

Declassified E.O. 12356 Section 3.3/NND

No.

785016

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10000/105/896

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

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REPORTS & RETURNS, DEFASCISM, REPORT ON
EPURATION PROCEEDINGS IN FRANCE
SEPT. 1944 - MAR. 1945

Vice President,
Civil Affairs Section.

1. I have read Major Palmer's report with the greatest interest and would like to congratulate him on the lucid way in which he has presented the facts.
2. Nothing but good can come of showing the report to the Italian Government and the French Representative, and this should be done. I agree with Major Palmer that we should try to induce the Italian Government to adopt some system similar to the French Cours de Justice in Northern Italy.

[Signature]
 Brigadier,
 Executive Commission.

5 March 1945

Legation
Major Palmer to see to plan
noted. This is my best T.D.
[Signature]

CA
6 MAR 1945

Communications Sub-
 CHA G. L. Seader
 to see 1 B and return to C.A. Section please
Palmer, May

Legation
B

C.A. Sec. *Palmer was referred to me by Col. Anderson*
officer in our sent back to your filing
Legation, May
Legation

Executive Commissioner

2

5 March 1965

Legal

My return to me 6 March
noted. This is my first
H.H.H.H.

CA
6 MAR 1965

8

Communications Sube.
Lt. Col. Seudder

1 B and return to C A Section please
Explain, may

4-0
see

Large S/R
9

C.A. Sec. ~~Explain~~ was returned to me by Col. Seudder
after 25 min and back to you for filing.
Best 1/2
H.H.H.H.

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MINUTE SHEET

Minute No. 1.

TO: VP CA Section.

I agree entirely with the proposed memo. Do you think it advisable to say that I have already made the basic data (copies of laws, newspapers, etc) available to Mr. Boerig?

E.L. Palmeri

E.L. PALMERI,
Major.

16 Feb 45
Legal Sub-Commission, 2.

Ex Coms. *Revs see 2A.*

Att. for VP CA Sec.

CA Sec
19 Feb 45.

3

V.P.C.A.S

For making copy of this report with me
Showing copy to Fr. Ref.
No harm in sending
r91t. Gal. MSX 2462

Chief Commission

MAR 1 1945

66493

for VP Ch. Sec.

CH Sec

19 Feb 45

3

V.P.C.A.S

For taking copy of this info with me

No harm in ~~showing~~ copy to Fr. Ref.

191. Gal. MS/241

MAR 1 RECD
66 608

Attached is submitted for your information

M. S. LUSH

Exec. Comm.

I concur with your mem. I para 4
of upidom letter. ^{and} cc

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HEADQUARTERS ALLIED COMMISSION
INTER-OFFICE MEMORANDUM

Box: 08/6.51/CA.

27 Feb 1951.

SUBJECT: Report on Spuration Methods in France.

TD: Executive Compensation.

FROM: Civil Affairs Section,

- 1 Herewith an excellent report by Major Palmieri on his visit to France
2 to study French Eupuration methods, which may interest the President and the
3 Chief Commissioner.
- 4 Major Palmieri requests permission to let (1) the Italian Government,
5 and (11) the French Representatives in AC each have a copy confidentially
6 and I see no objection; do you concur? As to (11) he obtained some
7 information on the footing that it would interest the French Representatives
8 in Italy and he is anxious to honour this quasi obligation. Major Palmieri
9 has already made the basic data (copies of laws, newspapers, etc.) available
10 to SAC Board.
- 11 From an Italian point of view the most important matters that emerge
12 from the Report are:-
- 13 (a) The establishment under the French system of a Court of Justice which
14 is in a position to deal more rapidly than under the existing Italian
15 system with persons who should be punished criminally. Though this
16 Commission has left this aspect of eupuration very strictly to the
17 Italian Government it is a matter on which the Italian Government would,
18 I think, like to accept some advice. Berlinguer who is in charge of
19 Punishment of Fascist Crimes is, I know, seriously worried at the
20 slowness of the existing machinery.
- 21 (b) An even more important point, as it affects this Commission, is the
22 more elastic composition of Commissions for eupuration in Government
23 offices (see page 15 ff). I entirely agree with Major Palmieri's
24 conclusion (p. 21) that the Central machinery set up by the Italian
25 Government should be preserved but I also strongly endorse his view
26 (p. 20) that it is wholly unnecessary to have Judges as presidents of
27 Italian Commissions. I have consistently and over a period of many
28 years advocated that the Italian Government should permit advocates
29 to be presidents of these Commissions. I have also suggested that the
30 Italian Government should permit the President of the Commission to be
31 a member of the Commission.

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Chief Commissioner.

2 Major Palmieri requests permission to let (1) the Italian Government, and (4) the French Representatives in AC each have a copy confidentially and I see no objection; do you concur? As to (ii) he obtained some information on the footing that it would interest the French Representatives in Italy and he is anxious to honour this quasi obligation. Major Palmieri has already made the basic data (copies of laws, newspapers, etc.) available to Sir. Boerl.

3 From an Italian point of view the most important matters that emerge from the Report are:-

(a) The establishment under the French system of a Court of Justice which is in a position to deal more rapidly than under the existing Italian system with persons who should be punished criminally. Though this Commission has left this aspect of expiation very strictly to the Italian Government it is a matter on which the Italian Government would, I think, like to accept some advice. Berlinguer who is in charge of Punishment of Fascist Crimes is, I know, seriously worried at the slowness of the existing machinery.

(b) An even more important point, as it affects this Commission, is the more elastic composition of Commissions for expiation in Government offices (see page 15 ff). I entirely agree with Major Palmieri's conclusion (p. 21) that the Central machinery set up by the Italian Government should be preserved but I also strongly endorse his view (p. 20) that it is wholly unnecessary to move judges as presidents of Italian Commissions. I have consistently and over a period of many weeks advised Scoccimarro and his successor Grieco, to permit advocates to sit as presidents (forgive me for thinking that it remains desirable to retain a lawyer as president) and the drain on the existing supply of magistrates is seriously hampering the ordinary administration of justice. Tulinini is raising the strongest objection to this use of his limited available manpower. Grieco has shown himself receptive to my suggestion of making this change in conversations with me and Major Palmieri's report on French procedure may well turn the scales.

(c) I think that the problem of operating private concerns, as yet scarcely begun by the Italian Government, may well benefit from a consideration of French methods (page 21 ff.)

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(d) Major Palmieri, with whom I have discussed his report, has, if anything understated the harassment resulting from the application of French methods. We must remember that the French problem is a comparatively simple one - collaboration with the Germans since 1940; the Italian problem is vast by comparison and Courts and Commissions may have to enquire into matters ranging over a large variety of subjects over a long period of years. The Italian Government can easily go too far in the interests solely of speed; it must be recognized that an orderly approach to the subject must take many months and I believe that their present basic procedure is correct. It has been slow in the past but it has gained considerably in tempo lately and will continue to do so especially if they will adopt the alterations recommended by Major Palmieri and I believe that the Italian people are beginning to appreciate at long last the magnitude of the problem and the time that is necessary to tackle it.

A If you agree and see no objection to heading the report to the Italian Government I should propose to review the whole matter with Boori.

G. R. Lupton

C.R. UPJOHN, Brig.,
VP CA Section.

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G. R. Upjohn
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VP CA Section.

If you agree and see no objection to making the report to the Italian Government I should propose to review the whole matter with Boerl.

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

1a

Ref 1/21B/CA

10 Feb 45

SUBJECT : Report on French system of Expiration and
the prosecution of Crimes of Collaboration.

TO : VP CA Section

^{1b}
I submit herewith the above mentioned report. The original documents referred to therein have been loaned to Mr WENI, Secretary-General of the High Commissariat on Fascist Sanctions, with the understanding, however, that they will be made available to us on request.

