

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

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10000/105/846

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

10000/105/846

DEFASCISM, DISPOSSESSING BOARDS OF
COMPANIES, (DLL-739, DRAFT)
SEPT. 1943 - SEPT. 1944

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

Adm. Sec.

Minutes

2-29-81, cont.
1st and 2nd combination.

Ashtabab
D. Calneol,
Italian Branch,
for Chief Legal Officer

5277

MINUTES

Minutes

A/CC

We have been receiving double versions from various channels, some to you, some to administration, some to the legal section.

This letter should be an extra letter via administrative only, shall be used (added to yourself) as the only thing from them to (admin for action). It contains the same name and reminds the PM that we have asked him to submit information to the ^{to provide the} ~~information~~ section.

J. R. Hyatt
VP, Admin

Admin
3 SEP 1964

Conference (Dr. Gurselians - 15 Oct 1964) is concerned that this device will be dropped and any necessary degradation is required for the ^{to provide the} ~~information~~ section.

Dr. G.

8 SEP 1964

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Confidence (Discretion) - (K) (S) (C) (U) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z) (AA) (AB) (AC) (AD) (AE) (AF) (AG) (AH) (AI) (AJ) (AK) (AL) (AM) (AN) (AO) (AP) (AQ) (AR) (AS) (AT) (AU) (AV) (AW) (AX) (AY) (AZ) (BA) (BB) (BC) (BD) (BE) (BF) (BG) (BH) (BI) (BJ) (BK) (BL) (BM) (BN) (BO) (BP) (BQ) (BR) (BS) (BT) (BU) (BV) (BW) (BX) (BY) (BZ) (CA) (CB) (CC) (CD) (CE) (CF) (CG) (CH) (CI) (CJ) (CK) (CL) (CM) (CN) (CO) (CP) (CQ) (CR) (CS) (CT) (CU) (CV) (CW) (CX) (CY) (CZ) (DA) (DB) (DC) (DD) (DE) (DF) (DG) (DH) (DI) (DJ) (DK) (DL) (DM) (DN) (DO) (DP) (DQ) (DR) (DS) (DT) (DU) (DV) (DW) (DX) (DY) (DZ) (EA) (EB) (EC) (ED) (EE) (EF) (EG) (EH) (EI) (EJ) (EK) (EL) (EM) (EN) (EO) (EP) (EQ) (ER) (ES) (ET) (EU) (EV) (EW) (EX) (EY) (EZ) (FA) (FB) (FC) (FD) (FE) (FF) (FG) (FH) (FI) (FJ) (FK) (FL) (FM) (FN) (FO) (FP) (FQ) (FR) (FS) (FT) (FU) (FV) (FW) (FX) (FY) (FZ) (GA) (GB) (GC) (GD) (GE) (GF) (GG) (GH) (GI) (GJ) (GK) (GL) (GM) (GN) (GO) (GP) (GQ) (GR) (GS) (GT) (GU) (GV) (GW) (GX) (GY) (GZ) (HA) (HB) (HC) (HD) (HE) (HF) (HG) (HH) (HI) (HJ) (HK) (HL) (HM) (HN) (HO) (HP) (HQ) (HR) (HS) (HT) (HU) (HV) (HW) (HX) (HY) (HZ) (IA) (IB) (IC) (ID) (IE) (IF) (IG) (IH) (II) (IJ) (IK) (IL) (IM) (IN) (IO) (IP) (IQ) (IR) (IS) (IT) (IU) (IV) (IW) (IX) (IY) (IZ) (JA) (JB) (JC) (JD) (JE) (JF) (JG) (JH