

Declassified E.O. 12356 Section 3.3/NND

No.

785016

ACC

10000/105/825

DE P
SYN
SER

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

785016

10000/105/825

DEFASCISM, DECREE SUPPRESSING FASCIST
SYNDICAL ORGANIZATIONS & ASSETS
SEPT. 1944

Mike Sheet

Living with

9 SEP 1944

Mr. C. J. ...
20 SEP 1944

4713

Minutes

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

7/2/48/AS
ACC/4082/1/L.

File book 1
2A
/np.
27 September 1944.

SUBJECT : Decree Suppressing Fascist Syndical Organizations
and Assets.

TO : Economic Section (Thru Admin Sec).

1. Reference your 80/73 of 25 Sep 44.

2. The proposed decree has been previously examined
and commented on by the Legal Sub-Commission in letters to the
Labour Sub-Commission which may be seen in their files :-

19 Aug 44 reference ACC/4104/4/L.
24 Aug 44 " " " "
6 Sep 44 " " " "

3. As you will note we have pointed out previously
the looseness of control which in greater detail is dwelt upon
in the memorandum of 23 Sept 1944 of Mr. HEINER.

4. Article 8 is legally unobjectionable. The
questions raised with respect thereto by Finance and Agriculture
Sub-Commissions are questions solely of policy. Should all
transactions after 8 Sept 1943 be vitiated or only those tainted
by fraud or other irregularities?

5. There appear to be several principal features of
policy :

- a. Means and methods of administration and liqui-
dation of property.
- b. Devolution of funds and proceeds of liquidated
organizations and determination of beneficiaries.
- c. And above all how far ACC believes itself to
be interested in control and devolution and wishes to force
the issue.

6. I think it obvious without some safeguard such
as suggested in our own letters the funds and properties may
be dissipated. They are thought to be very substantial.

As a matter of policy this may be considered by your Section to be a matter with which the Italians should deal as they seem to prefer. The matter of devolution of the funds your Section likewise may feel to be a matter of policy to be determined entirely by the Italian Government without suggestion from AGC.

7. The Legal Sub-Commission will gladly prepare a letter to be sent to the appropriate Minister when it is advised on the inherent matters of policy.

8. Your file is returned herewith.

RICHARD H. WILMER,
Colonel, GAC,
Chief Legal Officer.

Encl.

Copy to : Admin Sec (File 6DF/4.8/AS).✓

4711

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

JSH/sem

JSP 1944

ES/7B

18 September 1944

SUBJECT: Decree Suppressing Fascist Syndical
Organizations and Assets.

TO : Agriculture Sub-Commission Industry Sub-Commission
Commerce Sub-Commission Labor Sub-Commission
Finance Sub-Commission

1. Attached is a decree transmitted to HQ. ACC by the Minister of Industry, Commerce and Labor which treats the above subject.

2. Please carefully review its contents and furnish this office with a statement of your specific views by September 21 with regard to the following points:-

a. What disposition should be made of the residual assets after creditors have been paid and liquidation effected (see Article 12).

b. What additional controls and requirements should be imposed on the liquidating Commissioners to achieve the degree of protection which is desirable.

c. What functions are now being performed by any of these Confederations which are proposed for liquidation which are required to be perpetuated by transfer to some other organization immediately.

d. What attitude should be taken with regard to State sponsored or officially recognized agencies as successor organizations to the liquidated Confederations.

e. What effect would result if the last sentence of Article 8 were allowed to remain in the Decree.

3. In addition to your comments on the above five points any other observations which are pertinent would be appreciated.

4. Upon receipt of the replies to this memorandum a review will be made of them by this Section and a meeting called of the interested Sub-Commissions. At that time it is planned to formulate the official attitude of A.C.C. on this subject which will serve as a basis for our reply to the Italian Government.

L. B. DEBENCK
Colonel, Sig. C., C.S.C.
Economic Section

Copy to: Administrative Section

4710

1435

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

DNA DECREE Suppressing the Fascist Syndical organization and liquidating their respective Estates.

