wishes of the employees and workers and to the association of employers or the manager/receiver of the said firm as the case may be.

Nothing in this Order shall prevent the Epuration Commission when so appointed from being constituted by the Provincial Commission as the Epuration Commission of other firms and companies to which this Order applies in addition to the said firm.

No person, body of persons or commission other than the manager/receiver of the said firm or his duly authorized agent and the said Epuration Commission appointed as aforesaid shall exercise any power purporting to affect the employment of any worker or employee of the said firm.

ARTICLE V

The office of the Epuration Commission shall for the purposes of the said firm be at the office of the said firm.

ARTICLE VI

Any complaint of the nature hereinbefore mentioned against any worker or employee of the said firm shall be made in writing and signed and addressed to the Epuration Commission at the said office and shall state in detail the act, neglect or omission of which complaint is made.

ARTICLE VII

Within two days after receipt of a complaint the Epuration Commission shall inform the person accused either orally or in writing of the fact that such complaint is made and of the substance thereof and shall notify that person that unless he is willing for an order of dismissal or suspension to be made against him he must attend before the said Commission to answer the said complaint.

ARTICLE VIII

If the person accused is not willing for such an order to be made against him the Epuration Commission shall proceed within five days to investigate and hear the said complaint. At such hearing the Commission

any body or persons of Commission other than the manager/
receiver of the said firm or his duly authorized agent and the said
Euration Commission appointed as aforesaid shall exercise any power
purporting to affect the employment of any worker or employee of the
said firm.

ARTICLE V

The office of the Euration Commission shall for the purposes of the
said firm be at the office of the said firm.

ARTICLE VI

Any complaint of the nature hereinbefore mentioned against any
worker or employee of the said firm shall be made in writing and signed
and addressed to the Euration Commission at the said office and shall
state in detail the act, neglect or omission of which complaint is made.

ARTICLE VII

Within two days after receipt of a complaint the Euration Commission
shall inform the person accused either orally or in writing of the fact
that such complaint is made and of the substance thereof and shall notify
that person that unless he is willing for an order of dismissal or suspen-
sion to be made against him he must attend before the said Commission to
answer the said complaint.

ARTICLE VIII

If the person accused is not willing for such an order to be made
against him the Euration Commission shall proceed within five days to
investigate and hear the said complaint. At such hearing the Commission
shall hear such relevant evidence as the complainant and the person accused
may wish to give or call before it.

The Euration Commission shall not proceed against any worker or
employee who has not received notice of the complaint against him in
accordance with Article VII hereof or who has not been given proper and
adequate opportunity to appear before the Euration Commission for the
hearing.

ARTICLE IX

At such hearing the Euration Commission shall consider only whether
the person accused has been guilty of the act, neglect or omission specified

in the said complaint and if so whether such guilt has been occasioned by fascist motives or has been a result of fascist activities or of collaboration with the Fascist Republican Government or the German invaders. For this purpose the Epuration Commission shall apply by analogy the principles established in Part II of LLL 159 of 27 July 1944. The Epuration Commission shall then decide (if necessary by a majority vote) and shall report in writing to the manager/receiver of the said firm and to the complainant and to the person accused :

- a) Whether the complaint is found to be proved; and if so
- b) Whether the Epuration Commission decides that the person accused be dismissed from his said employment or be suspended therefrom for a period to be specified by the Epuration Commission and not to exceed one year from the date of the hearing.

ARTICLE I

Upon receipt of the said report the manager/receiver of the said firm shall make in writing and serve upon the person accused an order in accordance with the said report.

An order of suspension shall have effect to suspend the worker or employee from his employment with the said firm for the period specified without any salary or allowances.

An order of dismissal shall have effect to dismiss the worker or employee from his employment with the said firm without any salary or allowances save that he shall be entitled to receive the indemnita' di licenziamento up to the amount of any contributions previously made by him.

ARTICLE II

Any worker or employee who since the liberation from the Germans of the town in which the said firm is situate and before the date of this Order has been dismissed from employment with the said firm on any of the grounds mentioned in this Order and who claims to be entitled to reinstatement may apply to the Epuration Commission for such reinstatement. The Epuration Commission shall thereupon give public notice of such application and unless within three days after such notice the Epuration Commission receives a complaint as laid down in Article VI hereof the Epuration Commission shall recommend and the manager/receiver of the said firm shall order such reinstatement.

If any such complaint is received the same shall be investigated as hereinbefore mentioned.

Upon receipt of the said report the manager/receiver of the said firm shall make in writing and serve upon the person accused an order in accordance with the said report.

An order of suspension shall have effect to suspend the worker or employee from his employment with the said firm for the period specified without any salary or allowances.