E. J. Palmeri
E.J. PALMERI,
Major, A.U.S.

REPORT ON FRENCH SYSTEM OF REPARATION AND THE
PROSECUTION OF CRIMES OF COLLABORATION

INTERVIEW

My mission to France lasted from 26 December, 1944 until 22 January, 1945. The object of my visit was to study the legal basis of reparation as applied by the French Government and the manner in which the system worked in practice, with a special view to finding elements of improvement which could be adopted to the reparation machinery in Italy.

I visited Paris, Dijon, Lyons, and Marseilles. I attended a number of trials before the Cour de Justice and the Chambres Civiles. I was able to obtain a considerable amount of information concerning the administrative operation within the Ministries of Justice, of the Interior, and Industrial Production. I had a number of conferences with French officials, members of the Bar, and with members of various Reparation Commissions.

The entire problem of reparation and the prosecution of collaborationists has presented serious difficulties. France is in the full throes of a war effort, undertaken in the face of acute problems of communication and transport, aggravated by a lack of adequate trained personnel. Moreover, a great many difficulties have arisen as a direct result of the four years of German occupation, only recently terminated and by the presence of vast Allied military organizations within her boundaries. The French Government has made a most praiseworthy attempt to bring the whole process of reparation, both in the administrative and penal spheres, within the scope of a systematic and

with machinery in Italy.

I visited Paris, Dijon, Lyons, and Marseilles. I attended a number of trials before the Cour de Justice and the Chambres Civiques. I was able to obtain a considerable amount of information concerning the administrative operation within the Ministries of Justice, of the Interior, and Industrial Production. I had a number of conferences with French officials, members of the Bar, and with members of various Epuration Commissions.

The entire problem of epuration and the prosecution of collaborationists has presented serious difficulties. France is in the full throes of a war effort, undertaken in the face of acute problems of communication and transport, aggravated by a lack of adequate trained personnel. Moreover, a great many difficulties have arisen as a direct result of the four years of German occupation, only recently terminated and by the presence of vast Allied military organizations within her boundaries. The French Government has made a most praiseworthy attempt to bring the whole process of epuration, both in the administrative and penal spheres, within the scope of a systematic and efficient legal process. The obstacles which have had to be overcome cannot be over emphasized.

To one coming from Italy, the impression made by the French epuration system is that it has been more thorough, more rapid, but less orderly than the Italian system. In my report I have prepared a number of suggestions based upon my observation of the French machinery of epuration.

I have also prepared an appendix which is attached hereto. This includes a list of the French laws dealing with the matter and a brief

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analysis thereof. It also contains a summary of certain trials which I attended before the Cours de Justice and the Chambres Civiques and which I consider to be illustrative of the type of work done by these special courts.

Furthermore, I have available for the files of the Commission copies of the Official Bulletin containing complete copies of the laws referred to in the Appendix; as well as a set of copies of the Paris daily newspaper "L'Echo" from 24 August, 1944 to 12 January, 1945. This newspaper is considered to be a reliable source of information and the collection is of interest because it furnishes a continuous account of the development of the policy and practice relating to deportation and crimes of collaboration.

In the body of my report I shall have occasion to refer to statistics. I regret that these are not as complete as I should have liked. It was impossible to obtain any additional statistics because the Ministries themselves were just beginning to gather in this data. Owing to communication difficulties, as well as the pressure of extra duties in all Government offices, it will probably be several months before any complete nation-wide statistics can be obtained.

OUTLINE OF MECHANISM FOR THE FRENCH SYSTEM OF DEPORTATION

The organization of the deportation system in France can be divided into five principal categories: (i) The prosecution of crimes of collaboration (La repression des faits de collaboration); (ii) The deprivation of civil rights (Indignite' Nationale); (iii) Deportation in Government offices (Sparation Ad-

practice relating to expatriation and crimes of collaboration.

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OUTLINE OF MACHINERY FOR THE FRENCH SYSTEM OF EXPATRIATION

The organization of the expatriation system in France can be divided into five principal categories: (i) The prosecution of crimes of collaboration (La repression des faits de collaboration); (ii) The deprivation of civil rights (Indignite' Nationale); (iii) Expatriation in Government offices (Expatriation Administrative); (iv) Economic expatriation (L'Expatriation dans les Entreprises) and (v) Confiscation of Illicit Profits (La Confiscation des Profits Illicites).

I will take up each one of these in order.

(i) The Prosecution of Crimes of Collaboration

It is with regard to the prosecution of crimes of collaboration that the French system presents extremely favourable points of contrast to the Italian system. These prosecutions can be divided roughly into two main classifications: (a) Serious acts of pro-German or anti-national activity,

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which are prosecuted before the newly established Cour de Justice* and (b) less serious acts of collaboration which are prosecuted before the newly established Chambres Civiques.

The organization of the system for the handling of collaborators exists by the penal courts is based upon two laws: the law of 26 June, 1944, (see Appendix, page 44) which was subsequently modified by the law of 29 November 1944, (see Appendix, page 44). The ordinary criminal courts were considered to be inadequate to handle these cases. The policy of the French Government was to deal vigorously and swiftly with collaborators - that is those persons who had actively and directly supported the German Government after 16 June 1940. A Cour de Justice was to be established in each Department for violations of Article 75 et seq. of the French Penal Code. These articles relate to treason, collusion with the enemy, and acts contrary to the security of the State. These provisions of law were all in effect on 16 June, 1940. The Cour de Justice was given exclusive jurisdiction to try infractions thereof. The law of 26 June 1944 provides, moreover, that violations committed to the prejudice of nations at war against the so-called Axis nations are assimilated to acts committed to the prejudice of the French Government.

The Cour de Justice follows substantially the same procedure as a French Court of Appeal. It is made up of five members: a regular Judge, who sits as the presiding officer of the court, and four Jures (or popular judges) whose powers of judgement are the same as those of the Judge. The Jures sit on the bench and retire with the Presiding Judge for their deliberations. They are chosen from lists drawn up by a Commission made up of three members: the first

actively and directly supported the German Government after 16 June 1940.

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The Cour de Justice follows substantially the same procedure as a French Court of Assize. It is made up of five members: a regular Judge, who sits as the presiding officer of the court, and four Jures (or popular judges) whose powers of judgement are the same as those of the Judge. The Jures sit on the bench and retire with the Presiding Judge for their deliberations. They are chosen from lists drawn up by a Commission made up of three members: the First President of the Court of Appeal for the district in which the Cour de Justice functions, who presides, and two members of the Departmental Committee of Liberation. The Jures are chosen by lot from the lists thus made up and are assigned to sit generally for one week. The Committees of Liberation are made

* - A Haute Cour de Justice was also established (Law of 13 November 1944) to try the high functionaries of the Vichy Government. It sits only in Paris. In addition to three high ranking members of the judiciary it is composed of 24 Jures drawn from the Consultative Assembly.

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up of persons who were active in the resistance movement, and the drawing up of these lists is the result of agreement between various resistance groups. The attitudes and backgrounds of the Jures vary widely in different parts of France and even within large cities. The Cours de Justice can impose the death penalty; can provide for the confiscation of a defendant's property; his imprisonment for various terms up to life imprisonment, and for the deprivation of his civil rights. The Court can render its decision, both as to guilt and penalty, by the majority vote of its five members.

The decisions of the Cours de Justice can be appealed to the Court of Cassation. These appeals can be made only on limited grounds, and are sustained infrequently. Provision is also made for applications for clemency. As of 10 January 1945 over 18000 cases were pending before these Courts throughout France, occupying the full time of over 600 regular judges.

