

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

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ACC

DEF
GOV
JULY

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

10000 /105/ 819

DEFASCISM, MEETINGS OF VP (A/H) WITH ITALIAN
GOV'T LEADERS, NOTES
JULY 1944 - SEPT. 1945

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*Background
informational data*

U S R

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SEP 4 1995
CC-0995

Memoranda

Chief Coordinator.

Approved
Attached is submitted for your signature
information

[Signature]
100-451111

X is very sensitive

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100-451111

MINUTE SHEET

TO: Executive Commissioner.

The Chief Commissioner may be interested to see the enclosed paper, especially the paragraphs indicated.

The questions as to what changes the Italian Government proposes in the system of operation and as to what steps are to be taken to ensure the continuance of operation in BRIGADIER Province after the withdrawal of AGO are being pursued.

MR

M. GARR,
Brigadier,
VF CA Section.

27 August 65.

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me
Lt. Col.
Brigadier,
VP CA Section.

27 August 65.

3.

V. P. CAC

File returned.

Received

12/5.

Minutes

1470

NOTES OF A MEETING

between

Lt Col S.H. WHITE and Sig HERENTI-GRIVA

28 Aug 45

Sig. HERENTI-GRIVA said that in accordance with AG request he was prepared to go to Milan the next day if he could go by plane and return the day after. He was very pressed at the moment. In answer to enquiries he said the Allied request had been conveyed to him by Avv. CASARCA he understood the meeting was concerned with the taking over of internment camps. After enquiry no Allied request could be traced and nothing was known at this Headquarters of any meeting in connection with the taking over of internment camps. It was agreed that Sig. HERENTI-GRIVA would not proceed to Milan.

Sig. HERENTI-GRIVA asked permission to send Sig. NICOLINI to Turin by air to report upon what further or amending epuration legislation was desirable. This was agreed. Lt Col WHITE handed to Sig. HERENTI-GRIVA a letter which AG had received from certain Italian nationals in Milan asking that legislation might be introduced to continue after the conclusion of AG the provisions which were contained in GO 44 and that the decisions already made be uniformed and made permanent. Lt Col WHITE said that perhaps Sig. NICOLINI would consider the request made in that letter at the same time.

Lt Col WHITE handed to Sig. HERENTI-GRIVA letters from the Allied Military Authority stating that Col RENDUINO had been acting in cooperation with them. He reminded Sig. HERENTI-GRIVA that a letter stating that proceedings against Col Renduino had been dismissed was awaited.

Lt Col WHITE drew attention to the fact that in certain citations letters from Allied Officers conveying information received by the Allies to the High Commission for investigation were being used as if the Allies themselves had made the allegations. It was requested that all necessary steps should be taken to end this practice and a letter to that effect was handed to Sig. HERENTI-GRIVA.

Lt Col WHITE referred to the measure which had reached AG with regard to far reaching changes in epuration law and procedure. Sig. HERENTI at a meeting on the 24 Aug had stated that while willing to keep the Allies informed of his proposals he did not recognise the right of the Allies to be consulted on proposed defascinating legislation. The Allied Commission did not agree with that view and had under consideration what representation, if any, it would make on that point but if the Allied Commission could be of assistance in the formulation of legislation it was in the early stages not after the proposals had crystallised and been approved that its experience could be most helpful. It was considered that the AG had knowledge and experience which could be helpful and that quite apart from any question of the Allies rights under the Armistice terms consultation

between Sig. HERENTI-

Sig. BERNETTI-GRIVA asked permission to send Sig. BERNETTI to Turin by air to report upon what further or amending operation legislation was desirable. This was agreed. Lt Col WHITE handed to Sig. BERNETTI-GRIVA a letter which he had received from certain Italian nationals in Milan asking that legislation might be introduced to continue after the conclusion of ASB the provisions which were contained in GO 40 and that the decisions already made be enforced and made permanent. Lt Col WHITE said that perhaps Sig. BERNETTI would consider the request made in that letter at the same time.

Lt Col WHITE handed to Sig. BERNETTI-GRIVA letters from the Allied Military Authority stating that Col BERNARDINO had been acting in cooperation with them. He reminded Sig. BERNETTI-GRIVA that a letter stating that proceedings against Col BERNARDINO had been dismissed was awaited.

Lt Col WHITE drew attention to the fact that in certain citations letters from Allied Officers conveying information received by the Allies to the High Commission for investigation were being used as if the Allies themselves had made the allegations. It was requested that all necessary steps should be taken to end this practice and a letter to that effect was handed to Sig. BERNETTI-GRIVA.

Lt Col WHITE referred to the rumours which had reached AG with regard to far reaching changes in Eparation law and procedure. Sig. BERNETTI at a meeting on the 24 Aug had stated that while willing to keep the Allies informed of his proposals he did not recognise the right of the Allies to be consulted on proposed defascistising legislation. The Allied Commission did not agree with that view and had under consideration what representation, if any, it would make on that point but if the Allied Commission could be of assistance in the formulation of legislation it was in the early stages not after the proposals had crystallised and been approved that its experience could be most helpful. It was considered that the AG had knowledge and experience which could be helpful and that quite apart from any question of the Allies rights under the Armistice terms consultation should be helpful and it was in the High Commissions own interest. Sig. BERNETTI-GRIVA said that he fully agreed and had every intention of keeping the Allied Commissions informed and of consulting it freely.

Lt Col WHITE said that AG feared that if there were sweeping changes there would be very considerable delay. It might well be some months before the new legislation was issued and new procedural rules to implement it passed. Now the operation was so nearly finished in the south it seemed a pity to bring in drastic changes which could not become effective until Eparation in the north would have been nearly concluded under the present law, already some commissions of first instance had stated that they had ceased to function pending the issue of new measures. Sig. BERNETTI-GRIVA said that it was not intended to change the whole structure of Eparation. The mass of work was too great and the time taken was too long. It was necessary to put a band to the time so that the services

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could settle down. Considerations which had ceased to function were wrong.

Lt Col WHITE enquired whether it was not possible to decrease the work of the Commissions by cutting out epuration proceedings against all the lower grades say from A or B down wards. AG had never placed great value on such proceedings. It would enormously reduce the volumes of work and persons at fault might still be dealt with by disciplinary measures. Sig PERETTI-GRIVA said that measures consistent of that nature were in fact under consideration. It was proposed to divide personnel into three categories A, B and C of different degrees of importance and to deal with them on different lines. He would supply details as soon as he could.

Lt Col WHITE referred to the suggestion made by CAMARSA that epuration decisions would have to be made on political grounds. Sig PERETTI-GRIVA thought that there must be some misunderstanding perhaps of the difficulty of translation he was quite sure that AG CAMARSA only meant to imply that epuration was a political process not that decisions might be given merely for political reasons where a judicial mind would not be satisfied that there was proper ground for dismissal.

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NOTES OF A MEETING

between

Brig. CAERI and Brig. NUNZI

21 Aug 45

Brig. CAERI referred to the implementation of DL 159 in Bolzano Province. According to CAERUSA said that the Italian Government was slowly extending its jurisdiction and preparing in the north its staff to put DL 159 into operation when CO. 35 ceased. An organization for the north other than Bolzano and the Alto Adige is being set up.

Brig. CAERI enquired what was being done in Bolzano to carry on with Eparation when ALG ceased and CO 35 came to an end, if that was so all that had been done would be just be of no effect. Avv. CANALE said that was so. He went on to say that the office of the High Commission had been organized in four branches and that one branch dealing with the funds of suppressed fascist organizations was being abolished. There would therefore be only three branches in future. He agreed that nothing was being organized for Bolzano.

Avv. CANALE so continued that the HC had the impression that Eparation was not being carried on free from corruption and it was proceeding too slowly there were large numbers who still had the sword over their heads. It was considered that there should be an entirely new system of Eparation, extending the present powers. It is not proposed to go on with legislation on the same lines it is preferred to change the whole process and in consequence it was not proposed to take any special steps with regard to preparing to implement the present legislation in Bolzano.

Lt Col WHITE enquired whether it was proposed that the Commissions should still be presided over by Judges. Avv. CANALE replied in the negative the decision must be political.

Lt Col WHITE queried the suggestion that in Government offices large masses of the staff still had Eparation hanging over their heads. He pointed out that the last day for the initiation of Eparation proceedings for the Central Administration was 15 Aug and was passed. Avv. CANALE said that he was referring in particular to Junior staff such as clerks situated in the north. Lt Col WHITE agreed that as Eparation had not started in the north these still had the sword over their heads, but as the present machinery was working it would probably be more expeditious to continue with it than to devise new machinery. If it was desired to free the lower grade clerk from the fear of Eparation that could be more expeditiously done and conveniently done by excluding the lowest grades from Eparation. He had never advocated Eparation of the lowest grades it considered such course of very little practical use and would be quite willing to see Eparation cease at the X grade.

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Avv. CANARSA so continued that the AG had the impression that expatriation was not being carried on free from corruption and it was proceeding too slowly there were large numbers who still had the sword over their heads. It was considered that there should be an entirely new system of expatriation, extending the present powers. It is not proposed to go on with legislation on the same lines it is preferred to change the whole process and in consequence it was not proposed to take any special steps with regard to preparing to implement the present legislation in Bolzano.

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Brig. CARR intimated that AG would desire to see a draft of whatever was proposed. Sig. KENNEDY intimated that this was not required under the MacMillan protocol but that he would certainly keep the AG informed.

Brig. CARR then returned to the original problem as to Bolzano, he pointed out that the difficulties created by the presence in the territory of ex Italian Nationals who had elected for return to German nationality but had taken no further action and had consistently resided in Italy and of others who had left Italy as a result of such election but had later returned to Italy. Avv. CANARSA then gave details of the position and reasons for the changes.

Brig. CARR said that it had been suggested that some special expatriation legislation might be necessary for dealing with these persons whose nationality might be open to doubt. It seemed to him that such persons remained Italian until some

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step consistent with an actual change of nationality had been taken. That even then a person was either a national of Germany or of Italy. If he was the former he was by Italian law disqualified from holding an appointment in the civil service. If he was Italian ML 159 would apply to him and if he had accepted office in the Nazi party or in the German administration that would be evidence of collaboration for which he could be removed from office under the present law. Avv. CASARESA agreed that no further legislation was necessary.

Brig CAVER then referred to case of Pellegrini. Avv. CASARESA said that he personally knew little of the case. On being shown the recent letters on the file he said that the NC made a point of not interfering with the Central Commission. He suggested that the reason for no reply having been sent was the secretary's difficulty in getting a Commission during this, the holiday, season.

Brig CAVER said that he would arrange for Maj. PALLINI to see the Secretary of the Commission.

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NOTES OF A MEETING

Between

Brig. UPJOHN and Sig. FRANTUCCI-GRIVA

7 Aug 45

Brig. UPJOHN said that he wishes to discuss only one matter that is the urgent necessity of the Italian Government setting up its Epuration Commissions in North Italy so that there shall be no hiatus when GO 35 comes to an end and of the need to make known by suitable publicity what the arrangements for carrying on Epuration are and in particular that officials belonging to the Central State Administration will be epurable by Ministerial Commissions sitting in Rome as that is not understood in the North. A large number of officials such as judges, prefects and various other officials are so epurable. If epuration is not seen to be continued to be carried on when AMG comes to an end there will be a very grave risk of disorder of breaking out.

Sig. GRIVA said that so far the higher grades had been subjected to epuration but the results had not been very satisfactory and it might be necessary that something more should be done to satisfy public opinion. He had under consideration a decree to authorize the High Commissioner to place High ranking officials on temporary leave and to obtain the decision of the Council of Ministers on the desirability of their being retained in the service.

Brig. UPJOHN said that he was referring particularly to the position which could arise in North Italy on the termination of AMG and the consequent cessation of epuration unless action under GO 35 was followed by epuration under DL 159. Our Commissions are in full work and when they come to an end it is essential that Italian machinery must be ready to take over otherwise there is a very great risk that law and order will not be preserved. It might be helpful if the Govt kept these commissions on as bodies to undertake the preliminary investigation of cases. The public would be satisfied by the appearance of continuity and it would also expedite the preparation of cases.

Sig. GRIVA said that there was a decree in preparation defining and altering the duties of delegates, there would still be three delegates but instead of them being concerned solely with epuration one would be concerned with epuration, one with fascist crimes and one with profits from the Regime. Their functions would be purely investigatory and they will pass their recommendation for action to the appropriate authorities. Requests for names of persons to fill these appointments have been sent out to all Provinces. Only Genoa had replied. He wondered whether that was due to bad communications.

Brig. UPJOHN said that he did not believe that to be the case AMG had had the same difficulty while people were prepared to pay lip service to the desirability of epuration they did not wish to take any part themselves. Over and over again there had been difficulty in getting suitable persons to serve on commissions

Sig. CRIVA said that so far the higher grades had been subjected to epuration but the results had not been very satisfactory and it might be necessary that something more should be done to satisfy public opinion. He had under consideration a decree to authorize the High Commissioner to place High ranking officials on temporary leave and to obtain the decision of the Council of Ministers on the desirability of their being retained in the service.

Brig. UPJOHN said that he was referring particularly to the position which could arise in North Italy on the termination of AMG and the consequent cessation of epuration unless action under CO 35 was followed by epuration under IL 159. Our Commissions are in full work and when they come to an end it is essential that Italian machinery must be ready to take over otherwise there is a very great risk that law and order will not be preserved. It might be helpful if the Govt kept these commissions on as bodies to undertake the preliminary investigation of cases. The public would be satisfied by the appearance of continuity and it would also expedite the preparation of cases.

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Brig. UPJOHN said that he did not believe that to be the case AMG had had the same difficulty while people were prepared to pay lip service to the desirability of epuration they did not wish to take any part themselves. Over and over again there had been difficulty in getting suitable persons to serve on commissions under CO 35.

Sig. CRIVA said that he himself proposed to travel to the North and also to send accredited representatives into various parts of North Italy to expedite the organizing of the north and selection of delegates and commissions. Lack of transportation was delaying the moves of these missions.

Brig. UPJOHN said that he regarded this work as of the first importance if Sig. CRIVA would say how many persons he wishes to move we could arrange for some at least to go by Plane but we might not be able to arrange for cars at the other end. The work is most urgent and if it is not satisfactorily dealt with the Government may find itself in considerable difficulties in North Italy.

Sig. CRIVA said that he was aware of that and that was one reason why he wished to go up there himself.

Brig. UPJOHN said that if the Govt would say who they wished to move, when and where they wished to move them and what transport assistance they required AC would see what it could do to help. It was most important that they should be up there at the earliest possible moment. Major PALMER was in North Italy now and on hearing we will see what transport he can arrange. At the best it will be limited, there is a great shortage of transport. Cannot Prefects help to pass representatives from town to town. It seemed to him that Prefects were in a better position than almost anyone else to provide transport. This question of starting expropriation in North Italy was one of the most important problems with which the Italian Government was faced.

Sig. GRIVA said that he realized that, but it was first necessary to send representatives to the North. The problem was lack of transport, the post in any case unsatisfactory for this purpose, as personal contact was necessary at this stage, was also too slow - a letter took 7 days. The difficulty was not solely one of communications, there was also a difficulty in finding suitable responsible persons.

Brig. UPJOHN agreed, and also had had considerable difficulty in finding suitable persons. He was by no means implying that this was universal but there had been some cases of entirely unsuitable persons having been recommended and appointed to these positions. In one Region there had been one particularly bad case. The experience had been most disappointing.

Sig. GRIVA said that the position would improve after the delegates had been appointed.

Brig. UPJOHN again emphasized that the matter was most important and that grave trouble might be anticipated if the Government had nothing to take the place of GO 35.

Sig. GRIVA asked whether it would be possible to convert the GO 35 Commissions to Expropriation Commissions of first instance under DL 159.

Brig. UPJOHN said that he considered the suggestion an excellent one, and enquired whether a decree would not be necessary to effect that. He thought that all the personnel would not be found to be suitable for retention, any decree necessary should therefore contain powers to take all or part or to effect changes of personnel. Further the powers of the two bodies are very different GO 35 Commissions have only powers to suspend while on conversion to DL 159 Commissions they would have the full powers of a Commission of first instance. He thought such a decree would be approved by public opinion in North Italy.

Sig. GRIVA said that as it was necessary to consider who should be retained and who dropped from these Commissions and the CNL had been consulted when these appointments were made it might be desirable to reconsult them.

Brig. UPJOHN said that that was a matter for the Italian Government such consultation was not a necessary essential but it might be both advantageous and expedient. He believed that this was the practical way out.

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Sig. GRIVA said that as it was necessary to consider who should be retained and who dropped from these Commissions and the CML had been consulted when these appointments were made it might be desirable to reconsult them.

Brig. UPJOHN said that that was a matter for the Italian Government such consultation was not a necessary essential but it might be both advantageous and expedient. He believed that this was the practical way out.

Sig. GRIVA said that he would like the names of the persons sitting on these commissions and was informed that they would be obtained for him, but the matter would take some time. He said that when he and his representatives visited the North they would make a point of ascertaining the views of the CML on these proposals and he would report those views to the Prime Minister.

Brig. UPJOHN said that he thought the proposal excellent and likely to satisfy public opinion. If Sig. GRIVA would supply details of the places he and his representatives wished to visit AG would see what arrangements it could make and when it has got them will forward names of persons sitting on AG Commissions.

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NOTES OF A MEETING
between
Brig. UPJOHN and Sig. PERETTI-GRIVA

23 Jul 45

Present: Lt Col S.H. WHITE
Major E.L. PALMIERI

- Brig. UPJOHN stated that the purpose of the meeting was to urge the prompt enactment of the decree dealing with the expropriation of the directors of Private Companies. He added that he had had meetings with Signor NESPI and Avv. CANARSA, as a result of which he was given to understand that Sig. PERETTI-GRIVA was drafting a new decree.
- Sig. PERETTI-GRIVA replied that he had discussed the matter with Avv. CANARSA and has made some suggestions that the responsibility for submitting proposals lay with the Secretary General of the High Commissariat while the legislative office of the Presidency of the Council would do the drafting.
- Brig. UPJOHN pointed out that Avv. CANARSA had stated that Sig. PERETTI-GRIVA was drafting the new decree, and there was evidently a misunderstanding. Sig. PERETTI-GRIVA agreed to talk to Avv. CANARSA by telephone and advise Brig. UPJOHN during the day.
- Brig. UPJOHN stated that the Italian Government had been dealing with this decree since 16 February and that most of the ministers of the present Government were familiar with the decree and were prepared to pass it on 6 June 1945 when because of the political crisis, it was considered wiser to leave it to the new Government. Brig. UPJOHN added that the decree as proposed on 6 June 1945, or a modified decree which the Allied Commission was prepared to examine, must be presented for enactment at a very early date.
- Sig. PERETTI-GRIVA replied that he understood the necessity for prompt action but that he felt confident that no time would be wasted in preparing a revised legislative proposal and there was no reason why it should not be ready within a short time.
- Brig. UPJOHN said that the case of Dr. MOLINARI, director of the Central Institute of Statistics, was being delayed before the Central Commission. This was due apparently to a special instruction proceeding arising out of new charges against MOLINARI, and which was being conducted in the High Commissariat. Brig. UPJOHN said he would appreciate an early termination of the instruction so that the Central Commission could dispose of the case.
- Sig. PERETTI-GRIVA made a note of the case and said it would be dealt with immediately.

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NOTES OF A MEETING
between
Brig. BRUNO and Sig. NERZI

21 Jul 45

present: Avv. CANARSA
Maj. PALMIERI

- Brig. BRUNO stated that he was anxious to secure prompt consideration by the Italian Government of the proposed decree dealing with the expropriation of directors of private companies. He added that such a decree had been approved by the Allied Commission and was before the Council of Ministers of the BENITO Government on 6 June 1945.
- Sig. NERZI replied that he was aware of the wishes of the Allied Commission in this matter, that he had asked Sig. PERETTI-GRIVA, recently installed as High Commissioner for Expropriation, for a report. This report was expected within a few days. Sig. NERZI added that he had requested Avv. CANARSA, Secretary General of the High Commissariat, to join the conference as he spoke English well and could be helpful in dealing with the matter.
- Avv. CANARSA attended for a short time in Sig. NERZI's office and then requested Brig. BRUNO to come to his office. He stated that the problem presented was a difficult one, that expropriation should be clearly distinguished from confiscation especially since the enactment of the confiscation decree. He added that one Commission should be set up to pass on the directors of private companies. Avv. CANARSA also said that the Minister of Industry, Commerce and Labour would have to be heard.
- Brig. BRUNO asked when he might see the proposed revised decree.
- Avv. CANARSA replied that it was not his job to amend the decree; that he was merely proposing certain changes of policy and that Sig. PERETTI-GRIVA would be able to give more authoritative information.
- Brig. BRUNO stated that he would undertake to see Sig. PERETTI-GRIVA as soon as possible.

NOTES OF A MEETING
between

Pres. HUGUES and Mgr. HENRI

5 Jul 45

Pres. HUGUES greeted the HC in his apartment and proceeded to explain the interest under the Armistice Terms which the Allies had in Deffension. He is convinced that the HC had only been a very short time in office and could not yet have had time to familiarize himself with details of the work. He felt that organization was proceeding slowly and unevenly and that the size and complexity of the relevant legislation made the working of the acts unnecessarily difficult but notwithstanding this complexity there were still many holes which required stopping. He thought that one way of approaching the whole matter would be a consolidating statement making clear to all concerned exactly what they had to face; the present uncertainty was unsettling to the departments as a whole and bad for the morale of the individual.

The HC said that he appreciated that the statement might require revision and that there would be advantages in consolidation. He was not however satisfied with the present organization of the High Commission itself. The reorganization of the High Commission must take priority so that the new staff would be responsible for developing the law they would have to administer. He had not had time to work out this new organization but he had in mind the appointment of members of the Judiciary to the higher posts so as to remove the functions from the atmosphere and influence of party politics. He wished both to speed up and to simplify the procedure of operation as much as possible.

Pres. HUGUES concurred and said that one matter, to which the Allies attached great importance which had not yet been covered, was the power to exercise important business concerns. The late Government had had a decree on the subject under consideration could the HC say what the Government's intentions as to this matter were.

The HC said that there was a decree (presumably the decree referred to) before the High Commission at the present time, and it would be the first major matter to which the High Commission would address itself.

Pres. HUGUES said that the HC regarded this matter as of first importance as immediate action is necessary with regard to cases businesses in North Italy and the AC did not desire to originate action which could be inconsistent with legislation as it might ultimately be passed.

The HC said that this question would be the first to be considered.

Pres. HUGUES said with regard to the speed of operation that there was an increase diversity in the speed with which various considerations got through their work. He would let the HC have particulars of those whose work appeared to be unusually slow. He would let the HC have particulars of those whose work appeared to be unusually

URGENT (P) A LEMING

between

Sigs. URGENT and SIG. URGENT

26 June 45

URGENT: Lt Col WHITE
Major MONTGOMERY

Sigs. URGENT advised Sig. MONTGOMERY that GO 47 (disabilities of directors) had been revised and was about to be issued as a regional order. He noted that it was based largely on the 6 June draft of the Italian decree on the same subject. Sig. MONTGOMERY said he was greatly interested and would be happy to receive a copy. A copy was provided for the next day, 26 June 1945.

Sigs. URGENT thanked Sig. URGENT for the order permitting him to travel to Milan and back by the courier plane. He said he planned to leave on 27 June and to return on 2 July 1945 and that while he was in the North he planned to attend the meeting of the Procuratori del Re before the Special Courts of War also scheduled for Saturday 30 June 1945. Sig. MONTGOMERY noted that he would do everything possible to assist in the solution of any problems arising out of General Order 35 and 46 and the regional order based on proposed GO 47.

The desirability of a meeting between Sig. URGENT and U.S. MONTGOMERY was discussed. It was decided to await Sig. MONTGOMERY's return from the North at which time the meeting would be arranged.