) (JI) (JJ) (JK) (JL) (JM) (JN) (JO) (JP) (JQ) (JR) (JS) (JT) (JU) (JV) (JW) (JX) (JY) (JZ) (KA) (KB) (KC) (KD) (KE) (KF) (KG) (KH) (KI) (KJ) (KK) (KL) (KM) (KN) (KO) (KP) (KQ) (KR) (KS) (KT) (KU) (KV) (KW) (KX) (KY) (KZ) (LA) (LB) (LC) (LD) (LE) (LF) (LG) (LH) (LI) (LJ) (LK) (LL) (LM) (LN) (LO) (LP) (LQ) (LR) (LS) (LT) (LU) (LV) (LW) (LX) (LY) (LZ) (MA) (MB) (MC) (MD) (ME) (MF) (MG) (MH) (MI) (MJ) (MK) (ML) (MM) (MN) (MO) (MP) (MQ) (MR) (MS) (MT) (MU) (MV) (MW) (MX) (MY) (MZ) (NA) (NB) (NC) (ND) (NE) (NF) (NG) (NH) (NI) (NJ) (NK) (NL) (NM) (NN) (NO) (NP) (NQ) (NR) (NS) (NT) (NU) (NV) (NW) (NX) (NY) (NZ) (OA) (OB) (OC) (OD) (OE) (OF) (OG) (OH) (OI) (OJ) (OK) (OL) (OM) (ON) (OO) (OP) (OQ) (OR) (OS) (OT) (OU) (OV) (OW) (OX) (OY) (OZ) (PA) (PB) (PC) (PD) (PE) (PF) (PG) (PH) (PI) (PJ) (PK) (PL) (PM) (PN) (PO) (PP) (PQ) (PR) (PS) (PT) (PU) (PV) (PW) (PX) (PY) (PZ) (QA) (QB) (QC) (QD) (QE) (QF) (QG) (QH) (QI) (QJ) (QK) (QL) (QM) (QN) (QO) (QP) (QQ) (QR) (QS) (QT) (QU) (QV) (QW) (QX) (QY) (QZ) (RA) (RB) (RC) (RD) (RE) (RF) (RG) (RH) (RI) (RJ) (RK) (RL) (RM) (RN) (RO) (RP) (RQ) (RR) (RS) (RT) (RU) (RV) (RW) (RX) (RY) (RZ) (SA) (SB) (SC) (SD) (SE) (SF) (SG) (SH) (SI) (SJ) (SK) (SL) (SM) (SN) (SO) (SP) (SQ) (SR) (SS) (ST) (SU) (SV) (SW) (SX) (SY) (SZ) (TA) (TB) (TC) (TD) (TE) (TF) (TG) (TH) (TI) (TJ) (TK) (TL) (TM) (TN) (TO) (TP) (TQ) (TR) (TS) (TT) (TU) (TV) (TW) (TX) (TY) (TZ) (UA) (UB) (UC) (UD) (UE) (UF) (UG) (UH) (UI) (UJ) (UK) (UL) (UM) (UN) (UO) (UP) (UQ) (UR) (US) (UT) (UU) (UV) (UW) (UX) (UY) (UZ) (VA) (VB) (VC) (VD) (VE) (VF) (VG) (VH) (VI) (VJ) (VK) (VL) (VM) (VN) (VO) (VP) (VQ) (VR) (VS) (VT) (VU) (VV) (VW) (VX) (VY) (VZ) (WA) (WB) (WC) (WD) (WE) (WF) (WG) (WH) (WI) (WJ) (WK) (WL) (WM) (WN) (WO) (WP) (WQ) (WR) (WS) (WT) (WU) (WV) (WW) (WX) (WY) (WZ) (XA) (XB) (XC) (XD) (XE) (XF) (XG) (XH) (XI) (XJ) (XK) (XL) (XM) (XN) (XO) (XP) (XQ) (XR) (XS) (XT) (XU) (XV) (XW) (XX) (XY) (XZ) (YA) (YB) (YC) (YD) (YE) (YF) (YG) (YH) (YI) (YJ) (YK) (YL) (YM) (YN) (YO) (YP) (YQ) (YR) (YS) (YT) (YU) (YV) (YW) (YX) (YY) (YZ) (ZA) (ZB) (ZC) (ZD) (ZE) (ZF) (ZG) (ZH) (ZI) (ZJ) (ZK) (ZL) (ZM) (ZN) (ZO) (ZP) (ZQ) (ZR) (ZS) (ZT) (ZU) (ZV) (ZW) (ZX) (ZY) (ZZ)

8 SEP 1964

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MINUTES

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DE/5.7/AS

3 September 44

My Dear Prime Minister,

On the 29 August 44 Dr Sorrentino discussed with Lt Col Thackrah of the Legal Sub-Commission two draft decrees relating to the appointment of commissaries.