An order of dismissal shall have effect to dismiss the worker or employee from his employment with the said firm without any salary or allowances save that he shall be entitled to receive the indemnita' di licenziamento up to the amount of any contributions previously made by him.

ARTICLE XI

Any worker or employee who since the liberation from the Germans of the town in which the said firm is situate and before the date of this Order has been dismissed from employment with the said firm on any of the grounds mentioned in this Order and who claims to be entitled to reinstatement may apply to the Epuracion Commission for such reinstatement. The Epuracion Commission shall thereupon give public notice of such application and unless within three days after such notice the Epuracion Commission receives a complaint as laid down in Article VI hereof the Epuracion Commission shall recommend and the manager/receiver of the said firm shall order such reinstatement.

If any such complaint is received the same shall be investigated as hereinbefore mentioned.

ARTICLE XII

It is further provided that for the purpose of Arts VI, VII and XI hereof in all cases where the guilt (within the meaning of this Order) of any worker or employee is notorious to the Epuracion Commission and well authenticated, it shall not be necessary for any formal complaint to be made and the Epuracion Commission shall itself take cognizance of the facts, provided always that the Epuracion Commission shall inform the person accused of such facts and afford him the opportunity of making his defence thereto in all respects in accordance with the provisions of this Order.

ARTICLE XIII

It shall be open to the person accused to file an appeal against a decision of the Epuration Commission under Arts. IX, XI or XII hereof. Such appeal shall be made to an Appeal Group to consist of a President and two members and to be appointed by the Provincial Commission mentioned in Article IV hereof, subject to the approval of the Allied Military Government. The appeal shall be made within 14 days after the decision complained of, shall be in writing and shall specify the grounds upon which it is based. The Appeal Group shall forthwith consider such appeal and shall notify the decision thereon to the person accused, the complainant, the Epuration Commission and the receiver/manager of the said firm. For the purposes of the said appeal the Appeal Group is not required to hear evidence but may hear such evidence as it considers necessary.

ARTICLE XIV

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.

Wey U. Tae

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

Dated:

PT 13-44/A
TRANSLATION NO. 389

REGISTERED

TO: REAR ADMIRAL STONE
R O M E

SUBJECT: Operation of Private Concerns

We have received with great satisfaction Order No. 46 issued by you and regulating the operation of private concerns.

This order is based on just criteria of moral reconstruction and should avoid any possibility of an operation based on personal resentments, which could very easily arise in the limited circles of the concerns.

Unfortunately the purposes of Order No. 46 risk to be annulled by a group of workers and employees who in several concerns have already declared that if the decision of the Commission will not be acceptable they will resort to strikes and other measures to impede the reinstatement of undesirable persons in the concerns.

The undersigned employees of various concerns in Milan and surrounding area representing a large number of persons subjected to operation proceedings free of all charges of moral and political nature wish to ask your Excellency to exercise their position and to kindly issue orders to impede the annulment of Order No. 46 and to see that the decision of the judging Commission be accepted with serenity and discipline.

It is necessary to take into consideration the serious moral and material conditions in which our respective families would find themselves in case of unlawful dismissal from the concerns where many of us have been working for several years.

The disciplined acceptance by both the parts concerned of the decision of the Commission shall also re-establish that cordiality of connections which enables everyone to contribute to the resurrection of our country.

We fully trust your high sense of understanding and justice and hope to see finally decided the very debated question of the operation of the concerns.

We thank you also in name of our families.

Best regards

Milan, 14 August 1945

27 AGO 1945

28 AUG 1945

26A

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HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

Office of the Regional Legal Officer

PR/LE/400

SUBJECT : Disabilities of Directors and Statutory
Controllers of Private Enterprise.

TO : HQ. A.C., APO 394 for C.A. Section.

11 July 1945.

16 AUG 1945

1. Ref DF/3.41/CA of 28 June re subject, which invited comment.

2. This HQ. is opposed to the issue of such order or any like order for the following reasons:

a. Mentions only administrators and does not include Directors-General.

b. Does not cover concerns owned by an individual or simple societies. If individuals were included it would result in something like socialization of private enterprise.

c. The penalty provided for companies in Art. II would not reach the majority of companies in that class.

d. There is no such animal as a "Deputy Councillor" mentioned in Art. I (4) (c).

e. Art. IV b. provides for denunciation to President of Tribunale of the district. The denunciation should be to the Procuratore.

f. The same applies to Art. V.

g. Art. V (last para) says, "shall be guilty of the offence of giving xxx incomplete evidence." This is not an offence, unless the order first makes it so, which it does not.



- 2 -

h. There seem to be no powers granted to the unfortunate commission supposed to act under the order.

i. It is another - and late - nibble at the cherry.

For the Regional Commissioner.



