

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

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10000/105/8-15

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

10000/105/845

DEFASCISM, PROPOSED LEGISLATION,
PUBLISHING CONCERNS, POWERS TO APPOINT
RECEIVERS, (DLL-207)
AUG., SEPT. 1944

Legend: Minutes
 Shows you are concerned person

Admission
 20 AUG 1944

Admission Sec

2

No objection legally, but it must be borne in mind that
 the power could be used as a substitute for influence
 the press, so as to take away its freedom

21 Aug 1944

Richard H. Lawrence
 cor. cor.
 AFLO

g) Decree on the appointment of receivers to Printing establishments.

This appears to be another anti fascist enactment which may
 restrict considerably the freedom of the press through the
 powers of the receiver which are not set out in the decree.
 Art. 2 recites incompletely a decree of the Luogotenente not
 specifying its date or its substance.

974 5260

Conference (Dr. Lawrence - Dr. Lawrence)
 The Education Dept. will provide for maintaining a sufficient number
 of receivers in order to maintain the printing industry

The second administration is intended to ensure that the freedom
 of the press is not interfered with

8 SEP 1944

MINUTES

5260

21 Aug 1988

Richard W. Linder
CSC Case
APCLO

g) Decree on the appointment of receivers to Printing establishments.

This appears to be another anti fascist enactment which may restrict considerably the freedom of the press through the powers of the receiver which are not set out in the decree. Art.2 recites incompletely a decree of the Luogotenente not specifying its date or its substance.

994 5260

Confession (on page 10-11-12-13)
The Italian State will provide for the necessary a certain number of persons in the administration of the printing industry

The above mentioned is introduced to show that the printing industry is not interfered with

821194

MINUTES 5260

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LA
25 SEP 1944

TRANSLATION NO. 308

LEGISLATIVE DECREE OF THE LIEUTENANT GENERAL NO. 207 OF 6 SEPTEMBER 1944.

Appointment of Commissioners Extraordinary for the management of publishing enterprises which during the war, and especially after 8 September 1943, favored the fascists and the nazis.

ARTICLE 1

The President of the Council of Ministers is given the power to appoint, with his own decrees, Commissioners for the temporary management of publishing and journalistic enterprises and of information and distributing agencies which during the war, and especially after 8 September 1943, have published books, newspapers, pamphlets and printed matter or carried out activities in favor of fascism and of the Germans.

ARTICLE 2

In the appointment decree the duration of the management shall be established, which in any case shall be for a period not exceeding six months from the end of the war.

The decree shall be published in the Official Gazette of the Kingdom and a copy filed in the chancellery of the Tribunal in whose jurisdiction the main office of the enterprise is located.

When the enterprises are not constituted in companies and immovable property form part of relative concerns, the decree appointing the Commissioner is transcribed by the latter in the competent office of the records of immovable property.

7264

ARTICLE 3

The government Commissioner shall represent and manage the concern; in the case of commercial companies he shall replace the usual boards of administration. The provisions of the articles 2636 and the articles following of the civil Code shall be applied to him.

The administrative management of the Commissioner shall be placed under the supervision of the State Under-secretariat for the press and information.

The colleges of controllers (collegi sindacali) shall continue to carry out their functions also during the Commissioner's management.

- 2 -

The Under-secretary of State for the press and information may replace all or some of the formers controllers.

The Commissioner may not execute activities transcending the ordinary management without first receiving the authorization of the Under-secretary of State for the press and information.

If epuration proceedings must be taken against the enterprises under the Commissioner's, the criteria of part 2 of the Lieutenant General's legislative decrees No. 159 of 27 July 1944 for sanctions against fascism shall likewise be applied.

ARTICLE 4

The Commissioner shall take possession of the concerns' property after an inventory has been made in the presence of the proprietor of the enterprise or his representative.

Whenever the proprietor of the enterprise or his representative are absent, the inventory is made by a notary in the presence of two witnesses.

In case of disagreement between the proprietor of the enterprise and the government Commissioner regarding the property that make up the concern, the Under-secretary of State for the press and information shall decide, except when the person concerned brings the case before the competent judicial authority.

The decision of the Under-secretary is preceded by the opinion of a Commission appointed with a decree by the President of the Council of Ministers and composed of a State Councillor, who presides over it, a magistrate of a grade not lower than the fifth and of a member designated by the Under-secretary himself.

ARTICLE 5

The present decree shall become effective, etc.....

Notes of an Interview

between

Lt. Sorrentino and Lt. Col. White

In attendance Lt. Col. Thibault

8 Sep 64

Mr. Sorrentino referred to the three decrees before him relating to the appointment of receivers and said that one of the principal difficulties which made the appointment of receivers necessary was that the companies affected were mostly unable to help themselves the liquidation of many companies were revived or destroyed. Traders had been taken away and even if it were possible to secure a meeting there were transport and postal difficulties. Further a proportion of shareholders would be in enemy controlled territory and it would be impossible to ensure such a meeting or for them to attend.

Mr. Sorrentino stated that in the Italian view that the authority of receivers appointed by him seemed to be effective on territory beyond Italian controlled territory. They should be continued in office and their positions regularized.

Mr. Sorrentino in answer to comment stated that Art 1 was intentionally given in wide terms.

Mr. Col. White stated that if the very wide terms of this Art were required then other safeguards against improper use of the provisions become necessary.

Mr. Sorrentino said that any abuse of power by a receiver could be cured by an application to the Council of State and Art 26 of the Decree of 26 Jun 44. In reply to inquiries Mr. Sorrentino said that these powers provided ample relief for cases of inefficiency, corruption or improper conduct.