One decree was identical with a draft which was handed to me and on which I wrote you on the 28 August under reference number A/CC 250 and is the draft secondly mentioned in such letter. I have not yet received from you the names of representatives to discuss this draft with Brigadier UPTON.

The second decree discussed by Dr Sorrentino was a short decree extending the provisions of D.L. 739 of 21 August 43 to companies financed or guaranteed by the State or in which the State is a shareholder.

The terms of this last draft decree seem to me to be very wide indeed but I suggest that this draft could be considered by your representatives and Brigadier UPTON when they are considering the terms of the other draft.

I think you will agree that it would be better if any drafts dealing with this matter are sent by you to me direct and not to one of the Sub-Commissions as it is an unnecessary duplication and overlap, and will thereby be prevented.

Prime Minister Ivanoe Bonomi,
President of the Council of Ministers,
Italian Government.

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DE/5.1

Notes of an Interview
between

Dr Sorrentino and Lt Col White

In attendance Lt Col Thackrah

5 Sep 44

Dr Sorrentino referred to the three decrees before AOC relating to the appointment of Receivers and said that one of the principal difficulties which made the appointment of Receivers necessary was that the concerns affected were mostly unable to help themselves the Registers of many concerns were removed or destroyed. Proxies had been taken away and even if it were possible to summon 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 summon such to a meeting or for them to attend.

Dr Sorrentino stated that in the Italian view that the authority of Receivers appointed by AMI ceased to be effective on territory becoming Italian Government territory. They should be continued in office and their positions regularised.

Dr Sorrentino in answer to comment stated that Art 1 was intentionally drawn in wide terms.

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

Dr 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 decrees of 24 Jun 24. In reply to inquiries Dr Sorrentino said that these powers provided ample relief for cases of inefficiency, corruption or improper conduct.

Lt 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 Inspector when they could show that the reason for the appointment no longer existed.

Dr Sorrentino accepted both suggestions.

Lt Col White then referred to Art 2 suggesting that no appointment should exceed a stated maximum of say 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.

Lt 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 expuration. He deprecated any test which would require the purging of minor em-

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other safeguards against improper use of the provisions became necessary.

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a stated maximum of say one year but should be renewable if the reason for the
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3274

Lt 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
expurgation. He deprecated any test which would require the purging of minor ex-
penses working under a non-fascist management. The only expurgation which should
be essential was of those in authority.

Mr Sorrentino agreed that the paragraph should be clarified.

Mr Sorrentino then referred to a draft Decree proposing to extend the powers to ap-
point Receivers under RIL 739 of 21 Aug 43, to companies financed or guaranteed
by the state or in which the state is a shareholder.

Lt Col White asked if there was any reason why the three antecedent conditions
contained in the Decree just discussed should not apply to these cases.
It was not reasonable to grant powers to replace the management of a company
which was functioning satisfactorily merely because the state had an interest
which might even be negligible.

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 appoint receivers of publishing firms. The Italian Government accepted that such receivers should have no powers to control the freedom of the press and this they proposed to achieve by limiting the powers of receivers to the administrative management.

Mr Dol 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

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EWS/ajp

A/CO 250-2

4 September 1944

My dear Mr. Prime Minister:

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One decree was identical with a draft which was handed to me and on which I wrote you on the 28 August under reference number A/CO 250 and is the draft secondly mentioned in such letter. I have not yet received from you the names of representatives to discuss this draft with Brigadier Upjohn.

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The terms of this last draft decree seem to me to be very wide indeed but I suggest that this draft could be considered by your representatives and Brigadier Upjohn when they are considering the terms of the other draft.

I think you will agree that it would be better if any drafts dealing with this matter are sent by you to me direct and not to one of the Sub-Commissions as it is an unnecessary duplication and overlap will thereby be prevented.