(Translation presented by H.M. The Minister for Industry, Commerce and Labor on 26 July 44)

3 SEP 1944

Art. 1

The "Confederazione Fascista degli Agricoltori", the "Confederazione Fascista degli Industriali", the "Confederazione Fascista dei Commercianti", the "Confederazione Fascista delle Aziende del Credito e dell'Assicurazione", the "Confederazione Fascista dei Lavoratori dell'Agricoltura", the "Confederazione Fascista dei Lavoratori dell'Industria", the "Confederazione Fascista dei Lavoratori del Commercio", the "Confederazione Fascista dei Lavoratori delle Aziende del Credito e dell'Assicurazione", the "Confederazione Fascista dei Professionisti e Artisti", are suppressed.

The "Ente Nazionale Fascista della Cooperazione", the "Federazioni Nazionali Fasciste" and the "Rindacati Nazionali Fascisti", connected to the said confederations are also suppressed.

Art. 2

The syndical contributions, fixed as a consequence of art. 5 of the Law 5 April 1926, n. 563, and of the following dispositions, are suppressed.

Art. 3

The estates of the institutions mentioned in Art. 1, are liquidated by one or more liquidating Commissioners appointed by the Minister for Industry, Commerce and Labor, by a decree to be published in the "Gazzetta Ufficiale".

The liquidation will take place under the vigilance and control of the above said Minister.

Art. 4

The liquidating Commissioner may be authorized by the Minister to appoint some assistants who work according to his directions but, on their own responsibility as for the execution of the directions themselves.

The assistants submit every month to the Commissioner a report and a relation about their activity.

Art. 5

The liquidating Commissioners and the assistants are public officials only in the exercise of their duties.

4703

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

Art. 6

The powers of administration and disposition of the property of the suppressed institutions are within exclusive competence of the liquidating Commissioner, who exercises them within the limits put by the law.

The liquidating Commissioner has the powers of representation, required for the accomplishment of the acts inherent in his attributions and appears in court for the suppressed institutions in the controversies already begun at the time of the appointment.

When more liquidating Commissioners are appointed, the Minister decides if they are to work and appear in court jointly or separately.

Art. 7

Unless the law regulated differently, during the liquidation no individual actions can be started or pursued by the creditors of the suppressed institutions.

Art. 8

The necessary formalities to make opposable the actions against third parties are ineffective as regards to the creditors, if they have been accomplished after the suppression of the institution.

The mortgages inscribed after the suppressions are also ineffective.

The actions accomplished after September 30th of 1943 are null, if they have caused any prejudice for the institution or its creditors.

Art. 9

The liquidating commissioner is not allowed, without authorization of the Minister for Industry, Commerce and Labor:

1. To rent real estates for longer than one year;
2. To sell real estates or personal property in bulk, or personal property of a special quality or value;
3. To use the documents and the manuscripts belonging to the suppressed institutions, for aims not directly connected to the liquidation.

In the case of N. 2, the Minister can condition his authorization to the observance of special rules or caution.

Art. 10

The liquidating Commissioner, as soon as his appointment has been accepted must:

1. Provide for every necessary action in order to preserve the goods,

4700

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

the archives, the manuscripts and the accounts belonging to the suppressed institutions;

2. Ask the last legitimate representative of the institution and take up the above said goods, the archives, the manuscripts and the documents preparing an inventory of the goods - even in enemy territory - with the intervention of a public notary.

A copy of the inventory is immediately transmitted to the Ministry for Industry, Commerce and Labour, who, within the following fortnight, will also receive a written relation about the patrimonial situation of the institution.

Art. 11

The liquidating Commissioner has the power to pay accounts on credits deriving from work relations with the suppressed institutions, only when the existence, the amount and the liquidity of such credits appear sufficiently verified.

Art. 12

The goods which will be available after the payments to the creditors, will be devolved to the institutions, which will be designated by decree of the Minister of Industry, Commerce and Labour in agreement with the Ministers of the Interior, Treasury and Finance who will prove to have the representation of the correspondent categories, protected by the suppressed institutions.

Art. 13

The Minister for Industry, Commerce and Labour is allowed to issue a decree containing the dispositions to realize and to complete the proceeding rules.

Art. 14

This decree comes into force the same day of its publication in the "Gazzetta Ufficiale".

4701

(4701)

1046