

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

ACC

10000/105/866

Declassified E.O. 12356 Section 3.3/NND

No.

785016

10000/105/866

PROPOSED LEGISLATION, REVISION OF
EPURATION PROCEDURE
NOV. DEC. 1945

(2)

©



13

Wu

1050

Notes

165

May 1

town

Value

C.S.O.

Per re minute 7 and relevant folios.
 Ref para 5 of min 7, I am sending Polads
 Plan copies with a copy of min 7.
 Have withdrawn our copy. But submit CC's

ESB ✓ be
 Copy

Off to Comin.

17/11

9

Ex. Com.

Min 7 & C.C.: copy appropriate.

2. Suggest proposal at para 4(a) be added.

As regards the recommendations at para. 4(b)

we should first refer to Polads in order

to x of min 6.

Final 17/11

C.S.O.

I cannot see why the US rock Gali should
 be consulted on the point as to whether Reproduction
 of Pascari should apply to school Teachers This

with success

Ex con.

Mem 7 & C.C.: copy appropriate

2- Suggest proposal at para 4(a) be added.

As regards the recommendations at para 4(b) we should first refer to Polads in order of x of min 6.

1-10-17/11

esp.

I can't see why the US & UK Govts should be consulted on the point as to whether the operation

of Fascists should apply to school teachers. This

is not contrary to para 4 & 7. ~~which~~ will discuss

with Polads with - view to agreeing with

4 a & 6 as submitted by C.A.S.

MS/19/11

1-10-17/11

(11)

Agreed at V.P.s meeting that action 4

on 4 b should be taken. I agree that action 4 a

should also be taken.

MS/20/11

Minutes

TO : Executive Commissioner.

- 1 The new decree upon expatriation has now passed into law as DL 702 and it is understood it will be discussed by the Consulta and that amendments may be possible at that stage.
- 2 Notes of a conversation with the Assistant High Commissioner are at LA.
- 3 Three points appear to merit especial comment:-
 - a) Education. The eradication of fascist teaching from schools was specifically mentioned by Roosevelt and Churchill who publicly bound themselves to eradicate fascist teaching: specific provisions were included in the Armistice Terms to carry out this undertaking. It is true that PAV 487 provides that AO will not tender advice on Education, but the eradication of fascism is not within this limitation. The Assistant High Commissioner's comments at "1" of LA do not avoid the criticisms contained in Folio 3A and Minute 5. ~~He is wrong in saying that officials of lower grade who should have been~~ be expatriated. Art 2 of DL 702 is limited in scope; there are many teachers it would not reach.
 - b) This decree, in its attempt to right many wrongfully enforced suspensions has used words of wide enough meaning to cancel all suspensions which have been made in the North of Italy under GO 35. This, it is believed, is an inadvertence; it is the agreed policy that AMZ suspensions shall survive until cases have been considered. The Acting High Commissioner's suggestion at #32 of LA does not fully meet the case.
 - c) There is a disparity of treatment between the North and South of Italy ("2" of LA refers). The intention of the A/H is not in itself a sufficient remedy because there is no authority in law for such a review nor would these entitled to it be aware of their rights.

- 4 Two questions arise:-
 - a) Whether this decree should or should not be implemented in North Italy.
 - i) it is already law in "Italian" Italy;
 - ii) it contains nothing objectionable in itself;
 - iii) failure to implement it will create a state of chaos;
 - iv) it will in any event come into force on the handover which may be early.It is proposed, therefore, that the law shall be implemented with the safeguard mentioned at "3" of LA which will allow some time for any representations it may be desired to make.
 - b) Whether any and what representations should be made to the Italian Government. It is recommended that the Italian Government be asked:-
 - i) to amend the decree, to ensure that all teachers (including professors) should be liable to expatriation;
 - ii) to amend the decree so as to ensure that persons suspended by AMZ are not re-instated except after a finding of an expatriation commission;
 - iii) that the attention of the Italian Government be drawn to the disparity of treatment between the North and South which will result unless

of 4A is not avoid the criticisms contained in Folio 3A and Minute 5. He is ~~in saying that officials of lower grade who should bias might be expected~~ Art 2 of DL 702 is limited in scope; there are many teachers it would not reach.

- b) This decree, in its attempt to right many wrongfully enforced suspensions has used words of wide enough meaning to cancel all suspensions which have been made in the North of Italy under GO 35. This, it is believed, is an inadvertence; it is the agreed policy that AMG suspensions shall survive until cases have been considered. The Acting High Commissioner's suggestion at 43 of 4A does not fully meet the case.
- c) There is a disparity of treatment between the North and South of Italy ("2" of 4A refers). The intention of the A/H is not in itself a sufficient remedy because there is no authority in law for such a review nor would those entitled to it be aware of their rights.

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- ii) it contains nothing objectionable in itself;
- iii) failure to implement it will create a state of chaos;
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It is proposed, therefore, that the law shall be implemented with the safeguard mentioned at "3" of 4A which will allow some time for any representations it may be desired to make.

- b) Whether any and what representations should be made to the Italian Government. It is recommended that the Italian Government be asked:-

- i) to amend the decree, to ensure that all teachers (including professors) should be liable to epuration;
- ii) to amend the decree so as to ensure that persons suspended by AMG are not re-instated except after a finding of an epuration commission;
- iii) that the attention of the Italian Government be drawn to the disparity of treatment between the North and South which will result unless there is power to review the cases of officials of lower than the 7th grade who have been dismissed.

- 5 The loose copies of the translation of the decrees and of the notes of the meeting with the A/H are for the retention of your office and for distribution to the CC and to Folios A and B.

- 6 Are the proposals at 4 (a) and (b) approved please.

40

Handwritten signature

Tel. Ext. 525
16 Nov 45

S.H. WHITE Lt Col,
A/VP CA Sec.

Minutes

TO CSC CA Section

14 Nov 1945

At the CC's meeting this morning I made a brief statement on the new epuration law.

As regards our taking up with the Italian Government the matter of the epuration of Education officials, who normally do not come within the top grades, the CC drew attention to FM 437 under which, in educational matters, advice was only to be given to the Italian Government when sought. I pointed out that this case was rather different in view of our responsibilities under the Armistice terms for epuration. I discussed the matter afterwards with Polada who agreed that the point was a good one but they thought that it would be necessary to consult Washington and London before any advice was tendered to the Italian Government.

Polada B asked whether the Education S/C was getting out a report on the education aspect.

Both Polada asked whether they were getting copies of the new epuration law and I said they were.

Polada also said they would like copies of the new Electoral laws. Is this possible?

14 Nov 45.

W.B.
M. GARR, Brig.
VI CA Section.

138A

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Folada also said they would like copies of the new Electoral laws.
Is this possible?

14 Nov 45.

WB
M. Galt, Brig..
VI CA Section.

MINUTES

29

Legal.

Will you please say whether the two 2A paragraphs are the
provisions of the draft of 2A.

Does your comment say what is intended in the
last two of 2A.

CA-2
1/11/54
X-204

CA-5

Please look at the attached copy of your translation.

Art II no 2 after "Governo" insert "by the so-called
Government of the Italian Social Republic".

Art V no 4 instead of "control" use "order".
The sentence should read: "...shall order
the dismissal of the employee who has been
declared unfit to retain his office".

Art VI no. 6 use "to administrative authority or courts".

Art VIII no 7: under "translation" insert "in the
effecting state of disclosure".

Art XIII no 9: after "second" insert "instance".

Art XIII no 10: insert comma before "publishing" and
after "proceedings".

Between Art XIV & XVI insert "Part II".

Art XVIII no 12 use "subgraphical form" instead of
"Art 4".

Art XVIII no 13: under "of" use "and of".

Art XVIII no 14: under "2.53" use "2.53".

Art XVIII no 15: after "branch" the year is mentioned.

Art XVIII no 16: perhaps this would be a better translation:

contrast of "concomitant" and "exclusivity".
The true "shoulder" and "shoulder" really
the head of the "exclusivity" who has been
belonged under to return in force

Ans VI no. 6: Use * To adjust latitude determined by the Barometer

Ans VII no. 7: Another common translation would be "in this effective date of the document"

Oct 11th no eggs
 Oct 11th nest
 after second visit "instantly"
 visited opening before "finishing" nest
 after 2 fresh eggs

Distance $\overline{QV} = \overline{QP} + \overline{PQ} + \overline{QV}$

Ant + VIII mit "subparaphra. form." v. K. v. 1895
"Ant + 4".

Oct 8/10. The 13:40 arrived on "late" at 1:00. "comp" 18°.

$\text{Ch} + \frac{Y}{X} = \text{Ch} + \frac{Y}{X} \cdot \frac{1}{1 + \frac{Y}{X}}$, and

Not $\overline{8\overline{18}}$ no 15. After "branch" the spec. is same. Dec.

And the pentapods must be a little translation.

no. 111 - "compensation for children's care"

to the many who have provided you with

It is not for an instant presumed on such a case that the defendant is guilty.

can be compensated with a decrease in the consumption of goods.

inval 1/2.

[illegible]

Ucraina - 1000

1990

2/12/2019

Fig. 2

66

MINUTES

TO: Education Sub-Commission.

The draft of the new Epuration law, which has just been received, provides that all existing decisions as to dismissal shall stand but that hereafter only officials of Grade 7 inclusive and upwards shall (with exceptions for specially meritorious cases) be the only grades liable to epuration.

You will remember that the purging of the educational services was specially mentioned in the Armistice Terms.

Will you please say what your view of this proposal, from the education point of view, is and also roughly summarize the groups of teachers and professors who will no longer be liable to epuration.

Ref. Ext. 608
10 Nov 45.

S.M. WHITE, Lt Col,
USO CA Sec.

TO: Civil Affairs Section.

Teachers have direct influence on developing minds. To allow teachers with bad fascist records to resume their work in class rooms and as directors and inspectors of schools would be disastrous.

While the percentage of active fascists among class room teachers was small, (4% to 7%) their numbers were considerable (in 67 provinces 3,870 teachers were suspended); in one province fascist teachers composed 50% of the total, and in one school 13 out of 14. About 20% to 30% of directors and inspectors, had fascist records sufficiently bad to cause their suspension.

Elementary and secondary school teachers are predominantly of grades ^{higher} ~~higher~~ than 7. Many inspectors, and all elementary directors, have grades ~~higher~~ ^{higher} than 7. University assistants have grades 10 and 11.

No teaching personnel have been dismissed by the Allies, and only a fraction have been adjudged under DFE 159 and dismissed. Therefore most of those eliminated by us are merely under suspension and would, under the proposed law, revert to their positions, ~~undoing~~ ^{undoing} much of the work so painstakingly done in defascizing Italian schools. Teachers have vastly more influence than text books.

The proposed law should, therefore, be amended to leave subject to epuration proceedings all personnel dependent on the Minister of Public Instruction.

20: Civil Affairs Section.

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The proposed law should, therefore, be amended to leave subject to examination proceedings all personnel dependent on the Minister of Public Instruction.

Charles W. Washburn

CARLETON W. WASHBURN
Lt. Col. A.U.S.
Director of Education.

C.S.O.

37

*If teachers are asked go to appt
To take the up with 3rd Gen*

WRC

MINUTES

HIGH COMMISSIONER FOR SANCTIONS AGAINST FASCISM

ROME, 15 December 1945

SUBJECT: Revision of epuration procedure HLL No. 702 of 9 November 1945

Dear Colonel,

In reply to your letter No DF/S.25/CA dated 24 November 1945, I wish to thank you for the communications concerning the implementation of HLL No 702 in Northern Italy.

As concerns the questions pointed out by you I am communicating the following:

- a) I fully agree with your point of view in regard to the fascist teachers, who are to be held responsible of the very vicious directing of the youth which was entrusted to them.

However, I wish to point out, the legislation, with the last decree, intended to speed up the procedure of epuration and to reduce all the grounds necessary and sufficient to justify the epuration. Thus, many officials who should have been judged in epuration proceedings were not submitted to epuration. I wish to assure you that I have not taken part in the completion of the draft and that I hardly succeeded in annulling the fierce provision contemplating the exclusion of whatsoever epuration action against all the employees of grade inferior to the seventh. One of the grounds for the dismissal of teachers shall be the "grave bias" they carried out besides the special cases set out in art 2

- b) I am of the opinion that the suspensions set out by art 13 with the expression "in all other cases" are those ordered by the Public Administration, which however may be revoked by the same authorities which have ordered them.