Yours very truly,

HILERY W. STONE
Captain, USMR
Acting Chief Commissioner

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His Excellency Ivanoe Bonomi,
President of the Council of Ministers,
Italian Government,

Rome.

c.c. Admin Section ✓

7 Sept 1944

HLS

JWR

Draft of the Legislative Decree of the Lieutenant General of the Kingdom concerning the dissolution of administrative boards of Companies financed or guaranteed by the State and of Companies in which the State is a shareholder as well as of Companies or Enterprises holding a concession to State property.

Where as _____

ART. 1.

Provisions of Art. 1. and 3 of R. Decree Law N° 739 of 21 Aug 1943 are hereby extended to Companies financed or guaranteed by the State and Companies in which the State is a shareholder as well as to Companies or Enterprises holding a concession to State property.

ART. 2.

The appointment of Commissioners Extraordinary shall be made by the Minister or by Ministers, acting in mutual agreement, who are heads of the Departments which authorized the grant of financial subsidy or assumption of guarantees or which administer the shares held by the State or the property given in concession.

ART. 3.

This Law shall become effective . . .

Provisions of Art.1. and 3 of R. Decree Law N°739 of 21 Aug 1943
are hereby extended to Companies financed or guaranteed by the
State and Companies in which the State is a shareholder as well
as to Companies or Enterprises holding a concession to State
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by the Minister or by Ministers acting in mutual agreement,
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administer the shares held by the State or the property
given in concession.

ART.3.

This law shall become effective . . .

Schema di Decreto Legislativo Lungo parlamentare riguardante la delegazione
to degli organi costituzionali della Giustizia con facoltà di finanziamento
o di partecipazioni azionarie o di controllo la parte dello Stato e del-
la Società o imprese concessionarie di tutti il patrimonio dello Stato.

In virtù dell'autorità a noi delegata;

Visto il Decreto-legge 27 agosto 1943, n. 735, riguardante lo scem-
pimento degli organi costituzionali della Giustizia pubblica e la nomina di
Consiglieri straordinari;

Visto il Decreto-legge Lungo parlamentare 25 giugno 1944, n. 151, riguan-
dante l'Assemblea per la nuova costituzione dello Stato, il giuramento
dei membri del Governo e la facoltà del Governo di emanare norme giuri-
diche;

Visto il R. Decreto-legge 30 ottobre 1943, n. 873, concernente la so-
spensione delle norme relative alla emanazione, promulgazione, registra-
zione e pubblicazione dei Regi decreti e di altri provvedimenti;

Visto il R. Decreto-legge 25 agosto 1944, n. 441, per la istituzione
presso la sede del Governo di una Sezione speciale di controllo della
Corte dei Conti;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro
Segretario di Stato, di concerto con i Ministri per la Finanza e per il
Tesoro;

Visto il decreto-legge 27 agosto 1943, n. 735, riguardante la nomina all'ufficio degli organi deliberativi degli Enti pubblici e la nomina ai Commissari straordinari;

Visto il decreto-legge lungotermine 25 giugno 1944, n. 157, riguardante l'Assemblea per la nuova costituzione dello Stato, il funzionamento dei membri del governo e la facoltà del governo di assumere norme straordinarie;

Visto il R. decreto-legge 30 ottobre 1943, n. 213, concernente la sospensione dell'ordine relativo alla emanazione, promulgazione, registrazione e pubblicazione dei Regi decreti e di altri provvedimenti;

Visto il R. decreto-legge 29 agosto 1944, n. 141, per la istituzione presso la sede del governo di una Sezione speciale di controllo della Corte dei Conti;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato, di concerto con i Ministri per le Finanze e per il Tesoro;

ABOLIZIONE E RIFORMAZIONE DELLO STATO

1270

Art. 1

Le disposizioni degli art. 1 e 3 del R. decreto-legge 27 agosto 1943, n. 735, sono estese alle aziende che fruiscono di finanziamenti o di partecipazioni straordinarie o di garanzie da parte dello Stato ed alle società

-2-

o imprese concessionarie di beni di pertinenza dello Stato.