Edwin J. Mercer
Lt.Col., Ord.
Regional Legal Officer.

EJM/LR.

4130

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

INCOMING MESSAGE
HEADQUARTERS ALLIED COMMISSION

Originator's Reference: E/429
Date/Time of Origin: JULY 13/1650Z

Message Centre No: Z/9580
Date Time Rec'd: JULY 14/0830Z
Precedence: ROUTED

FROM: AND BILIA REGION
TO: HQ ALCOM

RESTRICTED

RESTRICTED.

Reference DE/3.41/CA dated 28 June. In view probable early date of closing BILIA Region it is not considered appropriate to put out regional order on Visibilities of directors and statutory controlless of private enterprises. In any case second para of preamble better omitted

DIST

ACTION : CA SEC (2)

INFO : CHIEF COMMISSIONER
FILE (2)
SLAT



RESTRICTED

4129

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
APC. 394
JUL 1945

WGE/OM
9 July 1945

LtE/LEG/55

SUBJECT : Disabilities of Directors and statutory
controllers of Private Enterprises -

TO : Headquarters - Allied Commission (C.A.S.)

1. Reference your D.P./341/CA. letter dated 28 June 1945 with enclosures.
2. This HQ. has this date dispatched a signal indicating that publication of such proposed Regional Order would not meet with our approval.
3. While it is appreciated that if Epuration is to be carried out under G.O. 35 - 35 a & 46 it follows that the proposed order should be introduced to augment their logical sequence. Despite this, however, the proposed introduction of the order is not approved for the reasons under mentioned, as follows:-
- a) In view of the date proposed for the hand-over to the Italian Government and the time factor for appeals as set forth this order could not become effectively operative even if published at once.
- b) It is suggested that the proposed order would be open to severe criticism on a question of Principle in that it would automatically increase penalties and adjudications in such cases within the contemplation of the order which had already possibly been before a constituted Court or Epuration Committee.
- c) It is considered that G.O. 35, 35 a, 46 and this proposed

1125

1. Reference your D.E./341/CA. letter dated 28 June 1945 with enclosures.

2. This HQ. has this date dispatched a signal indicating that publication of such proposed Regional Order would not meet with our approval.

3. While it is appreciated that if Epuration is to be carried out under G.O.35 - 35 a & 46 it follows that the proposed order should be introduced to augment their logical sequence. Despite this, however, the proposed introduction of the order is not approved for the reasons under mentioned, as follows:-

a) In view of the date proposed for the hand-over to the Italian Government and the time factor for appeals as set forth this order could not become effectively operative even if published at once.

b) It is suggested that the proposed order would be open to severe criticism on a question of Principle in that it would automatically increase penalties and adjudications in such cases within the contemplation of the order which had already possibly been before a constituted Court or Epuration Committee.

c) It is considered that G.O. 35, 35 a, 46 and this proposed order are improvisations by A.M.G. to deal with Epuration when the territory is under AMG control and where parallel Italian Laws are still inoperative. It is also understood that G.O.35 contains the provisions of D.L.L. 159 and that all proceedings taken there under can and will be absorbed in the machinery and provisions of D.L.L.159 thus ensuring that rights and justice can prevail. On the other hand proceedings under GO 35a, GO 46 and this order have no counter-part and hence no curative provisions through Italian Law. This will result in creating severe difficulties of our making for the Italian to face on the handover.

4. Providing a decree was passed by the Italian Government extending the provisions of D.L.L. 159 to cover GO 35 A, GO 46 and the proposed order no real objection is seen to the proposed publication.

M. Carr
M. CARR,
Brigadier
Regional Commissioner
Liguria Region

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

21a

HF/3.41/CA

12 July 45

SUBJECT : Disabilities of Directors and Statutory Controllers
of Private Enterprises.

TO : HQs Piemonte, Venetia, Emilia,
Lombardia, Liguria Regions.

14a

Reference HF/3.41/CA of 28 June.

The views of the majority of Regional Commissioners have now been
received and, as a result, it is not proposed to take any further action.

BY ORDER OF THE CHIEF COMMISSIONER :

C. P. UNJUNT Brig,
VP CA Section.

4127

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

INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: 501

Message Centre No:

Date/Time of Origin: JULY 11 0945Z

Date Time Rec'd: JULY 11 1120Z

11 LUG 1945

Precedence:

FROM: AMERICAN REGION

TO: ALGERIA SITE AGAS

RESTRICTED

RESTRICTED

Subject is simplification of directions and statutory control-
lers of private enterprise. This HQ is not in favour of proposed
Regional order set out above. Letter follows. End signed GARR.