However, the suspensions ordered by the Allied Government, and also those of the Provincial Commissions should, in my opinion, be considered as decisions of a different weight and have effect until the jurisdictional Commissions have given their final judgement.

However, I cannot assure you that the High Commissioner will agree with my opinions since our points of view on the questions of epuration are decisively opposite and such a fact will very probably lead me to ask the Presidency of the Council to release me from my present functions.

- c) It is obvious that the application of the moderate measures set out by the new decree shall cause a serious disproportion with the epuration judgments pronounced against the persons who were judged in accordance to the provisions of the preceding decree.

a) I fully agree with your point of view in regard to the fascist teachers, who are to be held responsible of the very vicious directing of the youth which was entrusted to them.

However, I wish to point out, the legislator, with the last decree, intended to speed up the procedure of epuration and to remove all the grounds necessary and sufficient to justify the epuration. Thus, many officials who should have been judged in epuration proceedings were not submitted to epuration. I wish to assure you that I have not taken part in the completion of the draft and that I hardly succeeded in annulling the fierce provision contemplating the exclusion of whatever epuration action against all the employees of grade inferior to the seventh. One of the grounds for the dismissal of teachers shall be the "grave bias" they carried out besides the special cases set out in art 2

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c) It is obvious that the application of the moderate measures set out by the new decree shall cause a serious disproportion with the epuration judgments pronounced against the persons who were judged in accordance to the provisions of the preceding decree. Unfortunately the decree does not provide to amend said disproportion. I am of opinion that a legislative provision should be issued. In the most serious cases, an appeal for revocation could be lodged with the same Commission which made the decision, and apply the criteria of the administrative revocation or the rules of penal procedure concerning revocation.

Should I remain in this position, I will duly see that the pressing exigencies of justice be observed and will in all cases, apply to the Consulta.

Sincere regards

THE COMMISSIONER FOR EPURATION.

1-10-1945

D. M. Commissioni per la purificazione
 COMMISSARIATO PER L'EPURAZIONE

Roma, 15 Dicembre 1945

951/9.

COL. S.H. WHITE
 HEADQUARTERS ALLIED - COMMS. A P O
 394 - CIVIL AFFAIRS SECTION -

R	O	M	A
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Gazetto: Revisione della procedura di epurazione - D.L.I. 9/11/1945 n. 702.

Pres. mo Sig. Col. WHITE

Rispondo alla Sua lettera del 24/11/45 n. 22/3.23/CA.

Le ringrazio, soprattutto, della cortese comunicazione riguardante l'applicazione, nell'Italia settentrionale, del D.L.I. n. 702.

In ordine alle ragionevolissime segnalazioni fattemi, eccole quanto sono in grado di dirle, nei limiti della competenza di questo ufficio.

a) Mi dà piena ragione del Suo giusto rilievo circa gli insegnanti fascisti, che ebbero tanta parte nel pessimo orientamento della gioventù che era loro affidata.

Gli è che il legislatore, con l'ultimo decreto, intendeva accelerare il corso dell'epurazione, anche col ridurre

COL. S.H. WHITE

HEADQUARTERS ALLIED - COMMISS. A P. D.

394 - CIVIL AFFAIRS SECTION -

R O M A

Cassette: Revisione della procedura di epurazione - D.L.I. 9/11/
1945 n. 702.

PREM. DO SIG. COL. WHITE

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DR/5.29/Ca.

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Gli è che il legislatore, con l'ultimo decreto, in-
tese accelerare il corso dell'epurazione, anche col ridurre
in qualità e in quantità, gli elementi necessari e sufficienti
a giustificare l'epurazione. E, in tal modo, vennero ad essere
sottratti all'epurazione molti funzionari che moralmente avreb-
bero dovuto esservi compresi. Debo dirle che io sono riuscito
estraneo alla compilazione del progetto e che ero poi riuscito
a fatica ad evitare la misura draconiana di escludere da qual-
siasi sanzione epurativa tutti i dipendenti di grado inferiore
al settimo. Resta prospettabile per gli insegnanti, come bito-

lo per la dispensa, la "grave infirmità", oltre ai casi specifici previsti dall'art.2.

b) Ritengo, personalmente, che le sospensioni previste dall'art.13 con l'espressione "in tutti gli altri casi", si debbano intendere come contrapposto alle sospensioni di fatto, e che siano costituite da quelle pronunciate dalla Pubblica Amministrazione, le quali, come atti amministrativi, sono a considerarsi, anche per principio di diritto comune, revocabili dalla stessa autorità che le ha pronunciate.

Le sospensioni, invece, ordinate dal Governo Allenteo, nonché quelle dichiarate dalle Commissioni Provinciali, penso si debbano ritenere come decisioni di diversa portata, siccome provvedimenti interlocutori che dovrebbero valere fino al giudizio di merito da parte delle Commissioni Giurisdizionali.

Non sono però in grado di assicurarle che il mio avviso venga condiviso dall'Alto Commissario, col quale mi trovo in grande divergenza di vedute, tanto da indurmi, molto probabilmente, a chiedere alla Presidenza del Consiglio l'esercizio delle mie attuali funzioni.

c) E' evidente che l'applicazione dei più miti criteri del nuovo decreto creerà una grave sproporzione in rapporto ai giudicati coi criteri del decreto precedente. Il decreto, disgraziatamente, non prevede alcun rimedio per questa sproporzione. Io esarei del tutto avverso che si dovesse provvedere con espressa norma legislativa. In mancanza, potrebbe servire, per i casi più gravi, l'istanza di revoca, alla stessa Commissione che pronunciò la decisione, facendosi capo ai principi della revoca amministrativa, oppure, per analogia, alle norme del codice di procedura penale in tema di revocazione.

Se io resterò a questo posto, mi farà un dovere di vigilare a che siano salvaguardate al massimo le imperiose esigenze della giustizia distributiva, facendo, se del caso, le opportune segnalazioni alla Consulta.

Mi creda, con deferente simpatia e coi migliori salu-

alcune costituite da quello pronunciato dalla pubblica Amministrazione, le quali, come atti amministrativi, sono a considerarsi, anche per principio di diritto comune, revocabili dalla stessa autorità che le ha pronunciate.

Le sospensioni, invece, ordinate dal Governo Alleato, nonché quelle dichiarate dalle Commissioni Provinciali, penso si debbano ritenere come decisioni di diversa portata, siccome provvedimenti interlocutori che dovrebbero valere fino al giudizio di merito da parte delle Commissioni Giurisdizionali.

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c) E' evidente che l'applicazione dei più alti criteri del nuovo decreto creerà una grave sperequazione in rapporto ai giudicati coi criteri del decreto precedente. Il decreto, disgraziatamente, non prevede alcun rimedio per questa sperequazione. Io esarei del tutto avverso che si dovesse provvedere con espressa norma legislativa. In mancanza, potrebbe servire, per i casi più gravi, l'istanza di revoca, alla stessa Commissione che pronunciò la decisione, facendone capo ai principi della revoca amministrativa, oppure, per analogia, alle norme del codice di procedura penale in tema di revocazione.

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Mi creda, con deferente simpatia e coi migliori saluti.

IL COMMISSARIO PER L'EPURAZIONE
(Avv. D. R. Peretti Griva)

[Handwritten signature]

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RULES FOR THE IMPLEMENTATION OF D.L. No. 702 OF 9 NOVEMBER 1945

1) In accordance with the new provisions set out in D.L. No. 702 of 9 November 1945, the High Commissioner and his provincial delegates may revoke their decisions to defer the cases before the Commissions of first instance, excepting the cases in which the same Commissions have already made their decisions.

2) The High Commissioner and his provincial delegates shall keep the right to revoke the appeal they had previously proposed with the request for dismissal from service against the decisions of first instance which prescribed a sanction lower than the dismissal from service or acquittal.

The appeals of the High Commissioner with request for sanctions lower than the dismissal shall not be accepted.

3) The revocation of disciplinary measures different from the dismissal from service, the exclusion from the albi and demotion, referred to in the first comma of art 13 ~~may~~ be made also by the High Commissioner and his delegates and the proceedings shall be registered.

The appeal of the concerned person for any decision of action against him, may also be revoked and shall be considered void.

4) The provision of the third comma of art 12 of D.L. No. 285 of 20 October 1944 shall be abrogated (possibility of reformatio in pejus).

5) The revocation of the measures, according to art 13 of D.L. No. 702 of 9 Nov 1945 shall not bring any change whatsoever in the execution which has already taken place following

previously proposed with the request for dismissal from service against the decisions of first instance which prescribed a sanction lower than the dismissal from service or acquittal.

The appeals of the High Commissioner with request for sanctions lower than the dismissal shall not be accepted.

2) The revocation of disciplinary measures different from the dismissal from service, the exclusion from the albi and denotion, referred to in the first comma of art 13 may be made also by the High Commissioner and his delegates and the proceedings shall be registered.

The appeal of the concerned person for any decision of action against him, may also be revoked and shall be considered void.

3) The provision of the third comma of Art 12 of M.L. No. 285 of 25 October 1944 shall be abrogated (possibility of reformatio in pejus).

b) The revocation of the measures, according to art 13 of M.L. No. 702 of 9 Nov 1945 shall not bring any change whatsoever in the execution which has already taken place following the final decision of the public administration.

M
34

NOTA DI ATTUAZIONE DEL D.L.L.9 NOVEMBRE 1945 N.792

- 1°) In applicazione dei nuovi criteri dettati dal D.L.L.9/11/45 n.702, l'Alto Commissario e i suoi delegati provinciali possono revocare i propri deferimenti alle Commissioni di 1° grado, salvo che sia già intervenuta la decisione delle Commissioni stesse.
- 2°) L'Alto Commissario e i suoi delegati conservano il diritto alla revoca del ricorso precedentemente proposto con richiesta di dispensa dal servizio contro le decisioni di 1° grado con le quali siano pronunciate una sulkione minore della dispensa dal servizio, o siano fatto luogo a proscioglimento.
Gli appelli dell'Alto Commissario con richiesta di sulkioni minori della dispensa si intendano, sans'altro, decaduti.
- 3°) La revoca delle sulkioni disciplinari diverse dalla dispensa dal servizio, dalla cancellazione degli atti e della retrocessione, di cui al primo comma dell'art. 11 può essere dichiarata anche dall'Alto Commissario e dai suoi delegati, ordinando l'archiviazione del procedimento.
La revoca può essere pronunciata anche per la decisione di impugnanza dell'intervenuto, nel qual caso l'appello dell'intervenuto stesso si intende decaduto.
- 4°) E' abrogata la disposizione del 3° comma dell'art. 12 del D.L.L. 13 ottobre 1944 n.275 (con articolo 11 abrogato in tutto).
- 5°) La revoca delle sulkioni, a norma dell'art. 11 del D.L.L.9/11/45 n.702, lascia ferma la esecutoria che e' stata data, in aggiunta alla decisione definitiva, sulla pubblica amministrazione.

i proprii deferimenti alle Commissioni di 1° grado, salvo che sia già intervenuta la decisione delle Commissioni stesse.

- 2°) L'Alto Commissario e i suoi delegati conservano il diritto alla revoca del ricorso precedentemente proposto con richiesta di dispensa dal servizio contro le decisioni di 1° grado con le quali essi pronunciata una sanzione minore della dispensa del servizio, o siano fatto luogo a promiscuitamento.

Gli appelli dell'Alto Commissario con richiesta di sanzioni minori della dispensa si intendano, senz'altro, decaduti.

- 3°) La revoca delle sanzioni disciplinari diverse dalla dispensa dal servizio, della cancellazione degli atti e della retrocessione, di cui al primo comma dell'art. 13 può essere dichiarata anche dall'Alto Commissario o dai suoi delegati, ordinandosi l'archiviazione del procedimento.

La revoca può essere pronunciata anche per le decisioni impugnate dall'interessato, nel qual caso l'appello dell'interessato stesso si intende decaduto.

- 4°) Si applica la disposizione del 1° comma dell'art. 12 del D.L. 1. 13 ottobre 1934 n. 285 (sottinteso al riforma in vigore).

- 5°) Le revoca delle sanzioni, e norme dell'art. 13 del D.L. 1. 13/11/45 n. 102, lascia ferma la competenza che al cont. sia stata data, in seguito alla decisione definitiva, della pubblica amministrazione.

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DF/5.28/CA ✓

14 Dec 45

SUBJECT : Revision of Epuration Procedure;

TO : The Assistant High Commissioner for Epuration,
Italian Government - R O M E -

I shall be obliged if you will inform me what
action is being taken upon this Commission's letter
DF/5.28/CA of the 24 Nov 45.

