

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

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DEFASCISM, ORG AC, BOLZANO PROVINCE
AUG., SEPT. 1945

3. I understand that the Italian Government is considering the position and that we are not going to interfere.

4. You no doubt know that as a result of discussions between the V.P. and the Italian Government the Italian Government has prepared a decree continuing the suspension of persons suspended by AMG, and considering them suspended under Art. 22, para. 3 of D.L. 159.

W. E. BEHRENS

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

Legal Sub-Commission.
3 Sep 45.

Legal Can you give any information as to the progress made with this decree. It is considered that this action would see the draft

10 SEP 1945

CAS. Passed Commis + Min. Now in Corte dei Conti. With attention in

- most issue of G.U.
- CAS has already seen the draft (late VP read it). However to refresh your memory, please see file 76B and C in file 4039/4/L.

18 Sep 45

W. E. BEHRENS
C.L.A.

Legal

10 SEP 1945

Legal Can you give any information as to the progress made with this device. It is considered that this section would see the draft

[Handwritten signature]

10 September

- CAS.
- a. Passed Council of Min. Now in Corte dei Conti. Will appear in next issue of Q.U.
 - b. CAS has already seen the draft (late VP read it). However to refresh your memory, please see file 76B and C in file 4009/4/L.

18 Sep. 45

[Handwritten signature]
C. J. D.

Legal Thank you. No member of the declassing staff. I'll also show this device or even know of its existence. I have taken a copy. Your file is returned herewith.

18/9/45

Seen by Col. G. J. Hammond
18.9.45. *[Handwritten signature]*

MINUTES

VP
 Art II of the Basic Law of the German Democratic Republic contains
 provisions for suspension or dismissal of officials which
 have no analogous provision in Italian law. If
 these suspensions or dismissals are to be effective after
 any transfer to an East or Italian domain is considered,
 attention of the GDR should be drawn to this at
 your next meeting with them.

Handwritten signature

The letter is wrongly addressed to legal.

C.A. S.
 21/12/1945

2.

legal. Ref part wanted in 3A. Such persons may have
 acquired a German nationality but is it considered that
 they lost their Italian nationality before they ^{committed} any
 act in exercise of the option they had selected. Was ~~the~~ not it the
 position, that they had declared an option, that they had
 been accepted for German nationality and that the steps to
 effect the transfer was then avoided.

Handwritten signature

C.A.
 2 SEP 1945

3.

C. A. Sec.

1170

1. You ask two questions -

(a) Is it considered? You do not say by whom, but the
 answer may well be Yes.

legal. But first wanted in SA. Such persons may have
 acquired a German nationality but is it considered that
 they lost their Italian nationality before they ^{committed} any
 act in violation of the option they had exercised. Was ~~it~~ not the
 position that they had declared an option that they had
 been accepted for German nationality and that the steps to
 effect the transfer was then completed.

3.

1170

C. A. Sec.

1. You ask two questions -

(a) Is it considered? You do not say by whom, but the
 answer may well be Yes.

(b) Was not it the position? The answer may well be No.
 2. We have already written at least two opinions for C.A. Sec on
 this subject in which we have stated :-

(a) that we would be inclined to agree with the answers you
 evidently anticipate to your two questions but in so stating
 we emphasized that we have not seen all the relevant
 documents;

(b) that it is possible to take another view. Prime Minister
 The prefect of Bolzano and, I think, the ~~Public~~ ^{Public} ~~Minister~~ ^{Minister}
 do take such contrary view.

(c) that the question is one essentially outside the scope of AMG
 and that my opinion, which is always interesting and
 frequently right, is on this occasion entirely immaterial.

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785016

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : LE/3.44/CA

22 Aug 45

SUBJECT : Epuration in Bolzano Province.

TO : RC Venezia Region, for PG Bolzano.

Reference your RXII/LE/Reg/H/22 of 13 Aug.

1. I am directed to refer para 3 of your letter and to say that where action is required reliance should not be placed on remarks contained in a report.
2. It is not considered that any new legislation is required. The persons concerned must be nationals of either Germany or Italy. If they are German they are by law ineligible for office in Italian Government departments and statal or parastatal concerns. If on the other hand they are Italian the holding of a Nazi party office or of a position in the German Civil Administration is evidence of collaboration and they are then within the provisions of the present Epuration laws, and can be dealt with thereunder.
3. Please note that letters on Epuration should not be addressed to the Legal Sub-Commission which does not deal with that matter but to the Civil Affairs Section.

BY COMMAND OF THE CHIEF COMMISSIONER.