Sigs. URGENT advised Sig. MONTGOMERY of the meeting scheduled with U.S. URGENT for 26 June 1945 to discuss the appointment and functions of Provincial Delegates for the North. It was agreed that Provincial Delegates could do important preliminary work at the present time and thus speed up the work of the Italian Government's examination Commission when they are ready to take over.

Sigs. URGENT thanked Sig. MONTGOMERY for his helpful and pleasant collaboration and asked what his plans for the future were. Sig. MONTGOMERY replied that he expected to divide his time between Rome and Milan and to practice law; that there were prospects of a possible position for him in a Government Institute, but that he did not expect to fill any official position. Sig. MONTGOMERY stated that he would cherish the most pleasant recollections of his work with the Allied Commission and would be happy to be of service in the future, despite his position as a private citizen.

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The desirability of a meeting between Brig. URJEN and H.E. MORI was discussed. It was decided to assist Sig. MORI's return from the North at which time the meeting would be arranged.

Brig. URJEN advised Sig. MORI of the meeting scheduled with H.E. MORI for 26 June 1945 to discuss the appointment and functions of Provincial Delegates for the North. It was agreed that Provincial Delegates could do important preliminary work at the present time and thus speed up the work of the Italian Government's operation Commission when they are ready to take over.

Brig. URJEN thanked Sig. MORI for his helpful and pleasant collaboration and asked what his plans for the future were. Sig. MORI replied that he expected to divide his time between Rome and Milan and to practice law; that there were reasons of a possible position for him in a Government Institute, but that he did not expect to fill any official position. Sig. MORI stated that he would cherish the most pleasant recollections of his work with the Allied Commission and would be happy to be of service in the future, despite his position as a private citizen.

NOTES OF A MEETING
between
Brig. UZZOCHI and Sig. BORDI
8 June 65

Brig. UZZOCHI asked whether any solution to the political crisis had been reached. Sig. BORDI stated that the Prime Minister had tendered his resignation but that he had been prevailed upon to remain a while longer. It was expected that an agreement would be reached within the next few days. That made the situation extremely delicate was the necessity for unanimous agreement by the six representatives of the political parties.

Brig. UZZOCHI then asked whether the BOLLINI matter, discussed at the meeting of 11 May 1965 had been investigated. Sig. BORDI stated that he had sent H.E. CRIPPO a copy of the minutes of the meeting relating to BOLLINI and that while no matter was submitted to the Central Commission after the submission of the case, it was not a new charge but merely ~~fresh evidence~~ ^{new evidence} ~~a fresh charge~~ ^{new evidence} to which BOLLINI had the right to reply. In answer to Brig. UZZOCHI's request Sig. BORDI said he would send him a copy of this letter.

Brig. UZZOCHI asked whether the Central Commission had handed down any decision regarding the officials in Orders I to IV who might escape censure on the basis of procedural technicalities. Sig. BORDI replied that he had not yet been advised of such a decision, but that he had been promised immediate notification as soon as the Central Commission reached a decision. In any event, he did not anticipate a decision that would permit these officials to escape censure for procedural reasons.

Brig. UZZOCHI asked what progress was being made in applying Bill 179 by replacing magistrates with lawyers on censure Commissions. The matter was regarded as important because of the great need for magistrates in judicial work, particularly on the Special Courts of Assize and it was considered highly desirable that they should be relieved of their duties on censure Commissions as soon as possible. Sig. BORDI replied that all of the organization work for censure in Northern Italy contemplated the use of lawyers, and that since all the Special Courts of Assize were situated there it was felt that no undue strain was being placed on the available magistrates. In so far as the existing Commissions were concerned the problem was more difficult since the magistrates were in the midst of work with which they were familiar and it was not easy to replace them. Brig. UZZOCHI stated that the available magistrates for all Italy were not sufficient for the existing administration of justice and they should be replaced on censure commissions as rapidly as possible. Sig. BORDI agreed to give this matter further attention.

that while the matter was submitted to the Central Commission after the submission of the case, it was not a new charge but merely fresh information. ~~As a result, the Central Commission had the right to reply.~~ In answer to this, the President said he would send him a copy of this letter.

Mr. [Name] asked whether the Central Commission had handed down any decision regarding the officials in Order I to IV who might escape prosecution on the basis of procedural technicalities. Mr. [Name] replied that he had not yet been advised of such a decision, but that he had been promised immediate notification as soon as the Central Commission reached a decision. In any event, he did not anticipate a decision that would permit these officials to escape prosecution for procedural reasons.

Mr. [Name] asked what progress was being made in applying the law by replacing magistrates with lawyers in operation Commissions. The matter was regarded as important because of the great need for magistrates in judicial work, particularly on the Special Courts of Assize and it was considered highly desirable that they should be relieved of their duties in operation Commissions as soon as possible. Mr. [Name] recalled that all of the organization work for operation in Northern Italy contemplated the use of lawyers, and that since all the Special Courts of Assize were situated there it was felt that no undue strain was being placed on the available magistrates. In as far as the existing Commissions were concerned the problem was more difficult since the magistrates were in the midst of work with which they were familiar and it was not easy to replace them. Mr. [Name] stated that the available magistrates for all Italy were not sufficient for the operations administration of justice and that they should be replaced in operation Commissions as rapidly as possible. Mr. [Name] agreed to give this matter further attention.

Mr. [Name] referred to the necessity of utilizing the jurisdictional climate within the Italian Government respecting the control and administration of the law. Mr. [Name] said that after the meeting of 11 May 1955 he had asked Mr. [Name] to draft a decree on the subject, and that a draft was ready. However, owing to the political crisis and the absence of Mr. [Name] and himself from Rome, nothing further had been done. Mr. [Name] promised to study the matter further.

Mr. [Name] stated that Count JUDICE from the Provincial Commission at Milan was to call on him on 20 May or 21 May on Saturday, 9 June 1955 and it was agreed that JUDICE would attend. Count JUDICE had requested Mr. [Name] to raise the problem of the transfer of business officials considered undesirable by the operation officials but whom JUDICE did not wish to remove. Mr. [Name] said that under 3.3.35 the Provincial and Regional Commissioners had the power to deal with such matters and that, in any event, it was incumbent to deal with them from Rome.

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11g. DODGE then asked what the position of the confederation law was and whether any help could be given with a view to speeding its approval. Sir G. DODGE said it was being considered by the Governments of the United States and Great Britain, that he had raised for their consideration the provision dealing with the confiscation of profits derived from transactions in which companies were associated with individual fascists; but that the Government may have under consideration other points of which he had no knowledge.

11h. DODGE stated that there was no objection to the appointment of provincial delegates for the North under D.L. 159 and that D.O. 35 was intended to facilitate and speed up the work under the Italian decree. He added that the provincial delegates could begin to organise their offices, gather information and do such work as was necessary to prepare for the enforcement of D.L. 159.

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NOTES OF A MEETING

between

Brig. UFFICINI and Sig. BOMBI

11 May 45

Brig. UFFICINI asked whether the epuration proceedings against Col. FANTUZZI of the Italian Air Force had been suspended. Sig. BOMBI replied that he had communicated Brig. UFFICINI's request to Sig. CHIRCO and the latter promised to deal with the matter. Sig. BOMBI was awaiting confirmation that the request had been complied with.

Brig. UFFICINI stated that he had received complaints through the Economic Section of the Allied Commission that the appeal of Dr. MOLINARI, Director of the Central Institute of Statistics was meeting with improper delays before the Central Commission. The delays arose from the fact that the Assistant High Commissioner for Epuration had for the second time filed new charges against Dr. MOLINARI with the Central Commission. Brig. UFFICINI added that it was his understanding that this official could raise new matters within the time limit prescribed by law, but that once he had availed himself of this right (as in the MOLINARI case) he could not again, and after the expiration of the prescribed period, in fact fresh charges into the appeal. The delay and inconvenience resulting from such procedure as that followed in the MOLINARI case were unfortunate and Sig. BOMBI was requested to look into the matter and take corrective measures. Sig. BOMBI promised to talk with the President of the appropriate section of the Central Commission.

Brig. UFFICINI handed Sig. BOMBI a letter dated 11 May 1945 urging the approval of the proposed decree dealing with the disqualification of persons having specified Fascist antecedents from holding managerial positions in important Companies.

Sig. BOMBI stated that the epuration of directors of parastatal companies (to overcome the effect of the IRI FINS decision) would be covered by this decree. The provision dealing with this matter would, in effect, amend Art. 159 so as to cover the directors of such Companies. Brig. UFFICINI asked whether insurance Companies would be affected by this amendment. Sig. BOMBI said that they would not because these Companies were considered private Companies under Italian law but that their directors would undoubtedly be affected by the proposed disqualification and confiscation decrees. The employees of insurance companies would have to be considered along with any eventual epuration scheme affecting the employees of private industry.

Brig. UFFICINI asked what evolution had been found regarding officials in Grades 1 to IV who might escape epuration on the basis of procedural technicalities. Sig. BOMBI replied that he had confidential assurances from the Central Commission that the problem would not arise since the decision which gave rise to the

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Mr. UFFORD with the Central Commission. Brig. UFFORD asked that it was his understanding that this official could raise new matters within the time limit prescribed by law, but that once he had availed himself of this right (as in the MULLIKIN case), he could not again, and after the expiration of the prescribed period, inject fresh charges into the appeal. The delay and inconvenience resulting from such procedure as that followed in the MULLIKIN case were unfortunate and Sig. BOERI was requested to look into the matter and take corrective measures. Sig. BOERI promised to talk with the President of the appropriate section of the Central Commission.

Brig. UFFORD handed Sig. BOERI a letter dated 11 May 1945, urging the approval of the proposed decree dealing with the disqualification of persons having specified Fascist antecedents from holding managerial positions in important companies.

Sig. BOERI stated that the operation of directors of parental companies (to overcome the effect of the U.L. P.M. decision) would be covered by this decree. The provision dealing with this matter would, in effect, amend LL 159 so as to cover the directors of such companies. Brig. UFFORD asked whether insurance companies would be affected by this amendment. Sig. BOERI said that they would not because these companies were considered private companies under Italian law but that their directors would undoubtedly be affected by the proposed disqualification and confiscation decrees. The employees of insurance companies would have to be considered along with any eventual operation scheme affecting the employees of private industry.

Brig. UFFORD asked what solution had been found regarding officials in Grades I to IV who might escape operation on the basis of procedural technicalities. Sig. BOERI replied that he had confidential assurances from the Central Commission that the problem would not arise since the decision which gave rise to the problem had not yet become final and would not, in its definitive form, permit these officials to avoid a decision in the merits. A final decision was expected soon.

Brig. UFFORD asked whether the law substituting Judges with lawyers on hearing commissions had been published and what steps were being taken to put it into effect. Sig. BOERI replied that it was to be published on 12 May 1945 and that he had already proposed to replace the Judge on the MULLIKIN (automobile club) Commission with a lawyer.

Brig. UFFORD said he had just received the decree dealing with the confiscation of corruptly gained wealth during the Fascist regime and that he was awaiting a translation. He requested that he be reserved the right to express an opinion at a later date. Sig. BOERI agreed and added that the Council of Ministers had already made important modifications in the first few articles since the draft was sent to Brig. UFFORD.

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Brig. UPONNI stated that an uneasy controversy was going on between Italian officials regarding the right to administer the properties of GIL, that he was advised of the confusing legislative background which caused this controversy but felt that it was highly desirable that the matter be settled by a new decree superseding the others in so far as GIL was concerned. He added that GIL had many valuable properties which required supervision and control by one administrative body and that its functions were essentially educational and therefore not properly a part of the duties of Sig. STANONE as liquidator of fascist properties. Brig. UPONNI expressed the hope that a new decree would put an end to divided responsibility and controversies within the Government regarding the administration of GIL. Sig. BONFI said that these suggestions were both wise and timely and that he would take appropriate action.

Sig. BONFI showed Brig. UPONNI certain letters from Captain RESS, Finance Officer at Livorno dated 3 April 1945 to the effect that the blocked bank accounts of fascist organizations were considered to be war booty and payable to the Allied Military Government. Sig. BONFI asked whether this was the position of the Allied Commission. Brig. UPONNI requested that copies of the letters be sent to him and stated that he would advise Sig. BONFI in due course.

Sig. BONFI asked whether any information was available respecting the functioning of the Special Courts of Assize in the North. Brig. UPONNI replied that only incomplete and scattered reports had come in and that all he was in a position to say at this time was that popular courts had ceased functioning in reliance upon this decree. Complete reports were awaited and would be made available to Sig. BONFI as soon as possible.

sig. BOHNI asked whether this was the position of the Military Government. Sig. BOHNI asked whether this was the position of the Allied Commission. Brig. UPSON requested that copies of the letters be sent to him and stated that he would advise Sig. BOHNI in due course.

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NOTES OF A MEETING

between

Brig. URJOHN and Sig. BOENI

3 May 45

Brig. URJOHN handed Sig. BOENI certain letters concerning alleged discrimination against dock workers at Cagliari by fascists and which were referred to Brig. URJOHN by General KIMMER. Soviet representative on the Advisory Council for Italy, Sig. BOENI promised to have the matter investigated and appropriate action taken.

Brig. URJOHN advised Sig. BOENI that he considered it desirable after investigation of the apuration proceedings against Col. FRANCHIS of the Italian Air Force, that the matter should be suspended. It appeared that the charges against him were flimsy and that Col. FRANCHIS had played an important role in the recent military operations against the Germans. It was therefore necessary to depart from the usual practice of the Allied Commission in such matters and to request a suspension of the proceedings. Sig. BOENI said that he would have appropriate action taken upon receipt of a letter from Brig. URJOHN.

Sig. BOENI then said he had discussed and considered the matter of preventing Court Officials of Grades I to IV from evading dismissal through jurisdictional loopholes in respect to the application of the procedural time limits under Law 159. He stated that the decision of the Central Commission the matter was not yet final and that if it should sustain the employee a stronger provision for disciplinary action in such cases was to be sent to all Government Offices. Brig. URJOHN pointed out that such disciplinary proceedings might be held invalid by the Consiglio di Stato and that if the Central Commission decided against the S.C., a proper legislative measure would have to be enacted; that it was impossible to permit officials in Grades I to IV who were found guilty to escape apuration by means of technicalities of procedure.

Sig. BOENI stated that after a number of conferences with Government Officials he was reasonably certain that the law for the disqualification of Administrative and Sindacal would be passed shortly.

Sig. BOENI stated that the law substituting avvocati for magistrati in Apuration Commissions extended the time limits to Aug 15, and would be published very soon. The matter concerning the special commission for the Acquedotto Pugliese was covered since the time limits were now sufficient for it to complete its work.

Brig. URJOHN pointed out that an amendment would have to be enacted to Law 159 to cover the IMI FIRO situation; that it was intolerable that employees of parental constitutional should be affected by the apuration law while the directors were immune. Sig. BOENI promised to study the matter and submit a proposal.

- Sig. BOMBI then said he had discussed and considered the matter of preventing Court Officials of Grades I to IV from avoiding dismissal through jurisdictional loopholes in respect to the application of the procedural time limits under Law 159. He stated that the decision of the Central Commission the matter was not yet final and that if it should sustain the employee's circular providing for disciplinary action in such cases was to be sent to all Government Offices. Brig. UPTON pointed out that such disciplinary proceedings might be held invalid by the Consiglio di Stato and that if the Central Commission decided against the H.C., a proper legislative measure would have to be enacted, that it was impossible to permit officials in Grades I to IV who were found guilty to escape epuration by means of technicalities of procedure.
- Sig. BOMBI stated that after a number of conferences with Government Officials he was reasonably certain that the law for the disqualification of administrators and Sindaci would be passed shortly.
- Sig. BOMBI stated that the law substituting advocates for magistrates in Epuration Commissions extended the time limits to Aug 15, and would be published very soon. The matter concerning the special commission for the Asquedotto Pugliese was covered since the time limits were now sufficient for it to complete its work.
- Brig. UPTON pointed out that an amendment would have to be enacted to Law 159 to cover the M. P. V. situation; that it was intolerable that employees of permanent constitutions should be effected by the epuration law while the directors were immune. Sig. BOMBI promised to study the matter and submit a proposal.
- Brig. UPTON pointed out that the whole machinery of epuration was slow, inefficient and generally unsatisfactory; that much work still remained to be done and that a thorough overhauling was necessary. Sig. BOMBI agreed that this was the case but added that the likelihood of an imminent change of the Government itself made it very probable that epuration could become an immediate concern of the persons who should take the responsibility of Government, and that the governmental machinery as a whole, as well as epuration could be thoroughly overhauled at the same time.
- Sig. BOMBI promised to submit to Brig. UPTON a completed draft of the constitutional Decrees within 2 or 3 days. He added that he was undertaking to add new members to the Central Commission and otherwise speed up its work which had grown considerably in volume.

REPORT OF A MEETING

between

SIG. BUNDT and SIG. BUNDT

27 April 45

Sig. BUNDT, in answer to enquiry, said that no Minister was being allowed to proceed to forward areas at present. If the North as a whole was calm so that they would be permitted to do so. The present Army Central Line had been moved further forward and special leave will no longer be required to proceed to Florence, Florence or Lucca. Official confirmation of this would be sent.

Sig. BUNDT said that the Allied Commission was very concerned with a decision recently made in connection with Grades I to IV, in which it was held that proceedings had 'technically speaking' not been commenced in time if the defendant had not by that date been informed of the charges against him. It was understood that in this case the person concerned had been found by the Commission of First Instance, to be a Fascist. The Central Commission had quashed this decision. Grade I to IV officers were very senior officials and when they were admittedly Fascists, the Allies had under the Armistice Terms, the right to require their removal from office. Sig. BUNDT replied that he was not fully acquainted with the position and was not prepared to make a proposal at the moment. He would like to make enquiries. He agreed that something should be done and would make proposals at a later date. He thought that whatever steps were taken should preserve the individual's right of appeal on the merits of the case and not been considered by the Central Commission.

Sig. BUNDT then referred to the question of lower grade Government officials as to whom all cases had to be initiated by the 15 May 45. According to the returns made to this Headquarters by various Ministries they had not yet, on the average, investigated more than 60% of their staffs in order to see whether or not their cases should be referred to the AG for consideration. It did not appear probable that these preliminary investigations would be completed by the 15 May 45. Sig. BUNDT said that he would investigate the position.

Sig. BUNDT then referred to another decision of the Central Commission which found in the case of del Pino of Teti. After the Commission of First Instance had found him to be a Fascist the Central Commission decided that as he was a director, he was not within the description of persons exposable under Art. 159. There again is the case of a very senior official, found to be a Fascist and declared to be irretrievable. It was true that he might be disqualified if the proposed decree to disqualify convicted Fascists from holding managerial positions became law but only if he had been convicted of a Fascist crime or suffered a forfeiture. This was not so in this case. It was necessary that fascists in managerial positions of concern of

the law which provided

It was understood that in this case no person concerned had been found by the Commission of First Instance, to be a fascist. The Central Commission had quashed this decision. Under the 17 officers were very senior officials and when they were admitted fascists, the Allies had under the Armistice Terms, the right to require their removal from office. Sig. Rossi replied that he was not fully acquainted with the position and was not prepared to make a pronouncement at the moment. He would like to make enquiries. He earned that something should be done and would make enquiries at a later date. He thought that whatever steps were taken should preserve the individual's right of appeal as the merits of the cases had not been considered by the Central Commission.

Brig. WJW then referred to the execution of lower grade Government officials as to whom all cases had to be initiated by the 15 May 45. According to the returns made to this Headquarters by various Ministries they had not yet, on the average, investigated more than 60% of their staffs in order to see whether or not their cases should be referred to the HC for consideration. It did not appear probable that these preliminary investigations could be completed by the 15 May 45. Sig. Rossi said that he would investigate the position.

Brig. WJW then referred to another decision of the Central Commission which found in the case of Col Pino of Teti. After the Commission of First Instance had found him to be a fascist the Central Commission decided that as he was a director, he was not within the description of persons enumerated under the 159. Here again is the case of a very senior official, found to be a fascist and declared to be irretrievable. It was true that he might be disqualified if the proposed decree to disqualify convicted fascists from holding managerial positions became law but only if he had been convicted of a fascist crime or suffered a forfeiture. This was not so in this case. It was necessary that fascists in managerial positions of concern of international or national importance should be removed. A law which provided for the removal of underlings and omitted to remove the head persons must be wrong in principle. Sig. Rossi said he would look into the matter. He was under the impression that there was an article of some decree which would enable them to be dealt with.

Brig. WJW then referred to the case of employees of a certain utility (the Pugliese Aqueduct) undertaking. Proceedings had been commenced against them at a date which made requisite the completion of their hearing before the Commission of First Instance by the 27 April 45 (that is to-day). Recently, however, a special Commission for the Pugliese Aqueduct had been appointed to deal with the employees of that company and shortly before the date on which the time limits for proceedings had expired and despite the fact that this Commission pointed out the probability that in consequence the proceedings would become void for failure to observe the time limits, all pending cases were transferred to the new Commission. Sig. Rossi said he would investigate the matter.

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Brig. WYNN then referred to the draft decree disassembling Fascists from holding managerial positions and said that AC had no comments and might be proceeded with. The idea that this draft was withdrawn at the request of the Finance Sub-Commission appeared to be erroneous. It should not, however, be thought that the decree was completely satisfactory to this Commission in connection with its responsibility for ensuring that the Armistice Terms were carried out as far as the removal of persons from managerial positions is important public enterprises was concerned. He understood there was, in fact, another decree in the course of preparation to deal with employees of companies. He doubted this would stop some of the holes which appeared still to exist.

Brig. WYNN said that Sig. MANZONI had objected to the decree on the ground that it might have repercussions in the economic sphere, but he did not think that the proposals were as dangerous as he appeared to think. Brig. WYNN said that the point could be considered when the draft was ready.

Brig. WYNN then referred to the excuses that some Commissions had given - that they had been engaged on low grade officials. Sig. WYNN requested that if any such further excuses were offered AC would send him particulars.

Brig. WYNN then enquired whether any plans had been made to replace judges on expiration commissions by Avvocati or professors of law so that the judges might return to their proper sphere, namely, the law. Sig. WYNN said that the law was being published shortly and that he was meeting the Minister of Justice to discuss arrangements to be made and to draw up with him a list of names of persons suitable for appointments. All further appointments would be made under the new decree but no steps had been taken yet to release judges already appointed.

Brig. WYNN then said that he had met Col. MANNING and had discussed with him the question of appointing a delegate in North Italy. Brig. WYNN said that the Allied Commission was in favour of the early appointment of delegates but he felt that it would take some weeks before all appointments could be made and several weeks thereafter before all the commissions were appointed and the preliminary investigations completed. He fully agreed that the High Commission should start straight away with getting delegates appointed.

Brig. WYNN said that he had posed several questions to Sig. WYNN and enquired when the next meeting would be convenient for Sig. WYNN to communicate his replies. A meeting was fixed for Thursday, 3 May 45, at 1730 hrs at the Allied Commission Headquarters.

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218. WED HILL then referred to certain important Italian re-insurance companies and enquired whether SIG. BONDI knew SIG. ARNALDO VIGORELLI and SIG. MICHELE MULLER and whether he thought that these and similar people would be removed from their present appointments. The names he had mentioned were given only as examples. He was not meaning to imply that those mentioned in particular must be removed necessarily, but to indicate the standing of the persons who were removed from control of important business if it seemed to ensure. SIG. BONDI replied that there was no assurance that all such persons would be removed but if the proposed law was passed he thought very much that they would remain in office. He did not know whether the two persons mentioned would be

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...t better. Following a conversation in the last few days with
 U.S. Consul [redacted] he has reason to believe that he will keep to his point of view.