S.H. WHITE Lt Col,
A/VP CA Section;

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

28 NOV 1945

HEADQUARTERS
LIGURIA REGION
ALLIED MILITARY GOVERNMENT
AFO 394

28 NOV 1945

Lig/Leg 55

G.C.R/1h
24 November 1945

SUBJECT : Epuration

TO : Headquarters - Allied Commission - AFO 394
(Attn: VP.CA.Section).

Ref. your DF/3.32/CA of 15 November 1945.

1. On para 6 of your above quoted letter it is stated that under the new decree No.702 officials lower than the 7th grade are not epurable. At the end of this paragraph, however, instructions are given to terminate the suspensions of all persons in the "deferred" category of G.O.35.

2. As all officials of grades 7-9 are in the "routine" category of G.O.35 it would be appreciated if the matter could be clarified.

For the Regional Commissioner.

G.C. Raffety

G.C. RAFFETY, Lt.

R.A.
Regional Legal Officer 31



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

HEADQUARTERS ALLIED COMMISSION
APO 39,
CIVIL AFFAIRS DIVISION

10/5-25/44

26 Nov 45

SUBJECT: Revision of Expiration Procedure.

TO : HQs Lombardia, Piemonte, Liguria, Venetia Regions.

1. DL 702 is being implemented in North Italy. 50 % Commissions will be supplied with copies and be informed that except as mentioned below they will in future only suspend persons whose past record is such that they believe that they will eventually be dismissed under DL 702.
2. It has been agreed with the Italian Government that persons suspended by AL will not be re-instituted without going through expiration proceedings. All therefore must re-examine all suspensions of officials of lower grade than the 7th with a view to cancelling suspensions of all persons who will not be dismissable under the new terms of DL 702. It should not be overlooked that in addition to being expirable under Art 2 of DL 702 officials of the lower grades may also be expirable under para 2 of Art 1 if they have shown serious fascist bias.
3. It may be desirable to form a revision board to re-examine suspensions by the light of DL 702. HQs will still have a discretion to keep persons suspended if their return to duty is likely to cause trouble even if they are not expirable under DL 702, but that course should be regarded as quite exceptional. It should be recognized that such action is but a postponement of the difficulty if the man is not expirable under DL 702 the expiration commission will in due course have to declare. Further it is unfair to the man to keep him suspended if he is not expirable. It is hoped that so much suspensions will be left for the Italian Government to deal with after the war.
4. Suspensions of the "Deferred" categories will be dealt with first. No further examination of the schools of the "Deferred" category will be undertaken even to see if any persons whose schools have not yet been examined may be expirable under DL 702 until all proceedings against the higher categories are completed.
5. The "routine" category will be dealt with next. Persons suspended will be divided into three classes - as will also schools the examination of which is not complete -
 - a) Grades 5 - 7
 - b) Grades 8 and 9 (except school teachers)
 - c) School teachers
 Class (b) above will be dealt with in the same way as the deferred category. No further investigation of unexamined schools of this class will be made until all

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

There must be re-suspension of all suspensions of officials of lower grade than the 7th with a view to cancelling suspensions of all persons who will not be dismissible under the new terms of IL 702. It should not be overlooked that in addition to being expirable under Art 2 of IL 702 officials of the lower grades may also be expirable under para 2 of Art 1 if they have shown serious frequent bias.

5 It may be desirable to form a revision board to re-examine suspensions by the light of IL 702. We will still have a discretion to keep persons suspended if their return to duty is likely to cause trouble even if they are not expirable under IL 702, but that course should be regarded as quite exceptional. It should be recognized that such action is but a postponement of the difficulty if the man is not expirable under IL 702 the expiration commission will in due course have to decide. Further it is unfair to the man to keep him suspended if he is not expirable. It is hoped that no such suspensions will be left for the Italian Government to deal with after the handover.

4 Suspensions of the "Deferred" categories will be dealt with first. No further examination of the schedule of the "Deferred" category will be undertaken even to see if any persons whose schools have not yet been examined may be expirable under IL 702 until all proceedings against the higher categories are completed.

5 The "routine" category will be dealt with next. Persons suspended will be divided into three classes - as will also schools the examination of which is not complete -

- a) Grades 5 - 7
- b) Grades 8 and 9 (except school teachers)
- c) School teachers

Class (b) above will be dealt with in the same way as the deferred category. No further investigation of unexamined schools of this class will be made until all more highly classified work is completed.

Class (a) will be dealt with normally, suspensions already made will stand and the examination of schools will continue.

Class (c). Suspensions already made will stand, the examination of schools will continue and teachers whose ideological beliefs until then to train the young will be suspended even if not within the provisions of IL 702. The whole question of expiration of teachers is under discussion with the Italian Government and until a decision is reached this Commission intends to apply the old criteria for unsuitability and not the new law.

Copy to: 10/3. 12/02

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W. J. H. L. Col.
1/75 SA Section.

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

HEADQUARTERS ALLIED COMMISSION
APO 39A
CIVIL AFFAIRS SECTION

Ref: 32/5.23/24

24 NOV 45

SUBJECT: Revision of Expiration Procedure - DL 702.

TO : Assistant High Commissioner for Education,
Palazzo del Viminale,
R. O. M. I.

- 1 I have to inform you that it has been decided that DL 702 shall be implemented forthwith in North Italy. The necessary steps are being taken.
- 2 It is desired to draw your attention to what are considered to be three defects of the decree and to enquire what action the Italian Government proposes in connection therewith.
 - a) The first deals with the operation of the teaching profession. Practically no teacher or professor is within the first seven grades. It is true that lower grades can be equated if they have shown serious fascist bias. Many teachers who have not taken an active part in political life were believers in the fascist ideology. A teacher, without being active politically, can by his conversation and conduct be a far more powerful factor in moulding young and receptive minds than some of the text books which have been revised. The Allies cannot view with equanimity the prospect that school teachers who have been practising and teaching fascism should continue to instruct the youth of the country in its most receptive years.
 - b) The wording of Art 13 is wide enough to cancel either automatically or at the discretion of the Service concerned all persons who have been suspended by AMG under GO 35. It was agreed that persons suspended by AMG should not be re-instated unless they were cleared by an Expiration Commission and this effect of the wording of Art 13 is probably due to an inadvertence. It is felt that it should be made clear that the revocation of suspensions does not apply to suspensions by order of AMG.
 - c) Unless there is power to review the cases of the many employees in South Italy of grades lower than the 7th who are not within the terms of this decree but have been operated under DL 159 the decree will result in a disparity of treatment as between the North and the South.
- 3 It is desired to distinguish between the three points mentioned above. Sub-para a) & b) are points as to which amendment seems to be necessary; while, your attention is only invited to what appears to be the undesirable disparity referred to in sub-para c) which will result if no power to review the earlier

- 2 It is desired to draw your attention to what are considered to be three defects of the decree and to inquire what action the Italian Government proposes in connection therewith.
- a) The first deals with the operation of the teaching profession. Practically no teacher or professor is within the first seven grades. It is true that lower grades can be omitted if they have shown serious fascist ideas. Many teachers who have not taken an active part in political life were believers in the fascist ideology. A teacher, without being active politically, can by his conversation and conduct be a far more powerful factor in moulding young and receptive minds than some of the text books which have been revised. The Allies cannot view with equanimity the prospect that school teachers who have been practicing and teaching fascism should continue to instruct the youth of the country in its most receptive years.
- b) The wording of Art 13 is wide enough to cancel either authentically or at the discretion of the Service concerned all persons who have been suspended by AMG under GO 35. It was agreed that persons suspended by AMG should not be re-instated unless they were cleared by an Espionage Commission and this effect of the wording of Art 13 is probably due to an inadvertence. It is felt that it should be made clear that the revocation of suspensions does not apply to suspensions by order of AMG.
- c) Unless there is power to review the cases of the many employees in South Italy of grades lower than the 7th who are not within the terms of this decree but have been operated under DL 159 the decree will result in a disparity of treatment as between the North and the South.
- 3 It is desired to distinguish between the three points mentioned above. Sub-points a) & b) are points as to which amendment seems to be necessary; while, your attention is only invited to what appears to be the undesirable disparity referred to in sub-point c) which will result if no power to review the earlier decisions is granted.
- 4 It is understood that DL 702 is to be considered by the Consulta; perhaps the Italian Government might find that opportunity convenient to submit proposals to deal with these points.

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E.H. WHITMAN, Lt Col.,
A/VF CA Section

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

✓
DE/5.28/CA

24 Nov 45

SUBJECT : Revision of Epuration Procedure

TO : Legal S/C

In implementing DL 702 in North Italy will you please provide that the revocation of suspensions contained in Art 13 will not apply to Suspensions by order of AMG.

S. H. WHITE Lt Col,
A/VP CA Section.

2011
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Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS ALLIED COMMISSION
ART 394
CIVIL AFFAIRS SECTION

5A

Ref: 78/5.28/56

19 Nov 45

SUBJECT: Revision of Expiration Procedure

TO: The Distribution

Enclosed is an English version of DL 702, the new law on duration which replaces Part II of DL 139.

1. The groups upon which persons may be operated are re-defined and are somewhat differently stated. The old groups are therefore superseded. Briefly speaking, officials and civilians of equivalent rank down to the 7th grade inclusive are liable to operation if they have shown activity as fascists. Employees of lower grades are not operatable unless they have shown serious fascist bias or have committed certain named acts or held certain named offices. Persons who distinguished themselves in opposition to the Germans are still excused.
 - Art 15
 - Art 1
 - Art 2
 - Art 3
2. The machinery is also varied. The present Commissions of First Instance remain and continue to function under the same rules. The order for dismissal however will be made by the Head of the Service. Dismissed employees are normally entitled to pension though they may be deprived of this in exceptional circumstances. Employees may be suspended pending proceedings and officials may be transferred from one district to another.
 - Art 4
 - Art 5
 - Art 6
 - Art 7
 - Art 8
3. Employees of concerns of national importance and/or suspended exercising public utility functions are operatable under similar conditions to those mentioned above.
 - Art 9
4. The procedure for dealing with professions is varied and they are made more or less self-purging. The present commissions are abolished.
 - Art 10
5. The procedure with regard to appeals is completely changed. The Central Commission is abolished and a special section of the Council of State is substituted therefor which will hear ordinary appeals but appeals against decisions of Provincial Commissions will go to a new section of the local Court of Appeal. In either case the executive courts of appeal will operate according to the rules of procedure which previously applied for the abolished Central Commission.
 - Art 11
 - Art 12
6. All previous decisions as to dismissal from service, removed from the register of a profession or a similar stand but all minor punishments (with one exception mentioned below) are revoked. Provision is made for dealing with pending appeals. The minor punishment which is not revoked is a reprimand in Grade but this is intended only to be used to reprimand a lower grade person who has received undue promotion by fascist favour.
 - Art 13

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7. suspensions of all persons of lower than Grade 7 are revoked unless they are reinstated against whom proceedings are to be continued under Art 2 of Art 1 of Law No. 24. All "de facto" suspensions, however occasioned, are revoked. This is intended to apply to those persons who have been warned or threatened or advised or persons, who are not legally empowered to do so, that they are dismissed or will not in future attend their offices. It does not apply to suspensions ordered under GO 36.

8. The time limits within which proceedings must be brought are ten (10) days or three months after the handing back of the territory to Italian administration, whichever is the later, but this will not re-open time limits which expired before this Decree came into force.

9. New provisions are contained to enable the operation of those Direct-ors and Managers who by Italian law are, technically speaking, not employees. Art 16 If such persons have been guilty of named acts or have held named offices their contracts are declared dissolved and any employer who continues to employ such persons is liable to punishment by imprisonment or fine. This Art 17 Dissolution will not be applied in certain cases. Persons may apply to a special commission for an order that the dissolution does not apply. Persons whose employment is dissolved are, under certain circumstances, entitled to compensation.

10. All provisions of DL 159 and of the subsequent operation of Law No. 24, which are not inconsistent with any of the above provisions, continue. The principal changes are the restriction, in certain circumstances, of separation to the first 7 grades, the addition of managers and directors to those eligible and the change of procedure with regard to the professional and as to appeals. For all practical purposes, so far as sub-delegations and Regions are concerned, the machinery under DL 159 continues to operate unchanged so far as the restricted classes of employees are concerned. It should not be overlooked that any employee of a grade lower than the 10 may be separated if he has shown serious fascist bias or will do so. Persons contained in Art 2.

