

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

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DEFASCISM, PROPOSED LEGISLATION,
AMENDMENT I TO DLL 159
JULY - SEPT. 1944

MINUTES

c) Amendment No. 1 to Decree 159 of 27 Jul 44.

Article 1, para 8 - is obscure and too general, anyone who was employed in any official capacity may be included. Should be clarified?

Article 2 - The powers of direct suspension of state employees granted to the High Commissioner ordinarily reserved to Ministers and Prefects, is definitely a violation of the system now regulating the appointment, suspension and dismissal of such personnel.

MINUTES

Should be clarified ?

Article 2 - The powers of direct suspension of state employees granted to the High Commissioner ordinarily reserved to Ministers and Prefects, is definitely a reservation of the system now regulating the appointment, suspension and dismissal of such personnel.

MINUTES

5221

SEGRETERIA DEL MINISTRO SEGRETARIO DI STATO SFORZA
PIAZZA INDIPENDENZA 6 - ROMA

31 August:1944.

Sir,

Count Sforza who is upstairs at the Cabinet meeting, instructs me to tell you that the two projects you have received regarding integrativerules for the epuration are merely drafts. Besides the comunique published in today's papers regarding a meeting held yesterday between Mr. Bonomi, Mr. Scoccimarro and count Sforza is indicative of the fact that powers will not be given to the High Comm. or the Vice-High Comm. to dismiss on their own authority personnel in the ministries; but that they will only suggest names to the Minister concerned, who will decide wether to dismiss or not.

However count Sforza insists that all is still in a fluid stage regarding integrative rules, and he will let you know as soon as something more definite is up.

Sincerely yours,

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(private sec.)

Vm Twell

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DF/53

HEADQUARTERS
ALLIED CONTROL COMMISSION
OFFICE OF THE VICE PRESIDENT ADMINISTRATIVE SECTION

DF/5.2/44.

3 Sep 44.

Your Excellency.

Although I understand from your Excellency's letter of the 31 Aug that the integrative rules are still in a fluid state you may find the attached observations on the draft regulations handed to me by N E Scoccamarro of interest.

Brig.
Vice President Admin. Sec.

N E Count Sforza,
L'Alto Commissario per le Sanzioni
contro il Fascismo,
Palazzo del Viminale,
R O M A

Copy to DF/5.3/44 & DF/5.4/44.

- Art 3 Appears to confer exceptionally and possibly unnecessarily wide powers on the Secy General.
- Art 6 I am advised that this could only be enacted by a new D.L.
- Art 7 I understand Count Sforza is opposed to this and not unreasonably so.
- Art 9 Is missing in the draft sent to me.
- Art 10 I think there is some misprint here as there is no Art 40 para c.
- Arts 11, 12 & 18 Will presumably be unnecessary if Art 7 is taken out of the draft.
- Art 13 There appears to be a juridical objection to making a member of office also eligible as a member of one of the Commissions.
- Arts 15, 16 & 17 Appear to create new crimes and penalties which can, I am advised, only be created by a D.L.
- Arts 21 & 23 Are sound in principle but can, I am advised, only be enacted by a D.L.
- Art 22 Can also only be enacted by a D.L. and appears in any event to be unsound in principle. There should be no time limit on applying for a new trial on finding new facts.
- Arts 25 & 26 Have been disapproved in your letter of 31 Aug 44.

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

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DE/5.3/AS

29 Aug 44.

Your Excellency,

- 1 I desire to refer to the drafts of two decrees containing integrative rules for the operation of the administration one of which is described as having been presented at a meeting presided over by Your Excellency and the other as presented after that meeting.
- 2 They deal with similar subjects and I ^{am} assuming that the shorter decree supercedes the earlier and longer draft. I am therefore not communicating to Your Excellency our views on the latter which I would wish to do if it were an active proposal. If this is a wrong assumption please let me know.
- 3 With regard to the shorter and later decree. I feel that the first article is too widely expressed. If you want to catch big fish it is not necessary to use a net of extra fine mesh. The object of Defascism is to remove the leading spirits and those who have shown exceptional or violent arduency or gross corruption. Is anything to be gained by widening the definition until it can be made to cover more than half of the Administrative personnel. Surely there can not be any persons of importance within the new definitions who are not also within the old. The publishing of further and further definitions gives the appearance of a witch hunt while it in fact adds very little to the real power. For these reasons you may care to reconsider this article.
- 4 Article 2 is acceptable, so far as we are concerned, but it has been suggested that it contravenes a juridical principle of Italian law by which only the Minister concerned can dismiss his own personnel. This is entirely a matter for you.
- 5 I am still studying the rather lengthy regulations but will let you have my comments thereon without fail tomorrow.