Sig. [redacted] pointed out that the draft only declared that certain managerial positions could not be held by persons who had suffered certain punishments on account of their fascist proclivities or who had occupied certain fascist posts. Sig. [redacted] said that the law was intended to remove fascists from certain positions automatically without any trial before a Commission but there would be a special commission to limit the period of inactivity of persons or to excuse them entirely where it was considered that their services were indispensable or they had expiated their previous errors by subsequent good services.

Sig. [redacted] said that one difficulty which was felt was that the decree might leave in office quite a number of big fascists who had not committed any crime, who had not held any leading position in the party and who had not corruptly enriched themselves. Sig. [redacted] replied that he did not exclude that possibility but did not think that the persons who would escape the provisions of the decree would either be important in themselves or numerous in number. He did not think, therefore, that there was any substance in the objection.

Sig. [redacted] then referred to certain important Italian re-insurance companies and enquired whether Sig. [redacted] knew Sig. Arnaldo [redacted] and Sig. Michele [redacted] and whether he thought that these and similar people would be removed from their present appointments. The names he had mentioned were given only as examples. He was not meaning to imply that those persons in particular must be removed necessarily, but to indicate the standing of the persons whose removal from control of important businesses it was desired to ensure. Sig. [redacted] replied that there was no assurance that all such persons would be removed but if the proposed law was passed he thought very few of them would remain in office. He did not know whether the two persons mentioned would be affected.

Sig. [redacted] then drew attention to the several different grounds for disqualification which were contained in the first Article of the decree. Sig. [redacted] said that he understood the position but he was anxious to ensure the removal from businesses of well-known fascists who might not have received any "penal sanction". Sig. [redacted] replied that most of these would be liable to sentence for having improperly enriched themselves and would therefore come within the ambit of the decree. There were also proposals under consideration to enable the forfeiture of the whole or part of the property of persons who had given substantial financial support to the fascist regime. Sig. [redacted] suggested that if such persons were also brought within the ambit of the "legalisation" decree it would be probable that the number of persons, of the type referred to, who would escape the provisions of the decree would be reduced to an insignificant number.

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Mr. G. W. WILSON said that the decree did not include companies limited by way of guarantee or mutual corporations. Mr. WILSON said he thought that such should be included and had already an amendment by that effect under consideration. He also thought that there should be included a special provision as to companies which were wholly or almost wholly owned by one man. To apply the decree directly in such cases would amount to confiscation. He thought it would be sufficient to bar such companies from competing Government contracts.

Mr. G. W. WILSON said that the decree which had been discussed dealt with management of private companies and he now wished to discuss a decree to deal with employees. The decree had not yet been drafted but he wished to mention it if what he had in mind was likely to be acceptable. When dealing with a subordinate clerical worker it must be recognized that a man must be able to earn his living. If he occupied a managerial or directive position it might be necessary to remove him from such a position but it was felt that if an ordinary employee had not been a sufficiently ardent fascist to be punished under the present law, no other punishment or disability should be inflicted upon him. Mr. WILSON agreed but reserved the right to consider the actual provisions of the draft; he pointed out that nevertheless co-workers might object to working with such a man if his fascist views were well-known. Mr. WILSON feels that in the field of private employment the only feasible sanction is dismissal, which however should be applied in the most serious cases. In the case of Government employees and persons whose contracts of service included a reasonable security of tenure of office and pension rights, lesser sanctions than dismissal were possible; in the ordinary private company there could be no such thing as suspension or lesser disciplinary action. Persons who should be discharged were callous-coretors and extreme supporters of fascism. Dismissal of those who were notorious or were known to be corrupt was justified.

Mr. G. W. WILSON enquired whether dismissal would prevent the re-employment of such persons in any position of a similar nature in another company. Mr. WILSON replied that in theory they would not be eligible but he had no illusions that those persons who had been dismissed would not be able to obtain similar employment if they went to a community in which they were not known.

Mr. G. W. WILSON, in reply to enquiry as to the nature of the proposed machinery, said that Commissions would be necessary. It would also be necessary to exclude the applicability of the decree to unimportant small businesses. A point that will be necessary to consider is the rights of private employees who have been discharged. In the case of State employees dismissal normally carries with it the right to a pension which the expunction commission may only forfeit in exceptional cases. In the case of a private employee who, if discharged, has the right to a long service bonus and to notice, and who are often entitled to the benefits of a welfare fund, it will be necessary to lay down the procedure to be followed. In the most serious cases there

[illegible]

Q. He enquired whether dismissal would prevent the re-employment of such persons in any position of a similar nature in another company. A. He replied that in theory they would not be eligible but he had no illusions that those persons who had been dismissed would not be able to obtain similar employment if they went to a community in which they were not known.

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Mr. LUGGERS said that he hoped to be in a position to give CIG. 30011 his opinion on these proposals. The separation of employees was most difficult because of the contractual relations between master and the servant.

Sig. COMPT. in reply to a question, says that he is preparing a decree on the forfeiture of profits and is a member of the Committee which is studying this question. The Committee will meet again in a few days. It may be desirable postpone further consideration of the draft until after this meeting.

- Sig. BOERI said that he had read the report on Piemonte which had been lent to him. He recognized the the writer was and knew him personally.
- Brig. WITJEN said that he had found the report both interesting and reassuring. Sig. BOERI agreed that proceedings in the north must be taken quickly. Brig. WITJEN said that he had thought the Government must issue quickly their decrees for setting up the necessary courts quickly. Sig. BOERI said that the Ministerial Council had taken his proposals for the establishing of such Courts into favourable consideration and hoped that an early decision would be reached.
- Sig. BOERI said that a decree allowing avvocati to sit as Spuretion Comissione was in course of drafting. He hoped it would shortly be available.
- Brig. WITJEN said that the discussion had been a very important and interesting one; it had dealt with very difficult matters.

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

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

NOTES OF A MEETING

between

Lt Col WHITE and H E GREGG

23 Mar 45

Lt Col WHITE enquired the position as regards Emilio MARCONI information as to whom had been supplied to H E on 20 Feb 45 and was informed that he had been dismissed from his post as an Espionage Commissioner and that proceedings were pending against him.

Lt Col WHITE said that on his recent tour he had found certain commissions which appeared to be working in some provinces. The ICJ asked whether these were official or irregular. It was necessary that AC should be informed of all appointments, whether of individuals or bodies, which were made in ABC territory so that ICJs could be kept informed. Not only were they responsible but co-operation would thereby be much facilitated.

H E said that there were 5 railway commissions and 2 education commissions working in PLAZUELOS. He quite appreciated the point made and in future would see that AC was informed of all appointments.

Lt Col WHITE then referred to the failure to appoint commissions in certain provinces though the names had been submitted for some time.

H E said he was very conscious of this; there was no delay in his office. The decrees for signature of the ICJ had been submitted to the ICJ some time ago. He very much regretted the delay and would try to get the decrees signed.

H E said that the recent tour was extremely useful and successful. He had had a most valuable report from Dr. AMEGLI.

Lt Col WHITE then referred to the difficulties in understanding the various time limits and the jurisdiction of the various types of Espionage Commissions. He thought that the time limits could be simplified.

H E said that he would prepare a comprehensive table showing by whom the various types of employees were defensible and the time by which the cases of each class had to be initiated and decided.

H E then referred to the irregularities which were undoubtedly being assisted by his delegates. He said that he was very conscious of them and referred particularly to the cases of sequestration in LARCA and of MARCONI's action in arresting persons in Naples. He said that he himself was visiting Naples to discuss MARCONI's conduct. He felt that MARCONI was essentially honest but should MARCONI show a will to continue violating the procedure he will be removed.

H E was informed that at an interview MARCONI had expressed the view that he would take the law into his own hands and not be bound by the restrictions of the decrees.

1st Col

H E

H E

1st Col

H E

H E

H E

H E

H E

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He said he was very conscious of this; there was no delay in his office. The deacons for signature of the JCM had been submitted to the JCM some time ago. He very much regretted the delay and would try to get the deacons signed.

He said that the recent tour was extremely useful and successful. He had had a most valuable report from Dr. AMBROGI.

He then referred to the difficulties in understanding the various time limits and the jurisdiction of the various types of separation commissions. He thought that the time limits could be simplified.

He said that he would prepare a comprehensive table showing by whom the various types of employees were defensible and the time by which the cases of each class had to be initiated and decided.

He then referred to the irregularities which were undoubtedly being committed by his delegates. He said that he was very conscious of them and referred particularly to the cases of sequestration in Lancia and of MARCONI's action in arresting persons in Naples. He said that he himself was visiting MARCONI to discuss MARCONI's conduct. He felt that MARCONI was essentially honest but should MARCONI show a will to continue violating the procedure he will be removed.

He was informed that at an interview MARCONI had expressed the view that he would take the law into his own hands and not be bound by the restrictions of the deacons.

He continued that he proposed to issue instructions to all delegates defining their duties and stating that they must keep strictly within the law. He was aware that his delegates were acting both in cases of fascist crimes and in cases of undue enrichment but he had not been aware that there was any tendency for them to take executive action in such cases. The appropriate person to take executive action in the cases of fascist crimes was the procuratore del re and, in the case of undue enrichment, the intendente di finanza. In any case, delegates had not been entrusted with any powers and were purely "separation" officials, selected and nominated by him. The whole question would be discussed with their Excellencies BELLI and CINGOLANI. While it was essential that officials should keep strictly within the law he sometimes felt that there was a section of Italian officialdom which was interested in obstructing proper defences and he wondered whether there was an intention really to proceed thoroughly with defences.

He said that he sent the prefect of Naples a telegram requesting him to apply Art 8 in the cases of the "Internationale di Finanza" and also Sig. GIUSEPPE ARRENTI, one of the delegates of the High Commissioner for MARCONI.

NOTES OF A MEETING

between

Sig. MORI and Brig. UNGHERI

20 Mar 45

Sig. MORI asked whether AC had any further information as regards the contents of the cases belonging to Count GIARDINO and was informed that AC had not but that enquiries would be made.

Brig. UNGHERI enquired whether Sig. MORI had seen a report on conditions in Piemonte of which he understood the Ministry of Justice had a copy. Sig. MORI stated he had not seen it and a copy thereof was lent to him (File N. 4001/11) the contents of the report was confirmed from other sources.

Brig. UNGHERI then referred to operations in Northern Italy and stated that the information contained in the report confirmed that operations must be put into force within a few days of occupation. As the Italian Government because of transport difficulties and the time necessary to make enquiries and to make appointments would not be able to commence at once, it would be necessary to put 60-75 into operation. This order is in fact IL 159, but applied by AC it would be brought into force merely because the Italian Govt would not be in a position to start operating IL 159 themselves at once. The Italian Government would commence operating IL 159 as soon as they were in a position to do so. Sig. MORI agreed.

Brig. UNGHERI referring to an enquiry as to whether the Draft Decree to establish special courts of Anzio was acceptable said that the draft had received very careful consideration and AC had two comments:

- a) the name to be given to the Court; it was not a Court of Anzio. He suggested the name "Court for the Punishment of Fascist Crimes". Sig. MORI said that if it was necessary to change the name he would suggest the name which had been used in France, namely "Court of Justice"; the second objection was
- b) that the Decree was intended to apply to part of Italy only, which meant the procedure and the punishment depended upon where a man was arrested and tried. It was considered better to make the Decree applicable to the whole of Italy and to provide that it could be brought into force in such parts of Italy as might be ordered by Decree of the President of the Council of Ministers.

Sig. MORI agreed, but pointed out that the draft Decree dealing with the establishment of a Tribunale Militare for Northern Italy which was under discussion with the Legal Sub-Commission was also drafted so as to apply only to Northern Italy. Brig. UNGHERI said that he would take that matter up with the Legal Sub-Commission.

Brig. UNGHERI said that if these Courts were to start within a few days of occupation it was necessary that the Government should at once take in hand the

...the Italian Government
and to make appointments would not be able to commence at once, it would
be necessary to put GO 35 into operation. This order is in fact DE 159,
but applied by AC 14 would be brought into force merely because the Italian
Govt would not be in a position to start operating DE 159 themselves at
once. The Italian Government would commence operating DE 159 as soon as they
were in a position to do so. Sig. ROSSI agreed.

Brig UNGER referring to an enquiry as to whether the Draft Decree to establish
special courts of Anzio was acceptable said that the Draft had received
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Sig. ROSSI agreed, but pointed out that the draft Decree dealing with the
establishment of a Tribunale Militare for Northern Italy which was under
discussion with the Legal Sub-Commission was also drafted so as to apply
only to Northern Italy. Brig UNGER said that he would take that matter
up with the Legal Sub-Commission.

Brig UNGER said that if these Courts were to start within a few days of occupa-
tion it was necessary that the Government should at once take in hand the
preparation of all necessary decrees so that these were ready for immediate
issue to enable the Courts to come into being on the day on which any
provincial capital was liberated.

Brig UNGER said that he did not quite understand the object of Art 2 of the
Draft Decree. Was it not sufficient to say that anybody accused of offences
under Arts 3 and 5 could be tried?

Sig ROSSI replied that normally they wished only to try with Special Expedition
cases under Article 5 of DE 159. The intention of Art 2 was to restrict
trials to such cases but nevertheless to allow the joining of offences under
Art 5 in the same trial. The trial of the cases under Art 5 might require
much investigation and evidence as to the distant past; whereas by confining

trials to offences under Article 5, the Courts should be able to act with expedition but the power to couple Art 5 might in suitable cases avoid the necessity of two trials.

Brig UNGER said that it had been suggested that instead of having a new Court it might be advisable to amend the present Court of Appeal generally so as to speed up justice in all cases. Sig BOMBI replied that he thought any such change would take a considerable time to bring about and would be highly contentious. For this reason it was undesirable to proceed by this means.

Brig UNGER then referred to the expiration of time under Art 159 and enquired what action was being taken to extend them. Sig BOMBI said the matter was in hand. He would enquire and inform AG.

Brig UNGER said he was glad to see that it had been decided that arrests should be used in place of judges and he thought it was important that they should be employed as soon as possible and asked what steps had been taken to effect this. Sig BOMBI said that he would press the matter on.

Col WHITE, discussing his tour, then referred to a recent irregularity in the handling of sequestration of estates and showed Sig BOMBI an example of a corrective letter to the Prefect of LUCCA which had been issued by his secretary CINGOLANI. He did not think the irregularities were confined to LUCCA. Sig BOMBI replied he was dealing with the matter and instructions to inform delegates of their powers and duties were in the course of preparation.

Col WHITE reported that he had received information which was unable to corroborate that threats to procure sequestration of estates were being made in LUCCA and PISTOIA. Sig BOMBI said that he would enquire.

Col WHITE said that it appeared that the intention of Art 35 of IL 153 was only for use in exceptional cases. Normal procedure was to seize property under Art 36. Sig BOMBI agreed.

Col WHITE then referred to the shortage of prison accommodation and said that some delegates appear to be instigating arrests for Fascist crimes without submitting charges. Sig BOMBI said that delegates had no power to instigate arrests. He agreed that there was no necessity to effect arrests in less serious cases where the accused had shown no signs of desiring to abscond.

Brig UNGER said he proposed to send out an instruction to the arresting authorities that they should not comply with the requests by delegates to effect arrests for Fascist crimes. It would be useful if he would send out a similar directive.

Brig UNGER then referred to the necessity of the Italian Government issuing a directive as to the payment of delegates and of their staffs. AG officers are at a complete loss to know how these are to be dealt with and what scale of payment was authorized. Sig BOMBI said that he understood the problem was possible.

ing of apprehension of estates and showed Sig BOMBI an example of a corrective letter to the effect of LIMA which had been issued by his brother, Sig BOMBI. He did not think the irregularities were confined to LIMA. Sig BOMBI replied he was dealing with the matter and instructions to inform delegates of their powers and duties were in the course of preparation.

Col WHITE reported that he had received information which was unable to corroborate that threats to procure sequestration of estates were being made in LIMA and PISTOIA. Sig BOMBI said that he would enquire.

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Brig UNGER then referred to the necessity of the Italian Government issuing a directive as to the payment of delegates and of their staffs. AMC officers are at a complete loss to know how these are to be dealt with and what scale of payment was authorized. Sig BOMBI said that he understood the problem and would try to get the matter settled as soon as possible.

Brig UNGER informed Sig BOMBI that he was shortly making a report to the Advisory Council for Italy and that it would assist him greatly if HE would supply him with a report of the progress made by all branches of the High Commission as soon as possible. The report which had been furnished by HE's predecessor on 31 Dec had been admirable.

Brig UNGER then asked whether it would suit Sig BOMBI to have another meeting this week to discuss the question of private companies. An appointment was fixed for Friday 23 March at 1100 hours.

Brig UNGER said that perhaps Sig BOMBI could, at the same time, say what progress had been made in regard to the employment of Avvocati instead of judges and the extension of the time limit for the initiation proceedings. Sig BOMBI would no doubt at the same time return 4004/3.

2211

1508
ALTO COMMISSARIATO
PER LE SANZIONI CONTRO IL FASCISMO
ALTO COMMISSARIO AGGIUNTO
PER L'EMIGRAZIONE

13 APR 1945

Roma, 11 aprile 1945

Sig. Dr. Colonnello,

Ho ricevuto il verbale del nostro colloquio del 23 marzo. Ho solo due osservazioni da fare:

- 1) Alla fine del paragrafo 9 del verbale è detto: "Mancini sarebbe stato rimosso e se possibile un provvedimento legale si sarebbe iniziato contro di lui".

Questa formulazione non è esatta. Se ben ricordo le dissi: "Giuseppe Mancini dimettersi di voler continuare nel comitato delle irregolarità, egli sarà rimosso". Io vi prego di sostituire quella formula a quella contenuta nel verbale.

Vi comunico che durante la mia visita a Napoli si è potuto constatare che anche gli altri due delegati dell'Alto Commissariato per le Sanzioni erano d'accordo con il Mancini. Ho richiamato quei sei delegati all'osservanza della legge ed in quel caso stesso sono io parlato sinistri al Comitato di Liberazione Nazionale di Napoli.

L'ultimo paragrafo del verbale contiene una formulazione inesatta. Io vi ho comunicato la notizia che avevo telegrafato giorni innanzi al Prefetto di Napoli perché applicasse l'art. 3 della legge 27 luglio 1944, n. 159 nei confronti di due persone fatte arrestare dall'avv. Mancini. In ab-

Al Distrettore Colonnello White
Ser. Affari Civili Com. Al. Al. Al.
S. U. A.

3861

C C I O O

hanno dovuto convincerci che l'art. 8 di quella legge non poteva essere praticamente applicata per deficienze tecniche. Infatti è in corso di preparazione una nuova legge che precisa tecnicamente l'art. 8.

Vi prego dunque di sostituire l'ultimo paragrafo del verbale, così:

"S.E. ha detto che ha inviato al Prefetto di Napoli un telegramma invitandolo ad applicare l'art. 8 nei casi dell'Intendente di Finanza e del Signor Treco, fatti arrestare nel carcere dell'Alto Commissariato, avv. Mancini."

Con ossequi

Uffizio di

Raffaello

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

TRANSLATION NO. 274

HIGH COMMISSION FOR SANCTIONS AGAINST FASCISM

ROME, 11 April 1945

Ref. 1300

Dear Lt. Colonel,

I have received the report of our conference of 23 March. I have only two observations to make:

- 1) The end of paragraph 9 reads: "Mancini would be removed and if punishable legal measures would be taken against him."

This statement is incorrect. If I remember well I said: "Should Mancini show a will to continue violating the procedure, he will be removed." I request you to substitute this wording for that contained in the report.

I wish to inform you that during my visit to Naples I observed that the other two delegates of the High Commissioner for sanctions against fascism were in agreement with Mancini. I warned the delegates to observe the law and spoke of the matter before the Naples Committee of National Liberation.

The wording of the last paragraph of the report is incorrect. I informed you that some days before I had sent a telegram to the Prefect of Naples desiring him to apply art 8 of the law 159 of 27 July 1944 against two persons arrested by order of Avv. Mancini. We had to admit, however, that art 8 of that law could not practically be applied owing to technical defects. A new law is now being prepared in order to make art 8 more technically precise.

I request you therefore to alter the last paragraph of the report to the following:

"His Ex. said that he sent the Prefect of Naples a telegram requesting him to apply art 8 in the cases of the 'Intendente di Finanza' and Signor Greco arrested by order of the delegate of the High Commissioner Avv. Mancini."

Yours respectfully
/s/ Ruggero Grieco

MEMORANDUM NO 660

HIGH COMMISSION FOR SACTIONS AGAINST FASCISM

Ref 360

ROME, 5 April 1945

Dear Colonel,

Forgive me for not having replied sooner to your letter of 27 March concerning the meeting with Brig. Gjokan, yourself and Mr. Raimondi of the 24th of last month.

The summary you sent is in general exact. There are, however, some points which I should like to modify.

I would change the first part, dealing with H.S. Gronchi's proposed amendments as follows:

"He has agreed to consider some of these changes, while he does not feel he should agree to others either because, to his opinion, they are inadmissible, or he feels they should be postponed for a future study with other drafts of law into which they may fit better."

"Following a conversation in the last few days with H.S. Gronchi, he has reason to believe that he will keep to his point of view."

On page 2 appears this sentence: "Signor Boeri feels that dismissal is the only sanction that can be applied against subordinate employees". This I would change to: "Signor Boeri feels that in the field of private employment the only feasible sanction is the dismissal, which however should be applied in the most serious cases".

Again on page 2 I should like to change one of the last sentences to read as follows: "A point that will be necessary to consider is that concerning the rights of private employees who have been discharged. In the case of State employees, dismissal normally carries with it the right to pension which the expiration commission may deduct only in exceptional cases. In the case of private employees who, if discharged, have the right to a seniority indemnity and to a notice, and who are often allowed to receive the benefits of a welfare fund, it will be necessary to establish a definite procedure. In the most serious cases where it may be proposed to deprive them entirely or in part of the indemnity due to them, it will be necessary to specify to whom these indemnities should be given because it is evidently inadmissible for the employer to benefit from them."

Finally, I should like you to change the notes at the beginning of page 3 as follows:

that he has worked on the decree for

I would change the first part, dealing with H.E. Gronchi's proposed amendments as follows:

'He has agreed to consider some of these changes, while he does not feel he should agree to others either because, to his opinion, they are inadvisable, or he feels they should be postponed for a future study with other drafts of law into which they may fit better.'

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Finally, I should like you to change the notes at the beginning of page 3 as follows:

'Signor Boeri, in reply to a question, says that he has worked on the decree for the forfeiture of profits. He is a member of the Commission which is studying this question. The commission will meet again in a few days. It may be useful to examine the draft after this meeting.'

Sincere regards.

TO: COL. S.H. WHITE
C.A. SECTION
ALLIED COMMISSION
R O M E

/s/

14

3579

Alto Comandante
per la sicurezza contro il fascismo
IL SEGRETARIO GENERALE

- 7 APR. 1945

Roma, 5 aprile 1945

Caro Colonnello,

mi scusi se ho ritardato di qualche giorno una risposta alla Sua del 27 marzo scorso circa la conversazione col Brig. Upjohn, con Lei e con il Magg. Palmieri del 24 scorso mese.

In massima il riassunto che Ella mi trasmette è esatto. Vi è, peraltro, qualche punto che vorrei modificare.

Nella prima parte, dove si parla delle proposte di modifiche avanzate da S.E. Gronchi, io modificarei così:

" di qualcuna di queste modifiche egli ha accettato
" di tenere conto, mentre non crede di aderire ad altre o perchè, a suo giudizio, non sono opportune o
" perchè si ripromette di prenderle in esame in occasione di altri progetti di legge in cui potranno trovare migliore collocazione.
" Da una conversazione avuta in questi giorni con
" S.E. Gronchi ha ragione di ritenere che egli aderirà al suo punto di vista. "

A pagina 2, dove si dice: " Il Sig. Boeri considera che unica sanzione attuabile contro gli impiegati subordinati è il licenziamento", modificarei così:

Al Col. S.M. WHITE
CA Section - Commissione Alleata
- R O M A -

4443
3679

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

" Il Sig. Boeri considera che nel campo dell'impiego
" privato l'unica sanzione attuabile sia il licenzia-
" mento da applicarsi, però, solo nei casi più gravi."