Art. 2

Il provvedimento di nomina dei funzionari incaricati di adattare dal Ministro o, al contrario, dai Ministri preposti ai Ministeri e a loro preposto per la concessione del finanziamento e delle garanzie, ai Ministri che amministrano le partecipazioni statali assunte dallo Stato, oppure ai Ministri che amministrano i beni dati in concessione.

Il provvedimento è adottato in ogni caso al concorso con il Ministro cui spetta la tutela dell'interesse statale concesso con l'utilità sociale della società o dall'impresa.

Art. 3

Il presente decreto entra in vigore il giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno.

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ROYAL DECREE LAW - 21 Aug 43 - N°739.

194
/bg.
2 Sept. 44.

Dissolution of the deliberative organs of Public Bodies
and appointment of Extraordinary Commissioners.

(Preamble Omitted)

ARTICLE 1.

As an exception to the rules of law in force and to internal regulations and orders, the Governmental Authority in the exercise of vigilance over public bodies may dissolve the deliberative organs of such bodies, and proceed to appoint Extraordinary Commissioners.

ARTICLE 2.

The Authority competent to proceed to the appointment of the President of the body will adopt the measures provided for in the preceding article.

ARTICLE 3.

The present Decree shall remain in force for six months after the cessation of a state of war.

ARTICLE 4.

The present Decree shall come into force on the day following that of its publication in the "GAZZETTA UFFICIALE" DEL REGNO" etc. etc. ; ;

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R.D. Legge 21 agosto 1943, n. 739.
SCIoglimento DEGLI ORGANI DELIBERATIVI DEGLI ENTI PUBBLICI
E NOMINA DI COMMISSARI STRAORDINARI.

(Gazzetta Ufficiale, 204 del 2 settembre 1943).

VITTORIO EMANUELE III
per grazia di Dio e Volontà della Nazione
RE D'ITALIA E DI ALBANIA
Imperatore di Etiopia

Visto l'art. 18 della legge 19 gennaio 1939 n. 129;
Ritenuto lo stato di necessità derivante da causa di
guerra;

Sentito il Consiglio dei Ministri;

Su proposta del Capo del Governo, Primo Ministro Segretario di Stato:

ABBIAMO DECRETATO E DECRETIAMO

Art. 1.

L'autorità governativa, nell'esercizio della vigilanza sugli enti pubblici, può sciogliere, in deroga alle vigenti norme di legge, di regolamento e dell'ordinamento interno, gli organi deliberativi degli enti stessi e procedere alla nomina di Commissari straordinari.

Art. 2.

Il provvedimento previsto dal precedente articolo è adottato dalla autorità competente a procedere alla nomina del presidente dell'Ente.

Art. 3.

Il presente decreto ha applicazione fino a sei mesi dopo la cessazione dello stato di guerra.

VITTORIO EMANUELE III
per Grazia di Dio e Volontà della Nazione
RE D'ITALIA E DI ALBANIA
Imperatore di Etiopia

Visto l'art. 18 della legge 19 gennaio 1939 n. 129;
Ritenuto lo stato di necessità derivante da causa di
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Sentito il Consiglio dei Ministri;

Su proposta del Capo del Governo, Primo Ministro Segretario di Stato;

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Art. 2.

Il provvedimento previsto dal precedente articolo è adottato dalla autorità competente a procedere alla nomina del presidente dell'Ente.

Art. 3.

Il presente decreto ha applicazione fino a sei mesi dopo la cessazione dello stato di guerra.

Art. 4.

Il presente decreto entra in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno e sarà presentato alle Assemblee legislative per la conversione in legge.

Il Capo del Governo, Primo Ministro Segretario di Stato, è autorizzato alla presentazione del relativo disegno di legge.

Ordiniamo che il presente decreto, munito del sigillo

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dello Stato, sia inserto nella raccolta ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di osservarlo e di farlo osservare.

Dato a Roma, addì 21 agosto 1943

P/to Vittorio Emanuele

P/to Badoglio

2 3 3 5