11. WORKS OF THE CHIEF COMMISSIONER

[Signature] 18/4
S. H. ATT. Lt Col,
A/VS Section

DISSEMINATION:-

Legal 3/C
Pub 3/C
Adm 3/C
Cassini 3/C
A/VS 3/C

General 3/C
Finance 3/C
T. Works 3/C
Transport 3/C
Air 3/C
Land Forces 3/C

Naval 3/C
RAF
Reg Piemonte Region
Reg Lombardia Region
Reg Liguria Region
Reg Venetia Region

for info : Economic Sec
Executive Commissioner } 2
SMA Venetia Region

cc of Dist RQ (4); DC (2)

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24/11

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14 SEP 1964 10:00 AM

Continuation of the form as to Registration

The Italian version of this form is the only authoritative text. This version is not a literal translation; its object is to inform officials conveniently of the provisions contained in the order.

Officials are referred to the Italian text for all points of detail or matters of procedure or substance.

Words in brackets are explanatory and not in the original text.

Liability to Expulsion	Art	1-3
Registration Procedure	"	4-6
Pension	"	7
Surveillance	"	8
Application to non-Italian Officials	"	9
Transfer of Officials	"	10
Professions	"	11-12
Appointments	"	13
Partial Detachments	"	14-15
Other Items in	"	16-20
Liability to Deportation and Eviction	"	

PART I - REGISTRATION AND IDENTIFICATION

LIABILITY TO DEPORTATION

Employees of the public services of the 7th or higher grades of whatever description may be liable to deportation if, because of their (past) fascist political activity their (unimpaired) fascist ideology, whether or not in the execution of their duties, is a fascist class or their appointment to office, because of their fascist qualifications have been changed, or unfit to remain in their office shall be considered from the service.

Employees of the public services of grades lower than 7th shall not be liable to deportation unless they have been declared fascist class or are within the provisions of the next article.

For the purposes of this law, when the party of the nature of non-fascist services is undetermined, it shall be considered by the head of that Service.

Employees of the public services of every description shall be irreversibly may be dismissed from service if they have been declared fascist class or unfit to remain in their office because they have made a "Fascist Party".

- a) given military or civil service to the German invaders;
- b) belonged to the fascist republican party;
- c) voluntarily served in military units of the government of the so-called

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SECTION 3 - REGULATIONS AND PROCEDURES

REGULATIONS ON EMPLOYMENT

1. Employment of the public services of the Government shall be subject to whatever regulations may be prescribed by law, and shall be subject to the following conditions:

a. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

b. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

c. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

d. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

e. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

f. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

g. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

h. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

i. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

j. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

k. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

l. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

m. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

n. The Government shall have the right to require any person employed by it to furnish such information as may be necessary for the proper conduct of its business.

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

19. An employee discharged in connection with dissolution of his appointment under art 16 of the present law, shall be entitled to receive the compensation referred to in this article upon payment of art 10 of the law of 1905 or 13 Nov 1924, computed into law of 1905 or 13 Nov 1924 and any other compensation provided for by this contract or agreement.

20. The time of suspension for a limited period, as (suspension) payable as will be indicated in the contract, shall be subject of compensation to the employer of the contract for the total amount of indemnity for an unlimited period.

21. Dismissed employees within the provisions of articles 1 and 2 of art 15 shall not be paid compensation for discharge as discharge which may have been provided for in any contract for an unlimited period. In such case the compensation shall be paid as indicated in the contract.

22. The compensation shall be paid by a limited employee due to within the provisions of the present paragraph shall be re-supplied to him.

23. The compensation shall be paid by a limited employee before any obligatory insurance scheme shall be paid to him.

24. The present law, shall be in force the day after its publication in the official Gazette of the Kingdom.

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

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

PL 108-177, 10/27/00

REVIEWED BY THE LAW

AS OF

REVISION

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

ANTI-COMMUNISM

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NOTES OF A MEETING

between
Lt. Col. S.H. WHITE & Sig. PERETTI-GRIVA.
held on
14 Nov 45

Sig. PERETTI-GRIVA enquired whether AC had any objection to the Italian Government commencing to operate under DL 159 in North Italy and if not, whether it would take the necessary steps to bring that and later epuration decrees into force.

Lt. Col. WHITE replied that these decrees have already been implemented in the North and no further formal step was necessary. If the Italian Government wished to start epurating the Regional Commissioners would be notified. A copy of the letter to them would be sent to the High Commissioner.

Sig. PERETTI-GRIVA pointed out that GO 35 and GO 46 Commissions were still in operation and enquired whether they would cease from functioning. Col. WHITE said that he saw no reason for their ceasing work at the moment. They were only conducting the investigatory phase and ordering suspensions. The Italian organisation would be some time before it got into its stride and considerable time would elapse before they could complete their first investigations. It seemed much better that the GO 35 Commissions should continue with the work already in hand and that the DL 159 Commissions should commence their work by dealing with persons already suspended. When the DL 159 Commissions had heard all the cases of persons that had been suspended and had 'caught up' with the GO 35 Commissions, that would appear to be the time to stop GO 35 Commissions. AC proposed to follow that course.

Lt. Col. WHITE then referred to the recently passed decree, asked what the position of the decree was and was informed that it had been passed by the Council of Ministers and was expected to be published in the Gazzetta of the 14 Nov 45. He then said that AC had one or two points under consideration and that while it had not yet reached any decision as to whether or not it desired to make any representation, perhaps Sig. PERETTI-GRIVA would like to know what these points were. He might be able to clear the points and show that there was no reason for any Allied concern. Sig. PERETTI-GRIVA said he would be interested to hear what the points were and Lt. Col. WHITE continued that the first point concerned Education. No school teacher and probably few professors were Grade 7 or higher. It would appear, therefore, that, generally speaking, no teachers would be epurated. The Allies could hardly be expected to view with equanimity the prospect that school masters who had been practising and teaching fascist ideology should continue to instruct the youth of the country. The conversation and teaching by schoolmasters

copy of the letter to them would be sent to the High Commissioner.

Sig. FERRI-OLIVA pointed out that GO 35 and GO 46 Commissions were still in operation and enquired whether they would cease from functioning. Col. WHITE said that he saw no reason for their ceasing work at the moment. They were only conducting the investigatory phase and ordering suspensions. The Italian organisation would be some time before it got into its stride and considerable time would elapse before they could complete their first investigations. It seemed much better that the GO 35 Commissions should continue with the work already in hand and that the DL 159 Commissions should commence their work by dealing with persons already suspended. When the DL 159 Commissions had heard all the cases of persons that had been suspended and had 'caught up' with the GO 35 Commissions, that would appear to be the time to stop GO 35 Commissions. AC proposed to follow that course.

Lt. Col. WHITE then referred to the recently passed decree, asked what the position or the decree was and was informed that it had been passed by the Council of Ministers and was expected to be published in the Gazette of the 14 Nov 45. He then said that AC had one or two points under consideration and that while it had not yet reached any decision as to whether or not it desired to make any representation, perhaps Sig. FERRI-OLIVA would like to know what those points were. He might be able to clear the points and show that there was no reason for any Allied concern. Sig. FERRI-OLIVA said he would be interested to hear what the points were and Lt. Col. WHITE continued that the first point concerned Education. No school teacher and probably few professors were Grade 7 or higher. It would appear, therefore, that, generally speaking, no teachers would be expurged. The Allies could hardly be expected to view with equanimity the prospect that school masters who had been practising and teaching fascist ideology should continue to instruct the youth of the country in its most receptive years. The conversation and teaching by schoolmasters who had fascist ideals was a far more potent influence than many of the fascist textbooks which had been expurgated. In one school alone it had been necessary to suspend 13 out of 14 teachers.

Sig. FERRI-OLIVA said that he agreed with the views expressed but pointed out that though expurcation was, in normal cases, limited to officials of Grade 7 and upwards, employees of lower Grades might be expurged if they had shown Fascist bias and he thought that teachers could be expurged under this provision.

Lt. Col. WHITE pointed out that this would reach those who were known to have been actively fascist but that it would hardly apply to many who were not 'politically active' but genuinely believed in the fascist ideology. Such teachers, by their conversation and example, might be very dangerous to young and receptive minds.

Lt. Col. WHITE then referred to the fact that all minor punishments had been abolished with the exception of reduction in grade and asked whether this was intentional as it seemed an illogicality. Sig. FERRI-OLIVA replied that it had been retained really as an internal administrative measure to enable the Ministries

/concerned to

the Ministries/

concerned to reduce in grade persons who had been promoted out of time because of their fascist qualifications. It would not be used as a form of punishment but only to put right a wrong done by improper promotion.

Lt. Col. WHITE then referred to the difference in treatment between the North and the South which would result from this decree. In the South large numbers of persons of grades lower than 7 had been dismissed but in the North there was no general expunction of persons of such grades. This difference in treatment appeared inequitable.

Sig. PERETTI-GRIVA said that it was proposed to give an opportunity to all persons of grades lower than 7 who had been dismissed in the South to ask for reconsideration of their cases and that if this was done those who did not come within the special circumstances, under which officials of these lower grades might be dismissed, would be reinstated; but the dismissal of the others would stand. He agreed that the decree contained no provisions to enable this to be done.

Lt. Col. WHITE then referred to the clause of the decree which stated that all de facto suspensions were revoked from the date of the decree coming into force and that this expression appeared to be wide enough to include all suspensions which had been made in the North under GC 35. If this became law the whole of the work of the Allied Commission in purging the North of fascists would appear to be annulled at one stroke. Further, it had been agreed with the Italian Government that persons suspended by AMG should remain suspended until their cases had been considered under DL 159.

Sig. PERETTI-GRIVA agreed and suggested that the Allied Commission, in implementing the new decree, should provide that the revocation or the suspensions under the decree should not apply to suspensions ordered by AMG.

Lt. Col. WHITE said that that would be excellent so long as AMG lasted but when North Italy was restored to Italian administration the qualification or the decree would cease to be of effect. If the handover did take place after the cases of all suspended persons had been considered the question would not arise; but it, as was likely, the handover took place before the reconsideration of the suspensions was concluded, the question would be a very material one.

Lt. Col. WHITE concluded by re-drawing attention to the fact that the consideration of the decree by AC had not yet been concluded and that the conversation was purely exploratory. If AC desired to make any representation that would be the subject of a more formal communication. Sig. PERETTI-GRIVA said that the decree would shortly be going before the Consulta who might make amendments. That occasion might also be the opportunity of considering any further alterations which might be desirable.

to be done.

Lt. Col. WHITE then referred to the clause of the decree which stated that all de facto suspensions were revoked from the date of the decree coming into force and that this expression appeared to be wide enough to include all suspensions which had been made in the North under GO 15. If this became law the whole of the work of the Allied Commission in purging the North of fascists would appear to be annulled at one stroke. Further, it had been agreed with the Italian Government that persons suspended by AMG should remain suspended until their cases had been considered under DL 159.

Sig. PEROTTI-GRIVA agreed and suggested that the Allied Commission, in implementing the new decree, should provide that the revocation of the suspensions under the decree should not apply to suspensions ordered by AMG.

Lt. Col. WHITE said that that would be excellent so long as AMG lasted but when North Italy was restored to Italian administration the qualification of the decree would cease to be of effect. If the handover did take place after the cases of all suspended persons had been considered the question would not arise; but it, as was likely, the handover took place before the reconsideration of the suspensions was concluded, the question would be a very material one.

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Proposals of
The Italian Government
as to
Eparation

This is a preliminary report which may be subject to alteration on more detailed study of the decree, the translation not yet being in final form. The first margin shows the effect of the decree; criticism thereof is inset to the second margin.

The draft decree on Eparation puts an end to the present system of separation but does not affect the treatment of Fascist crimes or the recovery of improper Fascist profits.

Very largely it makes use of the existing separation machinery but in 1959, where it is inconsistent with the new decree, is over-ridden.

All dismissals or retirements already effected will stand but from the passing of the decree onwards, generally speaking the only persons liable to be separated will be officials of Grade 7 standing and upwards.

So far as Army grades are concerned, this is equivalent to Lt. Colonel and upwards. As an example, in the teaching profession, no teachers or professors would, as such, be liable to separation and only relatively few senior Provveditori are as high as Grade 7. A similar analogy may be drawn in other services.

It will be seen, therefore, that it is now proposed to dismiss only persons who held really responsible positions; minor executives and the ordinary rank and file will escape separation entirely (except cases of especial notoriety). In general this is considered as sound because undoubtedly all officials were to some extent Fascist; it was often also the most competent officials who had advanced in the party. This recognizes the parity of implication and proposes to remove only Fascists holding more important posts or who were exceptionally active, the contention being that if non-Fascists held these posts, they should be able to control their subordinate staff.