Mr. Col. White said that in addition it was desirable to restrict the appointments to those who had the requisite business or professional experience and further that the companies concerned should have the right to apply for the removal of a receiver or liquidator when they could show that the reason for the appointment no longer existed.

Mr. Sorrentino accepted both suggestions.

Mr. Col. White then referred to Art 2 suggesting that an appointment should ensure a stated maximum of one year but should be renewable if the reason for the appointment still survived. But if the right to terminate a receivership was granted this objection was not stressed.

Mr. Col. White then referred to para 4 of Art 4 and pointed out that it was very vaguely worded and asked what was the criterion for the necessity to proceed to the purging of minor companies which would require the purging of minor companies.

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...and seemed to be effective in territory booming Italian Goshawks.
went territory. They should be continued in office and their position improved.

is sometimes in error to assume that art is intrinsically greater in value than.

2. Cal White stated that if the very wide range of this list were realized then other safekeeping subject might use of the services become necessary.

x. Arrington said that any abuse of power by a legislator could be cured by an application to the Council of State and Art. 26 of the Georgia of 24 Jan 20.

11. In reply to inquiries Arrington said that those powers provided article provided for cases of inefficiency, corruption or improper conduct.

Mr. White said that in addition it was desirable to restrict the appointment to those who had the requisite business or professional experience and further that the commission should have the right to apply for the removal of a collector or inspector when they could show that the reasons for the appointment no longer existed.

if corrections accepted both suggestions.

3. For this then referred to Art 2 suggesting that no applicant should exceed a stated maximum of any one year but should be removable if the reason for the applicant still survived. But if the right to terminate a removably was granted this objection was not stressed.

5263

1. Col White then referred to para 4 of Art 4 and pointed out that it was very vaguely worded and asked what was the criterion for the necessity to proceed to operation. He commented any test which would require the purging of minor employees working under a non-fascist management. The only operation which should be essential was of those in authority..

Forrentine agreed that the paragraph should be clarified.

It was further stated that the above mentioned person was not a member of the Communist Party of the United States of America, and that the person was not a member of the Communist Party of the United States of America, and that the person was not a member of the Communist Party of the United States of America.

Col. White asked if there was any reason why the above information should not be contained in the letter just discussed should not apply to these cases.

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(3A)

Dr Sorrentino agreed that these companies could also be dealt with under the previous decree.

Dr Sorrentino then referred to the decree granting powers to a point receiver of publishing firms. The Italian Government accepted that such receivers should have no powers to control the freedom of the press and thus they proposed to achieve by limiting the powers of receivers to the administrative management.

At Col White referred to the necessity for powers to terminate these receiverships as had been conceded in other cases. This was agreed in principle. As the Decree had been signed it was proposed that this power should be granted by regulations under the decree.

Dr Sorrentino said that a revised draft would be submitted.

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

HEADQUARTERS ALLIED CONTROL COMMISSION

Office of the Chief Commissioner

A P O 394

25 Aug 44.

My dear

I refer to the proposed draft decrees which have been handed to me (i) empowering the President of the Council to appoint Commissioners for the temporary management of editorial firms and (ii) empowering the President of the Council of Ministers to appoint a Commissioner of Administration of private enterprises in certain cases which are set out in Art I of the draft.

I am agreeable in principle to the first above mentioned decree but I feel that the decree should make it plain that the Under-Secretary for Press and Information (mentioned in Art 2) will not exercise any political pressure or political pre-publication censorship in the Commissioners' or their Editors' matters in relation to the books and papers published by the firms except of course to prevent the publication of fascist or nazi views.

With regard to the secondly above mentioned decree I again agree in principle but I feel that the circumstances in which Commissioners can be appointed, see Art I, are wider than can reasonably be required by the Executive and that a detailed revision of the decree is required in this regard and also in respect of certain more detailed and technical matters with which I need not trouble you in this letter.

I suggest therefor that the persons responsible for the promotion of this decree should meet my representatives to discuss this draft in detail and if you will let me know their names I will ask Col Upjohn of the Admin Sec to arrange a meeting with them.

Yours

5261

Count SPERIA,
Alto Commissario per le Sanzioni
contro il Fascismo.
Palazzo del Viminale
R O M A

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1A

TRANSLATION

APPOINTMENT OF EXTRAORDINARY COMMISSIONERS FOR THE MANAGEMENT
OF PRINTING FIRMS WHO FAVORED THE FASCISTS AND THE NAZIS

UMBERTO DI SAVOIA
Prince of Piedmont,
Lieutenant-General of the Realm

By virtue of the authority delegated to us;

In view of Royal Decree-Law of the Lieutenantcy of the Realm
25 June 1944, No. 151;
In view of Royal Decree-Law 30 October 1943, No. 2/3;
In view of Royal Decree-Law 29 May 1944, No. 141;
In view of the deliberation of the Council of Ministers;
Upon the proposal of the President of the Council of Ministers,
Prime Minister, Secretary of State;

We have sanctioned and promulgate what follows:

Art. 1

The President of the Council is given the power to appoint
Commissioners for the temporary management of editorial firms (book and
newspaper) which during the war, and especially after 8 September 1943,
published books, newspapers, pamphlets, and printed material favorable to
Fascism and to the Germans.

Art. 2

The provisions of articles 2, 4, and 5 of the Lieutenantcy
legislative decree apply.
Supervision over the commissary administrations is exercised
by the Undersecretary of State for the Press and Information.

Art. 3

The present decree comes into force on the day following its
publication in the Official Gazette of the Realm.
We order whoever it may concern to observe the present decree
and to see that it is observed as a law of the State.

Given at

2315

[Illegible text]