The impression is inescapable that the persons who conceived of the establishment of the Cours de Justice used considerable foresight and had, to an unusual degree, an accurate perception of events as they unfolded themselves after the liberation of France. After four years of occupation, with the very cruel and unjust punishments inflicted upon members of the civilian population, a violent public reaction against those who had collaborated with the occupation authorities was to be expected and it actually occurred. It is a tribute to the French people and to the French Government that this violence did not reach unmanageable proportions. It is more especially a tribute to the persons who conceived of the Cours de Justice. During the early weeks of liberation Cours Martiales and Cours Populaires were set up in many parts

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circumstances which I have had with me of them indicate a widespread feeling of alarm during September and October 1944. Armed civilians were thronging the roads and byways of Southern France and a great many seizures of persons and property were carried out without legal basis. The establishment of the Cours de Justice under these conditions was highly desirable and proved to be eminently practical. The ordinary criminal courts would have been inadequate to deal with the cases which the people at large were clamoring to have tried. Very prudent foresight dictated the establishment of these special courts. To have invited the people to accept the ordinary process of criminal law enforcement under these circumstances would have been tantamount to an invitation to disaster.

It can be noted, in passing, that only recently there have been some lamentable incidents of persons (including several whose death sentences before the Cours de Justice had been commuted) being forcibly removed from custody by local citizens, and summarily executed (Ales, 29 Dec; Bourges, 27 Dec; Besiers, 20 Dec; Tarbes, 20 Dec; Chambery, 5 Dec).

The Cour de Justice permitted the participation of the various resistance groups, since the Jures were selected from among them. Thus, the public at large was permitted to take an important share in this work without a sacrifice of legal principles. From a political point of view it was a most desirable means of preventing popular uprisings which might have had disastrous consequences.

The French Government made every effort to establish the Cours de Justice as quickly as possible and thus, to expedite the prosecution of collabor-

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The French Government made every effort to establish the Cour de Justice as quickly as possible and thus, to expedite the prosecution of collaborators. In Marseilles, for instance, a Cour de Justice was set up as early as 11 September 1944, and no popular court ever functioned there. The following is an illustrative chart showing the dates of installation of the Cour de Justice in various parts of France and the nature of the work already performed and pending as of 3 December 1944:

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	PARIS (Seine)	ALIX EN PROVENCE (Marne-la-Vallée)	BORDAUX (Gironde)	DIJON (Seine Loire)	LYON (Rhône)	MONTAUBAN (Haute Garonne)
Date of Installation	17 Oct	11 Sept	13 Oct	4 Nov	3 Nov	21 Oct
Date of 1st trial	23 Oct	11 Sept	13 Oct	11 Dec	3 Nov	21 Oct
Cases in Process of Judicial Inquiry	4250	1844	139	170	239	235
Cases ready for Trial	60	30	2	40	24	16
Cases Decided	20	155	16	12	27	20
Capital Punish- ments imposed	4	19	3	0	2	9
Capital Punish- ments executed	3	8	2	0	1	1
Acquittals	1	4	2	2	8	2
Cases Anticipated	6000	3000	700	900	1000	400

A recapitulation of the figures for all of France as of 3 Dec 1944.

shows the following:

In process of Judicial Inquiry	10919 cases
Ready for Trial	1308 cases
Cases Decided	1524 (as of 30 Dec: 2292)
Capital Punishments imposed	229 (as of 30 Dec: 340)
Capital Punishments executed	44 (as of 30 Dec: 53)

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Capital Punish- ments imposed	4	19	5	0	2	9
Capital Punish- ments executed	3	8	2	0	1	1
Acquittals	1	4	2	2	6	2
Cases Anticipated	6000	3000	700	900	1000	400

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In process of Judicial Inquiry	18919 cases
Ready for Trial	1308 cases
Cases Decided	1524 (as of 30 Dec; 2292)
Capital Punishments Imposed	229 (as of 30 Dec; 340)
Capital Punishments Executed	44 (as of 30 Dec; 59)
Acquitted	439 (as of 30 Dec; 477)
Cases Anticipated	39629

It will be seen that the amount of work yet to be done is formidable. The figures set forth above were obtained at the Ministry of Justice in Paris before I visited Dijon, Lyons and Marseilles. Prosecution officials in these last three places told me that since submitting those figures to the Ministry they had revised their estimates upwards concerning the number of cases to be tried by the Cours de Justice.

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The statistics which I was able to procure in Versailles in January show the following for the Cour de Justice sitting in that City as of 12 January, 1945:

Total No of cases docketed and expected to be tried	1688
No of cases decided	340
Capital Punishments Imposed	20
Capital Punishments Executed	11

The most reliable estimate I can obtain is that something like 50,000 cases all over France are expected to be tried by these Courts. It will be seen therefore that the ordinary criminal courts would have been entirely inadequate and that very prudent foresight dictated the establishment of these special courts. They try cases with commendable rapidity and are sometimes able to dispose of several cases in one afternoon. In one trial which I attended in Paris (Case of Roger Garel, see Appendix page (A) the death penalty was imposed after a trial which lasted less than three hours. While this might seem at first impression to be a summary form of justice my impression was that the facts were examined carefully and that every opportunity was extended to the defendant to defend himself against the allegations upon which the charge was based. There is a formal instruction (via. judicial inquiry) of the case before it reaches the Cour de Justice and the defendant has the benefit of legal counsel throughout all the proceedings.

It is interesting to note that two additional jurors are always chosen to act as alternates in case of the incapacity of any of the four sitting on the

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It is interesting to note that two additional jurors are always chosen to act as alternates in case of the incapacity of any of the four sitting on the case. The two alternates attend the trials and sometimes sit on the bench. They do not, however, participate in the deliberation of the court unless they take the place of one of the four jurors who are regular members.

To one who has observed the slow and ponderous methods of original law enforcement in Italy the Cours de Justice is most interesting and refreshing. Its process is speedy and the prosecution and direction of its work are in the hands of highly competent and experienced officials. The accused is given a fair opportunity to meet his defence and there is every guarantee possible against a miscarriage of justice.

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I most strongly urge that a decision be passed in Italy for the organization of a special court similar to the Cour de Justice. I believe this Court would be highly desirable in Northern Italy where the problem of dealing with collaborators with Germany will be substantially similar to the problem which exists in France today. There are several respects in which I believe helpful modifications may be made in the operation of the Cour de Justice, however. They are: (a) The choice of the Jures should be more carefully controlled by the regular judicial machinery so that no persons with criminal records are included among them. Many public records have been destroyed in France and the recommendations of the resistance groups making up the Commissions of Liberation, while made in good faith, are sometimes in suspect, the means of bringing about the presence in the court of persons with criminal records. Moreover, a more careful selection of the Jures would undoubtedly lead to greater uniformity in the sentences and dispositions of cases before the courts. This is highly desirable since there is a great disparity between the dispositions of various Cours de Justice in different parts of France, and even within the same city. I believe that differences in the dispositions of cases could be reduced to a minimum in this way.

It is also important that the Jures should be authentic and well tried members of resistance groups. Unfortunately there exist among the resistance groups the so-called "résistants de la dernière heure". Having become members of the resistance movement at the very end these persons seem to bring to bear an undue aggressiveness when sitting on the Cours de Justice.

In this regard it is also important, in my opinion, to eliminate from the candidates for the position of Jures any person who is a well known political

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the recommendations of the resistance groups making up the Commissions of Information, while made in good faith, are sometimes I suspect, the means of bringing about the presence on the court of persons with criminal records. However, a more careful selection of the Jures would undoubtedly lead to greater uniformity in the sentences and dispositions of cases before the courts. This is highly desirable since there is a great disparity between the dispositions of various Cours de Justice in different parts of France, and even within the same city. I believe that differences in the dispositions of cases could be reduced to a minimum in this way.

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In this regard it is also important, in my opinion, to eliminate from the candidates for the position of Jure any person who is a well known political figure. The public is not disinterested in its political discussions at the present time and political problems are accompanied by frequent displays of virulence. The presence of an outstanding political figure in the community as a popular judge on the Cours de Justice would tend to deprive the tribunal of the impersonal character which it should have in order to attain the public esteem so necessary for its efficient operation.