All sentences carrying a punishment lessor than dismissal have been revoked.

This Commission has never been in favour of such punishments and has consistently held the view that the object of separation was to cleanse the services of Fascism and that the service is not cleansed by retaining a Fascist and giving him some minor punishment. If he is a bad Fascist, he should be dismissed; if he is not, he should not be otherwise victimised.

So far as Italy south of the line GROSSETO, AREZZO and PESARO inclusive is concerned, the last date for the commencement of separation proceedings under the present law was the 15 Nov 45. Separation in South Italy, therefore, might have been considered to have come to an end, but the Italian Government is of opinion that certain Fascists who should have been separated have not been dismissed.

action under the proposed decree in Italian administered territory may be taken against any official in the first 7 grades before the 31 Mar 46 and within 3 months of restoration to Italian administration so far as the remainder of Italy is concerned.

wards. As an example, in the teaching profession, no teachers or professors would, as such, be liable to expatriation and only relatively few senior pre-revolutionary are as high as grade 7. A similar analogy may be drawn in other services.

It will be seen, therefore, that it is not proposed to dismiss only persons who held really responsible positions; minor executives and the ordinary rank and file will escape expatriation entirely (except cases of especial notoriety). In general this is considered as sound because undoubtedly all officials were to some extent fascist; it was often also the most competent official who was advanced in the party. This recognizes the parity of implication and proceeds to remove only fascists holding more important posts or who were exceptionally active, the contention being that if non-fascists hold these posts, they should be able to control their subordinate staff.

All sentences carrying a punishment lessor than dismissal have been revoked.

This Commission has never been in favour of such punishments and has consistently held the view that the object of expatriation was to disengage the services of fascism and that the sentence is not dismissed by retaining a fascist and giving him some minor punishment. If he is a bad fascist, he should be dismissed; if he is not, he should not be otherwise victimized.

As far as Italy south of the line GROSSETO, AREZZO and FIRENZE inclusive is concerned, the last date for the commencement of expatriation proceedings under the present law was the 15 Nov 45. Expatriation in South Italy, therefore, might have been considered to have come to an end, but the Italian Government is of opinion that certain fascists who should have been operated have not been dismissed.

The proposed decree in Italian administered territory may be taken action under the proposed decree before the 31 Mar 46 and within 3 months against any official in the first 7 grades before the 31 Mar 46 and within 3 months of restoration to Italian administration so far as the remainder of Italy is concerned.

As far as South Italy is concerned, expatriation is therefore re-opened but presumably only so far as a relatively few particular persons are concerned.

All public servants dismissed under this decree will be entitled to pension.

This is not inequitable; they were only following a then permitted ideology and many of them have so long been public servants that they would be quite entitled to earn their living in other spheres.

The present expatriation Court of Appeal is abolished and a section of the Council of State substituted therefor.

Businesses and professions are also within this decree. As regards professions, (which probably includes university professors) the governing body of the profession itself will decide who are disqualified from exercising their profession.

As regards businesses, contracts of employment and agency of directors and heads of Services and Departments and Managers of Companies having a capital of more than Lire 5,000,000 or Insurance Companies with a capital of over Lire 1,000,000 who have been sentenced for fascist crimes or who have suffered a forfeiture of

improper fascist profits or have been punished under DA 149 or have held certain principal fascist offices, are terminated and their employers are subject to penalties if they continue to employ them. Persons so dismissed are entitled to certain payments in compensation.

It is considered that there are only two points which should be taken up with the Italian Government, namely that this proposal does not provide for the removal from the teaching profession of persons of professed fascist ideology and secondly, that the revocation of the suspensions should not apply to persons suspended by AII in North Italy (except to officials lower than Grade 7) but that officials of Grade 7 and upwards shall remain suspended till their cases are considered by the proper Tribunal which shall deal with such persons in priority to persons who have not been suspended.

CA Section
10 Nov 45

[Signature]
S.R. WHITE, Lt Col.

REVISED EMPLOYMENT LAW

PART I

ART 1

Employees of the public services of the 7th or higher grades of whatever description even if irremovable who, because of their (past) fascist political activity, their (improper) conduct, whether or not in the execution of their office, their fascist bias or their appointment to office, because of their fascist qualifications have shown themselves unfit to retain their office shall be dismissed from the service.

Employees of the public services of grade lower than 7th shall not be liable to dismissal unless they have shown serious fascist bias or are within the provisions of the next article.

For the purposes of this law, when the parity of the grades of non-state services is undetermined, it shall be declared by the head of that Service.

ART 2

Employees of the public services of every description may be dismissed from service if they have shown themselves unfit to retain their office because they have since 8 Sep 1943:

- a) given military or civil service to the German invader;
 - b) belonged to the fascist republican party;
 - c) voluntarily served in military units of the government of the so-called Italian Social Republic or as officers in the labour organisations of that government;
 - d) taken part in arresting, sentencing or summary executions ordered by fascist fascists or acted as informers for the latter; *of the so-called Italian Social Republic*
 - e) been appointed chief of the province or questore² or have been President, Public Prosecutor³ or Member of the special or extraordinary tribunals set up by the said Government;
 - f) left their usual place of abode to follow and serve the fascist government;
 - g) collaborated with the Germans or with the so-called Italian Social Republic.
- Dismissal from service shall not be ordered if the activity after 8 Sep 43 was under compulsion or had the object of hindering German activities or those of the government which was in fact being served only in appearance.

Employees of the public services of grade lower than 7th shall not be liable to dismissal unless they have shown serious fascist bias or are within the provisions of the next article.

For the purposes of this law, when the parity of the grades of non-state services is undetermined, it shall be declared by the head of that Service.

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 - c) voluntarily served in military units of the government of the so-called Italian Social Republic or as officers in the labour organizations of that government;
 - d) taken part in arresting, sentencing or summary executions ordered by nazifascists or acted as informers for the latter; *ref. to Italian Social Republic*
 - e) been appointed chief of the province or questore or have been President, Public Prosecutor or Member of the special or extraordinary tribunals set up by the said Government;
 - f) left their usual place of abode to follow and serve the fascist government; *ref. to Italian Social Republic*
 - g) collaborated with the Germans or with the so-called Italian Social Republic.
- Dismissal from service shall not be ordered if the activity after 8 Sep 43 was under compulsion or had the object of hindering German activities or those of the government which was in fact being served only in appearance.

ART 3

Those who distinguished themselves after 8 Sep 43 in the fight against the Germans may be exempted from dismissal from service.

ART 4

The unsuitability (for retention in the service) referred to in arts 1 and 2 shall upon application of the Service (concerned)

- a) in the case of employees of the State Central Services or of Autonomous public bodies be decided by the epuration Commissions set up under D.L. 159 of 27 Jul 44; the powers contained in the last para of art 18 of D.L. 159 of 27 Jul 44 and in art 16 of D.L. 289 of 23 Oct 44 shall remain unchanged.

b) in the case of employees of local public bodies and of concerns controlled by the local administration be decided by the provincial Expiration Commissions set up by para 3 of art 18 of D.L. 159 of 27 Jul 44.
The High Commissioner for sanctions against fascism and his provincial delegates supervise expiration proceedings and when necessary may commence proceedings.
The rules contained in D.L. 159 of 27 Jul 44 for the proceedings before the Commissions of first instance and the subsequent additions and amendments thereto shall apply to proceedings before Expiration Commissions.

ART 5

The Service concerned, having received notice of the final decision, shall consider the dismissal from the service of said employee bearing in mind that he has been declared unfit to remain in his office.

No appeal whether from administrative or judicial ground shall lie against an order for dismissal from service.

ART 6

An employee dismissed from service under the preceding article shall be granted the pension rights to which he is entitled under the existing laws.

In particularly serious cases the expiration commission may order forfeiture of pension.

When a forfeiture of pension has been ordered, the contributions which he has paid to the pension funds shall be repaid to the dismissed employee.

ART 7

The service concerned may suspend an employee subject of expiration proceedings under art 4 pending the result of such proceedings.

ART 8

The provisions of the preceding articles shall apply also to employees of public institutions and to institutions of national importance and of private undertakings or companies operating public services or serving a public purpose or

the said institutions

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ART 8

The provisions of the preceding articles shall apply also to employees of public institutions and to institutions of national importance and of private undertakings or companies operating public services or serving a public purpose or public utility undertaking.

Where no other appropriate commissions have been set up for the said institutes and companies, the competent body to pronounce the verdict on epuration proceedings shall be the provincial epuration commissions set up under the third para of art 18 of DML 159 of 27 Jul 44 and the subsequent additions and amendments thereto.

The decision as to dismissal of employees of public institutes and institutions of national importance shall be by the head of the institute. In the case of employees of private companies or undertakings mentioned in the first para of the present article, the decision shall be that of the prefect of the province in which the company or undertaking has its head office.

ART 9

Heads of the various public services may up to 31 Mar 1946 transfer officials even if they are irremovable to another area if for political or moral reasons they consider it advisable to do so. In territory under the administration of AMG

such transfer may be ordered up to three months after such territory has been restored to Italian administration.

ART 10

Any person who, because of bias or fascist malpractices, has rendered himself unworthy to continue to exercise his profession, art or trade, may be removed from the registers of such profession.

The decision as to such unsuitability shall be by the bodies responsible for keeping the said register, which they shall do directly or by means of a commission appointed by them; if no such body exists, a commission shall be appointed by the Minister under whose supervision the (appropriate) register is.

ART 11

A dismissed employee may lodge an appeal against the decisions of a commission under sub-para a) of art 4 even on the merits of the cases. Such appeal shall be to a Special Section of the Council of State and be constituted by a decree of the President of the Council of Ministers and consist of two members, one of whom shall be designated by the High Commissioner and the other by the Minister of the Service to which the appellant belongs.

Such appeal shall be lodged within six days of notification of the decision of the Commission of 1st instance by filing the same in the secretariat of the Commission concerned, in the office in which the appellant serves or directly in the secretariat of the Special Section of the State Council.

The Special Section shall consider the appeal in camera and shall not be bound by the ordinary rules of procedure but shall observe the rules contained in D.L. 159 of 27 Jul 44, and subsequent additions and amendments for the proceedings before the Central Commission.

ART 12

An employee dismissed may lodge an appeal against the decisions of a provincial Commission to a commission set up in the Court of Appeal within whose jurisdiction the commission of 1st instance is located. The commission of appeal shall be set up by decree of the First President of the Court of Appeal and shall consist of a President who shall be a magistrate or an official of the public service, serving or retired, of not less than the 5th grade and of two members one of whom shall be nominated by the High Commissioner and the other by the Provincial CML from the officials of the service to which the appellant belongs.

Such appeal shall be lodged within six days of notification of the decision of the commission of 1st instance, by filing the same in the secretariat of the

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Such appeal shall be lodged within six days of notification of the decision of the commission of 1st instance, by filing the same in the secretariat of the said Commission or directly in the secretariat of the Commission of Appeal.

The rules for the proceedings before the central commission contained in DLI 159 of 27 Jul 44 and the subsequent additions and amendments thereto shall apply to proceedings before such Commissions of Appeal.

ART 13

Dismissals from service, removals from the registers and acquittals resulting from final decisions already made under DLI 159 of 27 Jul 44 shall stand, but punishments other than dismissal from service, removal from the registers and reduction in grade ordered by final decisions under the same legislative decrees are revoked.

For the purposes of the provisions of the preceding paragraph, a decision of the central commission shall be considered final even if notice of the same has not been served as required by art 5 of DL 179 of 22 Apr 45 on the day of the imple-

entation of this decree. *Art. 14*
 Appeals against decisions of (Commissions of) First Instance made under D.L. 159 of 27 Jul 44 and the subsequent additions and amendments thereto which are still appealable may be lodged in accordance with the procedure laid down in this decree.

The appeals which are pending before the central commission on the day on which this decree comes into force shall be dealt with by the commission of second set up by arts 11 and 12 hereof.

Decisions under D.L. 159 of 27 Jul 44 by the commissions of first instance for the revision of the registers which are still appealable shall be dealt with by the new bodies set out in art 10 hereof even if the appeal was already pending before the Central Commission.

The Central Commission for expiation and the Commissions for the revision of the registers set up by D.L. 159 of 27 Jul 44 are abolished.

Proceedings pending before commissions of first instance on the day on which this decree comes into force shall be continued before said commissions or before the new bodies set up by art 10 under the rules contained in this decree.