Dist:

Action - CA Sec
Info - Chief Commissioner
Legal SC
File 2
Float

ACTION

RESTRICTED

4125

HEADQUARTERS

11 JUL 1945

LC

No action yet

1A

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

9 July, 1945

TO : H.Q., A.G.
Civil Affairs Section ✓

10 AUG 1945

SUBJECT : Disability of Directors and Statutory
Controllers of Private Enterprise.

FILE NO : RXII/025.1

1. Reference your DF/3.41/CA of 28th June. *126*
2. I have studied your proposed draft, and remain of the opinion that it would be better policy for us to prevail upon the Italian Government to make the necessary decree.
3. There seems to me to be a difference in fact between the conditions surrounding G.O. 35 and the present proposed legislation. As I remember it G.O. 35 was issued at a time when it looked as if there would be a comparatively long period of A.M.G. rule, and when there was some knowledge of the form of D.L. 159.
4. Now we have before us a short period of A.M.G. rule. Moreover, I believe, we have no very clear knowledge of the intentions of the Italian Government.
5. Could not the matter be taken up, once again, with the Ministry? *125*

[Signature]
Regional Commissioner

44

10 AUG 1945

JKD/lgc

9 JUL 1945

184

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
ROMANIA REGION
APO 394

6 July 1945

- 9 LUG 1945

R/0245

SUBJECT: Disabilities of Directors and Statutory Controllers
of Private Enterprises

TO : Civil Affairs Section
Headquarters, Allied Commission

g/24

17A

1. The proposed Regional Order enclosed with your letter DE/5.11/CA dated 28 June has been studied in the light of the conditions existing in this Region.

2. Without referring in detail to each of the classes of persons covered by Article 1, it can be said that there are probably no individuals within those classes who still hold office as administrators or controllers of large concerns. Still use has been and will, where necessary, continue to be made of the power to appoint Commissari in place of Directors who are politically compromised. This technique does the job for this Region.

3. It is considered that the objects of this Order are more properly a matter of long term internal policy, which should be dealt with by Italian Government Decree applicable to the whole of Italy. There is no urgent demand for such a Regional Order in this Region and it is thought that nothing will be gained by issuing it. We are resolving the problems in other ways.

4. For these reasons it is not desired to issue the Order in this Region.

Charles Politti
CHARLES POLITTI
Colonel
Regional Commissioner

124

94/2

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

RECOMMENDED ACTION COMMITTEE
AFG 324
CIVIL AFFAIRS SECTION

140

Ref: US/3.44/CA

23 June 45

SUBJECT: Disabilities of Directors and
Statutory Controllers of Private Enterprises.

TO: 1. HQ HINDUSTAN Region HQ ARUNACHAL Region
2. HQ LAKSHADWEEP Region HQ BENGAL Region
3. HQ VISHAKHAPATNAM Region

1. As agreed at this morning's Conference I enclose 6 copies of the proposed Regional Order on "Disabilities of Directors and Statutory Controllers of Private Enterprises".

2. It is understood that this will not be issued pending a decision based on your comments which are invited as soon as possible.

RECOMMENDED BY THE CIVIL AFFAIRS SECTION

G.R. UNJON Brig,
VP CA Section

Copy to: SCAG 5 Army } with 3 copies of enclosure
SCAG 8 Army
SCAG IV Corps

1123

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

ARTICLE IX

This Order shall come into effect in any Province or part thereof on the date of its first posting therein and shall continue in full force and effect until the conclusion of Allied Military Government or until the implementation in the said province of a decree enacted by the Italian Government for the purpose of the expunction of such administrators, controllers and liquidators as are mentioned in this Order, whichever date shall first occur.

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

-2-

4. Article XIII. Appeal Commission.

It is suggested that the Appeal Commission should be increased to five members both on political grounds and because the Commission of the first instance consist of three members.

As at present advised this Commission does not consider that an amendment is necessary. Will Regional Commissioners please advise as to their views.

By command of Rear Admiral STONE.

W. H. Stone
C. R. URBAN, Brig.,
VP C. A. Sec HQ AD

Copy to :

Regional Legal Officers,
ZAMBIA, LUSAKA, FREETOWN,
LAMELOLA and VICTORIA.
Legal Sub-Commission.

4. Article XIII. Appeal Commission.
 It is suggested that the Appeal Commission should be increased to five members both on political grounds and because the commissions of the first instance consist of three members.
 As at present advised this Commission does not consider that an amendment is necessary. Will Regional Commissioners please advise as to their views.

By command of Rear Admiral STONE.

(Signature)
 G. R. UPDEGROVE, Esq.,
 VP O. A. Sec HQ, AC

Copy to : Regional Legal Officers,
 MALTA, LUDWIG, PIERRE,
 LAMARCA and VENEZIA.
 Legal Sub-Commission.