In addition, I should like to urge the participation of women Jures.

The presence of women as popular judges is an innovation in French Jurisprudence.

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French women have played a notable role in the resistance movement and they are quite acceptable to the public at large as members of these courts. As a general rule women do not have any political axes to grind, nor do they entertain political ambitions to the same extent as the men. I should like to mention in passing that when I was at Lyons, a woman juror was pointed out to me by a French official as being the most terrible member of the Cour de Justice, as she had continually voted for the death penalty when sitting on the Court. This official said: "Quand une femme est terrible elle est vraiment terrible, mais on généralise toujours (elles sont très blâmées)". The jurors are, of course, subject to the usual disqualifications applicable to jurors and judges (that is, relationship to the accused, etc.). These disqualifications should, of course, be applied in Italy where substantially the same rules are controlling.

(b) I believe that there are too many cases before the Court de Justice involving unimportant situations. Some power should be lodged with the prosecuting officers, with or without the consent of the President of the Court, to reduce the gravity of the charge or to dispose of the matter by *mille personnes*, or in some way short of a trial. The case of Sisonin (see Appendix, page 1A), who enrolled in the German Tote organization when a minor, in reliance upon misrepresentations, and under conditions of abject poverty, was one which, in my opinion, should never have been tried. The fact that he was acquitted after five months of imprisonment is not a particularly gratifying result. I submit that some authority should have had the power to dispose of his case without the necessity of his prolonged imprisonment or trial. There are also many cases which are really common law crimes with incidental aspects of collaboration. The Cours de Justice should not be afflicted with these cases and, here again,

course, subject to the usual disqualifications applicable to jurors and judges (that is, relationship to the accused, etc.). These disqualifications should, of course, be applied in Italy where substantially the same rules are controlling.

(b) I believe that there are too many cases before the *Cour de Justice* involving unimportant situations. Some cases should be lodged with the prosecuting officers, with or without the consent of the President of the Court, to reduce the gravity of the charge or to dispose of the matter by nolle prosequi, or in some way short of a trial. The case of Simoni (see Appendix, page 1A), who enrolled in the German Red organization when a doctor, in reliance upon misrepresentations, and under conditions of abject poverty, was one which, in my opinion, should never have been tried. The fact that he was acquitted after five months of imprisonment is not a particularly gratifying result. I submit that some authority should have had the power to dispose of his case without the necessity of his prolonged imprisonment or trial. There are also many cases which are really common law crimes with incidental aspects of collaboration. The *Cour de Justice* should not be afflicted with these cases and, here again, some judicial officer should have the authority to assign them to the regular tribunals. In this respect the jurisdiction of the *Cour de Justice* should not be unduly extended to the point that every case having an aspect of collaboration must go before it. In this way the volume of work awaiting before this special tribunal would be cut down and it would accomplish more speedily the purpose for which it was intended.

(c) Some way should be found to co-ordinate and direct the activities of the Committees of Liberation in their relation to law enforcement. The

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problem is extremely difficult of solution and most delicate. I can only indicate the existence of the difficulty - namely, that in some places I obtained the impression that the Committees of Liberation were over-zealous in their attempts to influence proceedings against certain persons, and that prosecuting officers, as well as Prefects, (in the cases of administrative internment) were frequently influenced by members of these Committees.

(d) The matter of administrative internment in France is linked up with the prosecution of collaborators and with the activities of the Committees of Liberation. It has been the subject of virulent polemics in the press and in a situation which will in all likelihood be repeated in Northern Italy unless proper safeguards are adopted. Right after the liberation many thousands of persons were arrested and lodged in jails or internment camps, in some cases by regular police authorities, but in most cases by members of various resistance groups. Many of these arrests were based on flimsy and insufficient evidence and in some instances on no evidence at all; and in some places (contrary to law) the property of interned persons was sequestered as a matter of course. The French Government has made every effort to have the cases of all persons arrested examined rapidly to reduce the population of these internment camps and to outline sequestrations to the cases contemplated by law. Screening Commissions were set up (Commissions de Critique; Triage; Verification) to sort out the cases of innocent persons, and to bring about proper official action in cases warranting prosecution or internment. Very admirable instructions have been circulated from time to time by the Ministry of the Interior to the officials concerned. Unfortunately, many of the provincial authorities were slow to respond to these instructions and

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measures are adopted. Right after the liberation many thousands of persons were arrested and lodged in jails or internment camps, in some cases by regular police authorities, but in most cases by members of various resistance groups. Many of these arrests were based on flimsy and insufficient evidence and in some instances on no evidence at all; and in some places (contrary to law) the property of interned persons was sequestered as a matter of course. The French Government has made every effort to have the cases of all persons arrested examined rapidly to reduce the population of these internment camps and to confine acquittals to the cases contemplated by law. Screening Commissions were set up (Commissions de Criblage; Triages; Verification) to sort out the cases of innocent persons, and to bring about proper official action in cases warranting prosecution or internment. Very admirable instructions have been circulated from time to time by the Ministry of the Interior to the officials concerned. Unfortunately, many of the provincial authorities were slow to respond to these instructions and some of the resistance groups (who undoubtedly considered that they were better advised) resisted the operation of the procedures so earnestly desired by the Government. Thus, on 1 January, 1945 the Minister of the Interior deplored the fact that there were in France more than 50,000 persons detained administratively, 5,000 of whom had never been the object of any interrogation or examination, and 14,000 of whom were still awaiting the decision of the prefect, the official responsible for promulgating orders of internment. The Minister of the Interior pointed out moreover, that the internment measures adopted by Prefects were frequently based on vague information and on unsubstantiated accusations.

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by opinion in that representatives of resistance groups, through their offices maintained at the Prefectures, and their presence on the Screening Commissions at internment camps, were often exercising an influence which was contrary to the policy of the French Government, and which often constituted a form of undesirable justice administratively applied.

In Paris a large number of new judges of instruction were appointed to examine the cases of the persons so detained so as to determine whether they should be referred to the regular channels of prosecution or whether there was any legal basis for holding them. In many instances a decision on the part of the Judge of Instruction to file the case on the basis of insufficient evidence (classement sans suite) was rendered ineffective by representatives of the Committee of Liberation at the place of detention. This curious administrative obstacle to the operation of the legal process is an outgrowth of the mass liberation movement. The prefects themselves have difficulty in adopting objective and disinterested measures with regard to those persons who by the very fact that they find themselves within the camps are in an infinitely worse position than if their cases had been examined while they were still free.

The justiciable cases of collaboration must be made the basis of legal process. The cases for internment on security grounds should be controlled by the prefect or some responsible official without hindrance from liberation groups and the two classes of cases should not be mixed together.

(41) Deprivation of Civil Rights (Indigite' Nationale).

The concept of Indigite' Nationale is a new one. By and large it can

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the Judge of Instruction to file the case on the basis of insufficient evidence (claquement sans suite) and rendered ineffective by representatives of the Committee of Liberation at the place of detention. This curious administrative obstacle to the operation of the legal process is an outgrowth of the mass liberation movement. The prefects themselves have difficulty in adopting objective and disinterested measures with regard to these persons who by the very fact that they find themselves within the camps are in an infinitely worse position than if their cases had been examined while they were still free.

The justifiable cases of collaboration must be made the basis of legal process. The cases for internment on security grounds should be controlled by the prefect or some responsible official without hindrance from liberation groups and the two classes of cases should not be mixed together.

(ii) Deprivation of Civil Rights (Indignite' Nationale).