M. CARR Brig,
VP CA Section

165

9964

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HEADQUARTERS
VENEZIE REGION
ALLIED MILITARY GOVERNMENT
APO 394

28 August 1945.

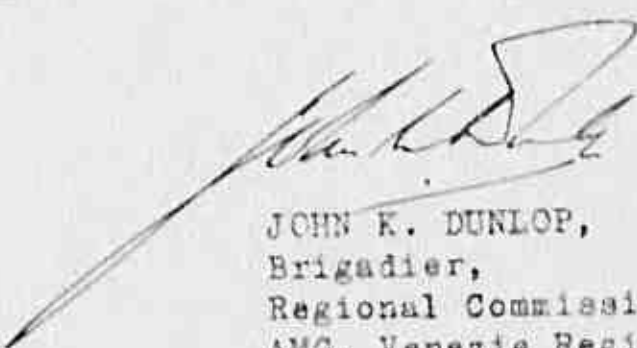
30 AUG 1945

TO : VP. CA Section.

SUBJECT : Epuration in Bolzano Province.

File no : RXII/LE/Bol/C/02.

1. Reference your DF/3.44/CA of 22 August and in particular its second paragraph, it is entirely agreed that the persons concerned must be nationals of either Italy or Germany. The trouble however is that the Prefect insists that the law is that where persons opted for Germany and received certificates of German nationality, they automatically obtained German citizenship even though they never left Bolzano Province.
2. The people themselves are of this opinion. Others with both Italian and German passports do not know their nationality. Others will have destroyed their certificates.
3. It is understood that these matters are now being discussed with the Italian Government, and that an authoritative statement as to what the law is will be made in the near future. It is thought that the people of Bolzano should be informed by public notice.


JOHN K. DUNLOP,
Brigadier,
Regional Commissioner,
AMG, Venezia Region.

4163

Copy to Provincial Commissioner Bolzano.



HOW/GO

HEADQUARTERS
VENETIAN REGION
ALLIED MILITARY GOVERNMENT
APC 394

16 AUG 1945

13 August 1945.

TO : Chief Legal Adviser, Legal Sub-Commission, HQ., AG.

SUBJECT : Epuration in Bolzano Province.

File No : XXII/LE/REG/H/22.

1. I should like to draw attention once again to the urgent question of Epuration within Bolzano Province, more particularly with reference to the situation which will arise on the termination of Military Government in this Province.

2. You will remember that in this Province General Order No. 35 has NOT been published, but in place of it a special Provincial Order has been published, with the approval of H.Q., A.C., making provision for the Epuration of various classes of undesirable Nazis, in addition to the classes of Fascists contemplated by General Order No. 35. Copy of this Provincial Order has already been forwarded to you.

3. As long as 5 July, in my Monthly Report for the month of June, I drew attention to the fact that everything done in pursuance of this Provincial Order would be wasted unless it were to be followed up by an Italian Decree amending D.L.L. 159 of 1944 so as embrace these classes of Nazis. Otherwise those who are suspended in pursuance of the Bolzano Provincial Order will have to be reinstated on the termination of Military Government, in default of any provision of Italian Law authorizing their continued suspension from office, since Commissioners appointed under D.L.L. 159 of 1944 stands would have no power to deal with Nazis.

4. I had hoped that by this time the Italian Government would have something ready for publication, in view of the close

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4. I had hoped that by this time the Italian Government would have something ready for publication, in view of the close proximity of the end of Military Government. However, when I saw Major Paladini a few days ago he gave me to understand that nothing had so far been done by the Italian Government, and that no legislation of the kind contemplated had been prepared as yet for publication. This has been confirmed by Dott. Dell'Aira, President of the Extraordinary Court of Appeal for Bolzano, who has recently been in Rome for consultation with the Minister on this very point.

5. The absence of any provision for what is to happen after the end of Military Government in Bolzano is causing considerable disquiet and apprehension. It is understood that a plan is in contemplation for continuing in operation, at least for the time being, the Commissions appointed under General Order No. 35. If so, it is to be hoped that the special position of Bolzano Province will not be forgotten, and that provision will also be made for the con-

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tinuance of the Commission appointed under the Bolzano Provincial Order. Otherwise I can only foresee that chaos will result in this Province on the termination of Military Government.

6. Even if provision is made for the continuation of the Bolzano Epuration Commission appointed under the Provincial Order, this will of course provide only a temporary solution of the difficulty. From the long-term point of view I regard it as most essential that the position be clarified by an Italian Decree dealing specially with the special classes who are now being epurated in this Province. Unless something of this sort is done quickly, there will undoubtedly be a most unfavourable reaction of public opinion in this Province, and I fear the probability of grave discontent and possibly of disorders.

7. I consider that this is a matter which should now be brought urgently to the attention of the Italian Government.

R. L. L. L.

Colonel,
Regional Legal Officer,
Venezia Region.

Copy to Vice-President, C.A. Section, HQ., AC.

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