His Excellency Count Sforza,
L'Alto Commissario per le Sanzioni
contro il Fascismo,
Palazzo del Viminale,
ROMA

Copy to DE/5.2/AS
DE/5.4/AS

GRU

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TRANSLATION NO. 144 - Pfc. BONANNI

COPY OF DRAFT PRESENTED BY THE DEPUTY HIGH COMMISSIONER FOR
EPURATION AFTER THE MEETING PRESIDED BY HIS EXCELLENCY COUNT
SPORZA, IN ACCORDANCE WITH THE APPROVED REGULATIONS.

KING'S LT. D.L. CONTAINING INTERPRETATIVE AND EXECUTIVE REGULATIONS
FOR THE D.L. OF 27 JULY 1944, NO. 159 FOR THE EPURATION OF THE
ADMINISTRATIONS.

-
- b) virtue of the authority delegated to us;
 - whereas art. 45 of D.L. of 27 July 1944, no. 159,
 - upon the proposal of the Minister of..... in agreement with
all the Ministers,

we have sanctioned and promulgate as follows:

Article 1

The dismissal from service in the Public Administration is
applicable also

a) to those who, holding special positions or attaining particular
qualifications or carrying out, outside their normal functions, any
activity in special bodies or institutions, have contributed to the
preservation or to the strengthening of fascism;

b) to those who have voluntarily and without any necessity partici-
pated in the war against the United Nations, even in its preliminary
stages, such as in the aggression against Spain, or have committed
acts of approval, apology or propaganda in favor of it.
In particularly moderate cases a lesser disciplinary sanction may
be applied.

Article 2

The ~~Suspension~~ from service, referred to in art. 22 last para
of the D.L. of 27 July 1944, no. 159, may be ordered by the High
Commissioner besides the Minister and the Prefect.

...the proposal of the Minister of..... in agreement with
all the Ministers,

we have sanctioned and promulgate as follows:

Article 1

The dismissal from service in the Public Administration is applicable also

a) to those who, holding special positions or attaining particular qualifications or carrying out, outside their normal functions, any activity in special bodies or institutions, have contributed to the preservation or to the strengthening of fascism;

b) to those who have voluntarily and without any necessity participated in the war against the United Nations, even in its preliminary stages, such as in the aggression against Spain, or have committed acts of approval, apology or propaganda in favor of it. In particularly moderate cases a lesser disciplinary sanction may be applied.

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The ~~suspension~~ ^{suspension} from service, referred to in art. 22 last para of the D.L. of 27 July 1944, no. 159, may be ordered by the High Commissioner besides the Minister and the Prefect.

COPIA DI PROGETTO PRESENTATO DALL'ALTO
COMMISSARIO AGGIUNTO PER L'EPURAZIONE DOPO LA RIUNIONE PRESIDUTA

BA S.E. IL CONTE SPORZA SECONDO LE NORME
APPROVATE.

=====

D.LE. LT. CONTENENTE NORME INTEGRATIVE E DI ESECUZIONE DEL
D.LG.27-7-1944 n.159 PER L'EPURAZIONE DELLE ARM.NI

- in virtù dell'Autorità a noid delegata;
- visto l'art. 45 del D.L. Lt.27-7-1944n.159,
- sulla proposta del Ministro....di concerto con tutti i Ministri,

abbiamo sanzionato e promulghiamo quanto appresso:

Art. 1°

La dispensa dal servizio nella Pubblica Amministrazione si applica anche:

- a) a coloro che ricoprendo cariche speciali, o conseguendo particolari qualifiche, oppure svolgendo al di fuori delle loro normali funzioni una qualsiasi attività in speciali corpi o istituzioni hanno contribuito al mantenimento o al rafforzamento del fascismo;
 - b) a coloro che hanno partecipato volontariamente e senza necessità alla guerra contro le Nazioni Unite anche nei preliminari di essa, come l'aggressione contro la Spagna, o hanno compiuto atti di approvazione, apologia e propaganda in favore di essa.
- Nei casi di particolare tenuità può essere applicata una minore sanzione disciplinare.

Art. 2°

La sospensione dal servizio di cui all'art.22 ultimo comma del D. Legislativo 27-7-1944 n.159 può essere disposta, oltre che dal Ministro e dal Prefetto, anche dall'Alto Commissario.

- in virtù dell'Autorità a noi delegata;
- visto l'art. 45 del D.L. Lt. 27-7-1944 n. 159,
- sulla proposta del Ministro....di concerto con tutti i Ministri,

abbiamo sanzionato e promulghiamo quanto appresso:

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