Sempre a pagina 2 io vorrei modificare la dizio-
ne di uno degli ultimi periodi della pagina stessa in
questa forma:

" Un punto che sarà necessario trattare sarà quello
" relativo ai diritti degli impiegati privati licen-
" ziati. Nel caso degli impiegati dello Stato, il
" licenziamento porta in via normale il diritto a
" pensione, che solo in casi eccezionali la Commis-
" sione per l'epurazione può togliere. Nel caso de-
" gli impiegati privati che, se licenziati, hanno di-
" ritto ad una indennità di anzianità e ad un preav-
" viso, e che spesso sono ammessi a partecipare ad
" un fondo di previdenza, sarà necessario fissare
" con precise disposizioni che cosa debba avvenire.
" In particolare, nei più gravi casi in cui si chie-
" desse di privarli in tutta o in parte del diritto
" a beneficiare delle indennità che loro spettano,
" occorrerà precisare a chi queste indennità vadano
" devolute, perchè evidentemente non sarebbe ammis-
" sibile che venisse a beneficiarne il datore di la-
" voro. "

Finalmente, a pagina 3 in principio, La prego
di modificare gli appunti in questo modo:

" Il Sig. Boeri, in risposta ad una domanda, dice
" che si è occupato del progetto di decreto per
" l'avocazione dei profitti di regime. Egli fa par-

Allo Comissario
per le relazioni con la stampa
IL SEGRETARIO GENERALE

- " te della commissione che studia questo progetto.
- " In questi giorni la commissione si riunirà ancora.
- " Potrebbe essere utile esaminare il progetto dopo
- " tale riunione.

Saluti cordialissimi

L. V. Morini

4442

TRANSLATION (p. 6)

HIGH COMMISSION FOR SANCTIONS
AGAINST FASCISM

Ref : 387

Rome, 3 April 45

Dear Colonel,

I have seen your notes on my conversation with Brig. ROERI
on the 20 of last month.

They correspond exactly with what was said. There is only
one point which I should like to have changed. I don't recall exactly
how you explained my ideas on the Courts of Assize, dealt with in the
first page, which however can be summarized as follows :-

"Sig. ROERI says that in the plan the name "Court of Assize"
has been kept in order to discourage the impression that the magistra-
ture is a special one, and also because actually these Courts correspond
to the concept underlying the Courts of Assize, and like them are composed
of a judge and some citizens.

However, if it is desired to change the name, I would suggest
"Courts of Justice" already been used in France."

The rest is very good.

Sincerely Yours,

s/ ROERI

Alto Comandante
per la revisione contro il fascismo
(A. AGNETTINO GENERALE)

Roma, 3 aprile 1945

Caro Colonnello,

ho visto gli appunti da lei presi durante l'incontro che ho avuto il 24 u.s. col Brig. *MAJONE*.

Corrispondenza esattamente a quanto si è detto. Vi è solo un punto in cui vorrei una modificazione. Nella prima pagina, dove si tratta di forti di asini, io non ricordo esattamente con quali parole abbia spiegato il mio pensiero. Tanto, peraltro, si può riassumere così:

- " Il Signor Boeri dice che nel progetto si è mantenu-
- " ta la designazione di forti di asini, sia per accen-
- " tuare alla l'impresione che si tratta di una magi-
- " stratura guerriera, sia perché effettivamente questa
- " forte corrisponde al concetto delle asini, con-
- " grando come sono di un aligatore e di alcuni citta-
- " dini.
- " Ad ogni modo, se si ritenesse di modificare la de-
- " nominazione, egli suggerirebbe il termine già scto-
- " to in Francia di forte di *lucertola*."

Tutto il resto va benissimo.
Cordiali saluti

[Handwritten signature]

Alto Com. E.S. *MAJONE*
in carica - Commissione *MAJONE*
- E.S. -

2440



No. 785016

Suggested Amendment by the Society:

He has been very persistent in his insistence of having them get
out of the country as soon as possible. He has been very persistent
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them get out of the country as soon as possible.

ERIC. WYNNER, after apologizing for postponing at such short notice the meeting which was to have been held the previous day, said that the question of dealing with the operation of private companies was most pressing. DL 159 did not deal with such companies and DL 120 was both obscure and unsuitable. DL2. BOURI agreed and referred to the draft decree in AC's possession for preventing fascists acting as heads of companies and said that if WYNNER had put forward many proposals to modify it. Many of these were contentious and he had asked H 2 to facilitate the passage of the decree by not pressing those proposals which were not generally acceptable. He thought that the draft would probably not differ greatly from the proposals when they reached their final form.

Exhibit. Wynn pointed out that the draft only declared that certain managerial positions could not be held by persons who had been convicted of certain offenses on account of their fascist activities or who had occurred in fascist organizations. Wynn said that the law was intended to remove fascists from certain positions automatically without any trial before a Commission but there would be a special commission to limit the period of incapacity of persons or to remove them entirely where it was considered that their services were indispensable or they had indicated that their previous errors warranted continued service.

1957-58 said that one difficulty which was felt was that the decree might leave in office quite a number of big fascists who had not committed any "crime". He had not held any leading position in the party and who had not correctly enriched themselves. Sig. D'Amico replied that he did not exclude that possibility but did not think that the persons who would escape the provisions of the decree would either be important in themselves or numerous in number. He did not think, therefore, that there was any substance in the objection.

and then referred to certain important Italian passport holders and enquired whether Sig. BOCCI knew Sig. BOCCI and if so, whether he thought that those and some other persons had or were likely to present appointments. The names of these persons in particular must be removed necessarily, but to indicate the standing of the persons who are removed from control of important businesses it was desired to ensure. Sig. BOCCI replied that there was no assurance that all such persons would be removed but if the proposed law was passed he thought very few of them would remain in office. He did not know whether the two persons mentioned would be affected.

Brig. UZZOPI pointed out that the draft only declared that certain managerial positions could not be held by persons who had suffered certain punishments on account of their fascist activities or who had occupied certain fascist posts. Brig. UZZOPI said that the law was intended to remove fascists from certain positions automatically without any trial before a Commission but there would be a special commission to limit the period of ineligibility of persons or to exempt them entirely where it was considered that their services were indispensable or they had expiated their previous errors by subsequent good service.

Brig. UZZOPI said that one difficulty which was felt was that the decree might leave in office quite a number of big fascists who had not committed any 'crime', who had not held any leading position in the party and who had not corruptly enriched themselves. Sig. ROSSI replied that he did not exclude that possibility but did not think that the persons who would escape the provisions of the decree would either be important in themselves or numerous in number. He did not think, therefore, that there was any substance in the objection.

Brig. UZZOPI then referred to certain important Italian re-insurance companies and enquired whether Sig. ROSSI knew Sig. ALESSANDRI and Mr. BELLINI, mentioning and whether he thought that these and similar people could be removed from their present appointments. The answer he had mentioned were given only as examples. He was not meaning to imply that these persons in particular must be removed necessarily, but to indicate the standing of the persons whose removal from control of important businesses it was desired to ensure. Sig. ROSSI replied that there was no assurance that all such persons would be removed but if the proposed law was passed he thought very few of them would remain in office. He did not know whether the two persons mentioned would be affected.

Sig. ROSSI then drew attention to the several different grounds for disqualification which were contained in the first Article of the decree. Brig. UZZOPI said that he understood the position but he was anxious to ensure the removal of the businesses of well-known fascists who might not have received any 'punishment'. Sig. ROSSI replied that most of these would be liable to sentence for having improperly enriched themselves and would therefore come within the ambit of the decree. There were also proposals under consideration to enable the forfeiture of the whole or part of the property of persons who had given substantial financial support to the fascist regime. Sig. ROSSI suggested that if such persons were also brought within the ambit of the 'disqualification' decree it would be probable that the number of persons, of the type referred to, who would escape the provisions of the decree would be reduced to an insignificant number.

Brig. UZZOPI said that the decree did not include companies limited by way of guarantee or mutual corporations. Sig. ROSSI said he thought that such should be included and had already an amendment to that effect under consideration. He also thought that there should be included a special

Suggested amendment by H3 BOERI:

+ Signor BOERI feels that in the field of private employment the only feasible sanction is dismissal, which however should be applied in the most serious cases.

Suggested Amendment by H3 BOERI:

A point that will be necessary to consider is that concerning the rights of private employees who have been discharged. In the case of State employees dismissed normally carries with it the right to pension which the separation commission may ~~not~~ ^{only} in exceptional cases. In the case of private employees who, if discharged, have the right to a ~~seniority~~ ^{severance} indemnity and to a notice, and who are often allowed to receive the benefits of a welfare fund, it will be necessary to establish a definite procedure. In the most serious cases where it may be proposed to deprive them entirely, or in part of the indemnity due to them, it will be necessary to specify to whom these indemnities should be given because it is evidently inadmissible for the employer to benefit from them.

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Suggested Amendment by HE BOZEL:

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Suggested Amendment by HE BOZEL:

Signor BOZEL, in reply to a question, says that he has worked on the decree for the forfeiture of profits. He is a member of the Commission which is studying this question. The Commission will meet in a few days. It may be useful to examine the draft after this meeting.

provision as to exemption which were wholly or almost wholly owned by the company. To apply the decree directly in such cases would amount to confiscation. He thought it would be sufficient to bar such companies from accepting Government contracts.

Sig. BOYD said that the decree which had been discussed dealt with management of private companies and he now wished to discuss a decree to deal with employees. The decree had not yet been drafted but he wished to ascertain if what he had in mind was likely to be acceptable. When dealing with a subordinate clerical worker it must be recognized that a man must be able to earn his living. If he occupied a managerial or directive position it might be necessary to remove him from such a position but it was felt that if an ordinary employee had not been a sufficiently ardent fascist to be punished under the present law, no other punishment or disability should be inflicted upon him. Sig. UPJAN agreed but reserved the right to consider the actual provisions of the draft; he pointed out that nevertheless co-workers might object to working with such a man if his fascist views were well-known. Sig. BOYD considered that the only practicable sanction to be used against subordinate employees was dismissal. In the case of Government employees and persons whose contracts of service included a reasonable security of tenure of office and pension rights, lesser sanctions than dismissal were possible; in the ordinary private company there could be no such thing as suspension or lesser disciplinary action. Persons who should be discharged were collaborators and extreme supporters of fascism. Dismissal of those who were notorious or were known to be corrupt was justified.

Sig. UPJAN enquired whether dismissal would prevent the re-employment of such persons in any position of a similar nature in another company. Sig. BOYD replied that in theory they would not be eligible but he had no illusions that those persons who had been dismissed would not be able to obtain similar employment if they went to a community in which they were not known.

Sig. BOYD, in reply to enquiry as to the nature of the proposed machinery, said that Commissions would be necessary. It would also be necessary to exclude the applicability of the decree to unimportant small businesses. Another provision which would be necessary was to prevent companies who had insurance or pension funds from benefitting from the discharge of employees who were entitled to benefits under their scheme. That should be done in such cases as under consideration; it might be that it should be ordered that the pension funds should revert to the benefit.

Sig. UPJAN said that he hoped to be in a position to give Sig. BOYD his opinion on these proposals. The separating of employees was most difficult because of the contractual relations between master and the servant.

Sig. BOYD, in reply to enquiry, said that he had seen the draft decree for confiscating the property of fascist companies. He had had a discussion of the matter with the Government and a decision was to be held on

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Sig. BOWEN, in reply to enquiry, said that he had seen the draft decrees for confiscating the property of fascist companies. He had had a discussion with H. TUNNICLIFFE on the matter and a further discussion was to be held on Monday (26th). He thought there would be very many and far-reaching amendments and there would be little advantage in discussing the present draft and suggested that the discussion might be postponed until after Monday. He would supply a copy of the decrees as amended after the meeting on Monday.

Sig. BOWEN said that he had read the report on PROPERTY which had been lent to him. He recognized who the writer was and knew him personally. Mr. BOWEN said that he had found the report both interesting and reassuring. Sig. BOWEN agreed that proceedings in the north must be taken quickly. Mr. BOWEN said that he had thought the Government must issue quickly their decrees for setting up the necessary courts quickly. Sig. BOWEN said that the Ministerial Council had taken his proposals for the establishing of such Courts into favourable consideration and hoped that an early decision would be reached.

Sig. BOWEN said that a decree allowing advocates to sit on Jurisdiction Commissions was in course of drafting. He hoped it would shortly be available.

Mr. BOWEN said that the discussion had been a very important and interesting one; it had dealt with very difficult matters.

NOTES OF A MEETING

between

Lt Col WHITE and H E GRIECO

23 Mar 45

Lt Col WHITE enquired the position as regards Ennio MANCINI information as to whom had been supplied to H E on 20 Feb 45 and was informed that he had been dismissed from his post as an Epuration Commissioner and that proceedings were pending against him.

Lt Col WHITE said that on his recent tour he had found certain commissions which appeared to be working in some provinces. The PC asked whether these were official or irregular. It was necessary that AC should be informed of all appointments, whether of individuals or bodies, which were made in AMG territory so that PCs could be kept informed. Not only were they responsible but co-operation would thereby be much facilitated.

H E said that there were 5 railway commissions and 2 education commissions working in FLORENCE. He quite appreciated the point made and in future would see that AU was informed of all appointments.

Lt Col WHITE then referred to the failure to appoint commissions in certain Provinces though the names had been submitted for some time.

H E said he was very conscious of this; there was no delay in his office. The decess for signature of the PCM had been submitted to the PCM some time ago. He said the delay and would try to get the decess

Suggested Amendment by H E GRIECO:

H E said that he sent the Prefect of Naples a telegram requesting him to apply Art 8 in the cases of the "stendente di Finanze" and have Sig. GREGO arrested by order of the delegate of the High Commissioner Avv. MANCINI.

to discuss MANCINI's conduct. He said that he himself was visiting NAPLES but should MANCINI show a will to continue violating the procedure he will be removed.

types of employees were each class had to be initiated and decided.

H E then referred to the irregularities which were undoubtedly being committed by his delegates. He said he was very conscious of them and referred particularly to the cases of sequestration in LUCCA and of MANCINI's action in arresting persons in NAPLES. He said that he himself was visiting NAPLES to discuss MANCINI's conduct. He felt that MANCINI was essentially honest but if there were irregularities MANCINI would be removed and if appropriate, legal action against him would be taken.

H E was informed that at an interview MANCINI had expressed the view that he would take the law into his own hands and not be bound by the restrictions

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H E was informed that at an interview MANCINI had expressed the view that he would take the law into his own hands and not be bound by the restrictions of the decrees.

H E continued that he proposed to issue instructions to all Delegates defining their duties and stating that they must keep strictly within the law. He was aware that his Delegates were acting both in cases of fascist crimes and in cases of undue enrichment but he had not been aware that there was any tendency for them to take executive action in such cases. The appropriate person to take executive action in the cases of Fascist Crimes was the Procuratore del Re and, in the case of undue enrichment, the Intendente di Finanza. In any case, Delegates had not been entrusted with any powers and were purely 'Eparation' Officials, selected and nominated by him. The whole question would be discussed with their Excellencies BELLINGER and CINQUELANI. While it was essential that officials should keep strictly within the law he sometimes felt that there was a section of Italian officialdom which was interested in obstructing proper defascism and he wondered whether there was an intention really to proceed thoroughly with defascism.

H E said that he had instructed Prefects to put Art 5, with regard to disenfranchising persons into operation.

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H E said he was very conscious of this; there was no delay in his office. The decrees for signature of the PM had been submitted to the PM some time ago. He very much regretted the delay and would try to get the decrees signed.

I said that the recent tour was extremely useful and successful. He had had a most valuable report from Dr. AMOROGI.

Col WHITE then referred to the difficulties in understanding the various time limits and the jurisdiction of the various types of Epuration Commissions. He thought that the time limits could be simplified.

I said that he would prepare a comprehensive table showing by whom the various types of employees were refeasible and the time by which the cases of each class had to be initiated and decided.

H E then referred to the irregularities which were undoubtedly being committed by his delegates. He said he was very conscious of them and referred particularly to the cases of sequestration in LUCCA and of MANCINI's action in arresting persons in NAPLES. He said that he himself was visiting MARSEILLE to discuss MANCINI's conduct. He felt that MANCINI was essentially honest but if there were illegalities MANCINI would be removed and if appropriate, legal action against him would be taken.

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H E said that he had instructed Prefects to put Art 3, with regard to disaffiliating persons into operation.

Lpm

NOTES OF A MEETING
between
Sigs BOERI and Brig UPJONN
20 Mar 45

Sig BOERI asked whether AC had any further information as regards the contents of the cases belonging to Count CLAUD and was informed that AC had not but that enquiries would be made.

Brig UPJONN enquired whether Sig BOERI had seen a report on conditions in Piemonte of which he understood the Ministry of Justice had a copy. Sig. BOERI stated he had not seen it and a copy thereof was lent to him (File H.4001/13) the contents of the report was confirmed from other sources.

Brig UPJONN then referred to Spuration in Northern Italy and stated that the information contained in the report confirmed that Spuration must be put into force within a few days of occupation. As the Italian Government because of transport difficulties and the time necessary to make enquiries and to make appointments would not be able to commence at once, it would be necessary to put GO 35 into operation. This order is in fact IL 159, but applied by AC it would be brought into force merely because the Italian Govt would not be in a position to start operating IL 159 themselves at once. The Italian Government would commence operating IL 159 as soon as they were in a position to do so. Sig BOERI agreed.

Brig UPJONN referring to an enquiry as to whether the Draft Decree to establish special courts of Anseize was acceptable said that the Draft had received very careful consideration and AC had two comments:

- a) the name to be given to the Court, it was not a Court of Anseize. He suggested the name "Court for the Punishment of Resistant Crimes". Sig BOERI said there was no objection to changing the name and suggested the name used in France "Court of Justice", the second objection was, that the Decree was intended to apply to part of Italy only, which meant the procedure and the punishment depended upon where a man was arrested and tried. It was considered better to make the Decree applicable to the whole of Italy and to provide that it could be brought into force in such parts of Italy as might be ordered by Decree of the President of the Council of Ministers.
- b)

Sig BOERI agreed, but pointed out that the draft Decree dealing with the establishment of a Tribunale Militare for Northern Italy which was under discussion with the Legal Sub-Commission was also drafted so as to apply only to Northern Italy. Brig UPJONN said that he would take that matter up with the Legal Sub-Commission.

Sigs BOERI said that if these Courts were to start within a few days of occupation

into force within a few days of occupation. As the Italian Government because of transport difficulties and the time necessary to make appointments and to make appointments would not be able to commence at once, it would be necessary to put Art 35 into operation. This order is in fact in 159, but applied by Art 35 it would be brought into force merely because the Italian Govt would not be in a position to start operating in 159 themselves at once. The Italian Government would commence operating in 159 as soon as they were in a position to do so. Brig UFFONI agreed.

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Brig UFFONI said that if these Courts were to start within a few days of occupation it was necessary that the Government should at once take in hand the preparation of all necessary decrees so that these were ready for immediate issue to enable the Courts to come into being on the day on which any Provincial capital was liberated.

Brig UFFONI said that he did not quite understand the object of Art 2 of the draft Decree. Was it not sufficient to say that anybody accused of offences under Arts 3 and 5 could be tried?

Brig UFFONI replied that normally they wished only to try with Special Expedition cases under Article 5 of L. 159. The intention of Art 2 was to restrict trials to such cases but nevertheless to allow the joining of offences under Art 3 in the same trial. The trial of the cases under Art 3 might require much investigation and evidence as to the distant past, whereas by confining trials to offences

under Article 5, the Courts should be able to act with expedition and the power to couple Art 3 might in suitable cases avoid the necessity of two trials.

Brig UPTON said that it had been suggested that instead of having a new Court it might be advisable to amend the present Court of Appeal generally so as to speed up justice in all cases. Sig BOKHI replied that he thought any such change would take a considerable time to bring about and would be highly contentious. For this reason it was undesirable to proceed by this means.

Brig UPTON then referred to the expiration of time under IL 159 and enquired what action was being taken to extend them. Sig BOKHI said the matter was in hand. He would enquire and inform AG.

Brig UPTON said he was glad to see that it had been decided that lawyers could be used in place of judges and he thought it was important that they should be employed as soon as possible and asked what steps had been taken to effect this. Sig BOKHI said that he would press the matter on.

Col WHITE, discussing his tour, then referred to apparent irregularities in the handling of sequestration of estates and showed Sig BOKHI an example of a corrective letter to the Prefect of LUXX which had been issued by his Excellency CANGOLANI. He did not think the irregularities were confined to LUXX. Sig BOKHI replied he was dealing with the matter and instructions to inform delegates of their powers and duties were in the course of preparation.

Col WHITE reported that he had received information which he was unable to corroborate that threats to procure sequestration of estates were being made in LUCCA and PISTOIA. Sig BOKHI said that he would make enquiries.

Col WHITE said that it appeared that the intention of Art 25 of IL 159 was only for use in exceptional cases. Normal procedure was to seize property under Art 36. Sig BOKHI agreed.

Col WHITE then referred to the shortage of prison accommodation and said that some delegates appear to be instigating arrests for Fascist crimes without submitting charges. Sig BOKHI said that delegates had no power to instigate arrests. He agreed that there was no necessity to effect arrests in less serious cases where the accused had shown no signs of desiring to abscond.

Brig UPTON said he proposed to send out an instruction to the arresting authorities that they should not comply with the requests by delegates to effect arrests for Fascist crimes. It would be useful if he would send out a similar directive.

Brig UPTON then referred to the necessity of the Italian Government issuing a directive as to the payment of delegates and of their staffs. AG officers are at a complete loss to know how these are to be dealt with and what scale

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Brig UZZOHN then referred to the necessity of the Italian Government issuing a directive as to the payment of delegates and of their staffs. All officers are at a complete loss to know how these are to be dealt with and what scale of payment was authorized. Sig BOERI said that he understood the problem and would try to get the matter settled as soon as possible.

Brig UZZOHN informed Sig BOERI that he was shortly making a report to the Advisory Council for Italy and that it would assist him greatly if HE would supply him with a report of the progress made by all branches of the High Commission as soon as possible. The report which had been furnished by HE's predecessor on 31 Dec had been admirable.

Brig UZZOHN then asked whether it would suit Sig BOERI to have another meeting this week to discuss the liquidation of private companies. An appointment was fixed for Friday 23 March at 1100 hours.

Brig UZZOHN said that perhaps Sig BOERI could, at the same time, say what progress had been made in regard to the employment of Arvoosti instead of judges and the extension of the time limit for the initiation proceedings. Sig BOERI would no doubt at the same time return 4001/3.

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DP/4.2/CP

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TRANSLATION NO. 561

HIGH COMMISSION FOR SANCTIONS
AGAINST FASCISM

ROME, 2 March 1945

43 MAR 1945

I received from the Allied Commission two bundles, one containing circulars issued by the national fascist party of Palermo in 1939 and 1940, and the other numerous copies of provisions issued by the national fascist party of Rome in 1939-1940.

(see notes of meeting of 24th) /s/

4432

Allo Comandante
per la consegna delle circolari fasciste
IL SEGRETARIO GENERALE

2 MAR 1945

Roma, 2 marzo 1945

Ricevo dalla Commissione Alleata due incarti
contenenti, l'uno circolari del partito nazionale fa-
scista di Palermo del 1939 e 1940, l'altro numerosi
fogli di disposizioni del partito nazionale fascista
sede di Roma degli anni 1939-1940.

Erri

4431

rec.

NOTES OF A MEETING

between

Sigs. ROSSI and Lt. Col. WHITE

2 Mar 45

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Lt Col WHITE enquired as to the position of the ITALIAN case. The Allied Commission had been informally informed on 2 Feb that ROSSI had been ordered to be dismissed but AG had not yet received formal notification and understood that ROSSI himself had not been informed. The case was considered an urgent one and it was decided that it should be terminated quickly. Sigs. ROSSI said he had no information and would enquire.

