

Declassified E.O. 12356 Section 3.3/NND

No. 785016

ACC

10000/105/867

DE
OF
NO

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

785016

5/867

DEFASCISM, PROPOSED LEGISLATION, RETIREMENT
OF CIV & MIL STATE PERSONNEL (DL-716)
NOV., DEC. 1945

Chief of Department

Attached in submission for your signature
12/12/54

DEC 14 1954

See P.D. 100-100000

12/12/54

CA 100

Letter signed by the CC ~~100000~~ returned to you for despatch. Copies
have been withdrawn for the CC & EC files

Letter signed by the CC

12/12/54

[Signature]
OFFICE OF THE EXECUTIVE COMMISSIONER

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E.O.S.

The question made by answer 16b was taken point to other relevant issues and should be left to the courts in an appropriate case and for the purposes of the answer may afford (not in writing) of the first time grounds were it by the individual of one source as a recommendation. The respondent's answer was "The respondent is to remove certain persons who have not been identified and as to whom either the source itself has refused or they have been cleared in view of the other they cannot be regarded as being biased and they provide their statements."

The method is of course completely distasteful. It may be necessary under the circumstances and the source of course are very often in a position not to be assigned except with the approval of the source.

He was not consulted in advance prior to publication.

CONFIDENTIAL
3. MAY 1964
X 201

10/11/64

2.

C.S.O.

See min 1 and folio 1A for answer transmission to the Comm. Para 4 of min 1 is certainly no answer - statement.

1/12

CCB - by Captre
Off Ex Comm. 10

PD 4.13 A. 113

3

It may be necessary to
discuss the very nature of the case. This is a very good example
of the interests of the public.
AC was not completely informed prior to publication.

[Signature]

3 JUN 1943
V. 1022

2.

250

See sec min 1 and file 1A for record transmission
to La Comm. Para 4 of min 1 is certainly no wonder.
-statement.

RRB - by Captre
Off. Ex. Comm.

1/12

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PD 445 A & B

Many I have seen views. Includes the record
which states at the root of many civil service
is security of person. It puts civil servants & others
state officials in the class of political parties
as to my mind thoroughly understood.
[Signature]

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1 4 7 2
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(LA)

DF/5.29/CA

17 December 1945

My dear Mr. Prime Minister:

While the Allied Commission appreciates that DL 716 is intended to be used only in quite exceptional circumstances, it cannot help feeling that an autocratic power to dismiss persons without assigning any reason, without the person concerned being able to make any statement in explanation or defence and with no appeal from the dismissal is far from democratic.

The Allied Commission would appreciate being informed of the number of cases in which action has been taken or is intended to be taken under the powers of this decree.

Yours very truly,

W. H. Stork
WILLIAM W. STORK
Rear Admiral, USNR
Chief Commissioner

Dott. Alcide DE GASPERI
The President of the Council of Ministers
Italian Government
ROME

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2/24

MLL No. 716 of 2 November 1945

ART 1

On the proposal of the President of the Council of Ministers, the Council of Ministers shall have the power to order, in exceptional cases and for the interest of the service, the retirement of civilian and military State personnel belonging to the first five grades of the classification of the State personnel and to the analogous grades of the autonomous State Administrations, even if said personnel were declared irremovable.

Said power can be exercised, even if the operation proceeding in pending or has been completed, within sixty days from the effective date of the present decree, and for the employees who are still in the zones under Allied Administration, within sixty days beginning from the date of the restoration of the said zones to the administration of the Italian Government.

The provision can be adopted also on request of the interested person.

For the payment of the pension right shall be applied the provisions set out in the following articles: art 3 of DML No. 257 of 11 October 1944; art 6 of MLL No. 179 of 22 April 1945; arts 9 and 10 of MLL No. 2 of 4 January 1945; art 11 of MLL No. 44 of 29 Feb 1945.

No appeal can be made against the provisions for retirement, either administratively or jurisdictionally.

ART 2

The present decree shall become effective the day following its publication in the

State Administrations, even if said personnel were declared irremovable.

Said power can be exercised, even if the expiration proceeding is pending or has been completed, within sixty days from the effective date of the present decree, and for the employees who are still in the zones under Allied Administration, within sixty days beginning from the date of the restoration of the said zones to the administration of the Italian Government.

The provision can be adopted also on request of the interested person.

For the payment of the pension right shall be applied the provisions set out in the following articles: art 3 of D.L. No. 257 of 11 October 1944; art 8 of R.L. No. 179 of 22 April 1945; arts 9 and 10 of R.L. No. 2 of 4 January 1945; art 11 of R.L. No. 44 of 23 Feb 1945.

No appeal can be made against the provisions for retirement, either administratively or jurisdictionally.

ART 2

The present decree shall become effective the day following its publication in the Official Gazette of the Kingdom.

We order that the present decree, bearing the State seal, be inserted in the official collection of the laws and decrees of the Kingdom of Italy, be observed by all persons concerned and see that others observe it as law of the State.

Issued in Rome, 9 November 1945

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