Where employees are not within the provisions of the second para of arts 1 and 2, suspension from office of employees of 8th grade and lower, pending proceedings, shall be revoked by the service concerned; in all other cases suspension may be revoked by the service concerned or by the bodies set up by art 10 even if proceedings have been commenced.

De facto suspensions (other than the above) however occasional shall cease as from the day this decree comes into force.

ART 14

Names of persons to be subjected to expiation proceeding must be sent in before 31 March 1946 except in the case of persons in AMG territory (in which case proceedings must be commenced) within three months from the day on which said territory is handed back to the administration of the Italian Government. *but this decree shall not apply to persons who were before this decree came into force*

ART 15

The provisions of D.L. 159 of 27 Jul 44 and the subsequent additions and amendments thereto so far as they are inconsistent herewith are revoked.

Part II

ART 16

Those contracts of employment agency or management of general, technical or administrative managers, of heads of departments or branches of the Managers of

the new bodies set up by Art 10 under the provisions of the second para of arts 1 and 2, suspension of employees of 8th grade and lower, pending proceedings, shall be revoked by the service concerned; in all other cases suspension may be revoked by the service concerned or by the bodies set up by Art 10 even if proceedings have been commenced.

De facto suspensions (other than the above) however occasioned shall cease as from the day this decree comes into force.

ART 14

Names of persons to be subjected to operation proceeding must be sent in before 31 March 1945 except in the case of persons in AMG territory (in which case proceedings must be commenced) within three months from the day on which said territory is handed back to the administration of the Italian Government. *not before the limits which extend after the date of the handover*

ART 15

The provisions of D.L. 159 of 27 Jul 44 and the subsequent additions and amendments thereto so far as they are inconsistent herewith are revoked.

Part II

ART 16

Those contracts of employment agency or management of general, technical or administrative managers, of heads of departments or branches of the Managers of stock companies whose capital exceeds 5 million lire whether or not their liability is limited by shares or of insurance companies with nominal capital or whose assets exceed 1 million lire shall be dissolved:

- 1) if the person concerned has been sentenced for a (fascist) crime under part 1 of D.L. 159 of 27 Jul 44, even if such sentences do not include disqualification from holding public office;
- 2) if property belonging to such person has been forfeited under art 9 of said decree;
- 3) if such person has been subjected to any sanction under the first para of art 1 or the 1st and 2nd paras of Art 3 of D.L. 149 of 26 Apr 45;
- 4) if such person has held any (of the following) fascist offices, secretary or vice secretary of the party, member of the Grand Council, member of the National Directory, Inspector of the party, Federal secretary, fascist deputy, national councillor or senator who has been removed from such offices.

ART 17

The provisions of ~~art 4~~ of the preceding article shall not be enforced if said persons are of acknowledged technical and administrative capacity ~~as~~ if they fulfill any of the following conditions: have distinguished themselves in the fight against the Germans or had before the beginning of the present war openly opposed fascism, or left the national fascist party, or they held the position of national councillors (merely) as representative of the profession without engaging in any real political activity.

Upon the application of any such person the decision (as to this exception) which shall be final and which shall be requested within sixty days from the day on which this decree comes into force, shall be given by a provincial commission appointed by the Prefect of the province after consultation with the Provincial CNL and shall consist of a President nominated by the Provincial Delegation of the High Commissioner for Sanctions against Fascism and of four members, two of whom shall be nominated by the "Camera del Lavoro" and two by the association of employers. The Commission authorized (to decide the case) shall be that having jurisdiction in the place in which the employee works.

The Prefect, in agreement with the President of the Provincial Commission, may appoint under similar provisions one or more sections of said commission.

If an appeal has been lodged as above, the dismissal of the director shall be suspended until the final decision of the provincial commission.

The decision of the commission shall be communicated to the employer.

ART 18

If an appeal mentioned in the second para of Art 17 has not been lodged, an employer shall, as soon as the time limit mentioned in the said article has expired, dismiss an employee as to whom an order for the dissolution of an agreement has been made, otherwise (the employee shall be dismissed) as soon as the notice referred to in the last para of the said article has been received or (alternatively) as soon as the provisions mentioned in paras 1, 2, 3 of art 16 have become final.

Any employer who violates the provisions of the preceding article shall be punishable by imprisonment up to a maximum of six months and a fine up to a maximum of 100,000 lire.

ART 19

An employee discharged in consequence of dissolution of his agreements under art 16 of the present decree, shall be entitled to receive the compensation referred to in the third and fourth paras of art 10 of the RDL No 238 of 13 Nov 1924, converted into law No 552 of 18 March 1925 and any other compensation provided for by his contract of employment.

In the case of an agreement for a limited period, the (compensation) payable shall be whichever is the smaller of the total amount of compensation to the expiry of the contract or the total amount of indemnity for an unlimited period.

Dismissed employees within the limitations of clauses 1 and 2 of art 16 shall

appoint under similar provisions one or more sections of the Provincial Commission, may

If an appeal has been lodged as above, the dismissal of the firmor shall be suspended until the final decision of the provincial commission.

The decision of the commission shall be communicated to the employer.

ART 18

If an appeal mentioned in the second para of art 17 has not been lodged, an employer shall, as soon as the time limit mentioned in the said article has expired, dismiss an employee as to whom an order for the dissolution of an agreement has been made, otherwise (the employee shall be dismissed) as soon as the notice referred to in the last para of the said article has been received or (alternatively) as soon as the provisions mentioned in paras 1, 2, 3 of art 16 have become final.

Any employer who violates the provisions of the preceding article shall be punishable by imprisonment up to a maximum of six months and a fine up to a maximum of 100,000 lire.

ART 19

An employee discharged in consequence of dissolution of his agreements under art 16 of the present decree, shall be entitled to receive the compensation referred to in the third and fourth paras of art 10 of the PDL No 28 of 13 Nov 1924, converted into law No 562 of 18 March and any other compensation provided for by his contract of employment.

In the case of an agreement for a limited period, the (compensation) payable shall be whichever is the smaller of the total amount of compensation to the expiry of the contract or the total amount of indemnity for an unlimited period.

Dismissed employees within the provisions of clauses 1 and 2 of art 16 shall not be paid compensation for discharge which they have been provided for in any contract for an unlimited period. In such case the compensation shall be transferred to the Provident Fund of the Company or, failing that, to the National Institute of Social Insurance.

The contributions to the Provident Fund paid by a dismissed employee who is within the provisions of the above paragraph shall be re-funded to him.

Sums due to a dismissed employee under any obligatory insurance scheme shall be paid to him.

ART 20

The present decree shall come into force the day after its publication in the Official Gazette of the Kingdom.

Umberto di Savoia

PRINCIPE DI PIEMONTE
LVOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a noi delegata;

Visto il decreto legislativo luogotenenziale 27 luglio 1945, n. 159, e successive modificazioni ed aggiunte;

Visto l'art. 4 del decreto legge luogotenenziale 25 giugno 1944, n. 151;

Visto il decreto legislativo luogotenenziale 10 febbraio 1945, n. 58;

Vista la deliberazione del Consiglio dei Ministri;
Sulla proposta del Presidente del Consiglio dei Ministri,
Primo Ministro Segretario di Stato, di concerto con tutti i Ministri;

ABBIAMO SANZIONATO E PROMULGHiamo QUANTO SEGUE:

TITOLO I

Art. 1

Sono dispensati dal servizio i dipendenti delle pubbliche amministrazioni, a qualunque categoria o gruppo appartengano, aventi grado superiore all'VIII o peritiato della classificazione statale, anche se inamovibili, i quali per l'attività politica svolta come fascisti o per le manifestazioni di carattere fascista compiute in ufficio o fuori di ufficio o per aver dato prova di fascismo o perché nominati all'impiego per soli titoli fascisti, si trovino in condizione di incompatibilità con la permanenza in

In virtù dell'autorità a noi delegata;

Visto il decreto legislativo luogotenenziale 27 luglio 1941
n. 153, e successive modificazioni ed aggiunte;

Visto l'art. 4 del decreto legge luogotenenziale 25 giugno
1944, n. 151;

Visto il decreto legislativo luogotenenziale 1° febbraio
1945, n. 58;

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ti fascista o perchè nominati all'impiego per soli titoli fascisti,
si trovino in condizione di incompatibilità con la permanenza in
servizio.

I dipendenti delle pubbliche amministrazioni di grado infe-
riore al VII sono esenti da procedimento di dispensa, a meno che
nella loro condotta si riscontrino manifestazioni di grave fascis-
tà fascista o che si trovino nelle condizioni previste dall'artico-
lo successivo.

-2-

Per le amministrazioni diverse da quelle dello Stato la par-
tezione dei gradi, agli effetti della presente legge, se non esi-
ste, è deliberata con provvedimento inamovibile del capo della
amministrazione.

Art. 2

Sono dispensati dal servizio i dipendenti delle amministrazioni
di pubblica, a qualunque categoria, gruppo o grado appartenenti,
la cui incompatibilità alla permanenza in servizio risulti dal
atto di avere, dopo l'8 settembre 1943:

- a)- prestato servizio militare o civile alle dipendenze del
Reger invasore;
- b)- aderito al partito repubblicano fascista;
- c)- prestato servizio volontario nelle formazioni militari del
Governo della repubblica sociale italiana, o, col grado
di ufficiale, in quelle del lavoro organizzate dal Governo stesso;
- d)- partecipato a rastrellamenti o ad esecuzioni sommarie o
condanna ordinata dai nazi-fascisti o svolta opera di delazione
favore di questi ultimi;
- e)- esercitato funzioni di capo della provincia o di questore
per nomina del sedicente Governo della repubblica sociale, avv.
di presidente, di pubblico assessore, o di membro del tribunale
speciale o straordinari istituiti dal detto Governo;
- f)- abbandonato la propria sede per seguire o servire il
Re fascista;
- g)- svolto opera specifica di collaborazione con i tedeschi.

Art. 2

Sono dispensati dal servizio i dipendenti dello amministrazione pubblica, a qualunque categoria, gruppo o grado appartenenti, in cui incompatibilità alla permanenza in servizio risulta dal servizio di avere, dopo l'8 settembre 1943:

a) - prestato servizio militare o civile alle dipendenze del Reame invasore;

b) - aderito al partito repubblicano fascista;

c) - prestato servizio volontario nelle formazioni militari del governo della sedicente repubblica sociale italiana, o, col grado di ufficiale, in quelle del lavoro organizzate dal governo stesso;

d) - partecipata a rastrellamenti o ad esecuzioni sommarie o di cui sia ordinata dai nazi-fascisti o svolto l'opera di delazione a favore di questi ultimi;

e) - esercitato funzioni di capo della provincia o di questore, per nomina del sedicente governo della repubblica sociale, o di presidente, di pubblico accusatore, o di membro del tribunale speciale straordinario istituiti dal detto governo;

f) - abbandonato la propria sede per seguire e servire il nazi fascista;

g) - svolto opera specifica di collaborazione con i tedeschi con la sedicente repubblica sociale italiana.

Non si fa luogo a dispensa quando le attività dopo l'8 settembre 1943 siano state svolte a seguito di coercizione e alla scopo di danneggiare l'azione dei tedeschi o del governo che solo per inerzia si serviva.

Art. 3

Chi dopo l'8 settembre 1943 si è distinto nella lotta

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- 3 -

i tedeschi può essere usata dalla dispenza.

- Art. 4 -

La inoccupabilità prevista negli articoli 1 e 2 è dichiarata su richiesta dell'amministrazione:

a) - dalle Commissioni di epurazione istituite, ai sensi del decreto legislativo luogotenenziale 27 luglio 1944, n. 159, presso le Amministrazioni Centrali e gli enti pubblici autonomi per tutti i dipendenti di dette Amministrazioni od enti; restano come le facoltà previste dall'ultimo comma dell'art. 18 del decreto legislativo luogotenenziale 27 luglio 1944, n. 159, e dall'art. 16 del Decreto Legislativo luogotenenziale 23 ottobre 1944, n. 2351.

b) - dalle Commissioni provinciali di epurazione istituite ai sensi del 3° comma dell'art. 18 del Decreto Legislativo luogotenenziale 27 luglio 1944, n. 159, per i dipendenti di enti pubblici locali e di enti sottoposti a controllo dell'amministrazione locale.

L'Alto Commissario per la sanzione contro il fascismo ed i suoi delegati provinciali invigilano sullo svolgimento dei giudizi di epurazione e, quando è necessario, prendono l'iniziativa del deferimento.