Lt Col WHITE referred to the draft decrees to disqualify persons convicted of Fascist crimes from holding directorship, etc, and informed Sigs. ROSSI that the Allied Commission would probably desire to submit comments, but these were not yet ready. He handed him an enquiry as to the meaning of the phrase "acts of particular gravity" contained in Art 8 of Part I of IL 153. Sigs. ROSSI said that a directive on Part I had been completed and was in the process of issue. This directive mentioned the phrase referred to. He handed a copy of the directive to Lt Col WHITE.

Lt Col WHITE referred to the differences between Italian and Allied Government territory as far as appointment and supervision of delegates and commissioners was concerned. Sigs. ROSSI agreed and said that he would arrange for the names of persons recommended by delegates to be cleared with Provincial Commissioners before appointments were made. He understood the difficulties as to army areas. Such appointments as had been made solely with the idea of keeping the people quiet and not of undertaking executive action.

Sigs. ROSSI in answer to an enquiry said that he had been endeavouring to see H E TUNNEY with regard to the use of experienced advocates for execution and other discussions, but had not yet been successful. H E TUNNEY had been extremely busy with a Legal Convention. He hoped to see H E on Monday 5 Mar.

Lt Col WHITE then referred to the doubts which were felt with regard to the sufficiency of present time limits for the initiation of proceedings and showed to Sigs. ROSSI the graphs and tables which, according to the information supplied by the Ministers to the Allied Commission, showed the present position to be that only 23% of the employees had so far been investigated. Sigs. ROSSI said he would take the matter up and asked to be supplied with a copy of the statistics and graphs.

Lt Col WHITE then informed Sigs. ROSSI of the effect of a message which had been received from a reliable source as to information in Northern Italy. Sigs. ROSSI said that the message was practically a paraphrase of his own proposals which he had transmitted to Northern Italy, apparently re-transmitted back to the Allies. Drafts of a decree to establish these courts in Northern Italy had just been sent to the Allied Commission.

Lt Col WHITE referred to two files which had been received from Palermo which were about ROSSI. He said that he would like

1. Lt Col WHITE referred to the difference between Italian and Allied Government terminology as far as appointment and supervision of delegates and commissioners was concerned. Sig. BURELL agreed and said that he would arrange for the names of persons recommended by delegates to be cleared with Provincial Commissioners before appointments were made. He understood the difficulties as to army areas. Such appointments as had been made solely with the idea of keeping the people quiet and not of undertaking executive action.

2. Sig. BURELL in answer to an enquiry said that he had been endeavouring to see H. E. WHITE with regard to the use of experienced advocates for execution and other commissions, but had not yet been successful. H. E. WHITE had been extremely busy with a Legal Convention. He hoped to see H. E. on Monday 5 Mar.

3. Lt Col WHITE then referred to the doubts which were felt with regard to the sufficiency of present time limits for the initiation of proceedings and showed to Sig. BURELL the graphs and tables which, according to the information supplied by the Ministers to the Allied Commission, showed the present position to be that only 20% of the employees had so far been investigated. Sig. BURELL said he would take the matter up and asked to be supplied with a copy of the statistics and graphs.

4. Lt Col WHITE then informed Sig. BURELL of the effect of a message which had been received from a reliable source as to information in Northern Italy. Sig. BURELL said that the message was practically a paraphrase of his own proposals which he had transmitted to Northern Italy, apparently re-transmitted back to the Allies. Drafts of a decree to establish these courts in Northern Italy had just been sent to the Allied Commission.

5. Lt Col WHITE referred to two files which had been received from Palermo which were apparently a part of the Fascist records. Sig. BURELL said that he would like to have them and they were handed over.

6. Sig. BURELL again referred to the draft decree dealing with the disqualification of managers, etc. Lt Col WHITE pointed out that the draft departed from the original idea of execution in favour of disqualification of only those persons who had been convicted of fascist crimes, which was different in principle. Lt Col WHITE said he was not in a position to discuss the matter further as the decree had not yet been reviewed, but a letter would be sent to him.

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NOTES OF A MEETING

between

SIG. ROSSI and Brig. URQUEN

24 Feb 45

Sig. ROSSI said that he had as yet no information about GUILLERMO VINCENZO but was making inquiries. The same applied to GIEMART. He had also been discussing the possibility of replacing magistrates on epuration commissions by advocates.

Brig. URQUEN said that the appointment of advocates instead of magistrates would ease matters considerably, not only in so far as the appointment of further epuration commissions was concerned but it might be possible to release some magistrates for their normal duties and ease the legal position. He said that in N. Italy there would be not only a similar demand to that which had been met in the south but there would be a shortage of magistrates such as had not been experienced in the south because in N. Italy the magistrates had sworn allegiance to the Fascist Republican Government and not only would they not be available for epuration but other magistrates would have to be found to take over their normal duties.

Sig. ROSSI agreed and said that he would speak to H E TURINI. He had already suggested the subject to TURINI that advocates should be permitted to act as investigatory judges but the proposal had not been favourably viewed. H E TURINI agreed that there was a shortage but appeared to object to what might possibly be considered as a trespass on prerogatives of the judiciary.

Brig. URQUEN referred to the time limits for the initiation of Epuration proceedings and said that he had been discussing the matter with H E GUINCO. There seemed some difficulty in interpreting the large number of decrees and it was suggested that consolidation of the decrees appeared to be desirable.

Sig. ROSSI said that there were no many new decrees in the course of preparation that it was desirable that they should be issued before a consolidating decree was prepared, otherwise the consolidating decree would have to be read with these other decrees. He had, in the short time he had been in office become aware of several faults and difficulties in the present decrees and he was proposing a number of changes. As soon as this had been done he would take on the question of consolidation. Among matters to be dealt with was the epuration of private concerns. There were one or two points of difficulty which had arisen over the appointment of receivers of such concerns (ML 420). He thought the formula for dealing with private concerns should be

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- Sig. MORI agreed and said that he would speak to H. E. TURINI. He had already suggested the subject to TURINI that advocates should be permitted to act as investigatory judges but the proposal had not been favourably viewed. H. E. TURINI agreed that there was a shortage but appeared to object to what might possibly be considered as a trespass on prerogatives of the judiciary.
- Brig. VIGNON referred to the time limits for the initiation of Eparation proceedings and said that he had been discussing the matter with H. E. CALICO. There seemed some difficulty in interpreting the large number of decrees and it was suggested that consolidation of the decrees appeared to be desirable.
- Sig. MORI said that there were so many new decrees in the course of preparation that it was desirable that they should be issued before a consolidating decree was prepared, otherwise the consolidating decrees would have to be read with these other decrees. He had, in the short time he had been in office become aware of several faults and difficulties in the present decrees and he was proposing a number of changes. As soon as this had been done he would take on the question of consolidation. Among matters to be dealt with was the separation of private concerns. There were one or two points of difficulty which had arisen over the appointment of receivers of such concerns (DL 420). He thought the formula for dealing with private concerns should be simple and should enable private concerns to be dealt with quickly. He was now occupied on decrees which dealt with the administrative corporations and the separation of their higher grade officials and further provisions with regard to enrichment. He would take up the question of private concerns thereafter but as one of the decrees would deal with the higher grades there would remain only the question of the lower grade employees.
- Brig. VIGNON referred to the necessity for speedy proceedings particularly in North Italy and he referred to the reports on the parliament of French collaborationists and commented to Sig. MORI for consideration, some of the expedients adopted in France.
- Brig. VIGNON said he would let Sig. MORI have a copy of Major CALICO's report.

- Sig. ROSSI said that the examination of these would be much simplified if he could have a copy of the report in Italian. He continued that he had made a very careful study of the French decrees and has prepared a draft which will create similar courts with a career magistrate as chairman and had also submitted the idea to the UN in North Italy so that they would know that suitable courts would be established.
- Sig. ROSSI inquired if such Courts could be held in AEE territory.
- Brig. URJON said that AC was in favour of such courts and would expedite the matter but speed must depend in part upon the military situation. The matter is one of great importance and required early consideration. Whatever expedient was adopted, it must be speedy if it was to be effective in preventing unrest.
- Brig. URJON enquired whether Sig. ROSSI knew that AC had found, at PIRA, 14 cases which had belonged to Count CLANG which were examining. He would be given further information as soon as it was available.
- Sig. ROSSI expressed his thanks and enquired as to the contents and was informed that they were not yet known but he would be informed.
- Brig. URJON said that it had been the custom for him to meet Count SPORZA fairly frequently and he hoped that this custom would be continued.
- Sig. ROSSI said that he appreciated these conversations and hoped to reciprocate Brig. URJON's visit at an early date by meeting him in his office.
- At close of meeting Major Palmieri handed a copy (in English) of his report to Sig. ROSSI.

cases which had belonged to Count CLAUDIO which we were examining. He would be given further information as soon as it was available.

Sig. HORRER expressed his thanks and enquired as to the contents and was informed that they were not yet known but he would be informed.

Brig. HANSEN said that it had been the custom for him to meet Count SPORZA fairly frequently and he hoped that this custom would be continued.

Sig. HORRER said that he appreciated these conversations and hoped to reciprocate Brig. HANSEN's visit at an early date by meeting him in his office.
At close of meeting Major Palmeri handed a copy (in English) of his report to Sig. HORRER.

2428

NOTES OF A MEETING

between

Brig UPJOHN and H E GILLESPIE

20 Feb 45

25A

H E agreed that the recent trip to certain Central and Eastern Provinces was successful and that conditions had proved to be more favourable than had been anticipated. H E also agreed that the consideration of cases of suspensees at Perugia was urgent. He understood that investigations were complete and that cases were ready for hearing. H E would instruct the Legate to sort out those cases which would have to be dealt with in Rome and to send the papers to him. The various Commission concerns would be instructed to give such cases priority.

H E agreed that a similar trip to Toscani at an early date say in about a fortnight, would be useful.

Brig UPJOHN then referred to the imminent expiry of the time limit for the commencement of Epuration proceedings and asked whether H E was satisfied that all cases would be able to be initiated by that date. The matter was left in abeyance for further consideration.

Brig UPJOHN pointed out that though AGC was willing to pay Legates, no official instructions had yet been issued and AGC did not know at what rate they should be paid or to what vote the money should be charged. He asked that the Government should issue the necessary instructions.

H E said that the Treasury appeared to be opposed to the issue of the necessary instructions and alleged that AGC was opposed in principle to these payments.

Brig UPJOHN, after speaking to Brig GILLESPIE on the telephone, confirmed that the Allied Commission had no objection in principle to any such payment and was of the opinion that the matter was entirely one for the Italian Government.

H E informed Brig UPJOHN that the appropriate epuration committee had ordered the dismissal of FALLEGHINI.

Brig UPJOHN referred to the appointment of ANIMANTI as the High Commissioner's representative on the Epuration Committee for Insurance Companies and showed H E a photostatic copy of a letter sent by MARINELLI asking for favourable consideration for promotion for him.

H E agreed that a similar trip to Toronto at an early date may in about a fortnight, would be useful.

Brig UPJOHN then referred to the imminent expiry of the time limit for the commencement of Apuration proceedings and asked whether H E was satisfied that all cases would be able to be initiated by that date. The matter was left in abeyance for further consideration.

Brig UPJOHN pointed out that though AG was willing to pay delegates, no official instructions had yet been issued and AG did not know at that rate they should be paid or to what vote the money should be charged. He asked that the Government should issue the necessary instructions.

H E said that the Treasury appeared to be opposed to the issue of the necessary instructions and alleged that AG was opposed in principle to these payments.

Brig UPJOHN, after speaking to Brig GIFFNEY-Smith on the telephone, confirmed that the Allied Commission had no objection in principle to any such payment and was of the opinion that the matter was entirely one for the Italian Government.

H E informed Brig UPJOHN that the appropriate apuration committee had ordered the dismissal of PELLEGRINI.

Brig UPJOHN referred to the appointment of AMMISANI as the High Commissioner's representative on the Apuration Committee for Insurance Companies and showed H E a photostatic copy of a letter sent by AMMISANI asking for favourable consideration for promotion for him.

H E asked if he might have a copy of the document.

Brig UPJOHN stated that he was not asking that any particular action should be taken but he thought that the matter should be brought to H E's notice.

H E said that he had received some unpleasant news. Apparently his delegate at Naples had ordered the arrest of the Intendente di Finanze which was in excess of his powers. He was sending to Naples to make enquiries and if his information was correct the delegate would be dismissed.

Brig UPJOHN said that if H E's representative cared to call on the regional Commissioner in Naples the latter would give any help in investigating the matter which he was able to do.

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STATE OF A MEXICO

between

Art. 111 and 112 of the

5 Feb 1911.

Brig. WYNN said that at present there had been an officer who had not clearly understood his instructions and who had ordered an excessive number of suspension of Administrative Officials. In the one province he had suspended about 900 persons. There was little doubt that a large number of persons had been suspended on insufficient grounds and also the local services had been disorganized. He was anxious that the re-consideration of these cases should be proceeded with very quickly, firstly to end any injustice and secondly so that the services could be re-established. He did not think that it was desirable that persons should be re-appointed without appearing before the appropriate Criminal and asked him to get these Commissioners at work quickly. He would supply particulars of the persons concerned and the Police Personnel.

It was said that a Provincial Commission for present had already been appointed and all preliminary investigations had been completed. It could get to work quickly.

Brig. WYNN then enquired whether, as most of the suspended persons belonged to the Government Services, they would not have to be defrocked centrally. He doubted whether most of the cases could be dealt with by a Provincial Commission. The best method of clearing up the position was discussed. Whether the records should be handed over to the local delegates to sort or whether they should be sent to Rome. He said he would like to send a man down to the spot and Brig. WYNN said that he would arrange for transport if necessary.

He said that he had been meeting with very difficulties in the provinces and that these suggestions went a long way to removing his difficulties. Local Allied Participation had obstructed the appointment of local Commissioners. Brig. WYNN said he would clear that up at once and if it would send a nominee up to the provinces with an Allied Officer who would soon straighten the whole thing out. He would like a list of the difficulties to which he had referred.

Brig. WYNN then referred to the appointment of CIVICO as a member of the Public Safety Commission for formation. He understood that CIVICO was no longer acting but he could assure him that there were good reasons for the request for his replacement. He had particular which showed that CIVICO, although himself never convicted, had been associated with criminals. It was undesirable that a man of that reputation should be responsible for operating police officials.

Brig. WYNN then referred to the apparent differences which had arisen in

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He said that a Provincial Commission for PAVN had already been constituted and all preliminary investigations had been completed. It could not be work quickly.

Brig. WUJUN then enquired whether, as most of the suspected persons belonged to the Government Services, they would not have to be defended centrally. He doubted whether most of the cases could be dealt with by a Provincial Commission. The best method of clearing up the position was discussed - whether the schools should be handed over to the local delegates to sort out whether they should be sent to PAVN. He said he would like to send a man down to the spot and Brig. WUJUN said that he would arrange for transport if necessary.

He said that he had been meeting with many difficulties in AO provinces and that these suggestions went a long way to removing his difficulties. Local Allied authorities had obstructed the appointment of local commissions. Brig. WUJUN said he could clear that up at once and if it would send a nominee up to the provinces with an Allied Officer so would soon straighten the whole thing out. He would like a list of the difficulties to which it had referred.

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Brig. WUJUN then referred to the apparent differences which had arisen in various districts over the operation of the Education Service. He understood that the Minister was desirous of retaining as many members of the old Education Commissions as was practical on the new bodies. He, of course, had no objection to that provided that the Commissions appointed complied with the requirements of the Decree.

Brig. WUJUN then referred to the PAVN case and stated that he regretted that it had been necessary to ask for the papers and assured him that they would shortly be returned. He said that the request had been a little embarrassing because the papers were actually before the Commission at the time they were asked for. If the request had been made earlier it would have been less embarrassing to comply because the papers naturally were inclined to recent papers being withdrawn from them. The case was, of course, held up until the papers should be returned.

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- 2 -

Brig. WYNN then reminded H E that we had not yet received an answer to his letter of 3 Jan 5 re TIZIAN, the Director General of Public Works. H E said he would look into the matter and let us have a reply as soon as possible.

Brig. WYNN drew attention to the fact that this Commission had adopted the Italian Code de Procure with the addition of three questions and suggested that if in the north of Italy we get our schools completed and have over three of persons we assign to the appropriate Italian Commission, time would be saved if our schools were accepted. If there is reason to suppose any answer on such a schedule was false the Italian Commission could then ask for their own schools to be completed as to give good basis for prosecution but he suggested that in other cases time should not be spent. H E agreed.

H E said that he had found a great difficulty in obtaining information from concentration camps and asked if anything could be done to ease the situation. Brig. WYNN said that he would look into the matter. He thought there were regulations and there would certainly be no difficulty about forwarding any documents to persons in the camps.

Brig. WYNN enquired how delegations were getting on in the provinces. H E replied, not too well. There had been difficulties over organization and finance. He hoped they would soon be solved. At Perugia the delegate had reported that he had completed his investigatory work. One of the difficulties had been that AG had in some cases refused to pay the staff. They suggested that the work of defendants was social and political and should be unpaid whereas H E considered it a full time job that should be paid as such. Brig. WYNN said he would take the matter up with the Finance Sub-Commission.

H E continued, saying that work in the southern provinces was going slowly but that Mancini did not appear to have accomplished much in Naples.

Brig. WYNN doubted whether Mancini was giving sufficient time to the work, to which H E replied that the situation was delicate and required the handling of a very competent person and that he was considering whether it might not be desirable to replace Mancini. Possibly with the increase of personnel to three, authorized under the new decree, the work would be more effectively done.

Brig. WYNN then referred to the proposals made earlier to send an officer to the ABRUZZO-MARCHES Region and said that he would like H E to appoint a representative - a really senior officer with the power to make decisions. The four would probably take about a week; perhaps it would be convenient to start on Thursday. He would communicate further with H E.

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Brig. UPTON acquired two delegates were getting on in the provinces. It replied, not too well. There had been difficulties over organization and finances. He hoped they would soon be solved. At Perugia the delegate had reported that he had completed his investigatory work. One of the difficulties had been that AMD had in some cases refused to pay the staff. They suggested that the work of defascism was social and political and should be unpaid whereas H X considered it a full time job that should be paid as such. Brig. UPTON said he would take the matter up with the Finance Sub-Commission.

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NOTES OF A MEETING
between
Brig. WYNN and H. E. GRIFFIN
19 Jan 45

23A

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Brig. WYNN referred to the list handed to him by H. E.'s predecessor of points upon which H. E. Rosencrance had considered further legislation was required, and enquired whether these proposals were being proceeded with. H. E. replied that the Prime Minister would shortly be considering the list.

H. E. referred to the Pellegrini case and stated that the two enquiry judges had arrived from Naples and that their report was expected the next day.

Addition
Brig. WYNN enquired whether the ~~case~~ of Corsetti had been investigated. H. E. said that he was not sure but believed so. Brig. WYNN said he did not see anything against Corsetti but was merely asking for information.

H. E. then enquired as to the position with regard to the appointment of *Public Safety Commission* *and has a sub-committee*. In any event the action taken by the Public Safety Sub-Committee was not appropriate and corrective action would be taken. Brig. WYNN said that he understood that there were certain objections to the proposed appointment and he would communicate with H. E. as soon as he was in a position to give him accurate information.

H. E. then referred to the case of Capo di Livorno of the office of the General Accountant of State, who had been cleared by the Commission of First Instance, and against which decision H. E. had lodged an appeal. An officer of the Allied Commission had written to the Ministry, expressing displeasure at the fact of the appeal having been lodged. H. E. enquired as a matter of principle, how this letter should be dealt with. Brig. WYNN asked for the reference of the letter. He stated that the decision as to whether or not he should appeal was a matter entirely for H. E. He would look into the matter and take such action as might appear appropriate. The Allied Commission could, where good work had been done for the Allies, ask for that fact to be taken into consideration by the Appeal Commission.

H. E. then referred to cases in which he had taken objection to expulsion proceedings because the services of a particular person were essential to the war effort; he pointed out that the time limits would continue to run in such cases and the men concerned would become in-servicable. H. E. enquired whether the Allies had any objection to such cases being considered and the dismissed, if ordered, being held in abeyance until the services of the person concerned were no longer required by the Allies. Brig. WYNN stated that the matter required consideration.

... objection to his

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4.3 then referred to cases in which it had taken objection to executive pro-
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whether the Allied had any objection to such cases being considered and
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the person concerned was no longer required by the Allied. Brig. WYNN
stated that the matter required consideration.

4.4 enquired whether the Allied Commission would have any objection to his
organising sections of Agico for Public Safety and other matters in
the Territory. It was already had judges for these commissions which
could be concerned particularly with the interpretation, public instruction
and communication services. It said he would submit a letter containing
his proposals. Brig. WYNN replied that there was no difficulty in
principle. It was entirely in favour of the proposal but there might be
a technical difficulty in that an amendment to PL 159 might be required;
he referred to Article 25 in particular. (Article 6 of PL 2/5 also
appears to require amendment. Article 5 of 257 would require consideration.)
It stated that he would submit for approval a draft of any amendments
found necessary.

22A
 A) It is necessary to regulate and coordinate the powers of appointment of ministers with the functions of direction and control over the organs of epuration* conferred upon the High Commissioner.

B) It is advisable to ask the approval of the High Commissioner before appointing the Ministerial Commissioners to the Institutes and Bodies deferred or that may be deferred to epuration, so that these Commissioners may give assurance of collaborating in the defascistization, and also to be assured beforehand that they themselves may not be hit by the sanctions against fascism.

C) To fill an evident loophole it is advisable to extend epuration to those categories which, although not belonging to the public administration, are nevertheless connected with the general organization of the State and the national economy.

Hence the necessity of issuing rules for the review of commercial licences and police authorizations for public utilities, in order to revoke all those granted through the favoritism of fascism or of fascist officials or those benefiting persons who are guilty of corruption or evil practice.

It is likewise necessary to review contracts or government grants to public contractors or wholesale dealers.

D) An authentic interpretation is necessary of the phrase "Concerns recognized as being of nation wide interest" contained in Art 11 of LLL 159 of 27 Jul 44.

If we interpret this phrase to mean that the concerns declared as being of national interest by a specific law are subject to epuration, then this would cover only the three banks to which was given this classification by the LLL of March 1930 on the control of savings and the functioning of credit institutes. Other bodies not less important to the economy of the country would escape the law.

The problem then is to reach a more concrete and extensive interpretation, pointing to the control or financial aid of the State as a sufficient condition in defining "national interest".

E) During many investigations on persons of high grades under epuration proceedings particularly grave situations have arisen which could not be mastered with the same speed as that of the simple epuration proceeding.

The High Commissioner should therefore be granted the power of demanding or carrying out, in conjunction with the competent Ministry, truly administrative investigations.

F) In derogation of Art 18 of LLL 159, it is advisable to provide for the appointment of appropriate provincial or regional epuration commissions for savings banks, institutes controlled by the Ministry of the Treasury each having its own distinct juridical personality and its own particular territorial sphere of action.

G) May those employees who have been dismissed from service reenter the Administration by taking new competitive examinations? The law does not say anything about this and other provisions on the matter may give rise to doubts particularly in the case of persons who have been dismissed from their original ones.

benefiting persons who are guilty of corruption or evil practice.
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The High Commissioner should therefore be granted the power of demanding or carrying out, in conjunction with the competent Ministry, truly "administrative investigations".

F) In derogation of Art 18 of LLL 159, it is advisable to provide for the appointment of appropriate provincial or regional epuration commissions for savings banks, institutes controlled by the Ministry of the Treasury each having its own distinct juridical personality and its own particular territorial sphere of action.