The concept of Indignite' Nationale is a new one. By and large it can be described as a deprivation of civil rights for indirect collaboration with Germany. To put it differently, it is a new form of penal sanction applicable to persons who collaborated with the Vichy Government, rather than with Germany. Several laws have been passed relating to Indignite' Nationale, the most recent one setting forth a complete revision of the prior texts in the law of 26 December 1944 (See Appendix, page 8A). Every French citizen is considered guilty of Indignite' nationale if he comes within any one of the following conditions:

- a) Participation, in any Government in France after 16 June 1940.
- b) exercise of the functions of director general of regional director of commissariats for propaganda or for Jewish affairs;

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- c) membership in certain anti-national political groups;
- d) participation in the organization or manifestations of every kind in favour of collaboration with the enemy;
- e) the publication of propaganda in support of enemy doctrines or interests (this includes manifestations of an artistic, economic, or political nature,) the publication of articles, the giving of lectures or the writing of books or papers in support of collaboration with the enemy, racism or totalitarian doctrines.

Most of the persons prosecuted under this law came within classification c) because of membership in any one of a number of political parties or groups which were oriented by Nazi propaganda in France. The following are the ones principally involved:

Le service d'ordre legionnaire
 La Milice
 Le groupe collaboration
 Le phalange espionne
 La legion tricolore
 Les amis de la legion des volontaires francais
 Le parti national collectiviste
 Le parti franciste
 Le parti populaire francais
 Le mouvement social revolutionnaire
 Le rassemblement national populaire
 Le comite ouvrier de secours immediat
 Le service d'ordre prisonnier

The penalties applied upon a conviction for indignite nationale are termed collectively "degradation nationale".

Special Courts were organized to deal with cases of indignite nationale. These courts are known as Chambres divisees. They are sections of the Cour de Justice and are made up of a presiding magistrate who is designated by the first president of the Court of Appeal for the district in which it sits, and of

primarily involved:

- le service d'ordre legislative
- la ligue
- le groupe collaboration
- la phalange africaine
- la legion tricolore
- les amis de la legion des volontaires francais
- le parti national collectiviste
- le parti franciste
- le parti populaire francais
- le mouvement social revolutionnaire
- le rassemblement national populaire
- le conseil ouvrier de secours immediat
- le service d'ordre prisonnier

The penalties applied upon a conviction for indignite nationale are

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Special Courts were organized to deal with cases of indignite nationale.

These courts are known as Chambres Civiques. They are sections of the Cour de Justice and are made up of a presiding magistrate who is designated by the first president of the Court of Appeal for the district in which it sits, and of four jurors. There is a Government Prosecutor who is a career official. In appearance the Chambre Civique is very much like the Cour de Justice. Its appears somewhat less solemn and more perfunctory. But its lines of procedure are substantially similar to those followed by the Cour de Justice. This applies as well to the selection and the duties of the jurors.

Most of the persons coming before the Chambres Civiques are there because of membership in certain of the political groups listed above. It is very rare that there is any controversy as to the facts. Substantially the only participation before the Court relates to the extent of degree of the defendant's participation

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in a particular organization and the defendant's case is confined almost always to the submission of proof in extenuation of the offense.

It is interesting to note that the concept of indignite nationale is quite extraordinary in the sense that it constitutes the enactment of an ex post facto crime. While the laws establishing the Cours de Justice contemplate the punishment of persons for articles of the French Penal Code which were in force at the time of the commission of the acts, the persons who are subjected to the consequences of indignite nationale find themselves penalized for acts which were not in violation of any existing statute of France. The French lawyers with whom I discussed this matter were quite aware of this. Their explanation was, generally, that a way had to be found to punish the persons who had supported Vichy as well as those whose activities in France were of benefit to Germany, even though they were not directly linked with a German organization. I read a very interesting memorandum written by a French prosecuting official in which he described this concept as a "crime civique" or civic crime. He stated that it was of a more serious nature than the so called political crime, and of a less serious nature than the common law crime; that its place in criminal jurisprudence was justified by the fact that the acts punished constituted a threat to the safety and welfare of the community at large and that the ex post facto nature of the concept was answered by the fact that the penalties were in the nature of a "deterrence" or, deprivation of civil rights. In other words, the justification for it was that the persons found guilty under this law had demonstrated their incapacity to participate fully in community life and, therefore, should not have at their disposal the full exercise of their civil rights during the critical period of rehabilitation. I am not in accord with this view, but I

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The penalties which are provided for persons found guilty of Indignité are as follows:

Indignité 660

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- (4) The loss of the right to vote, to present oneself as a candidate or to wear decorations of any kind.
- (ii) Exclusion from all public offices
- (iii) The loss of rank in any of the armed forces
- (iv) Dismissal from the position of administrator, director or secretary general in any undertaking of a consular nature or issued on a government subsidy or in any undertaking of general interest.
- (v) Incapacity to be a juror, expert witness, or to bear witness before courts except that he is permitted to furnish information not under oath.
- (vi) Exclusion from the legal profession
- (vii) Exclusion from the teaching profession, whether in a public or private capacity and from any occupation dealing with moral and intellectual or physical development of youth.
- (viii) Exclusion from any associations or unions representing professions of any kind.
- (ix) Incapacity to direct any business having to do with publication, press writing or cinema, or to have a regular employment therewith.
- (x) Loss of right to be Administrator or Manager of a company of any kind, or to be the director or secretary general of a bank or insurance company.

The Chambers Civiques can also include as part of the penalty a restriction in respect to the place of residence of the defendant. The law of 26 December 1944 confers insanity on persons who might otherwise be convicted under this law if they have rendered outstanding war service or have participated actively in the resistance movement. It is also provided that the victims of hardships inflicted by the enemy shall be considered to benefit by extenuating circumstances.

I was unable to procure any statistics with respect to the number of cases before the Chambers Civiques. Unquestionably they will have to try as many cases, and probably more, than those before the Cour de Justice. It is

physical development of youth.

- (viii) Exclusion from any associations or clubs representing professions of any kind.
- (ix) Incapacity to direct any business having to do with publication, press writing or cinema, or to have a regular employment therewith.
- (x) Loss of right to be Administrator or Manager of a company of any kind, or to be the Director or Secretary General of a bank or insurance company.

The Chamberlain Divisions can also include as part of the penalty a restriction in respect to the place of residence of the defendant. The law of 26 December 1944 confers immunity on persons who might otherwise be convicted under this law if they have rendered outstanding war service or have participated actively in the resistance movement. It is also provided that the victims of hardships inflicted by the enemy shall be considered to benefit by extenuating circumstances.

I was unable to procure any statistics with respect to the number of cases before the Chamberlain Divisions. Unquestionably they will have to try as many cases, and probably more, than those before the Cour de Justice. It is therefore safe to say that a minimum of 50,000 persons will come before the Chamberlain Divisions for judgment.

My own opinion is that the penalties are too severe, and the number of defendant's is too large to justify unstinted praise for this institution. 2059
A great many persons consider themselves sorely aggrieved because they find themselves treated like criminals and their right to earn a livelihood impaired for acts which were often performed in good faith and in the mistaken belief that they were serving their country.

I have referred in the Appendix (see page 3a) to two cases tried by the Chambres Civiques. The fact that the most recent law dealing with indigite nationale permits rehabilitation through war service or participation in the resistance movement as here above indicated demonstrates, I believe, a tendency to soften the full impact of this law on the French community. Moreover, there is discernible in the judgments of the Chambres Civiques, a tendency to deal leniently with persons who supported the so-called Vichy Government at the beginning (1940-1941); and to deal severely with those who gave their support after November 1942, when Germany violated its armistice with France, and it became evident that Vichy was under the complete domination of the German Government.

(iii) Evacuation in Government Offices (Evacuation Administrative)

One of the most trying problems for the French Government was the necessity of clearing ^{up} employment of collaborators and supporters of the Vichy regime. In a country afflicted by prolonged military occupation, by the continued detention of large numbers of prisoners of war, and which was undertaking to make a substantial contribution to the Allied war effort, the problem was indeed a vexatious one. It has been aggravated by the fact that there is a lack of trained Civil Service personnel.