Al procedimento davanti alle Commissioni di epurazione si applicano le norme previste dal Decreto Legislativo luogotenenziale 27 luglio 1944, n. 159, e successive aggiunte e modificazioni, per il procedimento davanti alle Commissioni di primo grado.

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

1. Amministrazione dell'Amministrazione:

a)- dalle Commissioni di epurazione istituite, ai sensi del decreto legislativo luogotenenziale 27 luglio 1944, n. 159, presso le Amministrazioni Centrali e gli enti pubblici autonomi per tutti i dipendenti di dette Amministrazioni od enti; restano ferme le facoltà previste dall'ultimo comma dell'art. 18 del decreto legislativo luogotenenziale 27 luglio 1944, n. 159, e dall'art. 16 del Decreto legislativo luogotenenziale 23 ottobre 1944, n. 295.

b)- dalle Commissioni provinciali di epurazione istituite ai sensi del 3° comma dell'art. 18 del Decreto legislativo luogotenenziale 27 luglio 1944, n. 159, per i dipendenti di enti pubblici locali e di enti sottoposti a controllo dell'Amministrazione locale.

L'Alto Commissario per la sanzione contro il fascismo e suoi delegati provinciali sorvegliano sullo svolgimento del giudizio di epurazione e, quando è necessario, prendono l'iniziativa e il deferimento.

Al procedimento davanti alle Commissioni di epurazione si applicano le norme previste dal Decreto legislativo luogotenenziale 27 luglio 1944, n. 159, e successive aggiunte e modificazioni, per il procedimento davanti alle Commissioni di primo grado.

- Art. 5 -

L'Amministrazione competente, non appena ricevuta comunicazione della decisione definitiva, deve deliberare la dispensa dal servizio di quei dipendenti nei confronti dei quali sia stata dichiarata la incompetibilità a restare in servizio, ai sensi del ~~Decreto legislativo~~ **Decreto legislativo**.

- 4 -

Contro i provvedimenti di dispensa del servizio non è dato ricorso né in via amministrativa né in via giurisdizionale.

- Art. 6 -

Il dipendente dispensato dal servizio ai sensi dell'articolo precedente, è ammesso al trattamento di quiescenza che gli spetta a norma delle disposizioni vigenti.

Nel caso di particolare gravità la commissione di epurazione può pronunciare la perdita del diritto al trattamento di quiescenza.

Anche quando sia stato di posta la perdita del diritto al trattamento di quiescenza, spetta all'impiegato dispensato la restituzione dei contributi da lui eventualmente versati al fondo di previdenza.

- Art. 7 -

I dipendenti sottoposti a procedimento di epurazione ai sensi dell'art. 4 possono essere sospesi dall'ufficio, in pendenza del giudizio, con deliberazione dell'amministrazione competente.

- Art. 8 -

Le disposizioni degli articoli precedenti si applicano anche al personale dipendente dagli istituti pubblici o di interesse nazionale, da imprese o da aziende private concessionarie di pubblici servizi o esercenti una pubblica funzione o un servizio di pubblica utilità.

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Il dipendente dipendente dal servizio si sottra all'art. 18 precedente, è ammesso al trattamento di quiescenza che spettarebbe a norma delle disposizioni vigenti.

Nei casi di particolare gravità la commissione di epurazione può pronunciare la perdita del diritto al trattamento di quiescenza.

Anche quando sia stata la perdita del diritto al trattamento di quiescenza, spetta all'impiegato dispensato la restituzione dei contributi da lui eventualmente versati al fondo di previdenza.

- art. 7 -

I dipendenti sottoposti a repressione di cui all'art. 4 possono essere sospesi dall'ufficio, in pendenza di giudizio, con deliberazione dell'amministrazione competente.

- art. 8 -

Le disposizioni degli articoli precedenti si applicano anche al personale dipendente dagli istituti pubblici o di interesse nazionale, le imprese o da aziende private concessionarie di pubblici servizi o esercenti una pubblica funzione o un servizio di pubblica utilità.

Il giudizio di epurazione è di competenza delle Commissioni provinciali di epurazione previste dal 3° comma dell'art. 18 del Decreto Legislativo Lucio, emanato il 27 luglio 1944, n. 159, e successivamente modificazioni, tranne che non siano costituite al

- 5 -

alle commissioni presso gli istituti e le aziende suddette.
 La dispensa dal servizio è deliberata dal capo dell'istituto per i dipendenti da istituti pubblici o di interesse nazionale, e dal prefetto della provincia, in cui l'impresa o l'azienda ha la sua sede, per il personale dipendente dalle imprese delle aziende private indicate nel primo comma del presente articolo.

- Art. 9 -

Entro il 31 marzo 1946 i capi delle singole pubbliche amministrazioni possono, per ragioni di opportunità politica o morale, disporre il trasferimento di funzionari, anche se inamovibili, ad altra sede e, comunque, per coloro che si trovano nelle zone di loro amministrato dal Comando Alleato, non oltre tre mesi dal passaggio delle dette zone all'amministrazione del Governo Italiano.

- Art. 10 -

Sono cancellati dagli albi gli iscritti che per fasce o abitudine fascista si siano resi incompatibili a continuare l'esercizio della professione, dell'arte o del mestiere.
 Il giudizio su tale incompatibilità spetta agli organi incaricati della tenuta degli albi, i quali vi provvedono direttamente o a mezzo di commissioni da essi nominate; in difetto le commissioni sono nominate dal Ministro che esercitano il controllo sugli albi.

- Art. 9 -

Entro il 31 marzo 1946 i capi delle singole pubbliche amministrazioni possono, per ragioni di opportunità politica o morale, trasferire il trasferimento di funzionari, anche se inamovibili, da una sede a, comunque, per coloro che si trovano nella zona di loro amministrata dal Comando Alleato, non oltre tre mesi dal passaggio delle dette zone all'amministrazione del Governo Italiano.

- Art. 10 -

Sono cancellati dagli elbi gli iscritti che per facilità o abitudine fascista si siano resi incompatibili a continuare nell'esercizio della professione, dell'arte o del mestiere.

Il giudizio su tale incompatibilità spetta agli organi incaricati della tenuta degli elbi, i quali vi provvedono direttamente o a mezzo di commissioni da essi nominate; in difetto delle commissioni sono nominate dal Ministro che esercitano il controllo sugli elbi.

- Art. 11 -

Contro la decisione delle commissioni previste dalla legge a) dell'articolo 4 il dipendente dispensato può ricorrere, anche per il merito, ad una Sezione Speciale del Consiglio di Stato.

La, composta con decreto del Presidente del Consiglio dei Ministri, è integrata da due membri da designarsi l'uno dall'Alto Commissario e l'altro dal Ministro da cui dipende e alla cui vigilanza è sottoposta l'Amministrazione alla quale appartiene il ricorrente.

Il ricorso è proposto nel termine di sei giorni decorrenti dalla notifica della decisione della Commissione di I grado, messa a deposito nella segreteria della Commissione stessa, nell'ufficio dal quale il ricorrente dipende o, direttamente, nella segreteria della Sezione Speciale del Consiglio di Stato.

La Sezione Speciale decide in camera di consiglio senza l'intervento delle ordinarie norme di procedura e al procedimento si applicano le norme previste dal Decreto Legislativo Luogotenenziale 27 luglio 1944, n. 159, e successivo aggiunto e modificazioni, e il procedimento davanti alla Commissione Centrale.

- Art. 12 -

Contro le decisioni delle Commissioni provinciali il ricorrente dispensato può ricorrere ad una commissione istituita presso la Corte di Appello nella cui circoscrizione ha sede la commissione di istanza. La commissione d'appello, costituita con decreto del primo presidente della Corte di Appello, è composta di un magistrato, di un funzionario della pubblica Amministrazione, anche tecnico, di grado non inferiore al quinto, con funzioni di presidente e di due membri da designarsi l'uno dall'Alto Commissario e l'altro dal Comitato di liberazione Nazionale Provinciale tra i funzionari dell'Amministrazione cui appartiene il ricorrente.

Il ricorso è proposto nel termine di sei giorni decorrenza dalla notifica della decisione della Commissione di I grado, e il deposito nella segreteria della Commissione stessa, nell'ufficio della Sezione Speciale del Consiglio di Stato.

La Sezione Speciale decide in camera di consiglio senza l'osservanza delle ordinarie norme di procedura e al procedimento si applicano le norme previste dal Decreto Legislativo luogotenenziale 27 luglio 1924, n. 159, e successive aggiunte e modificazioni, e il procedimento davanti alla Commissione Centrale.

- art. 12 -

Contro le decisioni delle Commissioni provinciali il ricorrente dispensato può ricorrere ad una commissione istituita presso la Corte di Appello nella cui circoscrizione ha sede la commissione di 1ª istanza. La commissione d'appello, costituita con decreto del primo presidente della Corte di Appello, è composta di un maggior di un funzionario della pubblica amministrazione, anche ripreso, di grado non inferiore al quinto, con funzioni di presidente e di due membri da designarsi l'uno dall'Alto Commissario e l'altro dal Comitato di Liberazione Nazionale Provinciale tra i funzionari dell'amministrazione cui appartiene il ricorrente.

Il ricorso è proposto nel termine di sei giorni, decorrenza dalla notifica della decisione della commissione di 1º grado, e il deposito nella segreteria della commissione stessa o diramante la segreteria della commissione di appello.

Al procedimento davanti alle commissioni di appello si applicano le norme previste dal Decreto legislativo Luogotenenziale 27 luglio 1944, n. 159, e successive aggiunte e modificazioni, per il procedimento davanti alla commissione centrale.

- Art. 13 -

Per le dispense dal servizio, le cancellazioni dagli elenchi ed i prescioglimenti disposti con decisioni definitive emesse ai sensi del Decreto legislativo Luogotenenziale 27 luglio 1944, n. 159, sono revocate le sanzioni disciplinari diverse dalla dimissione dal servizio, dalla cancellazione dagli elenchi e dalla retrocessione, irrogate con decisioni definitive ai sensi dello stesso Decreto legislativo.

Agli effetti delle disposizioni del comma precedente, le decisioni delle commissioni centrali si considerano definitive e, se alla data di entrata in vigore del presente decreto non sono state ancora notificate ai sensi dell'articolo 5 del Decreto legislativo Luogotenenziale 27 aprile 1945, n. 179.

Le decisioni di primo grado emanate ai sensi del Decreto legislativo Luogotenenziale 27 luglio 1944, n. 159, e successive aggiunte e modificazioni, tuttora soggette a ricorso, sono impugnate secondo le norme del presente decreto.

I ricorsi pendenti alla data di entrata in vigore del presente decreto davanti alle commissioni centrali per il giudizio di appello sono giudicati dagli organi di secondo grado previsti dagli articoli 11 e 12.

- Art. 13 -

Perme le dispense del servizio, le cancellazioni dagli atti ed i prosciolgimenti disposti con decisioni definitive ed ai sensi del Decreto Legislativo Luogotenenziale 27 luglio 1944, n. 159, sono revocate le sanzioni disciplinari diverse dalla dimissione dal servizio, della cancellazione dagli elbi e dalla retrocessione, irrogate con decisioni definitive ai sensi dello stesso Decreto Legislativo.

Agli effetti delle disposizioni del comma precedente, le decisioni delle commissioni centrali si considerano definitive e, che se alla data di entrata in vigore del presente decreto non sono state ancora notificate ai sensi dell'articolo 5 del Decreto Legislativo Luogotenenziale 22 aprile 1945, n. 179.

Le decisioni di primo grado emanate ai sensi del Decreto Legislativo Luogotenenziale 27 luglio 1944, n. 159, e successive modificazioni, tuttora soggette a ricorso, sono impugnate a norma del presente decreto.

I ricorsi pendenti alla data di entrata in vigore del presente decreto davanti alla commissione centrale per il giudizio di appello sono giudicati dagli organi di secondo grado previsti dagli articoli 11 e 12.

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Le decisioni di primo grado emanate ai sensi del Decreto Legislativo Luogotenenziale 27 luglio 1944, n. 159, dalle commissioni di revisione degli elbi e tuttora soggette a ricorso, una che quando il relativo giudizio sia pendente davanti alle commissioni centrali, sono soggette a revisione da parte dei nuovi organi.

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in previsti dall'articolo 10.

La commissione centrale di epurazione e le commissioni per la revisione degli albi, istituite con il decreto legislativo luog. 27 luglio 1944, n. 159, sono soppresse.