G) May those employees who have been dismissed from service reenter the Administration by taking new competitive examinations? The law does not say anything about this and other provisions on the matter may give rise to doubts particularly in the case of persons employed by administrations different from their original ones.

H) It has often been observed, particularly as regards the employees of the branch-administrations of the State, that their transfer from one province to another constitutes a grave obstacle to the investigations to be made for epuration purposes, as it is possible to leave the old place of residence and of work and thus leave unnoticed many characteristics acquired, and many activities carried out under fascism. It is therefore necessary that the High Commission be informed of the transfer of the officials belonging to principal administrations (for example, the Police and CC RR) and that the transfer be generally controlled in agreement with the High Commission.

I) Many drafted officers are in the service. The epuration law cannot touch them, because not being members of the regular Army, they cannot be considered as State employees. Many of them however, have a political past which makes them unworthy of serving the State in war time with commanding functions.

It is then necessary that the war Ministry study this problem for possible demotions.

L) The epuration of the CC PR Branch has not yet reached a substantial degree due to the fact that it is only a month since the Commission of first instance was instituted. Meanwhile as enlistments in the branch continue, the situation prevails whereby Officers connected with fascism and not yet dismissed from service admit fanatic fascist elements into the branch. Thus creating within the latter, a situation contrary to that intended by the law.

Hence, it is necessary to study the problem of enlistments taking place at present and see how these can be conducted with sufficient guarantees for the Country at war.

M) Some magistrate presidents of Judging Commissions of first instance have often carried out the work of the Commissions with inadequate methods and standards of speed in applying the law, carrying out the work of epuration with an inexcusable slowness.

At times they have handed their resignations, leaving the work unfinished which, passing under a new directorship, had to be started all over again. At other times they leave the office for personal reasons without even giving notice to the Commission which could have provided substitutes.

These obstacles are being eliminated by means of disciplinary provisions for the control of the work of magistrates in their functions as Presidents of the Judging Commissions.

N) Officers in the auxiliary service or in the reserve cannot be considered on the same basis as the employees of the Administrations. However, they may be called back into service for any purpose, especially in time of war.

It is necessary to issue such provisions which will prevent the recall and the assumption of responsible tasks of officers who, if in the normal service, would have been hit by the sanctions prescribed by MIL 159 because of their titles.

O) There are at present, particularly in the province and among the personnel of the branches of the more numerous administrations, a great number of employees suspended on the basis of Allied Orders. Some of these have been reinstated and referred to the regular epuration trial. However the number is so great and in some provinces the status of suspension exists for such a long time that it becomes urgent to remedy this abnormal condition. It is necessary to obtain from Allied authorities a list, as exact as possible, of the names of those suspended on the basis of their ordinances, together with the reason for which the suspension was effected.

The High Commission should rapidly examine which of the suspensions effected must be confirmed in accordance with MIL 159 and provide for the repeal of the suspension measure for all the others.

P) The budget of the Provincial Delegates of the High Commissariat for Epuration has not even yet been attended to.

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P) The budget of the Provincial Delegates of the High Commissariat for Epuration has not even yet been attended to.

The Prefects must be ordered to meet the financial requirements of these offices (wages of delegates and employees, general expenses, etc) with advances and finally settle the question by obtaining the desired allocations from the State Finances.

Q) Since after and during the epuration proceedings, ^{sanctions for suspension} may be found against the officials charged with it, although they do not for any reason call for the application of the sanctions in ELL 27 July 1944, nevertheless involve omissions or causes for unworthiness. It is deemed desirable that the High Commissioner be given the power to urge, in such cases, the relative administration to take the normal, disciplinary proceeding, in the manner prescribed by the law on the juridical status of State employees or by other rules or regulations.

R) It would be advisable for the law to permit advocates to preside in epuration Commissions, as there is a shortage of Magistrates who at present are the only ones who may preside in them.

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E)- Nel corso di molte istruttorie a carico di apurandi di grado elevato sono emerse situazioni di particolare gravità e tali da non potere essere dominate con la speditezza del semplice procedimento di epurazione.

Si pone quindi il problema di riconoscere all'Alto Commissario la facoltà di esigere o di espletare in concorso col competente Ministero vere e proprie "inchieste amministrative".

F)- Per le Casse di Risparmio, Istituti controllati dal Ministero del Tesoro, aventi ciascuna una propria distinta personalità giuridica ed una propria, diversa sfera territoriale di azione, si reputa opportuno, in deroga all'art. 18 del D.L.L. 27 luglio 1944, disporre la nomina di apposite Commissioni Provinciali o regionali di epurazione.

G)- Potranno i dipendenti dispensati dal servizio rientrare nell'Amministrazione partecipando a nuovi concorsi? La legge non parla di questo e le altre disposizioni in proposito possono dar luogo a dubbi specie nel caso di assunzioni alle dipendenze di amministrazioni diverse da quella di provenienza.

H)- Si è spesso constatato specie per i dipendenti delle Amministrazioni periferiche dello Stato, che il trasferimento di essi da una Provincia all'altra costituisce un grave ostacolo alle indagini da condursi ai fini dell'epurazione, nel senso che è possibile distaccandosi dal vecchio luogo di residenza e di lavoro far passare sotto silenzio molte caratteristiche e molte attività acquisite o espletate nell'ambito del fascismo. E' quindi necessario che l'Alto Commissariato sia informato del trasferimento dei funzionari almeno delle Amministrazioni principali (ad esempio Polizia e CC.RR.) e che le operazioni di trasferimento siano di massima controllate in accordo con l'Alto Commissariato.

I)- Molti Ufficiali di complemento sono oggi in servizio. La legge dell'epurazione non può colpirli, perché, non essendo in S.P.E., non possono es-

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- I)- Molti Ufficiali di complemento sono oggi in servizio. La legge dell'epurazione non può colpirli, perché, non essendo in S.P.E., non possono essere considerati dipendenti dello Stato. Molti di essi però hanno un passato politico che li rende indegni di servire lo Stato in guerra con funzioni di comando.
- E' quindi necessario che il Ministero della Guerra studi il problema degli effetti di eventuali degradazioni.

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L)- L'epurazione nell'Arma dei CC.RR. non è ancora giunta ad una fase sostanziale essendosi soltanto da un mese costituita la Commissione di 1° Grado. Intanto, continuando gli arruolamenti nell'Arma, accade che Ufficiali compromessi col fascismo e non ancora dispensati dal servizio arrettono nell'Arma elementi fascisti irriducibili, creando così in essa una situazione opposta a quella cui tende la legge.

E' quindi necessario studiare il problema dei nuovi arruolamenti nel periodo attuale e vedere come questi possano essere condotti con sufficienti garanzie per il Paese in guerra.

M)- Taluni Magistrati Presidenti di Commissioni Giudicatrici di 1° Grado, hanno spesso condotto il lavoro delle Commissioni con criteri e metodi inadeguati alla necessaria rapidità di applicazione della legge, dando a tutta la opera di epurazione una lentezza inammissibile.

A volte poi hanno rassegnato le dimissioni abbandonando il lavoro non concluso che, passando sotto una nuova diligenza, si è dovuto riprendere da capo. Altre volte si allontanano per ragioni personali, senza nemmeno darne avviso al Commissariato che avrebbe provveduto con supplenti.

Questi inconvenienti vanno eliminati mediante disposizioni tassative per la discipline di lavoro dei Magistrati nella funzione di Presidenti delle Commissioni Giudicatrici.

N)- Gli Ufficiali in servizio ausiliario o nella riserva non possono essere considerati alla stregua dei dipendenti dell'Amministrazione. Essi possono però essere richiamati in servizio a tutti gli effetti soprattutto in periodo di guerra.

E' necessario emanare disposizioni in modo da evitare che vengano richiamati ad assolvere ad incarichi di responsabilità ufficiali che, se in servizio normale, per le loro qualifiche sarebbero stati colpiti dalle sanzioni

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E' quindi necessario studiare il problema dei nuovi arruolamenti nel periodo attuale e vedere come questi possano essere condotti con sufficienti garanzie per il Paese in guerra.

M)- Taluni Magistrati Presidenti di Commissioni Giudicatrici di I° Grado, hanno spesso condotto il lavoro delle Commissioni con criteri e metodi inadeguati alla necessaria rapidità di applicazione della legge, dando a tutta la opera di epurazione una lentezza inammissibile.

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O)- Esiste attualmente, soprattutto in Provincia e nel personale periferico di alcune tra le più numerose Amministrazioni, una grande massa di sospesi dal servizio in base alle disposizioni delle Ordinanze Alleate. Alcuni di questi sono stati reimpiegati e sottoposti al regolare giudizio di epurazione. Ma il numero è talmente ingente e in alcune Provincie è stato di

A)- E' necessario provvedere a che vengano contemporati e coordinati i poteri di nomina dei Ministri, con le funzioni di " direzione e vigilanza sugli organi di epurazione" attribuiti dalla legge all'Alto Commissario.

B)- Si reputa opportuno richiedere il preventivo consenso dell'Alto Commissario alla nomina dei Commissari Ministeriali agli Istituti ed Enti sottoposti o sottoponibili all'epurazione.

Ciò affinché detti Commissari diano garanzia di collaborare all'opera di defascistizzazione e perchè si possa escludere preventivamente che possano essere essi stessi colpiti dalle sanzioni contro il fascismo.

C)- Per colmare una evidente lacuna è opportuno estendere l'epurazione a categorie che pur non rientrando nel personale dipendente della pubblica amministrazione, interessino tuttavia l'ordinamento dello Stato e l'economia nazionale.

Così si ravviva la necessità di emanare norme per la revisione di licenze di commercio e delle autorizzazioni di polizia per pubblici servizi, in modo da poter revocare tutte quelle concesse per il favore del fascismo e dei gerarchi fascisti, o di cui usufruiscono persone che si sono rese colpevoli di corruzione o malcostume.

Alla stessa stregua occorre revisionare i contratti e le concessioni governative ad appaltatori pubblici o commissari di commercio all'ingrosso.

D)- E' necessaria una interpretazione autentica della frase "Aziende riconosciute di interesse nazionale" contenuta nell'art. 11 del D.L.L. 27/7/1944, n. 159

Se tale frase si interpreta nel senso che siano soggette ad epurazione solo le Aziende dichiarate di interesse Nazionale da una legge specifica, ricadrebbero nella ipotesi solo le tre banche di cui è stata data la denominazione dal D.L.L. 8 marzo 1938 sulla disciplina del risparmio e dell'esercizio del credito.

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Altri enti non meno importanti per l'economia del Paese sfuggirebbero alla legge.

Si pone quindi il problema di addivenire ad una interpretazione più concreta ed estensiva, ponendo come condizione sufficiente alla definizione di interesse nazionale il controllo od il finanziamento da parte dello Stato.

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sospensione si protrae da sì lungo tempo che si pone urgente il problema di sanare questa anormale condizione. E' necessario avere dalle Autorità Alleate un elenco nominativo il più possibile preciso dei sospesi in base alle note disposizioni, unitamente all'indicazione del motivo per cui si adottò la sospensione.

L'Alto Commissariato dovrebbe rapidamente esaminare quali delle sospensioni adottate siano da confermare al sensi del D.L.L. 27/7/1944- e provvedere alla revoca della sospensione per tutti gli altri.

P)- A tutt'oggi non si è ancora provveduto per il bilancio delle Delegazioni Provinciali dell'Alto Commissariato per l'Epurazione.

E' necessario impartire disposizioni ai Prefetti perché provvedano mediante anticipazioni alle necessità finanziarie di detti uffici (stipendio del Delegato e degli impiegati, spese generali ecc.) e regolare debitamente la pendenza ottenendo i necessari stanziamenti dalle finanze dello Stato.

Q)- Poiché in seguito e durante il giudizio di epurazione possono essere accertati a carico di funzionari addebiti che, pur non comportando per qualsiasi ragione l'applicazione delle sanzioni di cui al D.L.L. 27/7/1944, costituiscono tuttavia mancanze o motivi di indegnità, si reputa opportuno attribuire all'Alto Commissario la facoltà di provocare, in tali casi, il procedimento disciplinare, normale, da parte della competente amministrazione, nelle forme previste dalla legge sullo stato giuridico degli impiegati dello Stato o dalle altre norme o regolamenti interni.

R)- Poiché si lamenta la deficienza di Magistrati ai quali sinora è riservata la funzione di presiedere la Commissioni di epurazione, sarebbe opportuno che la legge prevedesse la possibilità di far presiedere dette Commissioni anche da avvocati.

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stated that this man was in which there are invariably a considerable amount of feeling against him and he did not consider it expedient to proceed further and felt that if he did so the answer would only be to the negative and that therefore no useful purpose would be served by proceeding. He said that many persons were trying to get him relieved from the responsibility for defecting. The question of the future responsibility for defecting was still under consideration and it was not certain that he would stay.

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that we could see from the report which we had received on with regard to the location of the first four grades that about 60% of the population of the higher grade had already been denied with 20% of the high school had only 1% of the lowest grade.

stated that he had a report that at 10:00 a.m. on 11/22/57, the following person was taken by the local telephone operator, that the person had been suspended and he has ordered his reinstatement. This was stated that he could have supplied more.

1916. The book referred to in letter which has been under review is called "The History of the Teaching of English in the United States." It is a book which has already been taken notice of in the local press and the local education officer would not fail to direct attention to it. I am sorry that the book is not more widely known and the matter.

The Minister of Justice has that on any emergency basis, when supplied, that the administration of justice is not being maintained, that he should not supply one, in fact, he should not be so concerned.

Mr. G. W. G. asked whether it could not be possible to have some kind of a system of judges and clerks to be sent to the courts if the courts are not being maintained, and if it is possible, then, perhaps, that some kind of a system might be introduced to the courts to have some kind of a system.

Mr. G. replied that he had already pointed out the necessity of every minister of justice to be able to do his job, and he did not think it would be possible to have a system of judges and clerks to be sent to the courts if the courts are not being maintained, and if it is possible, then, perhaps, that some kind of a system might be introduced to the courts to have some kind of a system.

Mr. G. then asked the Minister of Justice to say whether they considered that it might be desirable for him to continue to be responsible for the situation in view of his responsibility as Minister for domestic affairs.

Mr. G. replied that he thought the matter was one which was domestic to the Government, and that it was not something for the Minister of Justice to take action to correct any particular thing. He had had the knowledge of the amount of work involved in the appointment of Ministers for domestic affairs, and he could not say whether it was possible for him to do so, or whether he could not do so. He had only felt, therefore, that he could properly exercise his opinion in the matter.

Mr. G. then referred to the case of the Minister of Justice and enquired whether the papers handed over by Mr. Henderson had been placed before the appropriate Commission and was informed that they had.

Mr. G. then said that he would be interested to see the draft of the new orders and if it's possible to which it replied that he had found many difficulties and was meeting with some opposition to his efforts and part of the work was against him. He felt that somebody was trying to interfere with his work and to stop the efficiency of the system. In the other hand, there were others who wished him to continue in his appointment because of the experience he had already gained. He had no objection to continuing to be responsible for the situation even if it meant very hard work and if the Minister of Justice expressed a favorable opinion as to his going to it would do much to influence the action which would be taken.

Mr. G. then said that he did not think it would be proper for him to say anything on the matter.

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

NOTES OF A MEETING

between

BRIG. RETIRED AND H. E. COMMISSIONER

5 Dec 44

H. E. said that the Pellegrini trial should be proceeded with quickly, that he had nominated Arvedo Mancini as Commissioner and had instructed him that the first matter with which he must deal was the Pellegrini case. H. E. continued that he was expecting a report from him but from the reports already available he thought there was sufficient matter to proceed without prolonging the instructional phase. If the instructional phase must necessarily be prolonged it might be necessary to extend the limit. H. E. hoped the Commission would be able to proceed at once.

H. E. said, with reference to a letter which he had addressed to the Communications Sub-Group, that the purpose of his letter was to inform the Communications that he had intended not to proceed further with the case in question but having reached that decision further information had come into his hands from which it appeared likely that criminal proceedings might be commenced. He felt therefore that he could not act on the Communications' letter but he forwarded the further information and the letter to the appropriate quarter. H. E. would write to the Communications to explain the position.

H. E. agreed that the President of the Education Expiration Commission was not satisfactory and he was proposing to replace him. The new appointee would be the fifth President of this Commission. There were particular difficulties. It seemed to H. E. that the University professors themselves had been trying to delay progress by various representations and recommendations which had needlessly consumed time. It seemed possible that they had been trying to spin out time until 30 Nov (by which time all proceedings against officials down to Grade IV must have commenced) in the hope that certain parties would then escape expiration. He had countered that by starting proceedings against all officers down to Grade IV, including those against whom he had no evidence. He proposed to withdraw cases in which there was insufficient evidence as soon as his investigations were sufficiently forward.

H. E. then mentioned that one of the facts which had helped to bring about the Ministerial crisis was a dispute between the High Commissioner and some of the Ministers (particularly the Ministry of Treasury and the Marine) as to whether the High Commissioner had power to veto appointments made by the Ministries to Expiration Commissions. The High Commissioner's view was that he was charged with the general supervision of these Commissions and it would be farcical if fascists were appointed to such Commissions and he was entitled to prevent unsuitable appointments. The Ministerial position was that the power of making appointments was vested in Ministers and should not be interfered with. The point was still in dispute. The High Commissioner considered this right as essential. There was evidence that some Commissions were not regarded

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H E then referred to the expatriation of the first 4 Grades and said that out of the 13 Ministries, 8 had been completed; with 5 there had been some little delay. Partially due to transport troubles which caused difficulty in getting about to make enquiries. These concerned principally:

Education	- Professors;	Ministry of Interior	- Prefects;
Ministry of War	- Generals;	Ministry of Justice	- Judges.

Declassified E.O. 12958 Section 3.3/NND No. 785016

Brig. UPJOHN referred to the proposal for the suspension of General Plesche. He said that General Plesche was employed as Prefect at an important military base. There had already been several changes of office and as a matter of military necessity the Allied Commission did not wish to see any further change at the present time. He reminded H 2 that the appointment had not been made until after the matter had been referred to the H 3 who had said that no proceedings against General Plesche were contemplated. The Allied Commission were not prepared to agree to General Plesche being suspended while his Province was being used as a military base.

H 2 said that since the statement that no proceedings were to be taken had been made, the HC had received information of a serious nature. In accordance with the request proceedings would be suspended for military reasons. H 2 presumed and it was confirmed that the HC would be at liberty to proceed after the military reasons had ceased.

H 2 said that he understood that General Gurneo was employed by the Allies in forward Regions in connection with the reorganisation of the 30 AR. He desired to know if this was true as he did not wish to initiate proceedings against him if his work was regarded as essential. Brig. Upjohn said he would enquire and inform H 2.

H 2 in response to enquiry, said that there were two ways of dealing with persons not on the rolls. Technically they had no contract and were almost in the position of 'casual' employees; their services could be dispensed with by mere notice. The other method was that their cases could be investigated by the Commission of the Ministry of Profession of their regular employment. It was pointed out that this did not deal with cases in which there was no Ministry or Profession of normal employment.

H 2 in answer to enquiry said that he agreed with the desirability of using Administrative Registrars in place of Judicial Registrars whenever it was possible but there were relatively few Administrative Registrars and fewer still who could be spared from their present employments. He appreciated the urgency of further magisterial appointments. He had tried to get some from retirement but he had come to the conclusion that they were generally too old and beyond hard work. The matter was a difficult one which was under consideration. Perhaps the new Government when formed would be able to improve the position.

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R E

in response to enquiry, said that there were two ways of dealing with persons not on the Radio. Technically they had no contract and were almost in the position of 'casual' employees; their services could be dispensed with by mere notice. The other method was that their cases could be investigated by the Commission of the Ministry or Profession of their regular employment. It was pointed out that this did not deal with cases in which there was no Ministry or Profession of normal employment.

R E

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4413

19A

REPORT OF A MEETING

between

Mr. G. UFFONI and Mr. G. LAMARCA

6 Nov

Mr. G. UFFONI referred to his recent visit and said that the Prefect had not yet quickly and only required the appointment of the representative of the High Commissioner (H.E.) said that the appointment had now been made and that the appointee had left). With regard to Florence, Mr. G. UFFONI said that he had seen a long list of the Commissions in the press and supposed that the High Commissioner's representatives had been appointed.

H.E. said that the whole matter had been done by the Prefect without the High Commissioner's knowledge, that there were too many Commissions and that the Prefect had recently come to Rome and he had spoken to him. A number of the present appointments were of persons who were not politically sound. There were also too many Commissions and the number would have to be reduced. Appointments had been made without his approval. H.E. said that under the new procedure the Prefect will not be concerned with appointments to Commissions.

H.E. in reply to an enquiry on the Pellegrini proceedings said that they had been considering the matter and was confident that it would be disposed of quickly. He had at first thought of getting a Commission appointed in Rome so as to get the matter dealt with speedily but had later formed the opinion that it should be dealt with locally in Naples and he had sent a representative to Naples who would report on suitable nominations for a Commission for SRT, and instruct them to get on with the case.

Mr. G. UFFONI asked that the matter might be pressed as we were very concerned with the delay.

Mr. G. UFFONI then enquired as to the progress being made in defascising the first four grades of officials, and was informed that, with the exception of three Ministries - the Ministries of Justice, Marine and Education, the first phase of the enquiries had all been finished. It might be necessary to ask for an extension of 15 days to complete the three Ministries. Reference was then made to the Rules of Procedure and that these had amended the manner in which Provincial Commissions were formed. The whole of the personnel were not nominated centrally by the President of the Council of Ministers (on the recommendation of the High Commission).

H.E. in reply to enquiry as to how long it would take to get Provincial Commissions set up, said that he had already sent delegates to practically all the provinces. These representatives were undertaking two tasks -
a) conducting the investigatory instructional phases and
b) supplying him with information as to personnel suitable for appointment to Commissions.

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under the new procedure the Prefect will not be concerned with appointments to Commissions.

H E in reply to an enquiry on the Deliberant proceedings said that they had been considering the matter and was confident that it would be disposed of quickly. He had at first thought of getting a Commission appointed in Rome so as to get the matter dealt with speedily but had later formed the opinion that it should be dealt with locally in Naples and he had sent a representative to Naples who would report on suitable nominations for a Commission for DEY, and instruct them to get on with the case.

Brig. UPJOHN asked that the matter might be pressed as we were very concerned with the delay.

Brig. UPJOHN then enquired as to the progress being made in despatching the first four grades of officials, and was informed that, with the exception of three Ministries - the Ministries of Justice, Marine and Education, the first phase of the enquiries had all been finished. It might be necessary to ask for an extension of 15 days to complete the three Ministries.

Reference was then made to the Rules of Procedure and that these had amended the manner in which Provincial Commissions were formed. The whole of the personnel were now nominated centrally by the President of the Council of Ministers (on the recommendation of the High Commission).

H E in reply to enquiry as to how long it would take to get Provincial Commissions set up, said that he had already sent delegates to practically all the Provinces. These representatives were undertaking two tasks -

- a) conducting the investigatory instructional phases and
- b) supplying him with information as to personnel suitable for appointment to Commissions.

By the time the investigatory phase was finished, the Commissions would all be formed.

H E in answer to enquiries as to the steps which were being taken to keep the public informed.

H E said that he had spoken to Count SPORZA as to the wisdom of the High Commissioner's starting its own news bulletin. If that was not approved, he would issue communiqués to the press.

Brig. UPJOHN said that AC wished the public to be kept informed otherwise it would get restless and said that perhaps AC could help and AC could arrange the publication of bulletins for the High Commissioner through him.

H E referred to the very great difficulties with regard to transport and asked whether arrangements could not be made for his Provincial Officers to travel in Regional cars if there was room in the cars of Provincial Officers when they were visiting outlying towns.

Brig. UPJOHN said that he would ask for the cooperation of Provincial Commissioners.

H E then referred to Terna and said that Eputation in this Province would be entirely finished within two to three months. He referred to the action of a Major Fricker who had given instructions that no eputation steps would be taken without his consent. He regarded the Eputation Commission as merely advisory.