The principal law dealing with this subject is the law of 27 June 1944. There are other laws dealing with the matter (See Appendix page 3a). This law provides in substance that Government employees (including employees of all Government administrations whether of a local or departmental classification) shall be subject to removal from office, reduction in class or grade, or retirement with or

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- (i) favoured any undertakings whatever of the enemy,
- (ii) acted contrary to the war effort of France or its Allies, particularly if they have been guilty of denouncing a patriot.
- (iii) threatened in any way the existence of constitutional institutions or fundamental public liberties.
- (iv) knowingly profited by or attempted to profit by the application of any rules or laws contrary to those in force on 16 June 1940.

Each Minister sets up his own evacuation commission, and in accordance with his own wishes (see ^{Annex} ~~law~~ 3 Oct 1944, Appendix, page 7A). Consequently, each Ministry

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functions in its own way, both as to procedure and as to the criteria of judgement applied. The responsibility for the decision in each case lies always with the Minister. The epuration commissions are advisory and the Minister can accept their guidance or not as he chooses. It is said, however, that the Ministers and their commissions are generally in agreement with respect to the measures taken. In the case of one Ministry a "Jury d'Honneur" was formed for the purpose of dealing with a limited number of important functionaries. This body made proposals to the Minister which he then took under advisement. The cases of the remaining employees were examined by an epuration commission which also acted in a consultative capacity. Both bodies made the necessary examinations of documents and conducted hearings where they were considered necessary. They then made recommendations to the Minister. A general policy adhered to by all Ministers is to appoint to their epuration commissions persons (often from the Ministry personnel) who have played an active part in the resistance movement; and to have representatives on the commission of the various categories of personnel who came before them.

Public employees found themselves in this position that if they had favoured Germany of the Vichy Government in any way they could consider themselves subject to the application of disciplinary measures. To one who has observed administrative epuration in Italy, the most striking feature of the system in France is that each Minister exercises independent authority and it is his responsibility to apply the law to the employees under his control. Consequently, policies in particular ministries vary with the attitudes of the ministers themselves. Some employees who have been transferred in recent months from one office to another have been heard to say that they have been transferred into a serious disciplinary atmosphere; or

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There can be no question that all the persons who come within the laws are being dealt with swiftly and efficiently by the ministers concerned. The possibility of error lies, perhaps, on the side of over zealousness in operation. If, because of this there are cases too severely dealt with the opinion generally expressed is that corrective measures can be taken at a later date.

The burden of administrative operation placed on the shoulders of the Minister of the Interior is a particularly heavy one not only because he controls a large

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Ministry, but because his functions extend to the provincial and local spheres. At one time, prior to the invasion of France, the Provisional French Government had planned for the suspension of Regional and Departmental Prefects by Regional Commissioners. These officials occupy a place in the administrative hierarchy between the Minister of the Interior and the Prefects. The whole process of Emancipation was to be placed substantially in the hands of Regional Commissioners who were to exercise plenary powers. This plan was based on the expectation that France would be liberated piecemeal. The liberation of France in a relatively short time permitted the application of a better integrated plan as set forth in the laws of 27 June 1944 and 11 December 1944.

I have procured for the files of the Allied Commission a copy of the circular dated 10 October 1944, addressed to the Regional Commissioners, and certain other officials by the Minister of the Interior. It is a most interesting and commendable document dealing with administrative emancipation. It is too long to be included conveniently as a part of this report. I have reproduced in translation (see Appendix, page 23) a part of this circular, namely the Administrative Order (arrêté ministériel) of 27 September 1944, promulgated by the Minister of the Interior setting up the emancipation machinery for his Ministry *. This order illustrates quite aptly the responsibilities placed upon a French Minister by the law dealing with administrative emancipation. The laws give him the broad outlines of his task. The Minister must implement the laws and set up his own emancipation machinery. He must supply the administrative rules for the operation commissions set up by him. Much of this work is covered in Italy by government decrees or by the functions of the High Commissariat for Sanctions against Fascism. The French

laws of 27 June 1944, and 11 December 1944.

I have procured for the files of the Allied Commission a copy of the circular dated 10 October 1944, addressed to the Regional Commissioners, and certain other officials by the Minister of the Interior. It is a most interesting and commendable document dealing with administrative expiation. It is too long to be included conveniently as a part of this report. I have reproduced in translation (see Appendix, pages 23) a part of this circular, namely the Administrative Order (arrêté ministériel) of 27 September 1944, promulgated by the Minister of the Interior setting up the expiation machinery for his Ministry*. This order illustrates quite aptly the responsibilities placed upon a French Minister by the law dealing with administrative expiation. The laws give him the broad outlines of his task. The Minister must implement the laws and set up his own expiation machinery. He must supply the administrative rules for the operation commissions set up by him. Much of this work is covered in Italy by government decree or by the functions of the High Commissariat for Sanctions against Fascism. The French minister is free within broad limits. The Italian minister is much more fettered both by statute and by the High Commissariat. The result is that the French system is more speedy, the Italian system more uniform. The employee who has been dealt with under the expiation law has no right of appeal under the French system except to the Conseil d'Etat. This appeal is limited only to cases where it can be demonstrated that there has been an exercise of jurisdiction outside the limits set forth in the law. It is not in any sense a review of the expiation proceeding on its merits.

* - The Journal Officiel of 26 Oct 1944, No 1097 (which I have placed in Commission's files) contains the order to this effect issued by the Minister of Supply.

Contrary to the Italian system, there is no central office in France dealing with Epuration and which undertakes to coordinate the efforts of the various Epuration Commissions. Whether or not each Minister should have the authority which he possesses is a matter on which opinions can vary. However, a central office issuing directions and given each ministry the benefit of the experience of other ministries, if it were done only for the purpose of information, could be most helpful.

The Epuration Commissions themselves are made up in accordance with the discretion of the minister himself. Generally speaking the resistance groups are represented. There is usually a representative from the personnel of the office in which the employee belongs. The employee is given the right to submit any papers he wishes in his defence and is given the right of hearing.

By and large it may be said that French administrative epuration is not the problem which it is in Italy. The aggregate numbers involved are much smaller. This is due partially to the fact that the collaborators with Germany and the supporters of Vichy are judged by the Cours de Justice or the Chambres Civiques, and if found guilty are automatically debarred from public employment. The employees who are left and who can be considered to come within the Epuration law are not numerous in ^{co-operation} comparison with Italy.

The figures I was able to obtain on administrative epuration substantiate this conclusion. The charts I was shown at the Ministry of the Interior, which is a large and important Government office, show that about 800 employees have been the subject of epuration proceedings, both at the ministerial level and among the administrations of the prefects, as of 30 December 1944. Not all of these cases are cases in which disciplinary measures were taken, nor were all the disciplinary measures of a serious nature. The figures were as follows:

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1. CENTRAL ADMINISTRATION

A - Cases examined (No action taken)
B - Cases decided

- 1) Dismissals
- 2) Retirements
- 3) Temporary suspensions
- 4) Demotions
- 5) Other dispositions (including transfers and acquittals)
- 6) Cases pending

185
150

22

5

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3

118

35

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II. - ADMINISTRATIONS OF PRISONERS -

A - Cases examined (No action taken)	290
B - Cases decided	155
1) Dismissals	19
2) Temporary suspensions	3
3) Retirements	3
4) Demotions	4
5) Resignations accepted	1
6) Other dispositions (including transfers and acquittals)	105
C - Cases Pending	155

The Epuration Commission for the Surete Nationale (a national police body) examined 1792 cases between 17 October 1944 and 5 January 1945. Of these, approximately one third were acquitted of any blameworthy conduct. Over 600 were cases which required hearings and in which judgment has been reserved pending the completion of the proceedings. The remainder were cases in which proposals for changes of status were made. It is interesting to note that only 152 dismissals were proposed.