I procedimenti pendenti alla data di entrata in vigore del presente decreto davanti alle commissioni di primo grado proseguono davanti alle commissioni stesse o ai nuovi organi previsti dall'articolo 10 con l'applicazione delle norme del presente decreto.

Le sospensioni dall'ufficio disposte in via cautelare sono revocate dall'amministrazione nei confronti dei dipendenti di grado ottavo ed inferiori, i quali non si trovino nelle condizioni previste dal secondo comma dell'articolo 1 e dell'articolo 2; in tutti gli altri casi la revoca dalla sospensione può essere disposta, anche in pendenza del giudizio, dall'amministrazione competente e degli organi previsti dall'articolo 10.

Dalla data di entrata in vigore del presente decreto con le sospensioni di fatto comunque disposte.

- art. 14 -

I deferimenti devono essere effettuati entro il 3 marzo 1945 e, comunque, per coloro che si trovano nelle zone tuttora amministrare dal Comando alleato, non oltre tre mesi dal passaggio delle dette zone all'amministrazione del Governo Italiano.

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revisione degli atti, istituite con il decreto legislativo luogotenenziale 27 luglio 1944, n. 159, sono soppresses.

I procedimenti pendenti alla data di entrata in vigore del presente decreto davanti alle commissioni di primo grado proseguono davanti alle commissioni stesse o ai nuovi organi previsti dall'articolo 10 con l'applicazione delle norme del presente decreto.

Le sospensioni dall'ufficio disposte in via cautelare sono revocate dall'amministrazione nei confronti dei dipendenti di grado ottavo ed inferiori, i quali non si trovino nelle condizioni previste dal secondo comma dell'articolo 1 e dall'articolo 2; in tutti gli altri casi la revoca delle sospensioni può essere disposta, anche in pendenza del giudizio, dall'amministrazione competente e degli organi previsti dall'articolo 10.

Dalla data di entrata in vigore del presente decreto cessano le sospensioni di fatto comunque disposte.

- Art. 14 -

I deferimenti devono essere effettuati entro il 31 marzo 1946 e, comunque, per coloro che si trovino nelle zone tuttora amministrate dal Comando alleato, non oltre tre mesi dal passaggio delle dette zone all'amministrazione del Governo Italiano.

- Art. 15 -

Le disposizioni del decreto legislativo luogotenenziale 27 luglio 1944, n. 159, e successive aggiunte e modificazioni, sono applicate in quanto non compatibili col presente decreto.

TITOLO II

- Art. 15 -

Sono risolti di diritto i contratti d'impiego, di rappresentanza e di agenzia dei direttori generali, tecnici e amministrativi, dei capi servizio, dei capi uffici, degli istruitori di società per azioni o a responsabilità limitata con capitale superiore ai 5 milioni di lire o di società di assicurazione con capitale netto o con patrimonio sociale superiore a 1 milione di lire, i quali:

1°)- abbiano riportato condanna per delitti ai sensi del titolo primo del decreto legislativo luogotenenziale 27 luglio 1943, n. 152, anche quando le condanne non comportino la interdizione dagli uffici;

2°)- i cui nomi siano stati conosciuti a norma dell'art. 1 del decreto legislativo medesimo.

3°)- abbiano riportato alcune delle sanzioni previste dal primo comma dell'articolo 1 e del primo e secondo comma dell'articolo 3 del decreto legislativo luogotenenziale 25 aprile 1943, n. 142,

4°)- abbiano rivestito cariche fasciste di segretario e vice segretario del partito, membro del Gran Consiglio, componente del Direttorio Nazionale, ispettore del partito, segretario fascista, deputato fascista, consigliere nazionale e senatore dichiarato decaduto.

- Art. 17 -

A coloro che si trovano nelle condizioni previste dal

numero 4 dell'articolo precedente non si applica la disposizione

capitale per azioni o a responsabilità limitata con capitale superiore a 5 milioni di lire o di società di assicurazione con capitale nominale o con patrimonio sociale superiore a 1 milione di lire, i quali:

1°)- abbiano riportato condanne per delitti di sensi del titolo primo del decreto legislativo luogotenenziale 27 luglio 1945, anche quando le condanne non comportino la interdizione dagli uffici;

2°)- i cui beni siano stati confiscati e norma dell'art del decreto legislativo medesimo.

3°)- abbiano riportato alcune delle sanzioni previste dal primo comma dell'articolo 1 e dal primo e secondo comma dell'art. 3 del decreto legislativo luogotenenziale 25 aprile 1945, n. 149.

4°)- abbiano rivestito cariche fasciste di segretario o vice segretario del partito, membro del Gran Consiglio, componente del Direttorio Nazionale e, ispettore del partito, segretario federale, deputato fascista, consigliere nazionale e senatore dichiarati decaduti.

- Art. 17 -

A coloro che si trovano nelle condizioni previste dal numero 4 dell'articolo precedente non si applica la disposizione prevista dallo stesso articolo quando possiedono una comprovata esperienza tecnica ed amministrativa e ricorra per essi una delle circostanze seguenti: si siano distinti nella lotta contro i tedeschi ovvero prima dell'inizio della presente guerra, abbiano preso parte a azione ostile al fascismo o abbiano cessato di appartenere al partito.

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lavoro nazionale fascista e assolvere pienamente la carica di consigliere nazionale in rappresentanza delle categorie professionali sottoposte a lavoro effettivo attività politica.

Il giudizio al riguardo è dato ineludabilmente, dato, su ricorso dell'interessato, da proporsi entro sessanta giorni dall'entrata in vigore del presente decreto, da una commissione provinciale nominata dal Prefetto della provincia, sentito il Comitato di Liberazione Nazionale Provinciale e composta di un presidente nominato dalla delegazione provinciale dell'Alto Commissariato per le sanzioni contro il fascismo e di quattro membri di cui uno designati dalla Camera del lavoro e due dalle associazioni dei lavoratori di lavoro. La competenza della commissione è determinata nel luogo in cui il dipendente presta servizio.

Il Prefetto, di concerto con il Presidente della Commissione Provinciale, può nominare con gli stessi criteri una o più sezioni della detta commissione.

Se è presentato il ricorso di cui sopra il licenziamento del dirigente è sospeso sino all'esito del giudizio della commissione provinciale.

La decisione della commissione deve essere comunicata al datore di lavoro.

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- Art. 18 -

Il datore di lavoro deve procedere al licenziamento del dipendente nei confronti del quale si sia verificata la risoluzione

Il giudizio al riguardo è dato inamovibile. Ma, su ricorso dell'interessato, in proporzi entro sessanta giorni dall'entrata in vigore del presente decreto, da una commissione provinciale nominata dal Prefetto della provincia, scelti il Comitato di Liberazione Nazionale Provinciale e composta di un presidente e due delegati provinciali dell'Alto Commissariato per le Relazioni con il fascismo e di quattro membri di cui uno designati dalla Camera del Lavoro e due dalle associazioni dei lavoratori di lavoro. La competenza della commissione è determinata dal luogo in cui il dipendente presta servizio.

Il Prefetto, di concerto con il Presidente della Commissione Provinciale, può nominare con gli stessi criteri una o più commissioni della detta commissione.

Se è presentato il ricorso di cui sopra il licenziamento del dirigente è sospeso sino all'esito del giudizio della commissione provinciale.

La decisione della commissione deve essere comunicata al datore di lavoro.

6

- Art. 18 -

Il datore di lavoro deve procedere al licenziamento del dipendente nei confronti del quale si sia verificata la risoluzione del rapporto, non appena scaduto il termine indicato nel secondo comma dell'articolo precedente se non è stato presentato il ricorso di cui allo stesso comma, o, in caso contrario, non appena abbia ricevuta la comunicazione di cui all'ultimo comma dell'articolo suddetto ovvero non appena siano divenuti definitivi i provvedimenti

- 11 -

casualti di cui ai numeri 1 - 2 e 3 dell'articolo 16.

Il datore di lavoro che contravviene al disposto del comma precedente è punito coll'arresto fino a sei mesi e con l'ammenda fino a 100.000 lire.

- Art. 19 -

Al dipendente licenziato per risoluzione del rapporto nei casi dell'art. 16 del presente decreto, è corrisposta l'indennità prevista dal comma terzo e quarto dell'art. 10 del Regio decreto legge 13 novembre 1924, n. 1825, convertito nella legge 13 marzo 1925, nonché ogni altra indennità prevista nei contratti di lavoro.

Nel caso di rapporto a tempo determinato è dovuta, a titolo di indennità, la minore somma tra l'importo delle retribuzioni, fino alla scadenza contrattuale del rapporto e l'ammontare dell'indennità che sarebbe dovuta ove il contratto fosse a tempo indeterminato.

Nei casi previsti dai numeri 1 e 2 dell'articolo 16, al dipendente licenziato non spettano le indennità di licenziamento e le eventuali indennità pattuite nei contratti a tempo indeterminato le quali devono essere devolute alle istituzioni di previdenza costituite presso l'azienda o, in mancanza, all'Istituto Nazionale della Previdenza Sociale.

Al dipendente licenziato, nei casi previsti nel comma precedente, spetta la restituzione dei contributi da lui versati.

da lire fino a 100.000 lire.

- art. 19 -

Al dipendente licenziato per risoluzione del rapporto, ai sensi dell'art. 16 del presente decreto, è corrisposta l'indennità prevista dal comma terzo e quarto dell'art. 10 del Regio decreto 13 novembre 1924, n. 2225, convertito nella legge 18 marzo 1925, nonché ogni altra indennità prevista nei contratti di in-

del caso di rapporto a tempo determinato è dovuta, a titolo di indennità, la minore somma tra l'importo della retribuzione, fino alla scadenza contrattuale del rapporto e l'ammontare indennità che sarebbe dovuta ove il contratto fosse a tempo indeterminato.

Nei casi previsti dai numeri 1 e 2 dell'articolo 16, al licenziato non spettano le indennità di licenziamento e le eventuali indennità pattuite nei contratti a tempo indeterminato le quali devono essere devolute alle istituzioni di previdenza costituite presso l'azienda o, in mancanza, all'Istituto Nazionale della Previdenza Sociale.

Al dipendente licenziato, nei casi previsti nel comma precedente, spetta la restituzione dei contributi da lui versati - fondo di previdenza.

E' fatto salvo quanto spetta al licenziato in dipendenza delle assicurazioni obbligatorie.

- art. 20 -

Il presente decreto entra in vigore il giorno successivo

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

- 12 -

quello della sua pubblicazione nella Gazzetta Ufficiale del Regno.
 Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserito nella Raccolta ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di esser-
 ne fatto e di farlo osservare come legge dello Stato.

Dato a

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

(2A)

HIGH COMMISSION FOR SANCTIONS
AGAINST FASCISM

Rome, 8 Nov 45

GL/S.P.

Dear Colonel White,

I enclose a copy of the final draft of the new law on
separation.

I thank you for your kind expressions with regard to
my exhibition of photos and I am yours truly

/s/ Peretti-Griva

Col S.H. WHITE
CSO CA SECTION
HQ/AS

ALTO COMMISSARIATO
PER LE SANZIONI CONTRO IL FASCISMO

IL COMMISSARIO PER L'EPURAZIONE

- 9 NOV 1945 *LAH*

Roma, 8 Novembre 1945

245/8.1
Preg.mo Sig. Colonnello White,

soltanto oggi sono
venuto in possesso delle prime copie del pro-
getto definitivo della nuova legge sulla epu-
razione. Mi affretto ad inviarne a Lei una co-
pia.

La ringrazio, inoltre, Sig. Colonnello,
delle sue molto gentili parole nei riguan-
di della mia nostra fotografia e saluto con
tutta cordialità.

Wendell

LT S.H. WHITE - C 3 0 CA SECTION -
HEADQUARTERS ALLIED COMMISSION
A F O 394 - Civil Affairs Section
R C M A

5657

Declassified E.O. 12356 Section 3.3/NND No. 785016To: Lt. Col. S.H. WHITE,
SSC CA Section, HQ AC.HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

(1A)

Ref: 12/5.28/CA.

6 November 1945.

Dear Mr. Peretti-Griva,

I see from the report on a recent meeting of the Costituente that the draft of a new epuration law has been prepared. I would be greatly obliged if you would let us have a copy as soon as you conveniently can.

I would like to take this opportunity of expressing my admiration of your photographs and of your courtesy in showing us the exhibition.

Yours sincerely,

Sig. Peretti-Griva,
Alto Commissariato per l'Epurazione,
Palazzo del Viminale,
R.O.M.A.

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