Brig. UPJOHN said that a letter which would deal with this subject was already in preparation.

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114

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History of a meeting

between

Italy, Austria and the USSR, 1947-1948

4th article

14A

14A. It is a list of persons suggested by the Italian. It is not a list, within the limits, within the limits of the Italian Government.

14B

14B. It is a list of persons suggested by the Italian. It is not a list, within the limits, within the limits of the Italian Government.

14C

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14D

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14E

14E. It is a list of persons suggested by the Italian. It is not a list, within the limits, within the limits of the Italian Government.

14F

14F. It is a list of persons suggested by the Italian. It is not a list, within the limits, within the limits of the Italian Government.

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It is thought that a measure so obvious and simple as to require the use of the English language in all official communications would be sufficient to prevent the use of the Spanish language in the future. It is also thought that the use of the English language in all official communications would be sufficient to prevent the use of the Spanish language in the future.

It is well known that it will be necessary to make use of special equipment for North Wales.

was then referred to an administrative committee which was likely to arise in the North, namely that every person must pay, however burdensome be dismissed under Art 47. It adds that it was not intended to discourage more steps was taken. It also had shown the urgent situation of the ordinary trade and the all of them in responsible persons would have to go. It would consider whether any and if so that action might be necessary.

USERS referred to the expenditures of "condemned" value machines purchased and repaired where the machine making the expenditures showed that which the high expenditure before making the expenditures. The value greater than portion of "condemned" value machines, however, and the value also were being accepted.

called for a list of persons so equipped so that he could make captives and mentioned that statistical and economic data were needed. It would not be desirable that they should be an anti-Communist.

covered by the Insurance Corporation of New Zealand, and the good accounts are most full for the time being of efficiency. It might be said that the Insurance Corporation is not a very good example of efficiency, but it is not a very good example of efficiency.

stated that he would compare into the allegations that there had been delay in appointing the Special Commission for the 1922. He said that he would supply a copy of his instructions to the procurator in regard to presentment, he thought it would be desirable, in order to enable delay and where the charges would permit, for private opinion to be tried before the Criminal Justice of the Council.

11

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agreed that there were difficulties in various persons who had been irregularly suspended and had thought that they should all be taken back into employment and paid, and those likely to be dismissed should then be suspended and would then receive only basic pay, but he doubted whether this was the best plan. It was agreed that all persons irregularly suspended should be considered as, and be paid as if they had been suspended under the decree.

Brig. GUNN considered that this would be soundest in principle. He considered that there might be some cases of economical hardship but these should be mitigated by getting the Exemption Committee to deal with these cases quickly.

H K in referring to difficulties which had occurred at Grosseto where Col Hamilton was the Provincial Commissioner it was understood that he was reporting that the Prefect was untrustworthy and should be replaced by the Vice-Prefect, an appointment which would be acceptable to the High Commissioner.

H K stated that he was very embarrassed by lack of transport and that he wanted four cars very urgently, even if only for fifteen days to organise work at a distance from Rome. Brig. GUNN replied that there was no transport available which could be spared, that ASJ was itself short of transport. Transportation of food to the recently liberated areas was taking a considerable amount of vehicles.

H K said that he appreciated the point but hoped that ASJ would understand the reasons for such delays in distant areas as might occur.

to the High Commanders.

H B stated that he was very embarrassed by lack of transport and that he wanted four cars very urgently, even if only for fifteen days to organize work at a distance from home. H B also realized that there was no transport available which could be spared, that H B was itself short of transport. Transportation of food to the recently liberated areas was taking a considerable amount of vehicles.

H B said that he appreciated the point but hoped that H B would understand the reasons for such delays in distant areas as might occur.

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Notes of Meeting
Colonel

H E Count SPURIA and Brig. USARV

30 Sep 44

16A-
Brig. USARV informed H E that he was about to prepare for the Advisory Council a report on the progress made in defensing and asked H E to supply information on matters of general interest and certain statistics. As to the latter he would provide a list of the statistics desired.

H E said that he would willingly supply any information desired. H E regarded the opportunity as one of mutual advantage as it was as useful to his government to obtain the Allied reaction to the report as it was to the Allies to receive the report.

H E continued by saying that he had circulated provisional procurators to press on with proceedings under part I. Of the trials to be heard outside Rome probably the most important was that of Sorruco the ex-rector of Naples who was accused of failing to resist; his defense was that he acted on the orders of the Government located in the undefended city of Rome. He was well aware that the government there located was not a free agent and was dominated by the enemy. It was at first proposed to try Sorruco with two generals but it was decided that the cases were different in view of Sorruco's governmental responsibilities while the failure to resist by the generals was more of a personal charge against them. The generals would be tried in Rome, about the 22 Oct and, later after, Sorruco in Naples. The case was regarded as a test case as, if the court held that the orders received from the puppet government in Rome was no defense, a number of other prosecutions would follow.

H E then referred to the case of Assolini ex-Governor of the Bank of Rome which was expected to be heard in Rome about the 9 Oct. Assolini permitted the discovery to the Germans of the place of concealment of considerable quantities of gold the property of the Government and for failing to take such steps as any prudent man would have taken as to his own property.

H E then referred to the fact that the High Court would sit on an early date in Rome to consider the reaction as to the conduct and voting of members of the Senate. This proceeding was under Art. 8 of the decree which entitled the High Court to remove them from office. Such removal was no bar to any other proceeding it initiated merely to the particular office. The plea in extenuation was that they dared not for fear of their lives vote against the Government but the records showed that 25 senators had always opposed the Government. It would have been just that all senators except those 25 would be removed from office and substituted by others not like to ourselves, practi-

continued by saying that he had circulated provincial procurators to present an early prosecution under part I. Of the trials to be heard outside there probably the most important was that of Soriano the ex president of Bayan who was accused of failing to resist his defense was that he acted on the orders of the Government located in the rebel city of Iloilo. He was well aware that the government there located was not a free agent and was dominated by the enemy. It was at first proposed to try Soriano with two generals but it was decided that the cases were different in view of Soriano's government responsibility while the failure to resist by the generals was more of a personal charge against time. The generals would be tried in Iloilo, about the 22 Oct and, soon after, Soriano in Manila. The case was regarded as a test case so, if the court held that the orders received from the puppet government in Iloilo were no defense, a number of other prosecutions would follow.

H E then referred to the case of Ascolini ex Governor of the Bank of Rome which was expected to be heard in Manila about the 9 Oct. Ascolini permitted the discovery to the Germans of the place of concealment of considerable quantities of gold the property of the Government and for failing to take such steps as any prudent man would have taken as to his own property.

H E then referred to the fact that the High Court would at an early date sit in camera to consider the reasons as to the conduct and voting of members of the Senate. This proceeding was under Art. 8 of the decree which entitled the High Court to remove them from office. Such removal was no bar to any other proceeding it related merely to the particular office. The plea in extenuation was that they dared not for fear of their lives vote against the Government but the records showed that 25 senators had always opposed the Government. It would have been just that all senators except those 25 would be removed from office but he did not do so because he did not like to suppress, practically, the Senate while we had agreed for "no institutional changes" until war exists. No decision had as yet been reached with regard to deputies. A difficulty here was that the assembly was dissolved but deputies would be liable under Art. 8 to deprivation of civil rights or to be sent to an agricultural colony. The intention would be to do justice not to make martyrs.

H E regretted the Allied decision that no politician should sit on the Military Inquest. This decision would result in the parties being able to dissociate themselves from the findings of the Inquest.

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The transfer of responsibility for making decisions upon political issues essential to those who had to organize the rebellion and take decisions, it was also consolidating as the party would tend to support the decision of their representatives who in organizing the rebellion for his action would also tend to educate the party.

It then proceeded to refer to action under Part II of the decree, regarding and to the new decree to expedite action in the case of Grade I - by officers which would come into effect at an early date. Action against other officers could proceed immediately and would continue after the senior officers had been dealt with; but there was no wish to attract all the lower officials who had only been through an "intermediate" phase.

It then dealt with action under Part III of the decree, which was the Assistant High Commissioner was located in the Ministry of Finance which was largely concerned in the investigation of income and of assessing the amount to be claimed. The setting up of machinery to handle fines and taxation recovery was under consideration. It was referred to a case in which recent history when considerable amounts were admitted recoverable by the state but because no machinery had been organized only a relatively small proportion of the amount admitted over in fact reached the Government. It was desired to avoid a similar result. Recoveries would be expedited when the matter was simply one of realization. Consideration was given to the proposal to be controlled or kept as a going concern, that it would be necessary to create a new organization in central and manage the central funds. It might be desirable to start co-operative or collective ventures. These matters were still in an early stage of discussion.

It was then turned to Part IV of the decree, which was to forward areas and it was said that he would within 10 days give the name of any persons significant when the Italian Government decided to consider any proposals.

It was then referred to the fact that feeling in some of the big cities in the North of Italy was believed to be high and that violence might follow if there was not rapid removal of freedom from office. All contemplated establishing its own organization - but these organizations would only be a power to manage persons from their positions leaving further action to the appropriate authorities under the decree. The intention for suspension would follow the wording of the provisions in the decree as to the situation.

It was then the proposal which was not only apply assisted by military personnel but would be of almost immediate assistance to the Italian Government. It was then inquired whether the would be prepared to arrest for the Italian Government wanted by it for offences under Part I and received in the situation.

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entire removal was under consideration. It is referred to a case in which a person's history when considerable amounts were alleged recoverable by the state but because no machinery had been organized only a relatively small portion of the amount alleged was in fact received the Government. It was desired to avoid a similar result. Recipients would be appointed when the matter was simply one of realization. Recipients were then properly had to be controlled or kept as a going concern. It would be necessary to create a new organization to control and manage the central funds. It might be desirable to start co-operative or collective ventures. These matters were still in an early stage of discussion.

2010. It was then decided to have a list of persons arrested in forward areas and it was said that he would within 40 days give ACC the names of any persons against whom the Italian Government decided to commence any proceedings.

2010. It was referred to the fact that feeling in some of the big cities in the North of Italy was believed to be high and that violence might follow if there was not rapid removal of fascists from office. ACC contemplated establishing its own organizations - but these organizations would only be empowered to supply persons from their positions leaving further action to the appropriate authorities under the decree. The intention for independence would follow the working of the procedure in the houses as to standard.

It was suggested the proposal which was not only apply justified by military action but would be of direct assistance to the Italian Government. It was then enquired whether ACC would be prepared to arrest for the Italian Government persons wanted by it for offences under Part I and received in return for the information.

It was in response to enquiry said plans would be taken to complete the Central Commission at once.

It was suggested that Alberto Calimani should not be released. He was wanted as being implicated in all sorts of espionage business; perhaps he knew also about the murder of the Rossetti brothers. There was evidence that this was arranged between the fascists and the Government in France directly. This murder in France was arranged in consideration for the removal of a Frenchman in Italy.

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Telephone conversation H.E. Scaramaro - G. Guarente of October 30th, 1944.

1. As to the general question of the functioning of Provincial Expropriation

Commissions, H.E. Scaramaro said that representatives of the High Commissions have been sent to many provinces and that in many provinces investigations have been initiated and are being carried out, and some officials have already been suspended from their offices. In many other provinces (Campesina, Pucallpa, Calabaria and Tucuman) it has not been possible to do anything ~~because of~~ lack

of means of transport.

2. - As to the situation of Latin American Region, H.E. stated:

- a) that in Rome the Commissions are working;
- b) that in Peru the Commission has been established
- c) that in Vitoria ~~the~~ Commission has as yet been appointed because it has not been possible to get a car for the Communist's representative.

has to go there.

1401

Communist have been sent to many provinces
provinces investigations have been initiated and are being carried out,
and some officials have already been suspended from their offices.
In many other provinces (Campania, Puglia, Calabria and
Tuscany) it has not been possible to do anything ~~because of~~ lack
of means of transport.

2. - As to the situation of Lazio - Umbria Region, H. E. stated:

- a) that in Rome the Comunist are working;
- b) that in Perugia the Comunist has been excluded
of that in Viterbo ~~no~~ Comunist has as yet been appointed because
it has not been possible to get a car for the Comunist's representative.

how to go there.

2401
Relevant

Col White

They can get by if they really want to.
Let us discuss in Monday.

W. J. M.

0710

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PARTITO FASCISTA RUSSELLICANO

FEDERAZIONE DI ROMA

UFFICIO INFORMAZIONI

Risposta e nota N. del

Protocollo N. / U. L.

Oggetto:

Notes of a Meeting

Between

Count SPERZA and Maj. MALIBI

17 Sep 44

1. Count SPERZA handed me a copy of a letter dated 10 Sep 44 addressed to the Office of the President of the Council of Ministers by His Excellency SPOCCIMARRO. This letter directs that the distribution of defasciating questionnaires be limited to employees of the Int to 6th grades inclusive; and that there should be no distribution to employees of inferior grades unless there existed a proper basis for the application of the defasciating procedure.

2. Count SPERZA also referred to Brigadier VIGNI's request that there be an understanding with respect to the procedure to be followed by Allied Officers in dealing with the property belonging to fascist institutions. Count SPERZA stated that the following procedure would be satisfactory:

- The property should be assigned over to the Prefect.
- A receipt specifying the date, nature and location of the property should be obtained from the Prefect.
- Count SPERZA's office should be advised by the AGO as soon as (a) and (b) have been complied with.

3. Count SPERZA handed me a copy of the proposed administrative rules implementing the defasciating decree of 27 July 1944.

4. Count SPERZA handed me the following list of names and stated that these persons would be appointed to the appeals Commission contemplated by the defasciating decree of 27 July 1944:

NAME	POSITION	RANK
S. L. RUSSI Achille Procuratore Generale onorario della Suprema Corte di Cassazione	Presidente	II
DR. MARTINO GR. DR. Enrico Consigliere di Stato	Componente (Magistrato)	IV
GIULIANO COM. Michele Consigliere della Suprema Corte di Cassazione	Componente (Magistrato)	III
PROF. PROF. Ugo Prof. Dir. Amm. VO Università di Napoli	Componente (Funzionario)	IV
Consigliere di Stato	Componente	

- the property should be consigned over to the Prefect
- b A receipt specifying the date, nature and location of the property should be obtained from the Prefect.
 - c Count SPERLA's office should be advised by the DOJ as soon as (a) and (b) have been complied with.

3 Count SPERLA handed me a copy of the proposed administrative rules implementing the defascising decree of 27 July 1944.

4 Count SPERLA handed me the following list of names and stated that these persons would be appointed to the appeals Commission contemplated by the defascising decree of 27 July 1944:

NAME	POSITION	RANK
<u>A. E. NUZZI Achille</u> Procuratore Generale onorario della suprema Corte di Cassazione	Presidente	II
<u>RE MARTINO G. Vito</u> Consigliere di Stato	Componente (Magistrato)	IV
<u>GIULIANO G. Michele</u> Consigliere della Suprema Corte di Cassazione	Componente (Magistrato)	III
<u>PORTI Prof. Ugo</u> Prof. Dir. Ammin. vo Università di Napoli	Componente (Funzionario)	IV
<u>D'AMICO Cav. Gr. Cr. Pietro</u> Direttore Generale Ministero Id. PP. - viabilità ordinaria	Componente	III
<u>DEBITA On. Ing. Giovanni</u>	Componente (Membro designato Alta Commissione)	-
<u>MARTINELLI Avv. Guido</u> Membro Consiglio Ordine degli Avv. di Roma	Id.	-

5 Count SPERLA stated that he would pass on the information concerning the arrest of Asentti as soon as possible.

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Why the British Proposal
Has Disappeared

all

G-3 F, ABC 014

13A
13-

Notes of a meeting
between
Brig. WILSON and Mr. Count 070624
16 Dec 44

Brig. WILSON received for the early issue of the regulations governing procedure under Part II of the decree which he stated was holding up all progress.

He then referred to the proposed new method of reclassifying by retiring all personnel of Grades I - IV. He referred to the scheme devised by the present scheme. The fact that under this scheme this condition and the state of uncertainty which accompanied it would last for a long time was causing grave anxiety.

Brig. WILSON said that he did not think that the present scheme had had a real chance to prove itself. The work that the committee had done ought not to be wasted. The operating of the scheme was hampered by two things, that the rules of procedure had not been issued so that the commissions could not function and the Central Commission had not been appointed which meant that decisions could not be given or if given, the right of appeal was non-existent. The present scheme should be given a chance, there was little reason for expiation taking long. If it was confined to officials of the upper grades, the allies could not permit any scheme which might lead to a breakdown however temporary of administration.

He indicated that he thought there was a greater chance of disorganization under the present decree than under the new proposals.

He agreed that it was the accepted policy that expiation would apply only to those in positions of authority. He did not understand why 500,000 scheme personnel should be issued by the Ministry of Communications and would involve the matter. A letter would be necessary to be addressed to all concerned that scheme personnel would only be used in case of the most senior grades or of persons whose cases came before the Commission.

He referred to the possibility of changing the scheme for Provincial expiation to one of having two commissions for each Province located in Rome but going on circuit, this would ensure both uniformity of treatment and freedom from local prejudice. The time for expiation would be decreased to two or three months only. A new decree would be necessary.

He again referred to his desire and the necessity for the scheme for retiring senior officials.

4404

Brig. WILSON asked for the name of the officer responsible for the working of Part IV of the decree - confiscation of property of Fascist organizations and for particulars of how this property in Allied hands should be handed back

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be wasted. The operating of the scheme was hampered by two things; that the rules of procedure had not been issued so that the commissions could not function and the Central Commission had not been appointed which means that decisions could not be given or if given, the right of appeal was non-existent. The present scheme should be given a chance; there was little reason for expiration taking long, if it was confined to officials of the upper grades. The allies could not permit any scheme which might lead to a breakdown however temporary of administration.

H E indicated that he thought there was a greater chance of disorganization under the present decree than under the new proposals.

H E agreed that it was the accepted policy that expiration would apply only to those in positions of authority. He did not understand why 305,000 active personnel should be issued by the Ministry of Communications and would investigate the matter. A letter would be addressed to all concerned that active personnel would only be used in case of the most senior grades or of persons whose cases were before the Commission.

H E referred to the possibility of changing the scheme for provincial expiration to one of having two commissions for each province located in Rome but going on circuit, this would ensure both uniformity of treatment and freedom from local prejudice. The time for expiration would be decreased to two or three months only. A new decree would be necessary.

H E again referred to his desire and the necessity for the scheme for retiring seniors officials.

2404

Brig. UNGER asked for the name of the officer responsible for the working of

Art IV of the Decree - Confiscation of Property of Fascist organizations and for particulars of how this property in Allied hands should be handed back to the Italian Government and to whom.

Brig. UNGER asked if HE could give particulars of the reasons for the arrest of Col. Roberto ASSANTI.

H E said that if Maj. FANTINI would call upon him at 1130 hrs the next day he would inform him as to the position with regard to the issue of rules of procedure; the formation of the Central Commission, as to the issue of schedule personnel and the information asked for with regard to the implementing of Art IV.

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Notes of a meeting
between
H E Count SPURZA and Lt Col WHITE
8 Sep 44

12A
13

- 1 Count SPURZA indicated that while satisfied with the progress that was being made with regard to punishment of fascist crimes and the recovery of improperly gained riches he was not satisfied with the progress made in expatriation. It is considered that a better scheme was desirable that would not cause the same dislocation and prolonged disturbance and proceeded to outline the following scheme.
 - 2 That 40 days after the coming into force of the decree (i.e. in territories already released 40 days after publication, in other territory 60 days after liberation) all persons in grades I to IV except those who
 - a have special technical etc qualifications whose services are essential
 - b are holding special important posts whose services cannot be spared
 - c have exceptional administrative ability experience or qualifications
 will be placed on retired pay.
 - 3 As compensation for the interruption of their services, those who were "irremovable" i.e. certain judges, university professors etc, will be entitled to add 10 years service for pension, others will be entitled to add 5; provided that no person shall be pensioned at rates appropriate to less than 12 years or more than 40 years service.
 - 4 The decree will apply universally to all ministries including the services. Each ministry will certify as to the necessity for retaining officers under a, b, & c, which will enable them to retain all essential officers and automatically get rid of others. Ministers accept the responsibility for their actions they may retain a fascist if his services are essential but cannot afford to be accused of being the protectors of notorious fascists.
 - 5 Within 20 days of the coming into force of the decree any person whose service is subject to termination by the decree may submit an application to the Ministry claiming that he comes within one of the three classes of para 2 a, b & c within a further 10 days the ministry must submit the application with all relevant papers as to the applicants past service and party history to a special Commission consisting of the H C (Count SPURZA), the Minister concerned and the Asst H C (ROCCO BASSO). If his claim is sustained he will be added to the list of persons certified by the Minister for retention if it is not sustained he will be dismissed without pension.
- I inquired how ASD would regard such proposals if made and was informed that ASD appreciated the difficulties caused by the feeling of insecurity and by the suspensions, agreed with the desirability of getting the administration purged quickly and recognized that the method he suggested might well create less friction. While so far ASD was sympathetic I could not say what ASD's attitude would be to the proposals until we saw them in black and white it largely depended upon the efficacy of the safeguards which would prevent the decree being used in an undesirable manner.

4400

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

Report of Meeting
between
Count SPURKA and Lt Col WHITE

8 Sep 64

1. Count SPURKA indicated that he was not satisfied with the progress of defascinating that under Part I was proceeding well, 1,500 arrests had been made, preparation for trial of nearly one third of these was well advanced and would be coming on for trial reasonably soon and included some half dozen or so cases of first importance. The progress under part III of the act was moderately good and it appeared that very considerable sums would be recovered. But progress under part II was definitely far from satisfactory. The machine was working slowly and with friction. The junior staff was unsettled wondering when its turn would come, the upper circles were disorganized by suspensions and those still working were also haunted by the same fear.
2. Inquiries caused friction and ill feeling some of the Ministries were proceeding too slowly. The commissions were afraid.
3. Count SPURKA said that the Prime Minister and he were both very disturbed at the position and did not wish to see it prolonged. It was essential that finality be reached quickly and the service allowed to settle down free from fear and get to work. No progress could be made until there was some feeling of security.
4. With this end in view there had been consultations between himself and the Prime Minister, and between each of them and the principal ministers.
5. Two schemes had been evolved and they had now generally agreed upon a scheme which he proceeded to outline. This was basically the same as that outlined by SCOCIMARRO. He said that an inner cabinet of five including the Prime Minister and himself (but not including SCOCIMARRO) were meeting the next morning. They did not wish to put forward any scheme which was totally unacceptable to the Allies and asked how we would view the scheme he outlined. This scheme differed from SCOCIMARRO's mostly in the very points on which we considered that better safeguards were needed and under it SCOCIMARRO himself had practically no personal power.
6. I replied that AOC quite appreciated the difficulties caused by the feeling of insecurity and by the suspensions, agreed with the desirability of getting the administration purged quickly and recognized that the method he suggested might well create less friction. While so far AOC was sympathetic I could not say what AOC's attitude would be to the proposals until we saw them in black and white it largely depended upon the efficacy of the safeguards which would prevent the decree being used as a party tool.
7. Count SPURKA pointed out the safeguards to which I replied that if the proposals were an agreed measure supported by all parties and there were reasonable safeguards which AOC could not judge until it actually saw the decree there was every possibility that the proposals would not be un sympathetically received.

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8. From the discussion it appeared that the general idea of the scheme had been conceived by Count SPURZA and had been conveyed to SCOC-CHASSO through a third party as that party's own idea in order to find out SCOC-CHASSO's reaction unaffected by the knowledge that the scheme was the child of SCOC-CHASSO's senior. The idea appealed to SCOC-CHASSO and he proceeded to develop details but the lines along which he developed the scheme were not the same as those which Count SPURZA himself had in mind. Hence the differences in the scheme as outlined by the two.