In the Ministry of Justice 185 Judges have been suspended and the total number of cases actually before the Epuration Commission as of December 31, and representing probably the entire remainder of their work, amounted to 114.

I spoke with the Rector of an important university who had charge of supervising epuration in the field of public instruction for four departments, as delegate of the Minister of National Education. He said that this work would be finished within less than three months and that at the conclusion of this work the commissions would have examined a total of substantially less than 1000 cases, which represented less than ten per cent of the total number of employees.

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I spoke with the Rector of an important university who had charge of supervising epuration in the field of public instruction for four departments, as delegate of the Minister of National Education. He said that this work would be finished within less than three months and that at the conclusion of this work the commissions would have examined a total of substantially less than 1000 cases, which represented less than ten per cent of the total number of employees.

One impression I obtained was that minor employees were being penalized for matters which are not a valid part of the epuration process. The cases to which I am about to refer are probably not typical. In the official municipal bulletin of the City of Paris dated 29 December 1944 there was reported the case of Madame Grataloup (Jeannine), who was employed as a "convoyeuse auxiliaire" in the office of public social hygiene. She was an assistant messenger and ~~40538~~ a very minor employee. She was suspended from employment for one month because, before her entry into public employment, she had voluntarily gone to Germany to see her brother who was a prisoner of war. I do not understand how the visit of a close relative under such circumstances constitutes a violation of the epuration law.

The official monthly bulletin of the City of Paris No. 286 of 28 December 1944 discloses a number of cases of disciplinary measures taken against minor employees (including a cemetery guard and an unskilled worker) for statements or attitudes unfavourable to the Allies (propos et attitudes defavorables aux Allies).

In short, epuration in Government offices in France has been very rapid and very thorough. I fear, however, that there may be an appreciable number of cases of undue hardship.

It is interesting to observe that while in the first instance the French laws provided that employees suspended pending epuration proceedings were to receive no pay, the most recent provisions on the subject require the payment of half the salary of such an employee. In the event of acquittal, the employee is made financially whole. The allowances for family support (allocations familiales) were at no time suspended or reduced, the theory being that these payments are owed by the state to the family irrespective of the employment status of the worker or employee. There has been none of the confusion which has characterized this aspect of the problem in Italy.

I think it can safely be said that administrative epuration will be completed in France much sooner than in Italy. In many instances I was told by employees of epuration commissions that their work had been finished and that they were preparing to close their offices. In most instances one did not find the crushing weight of cases or of documentation that one encounters in administrative epuration in Italy. The persons with whom I discussed the problem in France agreed that the issuing of directives by an organization exercising surveillance over the work of epuration could be most helpful. They agreed that the right of appeal to a central epuration

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While I prefer the Italian system of epuration in its broad outlines I submit that it can borrow profitably from the French system. In the first place the requirement for career judges as presiding officers of the epuration commissions in Italy is in my opinion wholly unnecessary. These judges can be used for more important work in connection with law enforcement. The epuration commissions can function

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efficiently and within the intentment of the law if they have a lawyer-member or if they have the benefit of the advice of a lawyer-secretary. The Italian Minister should have greater powers within his own administration. In this regard I believe that the office of the High Commissioner on Social Sanctions should act as a source of advice and information to each Ministry; and should not exercise powers which may run counter to the views of the Minister and thus create delay and confusion. By giving the Minister greater power, responsibility can be fixed more readily and greater speed attained. The Central Commission in the Italian system which hears appeals in the field of administrative operation should also be preserved. In my opinion it tends to establish a uniform set of criteria for judgement in these cases and to eliminate cases of undue hardship. This is of special importance in Italy due to the peculiar complexity of many operations proceedings which go back to the early days of Fascism, and cover long periods of years. Yet, the exemplary speed attained by the French system would indicate to us in Italy that some means should be found for eliminating frivolous appeals and for speeding the procedure of this body.

(iv) Economic Operation (L'Entraite dans les entreprises)

Economic operation is based upon the government policy of removing from all forms of commercial enterprise any person whether in the capacity of administrator or laborer, who favoured the enemy or impeded the resistance movement. The law providing for this form of operation was the law of 16 October 1944 (see Appendix, page 10A). This law provides that any person who subsequent to September 1, 1939 assisted in the commercial enterprises of the enemy or prejudiced

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(iv) Economic Expiration (L'Expiration dans les entreprises)

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The law providing for this form of expiration was the law of 16 October 1944 (see Appendix, page 10A). This law provided that any person who subsequent to September 1, 1939 assisted in the commercial enterprises of the enemy or prejudiced the war effort of France or its Allies or worked against the resistance movement, particularly by the making of denunciations would be subject to any one of the following sanctions: (a) transfer, (b) discharge with or without severance pay, (c) suspension with or without pay, (d) order forbidding person to keep a position of responsibility in the enterprise.

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So called Regional Interprofessional Committees of Expiration were set up in the offices of each Regional Commissioner (the administrator who stands between the prefect and the Minister of the Interior, and who was generally in charge of several departments). In short the commissions operating under this law do

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substantially the same work in private enterprises which is carried on in Government offices in the field of administrative operation. The Regional Commissions make proposals to the Regional Commissioner (in certain populous departments to the prefects) and it is this official who makes the decision. There is no appeal except to the Conseil d'Etat. There is also a National Interprofessional Commission of Operation which deals with industrial operation on a national basis. The law is somewhat vague however and the commission had only just begun to set up its offices in Paris, in January, 1945. It is somewhat difficult to say where the work of Regional Commissions ends and that of the National Commission begins. Presumably, the National Commission is to deal with enterprises of more than local importance and scope. The National Commission however makes definitive decisions on its own responsibility and the only recourse by way of appeal is directly to the Council of State.

It was impossible to procure any statistics relating to the application of this law as it had only just begun. In the city of Lyons however the Regional Commissioner had set up a separate office dealing with operation matters, and I was shown a number of files there concerning this work in its relation to various businesses and commercial enterprises. A large department store in that city known as the "Galeries Lafayette" had furnished 40 cases to the Operation Commission out of a total of approximately 1000 employees. Of the decisions in these 40 cases, four involved disciplinary sanctions, six were acquittals. The employees were disciplined for having indicated in some way their sympathy with the German Government or the Vichy regime, generally by conversations with other employees.

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I was told in Lyons that the Regional Commissioner had set up Courts of Honor (Tribunaux d'Honneur) to carry out this form of operation throughout all professions and businesses and included, in addition to every form of commercial enterprise, the medical profession, the press, and the cinema. Each Court of Honor was made up of two members chosen from the group to which the person involved belonged and another member from outside that group. They were all persons considered to have played an active part in the resistance movement.

An interesting commentary on law dealing with economic operation is that it contains a provision for imprisonment from one month to a year and a fine from one hundred to three thousand francs to be imposed upon any person who makes an accusation which is later found to be false.

It is also interesting to note that the National Commission is required (Article 13, Law of 16 October 1944) to issue any necessary instructions to regional commissions for the purpose of coordinating their work. This provision is quite unique. It does not have any counterpart in any of the other phases of operation.

It is too soon to evaluate the operation of this law. One of the sessions scheduled for hearing before the national commission in Berlin involved the director of a large enterprise alleged to have made deliveries to the German Government after orders of a peremptory nature had been given to him by the Vichy Government. The trials of such cases may well have a profound effect upon the economic life of the country and it will be most interesting to observe the course of this work several months hence.

(v) The Confiscation of Illicit Profits.

While the German occupation brought about a general impoverishment of the general population, certain elements thereof, however, were enabled to acquire considerable wealth either through economic collaboration with the enemy or through eluding the economic laws intended to safeguard the general welfare. The policy of the French Government has been to confiscate for the benefit of the public treasury all profits thus realized. It was hoped that this would not only constitute redress of a wrong committed by the persons involved but would restore to the nation as a whole, a substantial amount of wealth which certain citizens had acquired at the expense of the nation.