9. The scheme as outlined by Count SPURZA is that 40 days after the coming into force of the Decree (i.e. in territories already released 40 days after publication, in other territory 40 days after liberation) all persons in grades I to IV except those who
 a. Have special technical etc qualifications whose services are essential
 b. Are holding special important posts whose services cannot be spared
 c. Have exceptional administrative ability experience or qualifications
 will be placed on retired pay.

10. As compensation for the interruption of their services, those who were "irremovable" i.e. court judges, university professors etc, will be entitled to add 10 years service for pension, others will be entitled to add 5; provided that no person shall be pensioned at rates appropriate to less than 12 years or more than 40 years service.

11. The Decree will apply universally to all ministries including the services. Each ministry will certify as to the necessity for retaining officers under a, b & c, which will enable them to retain all essential officers and automatically get rid of others. Ministers accept the responsibility for their actions they may retain a fascist if his services are essential but cannot afford to be accused of being the protectors of notorious fascists.

12. Within 20 days of the coming into force of the Decree any person whose service is subject to termination by the Decree may submit an application to the Ministry claiming that he comes within one of the three classes a, b & c, within a further 10 days the ministry must submit the application with all relevant papers as to the applicants past service and party history to a special Commission consisting of the H.C. (Count SPURZA), the Minister concerned and the asst H.C. (SCOC-CHASSO). If his claim is sustained he will be added to the list of persons certified by the Minister for retention if it is not sustained he will be dismissed without pension.

13. It is not expected nor intended that there will be many applicants. The intention is to clear grades I to IV completely except for those who cannot be spared. It is felt that the Senior officers as a body have worked so long under fascist control that practically all of them will inevitably look at matters from the only angle they know and the only machine they know - fascist.

14. Even therefore where a senior official is not a notorious fascist his experience and outlook are fascist and it is preferred to make a clean sweep of the older hands who are mostly too old to learn new ways. Those whose actions have shown ability to tackle matters from the new angle will be retained under c above.

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15. We felt two fears first that there might be disorganization. This is avoided by this scheme. Each ministry has 40 days to plan to investigate dismissals and arrange promotions and to decide what what officers they will retain to enable them too function.

16. You will note that those to be retained are the technical experts (about whom we have written) those who can't be spared because of the jobs they fill and those of exceptional ability which is wide enough to cover any body Ministers may wish to retain. The Minister will have to justify himself to his colleagues of the cabinet.

17. Second, that there might be victimisation or that the decree might be used to party ends. With one exception everything is in the Minister's hands the Ministers belong to various parties so that none is likely to receive any particular advantage and each minister will have to answer to the cabinet who will also guide all ministries.

18. The one exception relates only to those who apply for retention their case comes before a tribunal of three which in most cases will represent three political parties; in the case of only one Ministry Agriculture would there be two communists.

19. Again it is anticipated that there will be very few applications for retention so that this commission will have very little effect.

20. Lastly it had been said that the Prime Minister was opposed to SCOCIMANO's scheme and had one of his own. He is a supporter of SPURZA's scheme and has dropped his own.

EW/jed

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

Notes of Meeting
between
Lt Col White and E E Goodwin

6 Sep 44

Lt Col White introduced Maj Paladini to EE. Maj Paladini would act as Liaison Officer and observer for ADC with Ministerial Commissions. He would also be the officer in ADC responsible for dealing with bodies referred under the Council of Ministers.

Lt Col White informed EE that representations had been made to the Ministry of Justice with regard to the operation of Courts of Assize and as to the early issue of regulations. It appeared in the latter case that the Ministry did not recognize the draft rules which had been sent to it as properly before it and had taken no action.

Lt Col White handed EE specimens of the form which ADC Sub-Commissions were asking Ministerial Sub-Commissions to complete. EE said that the form seemed excellent.

EE stated that notice of trial had already been given to a large number of persons and that the 10 days for preparation of their defence (Art 19) had already commenced to run.

EE also stated that some Ministries did not suspect persons denounced to them by him.

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10A
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Notes of a Meeting
Between

Brigadier UNGER and Mr. WINTERKORN

6 Sept 44

9A

Brig UNGER said that while it is thought that the proposals he has made for an alternative method of examining senior officials have most attractive features it is considered that it might cause some dislocation which we are anxious to avoid. For this reason among others it is thought better to proceed under the present decree and endeavor to make that work. It was appreciated that the present decree was causing a considerable amount of dislocation but steps should be taken to lessen that. Only if it proved impossible to make the present scheme work should alternative methods be considered. It was desirable to get out the rules of procedure for proceedings before the Commissions immediately.

Mr. WINTERKORN said he would help him on that matter. The Draft rules had been submitted to the Ministry of Justice some time ago since when he had heard no more.

Brig UNGER said that another matter in which assistance might be afforded was by the appointment by him of an officer with special liaison functions on defections. If this officer attended the deliberations of Commissions it might impress upon them that the Allies were interested and that they did but he they did it. He would of course be only a spectator of conversations and not certain in the deliberations.

He said that he thought that such an appointment might be very useful. Not only might it not be a step it would also be a means by which he could easily keep us informed of difficulties.

Brig UNGER said that if after increased effort the present scheme did not work it might become desirable to consider stronger measures such as those he had suggested. Brig UNGER said that Lt Col WINTER would introduce Major WINTER the officer for the appointment mentioned to him and an appointment for that purpose at 1700 hrs. 6 Sep was made.

He in answer to suggestion said that the records of Salvatore LOMBARA, COCCO, MURA and OBERONI members of the judiciary would be investigated.

Brig UNGER asked that Ministries might be instructed to send returns in a standard form so that we receive standard information for compilation of statistics.

He handed a list of persons appointed to Commissions. He said that there was difficulty with regard to prosecutions under Part I of the Decree, the prisons were full of fascists but they could not get on because trials do not come on nor could they proceed with arrests as they had nowhere to hold the arrested. They had everything ready to proceed but were prevented. Those in prison in Rome included a large number whose cases were under investigation. Proceedings before the Court of Assize were too slow. Would he take up.

He asked him to take up the case of the Thurni Beer Co where an Allied officer a Lt JAMES was insisting on the retention of seven fascists who had been

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Notes of a meeting
between
Sir G. W. W. and Sir G. W. W.

Page 11

stated that the Italian Govt was encountering considerable difficulty because the main senior officials were slowly returning; because records had been carried off, lost or destroyed, which caused considerable delay in locating them and because a suspended official could not be reinstated and his place filled until his case had finally been dealt with. All this was the cause of a considerable disorganization in the administration as seriously to affect administration and under the present procedure it will appear that this state of relative chaos must continue for several months.

He suggested that in consequence his Govt had under consideration an alternative method of moving the senior officials by which it was hoped that the whole process of moving these officials could be completed within a few days. The plan was to move them after with non-essential senior officials there would be little or no difficulty for junior officials even if they were willing to further materially the fascist cause.

He explained that his talk was only explanatory to ascertain the reaction to the proposal should it be made. It was not yet before the government. Briefly what he had in mind was a decree dissolving with pension all officials of grade I - IV with a proviso that dismissed officials might forthwith submit to their Ministry an application for re-employment which would be considered by the Ministerial Re-employment Commission. These re-employed would be re-instated with all rights and privileges as if their service had not been interrupted. These refused re-employment would be deprived of their pensions. The proposal was self-purging if an official was considered of a fascist past he would not jeopardize his position by applying for re-employment. The object was to purge the higher echelons of fascism as quickly as possible with as little ill feeling, friction and labour as possible.

Sir G. W. W. said that the proposal sounded attractive in many ways but he would want time to consider the matter before giving a definite answer, would not the sweeping removal of all senior officials at one instant cause chaos it was essential for the country and the war effort that effective administration should continue unbroken.

He replied that though the decree would affect several hundred officials, the remaining commissions (of which some 30 or more exist) should be able to cope with the applications for re-employment in two days. Firstly they could not apply for re-employment. Secondly it would not apply to recent appointments of which there were a fair proportion. By planning it would be possible to consider these cases quickly and to have ready lists of persons for promotion to the vacancies.

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H. E. considered that appointments could be filled and the Ministries working within two or three days. Orders would quickly be produced out of a chaos which might otherwise last for many months. The feeling of instability would be purged. The Government was completely assured that there would be no hiatus - that the whole revision could be effected in two days and that other permanent officials would carry on during that time. The present system of suspension was causing more chaos now than he anticipated from this change, and if the change was not made the present chaos would continue for months.

Brig. General said that he would like to see H. E. on Monday evening when he hoped to be able to say something more definite.

H. E. in response to enquiries stated that it was not proposed to include the armed forces in this measure, they would have to be dealt with separately. That the army had given him no reply and that only after 1 Sep 43 should be taken into account. Similar activities prior to that date would be considered.

Brig. General said that most of the sub-committees were complaining that the process of re-organizing was not proceeding fast enough and that the proportion of officers dealt with was not satisfactory as compared with that of the juniors. The objective was to remove those in authority. He understood that the draft regulations as to procedure had been re-written. He being informed that that was not so he said that he would send his comments on the original draft at once. It appeared to him that every article in the draft would require the authority of a decree to make them effective. He suggested that a contributory cause for delay might be that the committee sitting on regulations were better paid than when examining their normal functions. He also pointed out that instead of definitely removing the officials from positions contented themselves with a finding that e.g. that the "accused" was a spy or that it would be better if they were, as they should, a precise recommendation.

Brig. General reminded H. E. that he was in urgent need of a list of types of bodies to be defaced provisionally.

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

Notes of meeting
between
H E MUCCIARELLI and Col. C.R. UNGER
at the office of the V.P. Admin Section AGO

21 August 44

4A

H E asked that the attention of the Italian Government might be drawn to the attitude of the Ministry of War which had decided that it would pay no attention to any fascist acts committed prior to 8 September 43. Further it had decided not to operate by the machinery laid down by the decree. H E had given the Minister of War names of certain persons suitable for appointment to be Commissioner but the Min of War had not made an appointment from these names but had appointed a person not on the list, who was a weak man who would do what he was told and he had no faith that the Commission could be relied on to act honestly without fear or favour.

H E continued that according to the law, the HC has control of all members, he suggested that Ministers should not make a nomination without first obtaining the approval of the HC, alternatively that the HC should be able to veto appointments. An article was to appear in the Press attacking the Ministry of War but it had been stipulated that the copy must be shown to the Minister before it was published.

Col. Unger said that he was prepared to write to the AGO about the attitude of the Minister of War.

H E agreed that the decree gave the HC no powers to veto appointments by the Min but he thought that he should have power to veto obviously unsuitable appointments and proposed to amend the decree so as to provide that the persons to be appointed by Ministers must be approved by the HC prior to the appointment being made. He was asking the government to pass this amendment quickly.

Col. Unger then requested that Art. 22 might be amended so that persons in the categories mentioned in Art. 14 should not be entitled to receive pay after they had been suspended.

H E agreed and requested AGO to make the request in writing as he has himself proposed this and been over-ruled. It would strengthen the position if the request came from AGO.

H E also asked Col. Unger to take up the question of the appointment of H E Grudli as Special Commissioner of the Auto Mutualita'.

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

785016

Notes of Meeting
H E Soccinatto and Col. G.R. Upjohn
at the Office of the High Commissioner for Sanctions against Fascism.

19 Aug 44

- H E in answer to enquiries as to the completion of the Commissions said that the three services had unofficial committees which would be confirmed, differences between the Ministers as to persons to be appointed was the cause of the delay. The Minister of Communications had been delayed because he had to form 10 Commissions, this had now been done and they were working.
- H E informed Col. Upjohn that he had made a note of his remark re Manes the U/Sec of the Treas; that ACC had no objection to the appointment of Lt Zaspaglio to be a commissioner of ISMEO; that some of the ex-employees of the Ministry of Corporations were now employed by the Min. of Industry Commerce and Labour; and that the power to suspend persons under Art 22 would be exercised by the Minister concerned.
- H E stated that he hoped to get many Provincial Commissions operating in a week. As to progress centrally; Commissions were now at work, in one Ministry alone (Communications) 800 persons had been suspended as regard Ministries 100 or so were at present being suspended every 2 or 3 days. In the Min. of Foreign Affairs practically all would have to go. Persons suspended before the decree would be re-suspended. H E expected that Commissions might start to make orders for dismissals practically at once starting with cases as to which there could be no dispute. All new employees would be screened. In some cases the personal files of Prefects had disappeared, such Prefects would be suspended it would be assumed that there was good cause for the disappearance; the Prefect if he could, could clear himself at the hearing.
- H E continued that he was organising provincial advisory Committees which would represent each of the three principal branches of defascism; these would ensure that the Provincial Separation Commissions for the different kinds of enti would be formed. They would maintain liaison with the central office by inspectors.
- H E in reply to a suggestions that the Army seemed to be following lines other than those laid down. Said that he would take the matter up; he was experiencing, perhaps naturally, the greatest resistance from the three services, the police and the Foreign Office,
- H E asked that the question of the Commissioner for the Ente Mitalita might be taken up. RG IV had purported to appoint one Malfetani. H E Gronchi pointed out that as the concern was parastatal this appointment must at least be confirmed by the ACC. This was not done. H E Gronchi then suggested that some other person should be appointed be the proper authority as Malfetani was a strong fascist and that if Malfetani who had no proper authority to act did not vacate the office he would have him removed by the police.

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

785016

Notes of Meeting
between
H E Scoccimarro and Col G.R. Upjohn
at the office of the High Commissioner for Sentences against Fascism.

5A

14 Aug 44

H E handed to Col Upjohn:

- a. An analysis as to new legislation required.
- b. A directive addressed to members of Expiration Commissions.
- c. Drafts of two decrees.
- d. Draft of Regulations.
- e. Lists of Concerns which will be defascistized centrally and the Ministries responsible.
- f. List of Government employees dismissed from various Ministries.
- g. List of other persons dismissed.

H E agreed that it was desirable that the press should be kept informed so that the people should know what progress was being made and in particular that the names of senior officials suspended and dismissed should be published.

Col Upjohn pointed out that work essential to the Army must not be interrupted, and that it might be necessary to defer suspension or dismissal of special technicians either until a substitute could be found or till his services could be dispensed with. Such cases would be exceptional and would be kept to a minimum.

Col Upjohn suggested that transport difficulties could probably be overcome by the Italian Government requisitioning cars. That in a limited number AOC could probably arrange to regread tyres and replace batteries and provide a certain number of spare parts. That petrol must be obtained from the general allotment made to the Italian Government.

Col Upjohn referred to the importance of the Army being purged quickly and efficiently.

H E replied to enquiries as to the meaning of certain articles of the decree.

- a. That a Commission might be one body of 3 members or it might be a number of Sub-Commissions each of three members.
- b. That it was proposed to appoint Inspectors to travel to inspect documents or hear evidence, an amendment to Art 19 might be necessary.
- c. A substitute member may be appointed to act for a member who could not attend. Non attendance on one Sub-Commission might be due to attendance at another. A member and his substitute might therefor be acting simultaneously.

H E stated that a Commission to deal with the Council of Ministers and bodies enrolled by it had been set up. H E would supply the names. H E would also supply a list, showing the responsible ministries of the bodies to be dealt with under Art 23. The Commissions would be set up and their names supplied as soon as practicable. The Central Commission under Art 20 had nearly been completed, the names would be supplied as soon as this had been done.

H E would supply a comprehensive list of bodies to be dealt with Provincially.

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

785016

Notes of a Meeting
between
Lt Col White & H E Goochmaru
at the office of the High Commissioner of Sanctions Against Fascism.

10 Aug 44

1. H E stated that the names of 309 Senators had been sent to the High Court under the last part of Art 8. In effect it was a purge but not under Part II other proceedings under Part I are pending against most of the men concerned.
2. H E stated that the procedure to bring persons before the Commission would be for the Minister (through his personnel branch) to consider the cases of all his staff. He would then direct who should be brought before the Commission. The High Commissioner had also reports, from the Committees of Liberation which had been working in all Ministries, on the activities of personnel; such people would be brought before the Commission. Attention would be given to all denunciations, but a denunciation was not essential. (See Art 41).
3. H E explained that the delay in appointing the various Commissions was due to the fact that the HC had objected to some of the persons whom Ministers had wished to appoint also his own nominations had not been acceptable. H E pointed out that though the delay was to be regretted it was not delaying progress; investigatory work had to be completed before any case could be heard this was proceeding rapidly. H E anticipated that practically all the Ministerial Commissions would be completed by the end of this week and that the investigatory now in hand would enable them to start work at once.
4. H E would take up with the Ministry of Commerce the fact that their appointments did not follow the decree.
5. H E stated that his proposals to amend the decree had been considered too wide and that he had been instructed to see how much of what he desired to do could be effected under Art 45. As the preparation of the actual decrees might take time he would inform AGO by letter of the objects intended to be achieved. In view of the probability of these changes he had not yet issued the letter of instruction to Ministers nor the one to Prefects. H E would send AGO copies when these letters were issued. The letter to Prefects would not go out to Prefects until the Prefects had been purged as it was not desirable that untrustworthy prefects should be responsible for any action under the decree.
6. H E promised to supply at a very early date a description of the types of bodies which would be dealt with at Provincial level so as to clarify the extent of the Prefect's jurisdiction. A new decree was in course of preparation which would embrace all private concerns not dealt with by the present decree whereby the property would be vested in a Comissario with power to carry on the business, who would release the business to its normal owners when the business had been purged.

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Notes of a Meeting
between

Col Upjohn and H E Sococimaru

at the office of the High Commissioner of Sanctions against Fascism.

7 August 44

Col Upjohn referred to the necessity for the appearance before the appropriate commission of all persons who had been removed from office by the Allies, who had fled, or whose continued employment had been refused, and asked (and it was agreed) that ACC should be informed of the intention to investigate the cases of persons who had been dismissed or refused employment by or under the instruction of ACC.

H E asked (and it was agreed) that documentary evidence in ACC hands should be handed over. H E stated that work of defamming had already started that many dismissals had already been directed, one commission alone had directed 70; lists of persons dismissed would be commemoated to ACC.

Col Upjohn informed H E that the committee at Naples was remaining in being to get in outstanding Bohemia Personnel to hand over, it would be dissolved when its work was complete.

H E stated that he was proposing to appoint an Inspector of Defamation in each Province and to form local provincial committees to carry out local expiation, legislation would be necessary but nothing would be done until after prefects had themselves been purged. It might be possible to use some of the Naples Committee.

Col Upjohn asked for names of two more persons for the Ministry of Industry, Commerce and Labour had set up three Commissions and requires from the High Commissioner nominations of two more persons to act on the two additional Committees. The Ministry did not appear to be following the decree, perhaps a word from his H E might assist the Minister, it would be unfortunate if any proceedings were ~~launched~~ set aside as of no effect because of a technical failure to comply with the terms of the decree.

H E agreed, he had prepared an instruction to Ministers and would let ACC have a copy and pointed out that other Ministries might also require to set up more than one Commission. The Ministry of Communications would probably set up three. Post and Telegraphs: Railways: Road Transport.

Col Upjohn enquired what autonomous authorities or bodies would have their own Commissions.

H E said that many large parastatal concerns and business large enough to be of national interest. H E would supply a list of them and show against each the Ministry concerned for supervision. It was proposed to widen the law, to grant powers to the HD to dismiss persons without waiting for proceedings, to expedite procedure and to give Provincial Commissions powers to purge local businesses. H E would supply ACC with a copy of the legislation proposed. H E would also send a copy of the instruction he was issuing to Prefects.

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Col Upjohn said that some Ministers were still awaiting the names of their Presidents, he also pointed out that the majority of Presidents appeared to be taken from the judicial side and enquired whether it might not affect the efficiency of the courts if too many men were taken from that side, could not more use be made of administrative judges. He gave instances of bodies that were supervised by the Council of Ministers or by the Vatican and asked how these would be defamed.

H E said he would take up the two questions as to the Presidents and would deal with the bodies mentioned in the new legislation.

Col Upjohn said that he was not clear as to all the types of bodies which would be purged by Provincial Commissions.

H E said he would supply a list making this matter clear. H E said the paper re Pellegrini was a copy of a note by him on the case. H E also said that he had been approached by the PVB for assistance in purging that body. That body proposed to follow the procedure laid down in the act and had applied for a person to be nominated. There was of course no legal power but he had named a person to act as adviser. Col Upjohn would perhaps make the position plain to PVB. Col Upjohn agreed and asked if ACC5 here on 10 Aug would be convenient for the next meeting (which was

agreed).

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

Notes of a Meeting
between
Col Upjohn and RS Scoccimarro
at the office of the High Commissioner of Sanctions against Fascism.

1 August 44

His Excellency stated that arrangements had been made for the immediate hearing of the case of Pellegrini (of SCF) and for the setting up of the various Ministerial Commissions which he hoped would soon start work.

Col Upjohn thereupon handed over the papers relating to Pellegrini. With regard to the Commissions - Ministries were saying that they could not make their appointments until the presiding officer had been appointed or they might appoint an officer senior in grade. Only two commissions out of thirteen had been appointed. It was urgent that the other commissions should be appointed.

RS said that he would immediately take up the question of the appointments of the presidents.

Col Upjohn referred to the work of the Naples and Rome ANS Committees, their keenness, the great amount of work they had put in and the great amount of information which they had collected and enquired whether use could not be made of the personnel and material.

RS said that he would be glad to use the material and G. Manfredonia the chairman of the Rome Committee had placed the Rome material at his disposal. He did not think that he could use the two committees as such but there was much room for efficient and keen workers. He was proposing to see G. Manfredonia the next day to see how the services of the members of the Rome Committee could best be used.

Col Upjohn was going to Naples on Friday would make an opportunity of seeing the president of the Naples Committee to investigate the possibility of similar arrangements being made.

RS said that he considered it a defect of the decree that there was no representative of the Committees of National Liberation which existed in most Ministries while they were still under the (Republican) Fascist Government. He was arranging for their co-operation both centrally and as a means of collecting material in Provinces.

RS informed Col Upjohn in response to an enquiry that he would prefer S. Caruso to be kept in his present place of imprisonment until his presence was required for trial.

LHX/vb

Ext. 469.

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Notes of a Meeting between
Col Upjohn & Count Sforza.
at the office of the High Commissioner of Sanctions against Fascists.

30 Jul 44

His Excellency referred to the difficulty of completing his list of officials. GONZALEZ had now resigned. He was anxious to get the names published, he well realised that people were saying that nothing was achieved. They wanted facts not promises and he wanted to give them facts and soon.

HE proceeded to quote examples of some fascist crimes. He wished to make quickly striking examples of some of the worst cases and let matters die down. He did not think it of importance to pursue the small men and he proposed to tell GONZALEZ to instruct the Ministerial Commissions to act on these lines.

Col Upjohn impressed upon HE the importance of these Commissions getting to work very quickly with which view HE said he was in entire agreement.

HE stated that he did not regard himself as being bound to consult any other person or body with regard to his duties so that there would be no delays on that account. To this general statement there was however, one exception namely that if 8 involved members of the legislation who had voted for fascist measures this was a political matter on which he felt bound to consult the Prime Minister and this matter was already "on train".

HE was holding a Press Conference on Monday at which he intended to make public the progress made. Publicity as to action taken was of importance and would be arranged for.

Col Upjohn then referred to the case of Pellegrini which AGC was desirous of being heard at an early date. HE said he would give instructions accordingly.

Col Upjohn enquired as to the procedure to be followed to bring cases before the Ministerial Commissions and it was agreed that the list of cases to be heard would be prepared in the Ministries themselves and that there would be no general reference to the High Commission though there guidance might be sought on any particularly difficult case.

Col Upjohn then enquired as to how parastatal and national concerns would be dealt with. HE replied that he had not yet personally considered the question but hoped to discuss it with Col Upjohn within the next two or three days.

HE ended by saying that he recognised the necessity for the commissions getting to work with as little delay as possible. It was entirely in accord with those views. He would cause the Commission to be instructed to that effect and to start from the top.

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