It was also useful to consider this as means of reducing the large sums of money in circulation and thus to reduce inflation.

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Many extremely difficult problems were involved. It was difficult to trace large cash transactions and it was difficult to earmark the profits.

In most cases, the persons involved in such transactions took great pains to conceal them and to invest the profits realized in articles easily disposed of and hidden (jewelry, gold, silver, works of art).

The basic law dealing with the confiscation of illegal profits in the law of 18 October 1944--Official Journal of 19 October 1944, No 102 (Ordinance tending to confiscate the profits illicit). There was also an administrative

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order, Official Journal of 29 October 1944 (to 112 dealing with the matter (arrêté du 23 octobre 1944 relatif aux marches et commerces passés par les personnes exerçant ou exerçant en leur compte).

The confiscation of illicit profits involves three distinct steps:

- (1) the identification of the recipients or beneficiaries
- (2) The determination of the amount of the unjust enrichment.
- (3) The recovery of the sums held to be owed to the state.

The financial branch of the government was equipped to conduct the complicated investigations involved and it was vested with broad powers of examination and decision. Furthermore, departmental committees for the confiscation of illicit profits were set up in each department. They consisted of the principal financial officers of the government as well as representatives of the Departmental Committees of Liberation.

The proceedings begin by a requirement that the persons called upon make a detailed declaration of their property and income. They then proceed to calculate the amount of illicit profit realized after 1938. The amount to be confiscated is listed separately and in some cases a fine is also levied, generally for income sought to be concealed.

The law makes a distinction between two sources of unjust enrichment; direct or indirect commerce with the enemy on the one hand; and commercial dealings which are expressly designated as black market transactions. Where the latter transactions were intended to prejudice the war effort of the enemy, the Committee of Confiscation is required to take this into consideration. Moreover, certain merchants did not intend or seek out the unusual profits which came to them. They say

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It is interesting to point out that no person is subjected to these ²⁰³⁰ ~~these~~ provisions of law unless he has been given an opportunity to be heard. The basis upon which any confiscation is proposed is communicated to him and his explanation with respect thereto is examined. The decision of the committee must always be based upon expressed reasons and an appeal before a central committee (Comitea superior) made up of high government officials and of representatives of the National Committee of Resistance and provided over by a member of the Council D'Etat, is

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position. This committee is considered to be an impartial and competent body and its decisions must also be based on declared reasons. There is a further appeal to the Conseil d'Etat but this can be based only upon the ground of improper exercise of jurisdiction.

The work involved will undoubtedly be long and laborious. Mr. Fleven, the French Minister of Finance, made a recent statement that Comites de Confiscation were functioning in every Department of France; that as of 2 December, 1,198 cases were under investigation; as of 9 December 3,304 cases were pending. The amount of probable fines and confiscations estimated for the cases pending before the two Comites de Confiscation des Profits Illicites for the Seine Department (which includes Paris) was conservatively fixed at 5 billion francs.

Conclusions

The most effective instrument within the field of French opinion is the Cour de Justice. It provides for a rapid, safe and efficient means of prosecuting persons who have been charged with collaboration with the enemy. Without repeating the discussion above (see pages 4-8) I wish to point out the very easy adaptability of this court to the Italian system of Jurisprudence. There is no question that in Northern Italy, just as in France, it will be unwise to permit the collaborators to pass before the local criminal tribunals. Because these special courts have a limited and well defined jurisdiction, and because the responsible members of the community can be permitted to participate in this form of justice, they offer a solution which is both speedy, practical, and satisfactory from a juridical point of view. I believe that proper safeguards should be

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In the field of administrative operation the problem in Italy is ²⁰⁴⁵ difficult and complex as compared with that of France that even at the risk of its being considered slow and laborious, I prefer the Italian system. Experience in Italy indicates the prudence of maintaining the Central Commission for appeals and a High Commissioner for operation for the purpose of coordinating the efforts of the various commissions extracting means of information and suggestion for the

more efficient performance of their work. In one respect, however, I believe that the French system is definitely better; and that is that it does not have any requirement for the appointment of a judge as head of the epuration commission. I do not believe that the Italian system should require a judge at the head of each administrative epuration commission. A lawyer of good standing either as a member of the commission or attached to the commission as secretary would serve the necessary purpose of keeping the proceedings within the intentment of the law. Moreover, judicial personnel will be rendered available for more important duties.

Frenchmen regard epuration as a necessary evil and one to be finished with at the earliest possible moment. All the Frenchmen with whom I spoke, with only a single exception, smiled or expressed surprise when I stated that the purpose of my mission was to discover ways and means of improving Italian epuration. The French are not satisfied with their system of epuration. They are keenly aware of its adverse effect on morale among government personnel and its sometimes unfortunate effects on the efforts of national rehabilitation. But they are quite justified in believing that their system represented the best effort under the circumstances, and they have demonstrated a willingness to make modifications for good reason.

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CASE OF ROYER GABRIEL - 8 JANUARY 1945

CONP. DE JUSTICE - PARIS - PALAIS DE JUSTICE

The defendant was charged with having been the Regional Inspector of the Legion Volontaire Francaise. This was a voluntary military unit, made up of Frenchmen and carrying the French flag, but wearing German uniforms and swearing loyalty to Hitler, and which fought with the Germans on the Russian front. In the defendant's capacity as a Regional Inspector he supervised the work of Departmental Inspectors, furnished them with placards, pamphlets, and other propaganda material which they displayed in their offices, and collected and transmitted reports of recruitment. The defendant, who was a primary school teacher in civilian life, was paid a salary several times that which he could have normally expected to earn. He was also in touch with administrative officers on a high level. The defendant had been a prisoner of war in Germany, had an exemplary record as a teacher and a citizen, and had helped a number of his fellow prisoners of war to obtain their release and to keep in hiding in France. He was referred to as a "swell fellow" (chic type) by the prosecutor in the summation. The accused had done welfare work among prisoners while in Germany, which was admitted to have been of great help to the men detained there. The defendant's brother, a soldier in the French Army, as well as the defendant's wife, testified on his behalf. The prosecutor asked for the death penalty. By a majority vote the court found the accused guilty of having violated Article 75 of the French Penal Code (collusion with the enemy), and imposed the death penalty as well as confiscation of the defendant's property. The trial lasted less than three hours and the deliberat-

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CASE OF JEAN SIMONIN - 11 JANUARY 1945

COUR DE JUSTICE - PARIS - PALAIS DE JUSTICE

This defendant was not yet 15 years of age at the time of his trial. He was accused of having joined the German Todt organization for work in Germany as a telephone line repair man. The defendant came from a family which was extremely

poor. The Defendant's father had died when he was an infant. His mother had remarried and had several children by her second husband, who died when the defendant was barely 10 years of age. At the age of 10 the defendant was the principal support of the family. At the time of his enlistment in the Todt organization the defendant's mother and brothers and sisters were in dire need. He was conceivably tricked into enlistment in the Todt on the misrepresentations that his work in Germany would last only six weeks, and that most of the time would be spent in an apprentice school where he would learn the telephone trade. The accused sent nearly all his earnings to his mother to the support of the family. When he arrived in Germany the defendant found that he had been duped and he was retained there against his will for several months. During his first leave at home he sought to obtain his release from the Todt organization. This was refused by the German authorities in France and he was threatened with arrest and deportation to Germany. At this point the defendant went into hiding and remained in hiding until the town in which his mother lived was liberated. Less than 48 hours after his return home he was denounced and arrested. He had spent five months in jail at Presnes up to the time of his trial. It was obvious from the defendant's testimony that he was of subnormal intelligence, and he gave the impression of being about 14 years of age.

The prosecutor stated in his summation that since the accused had voluntarily enlisted in the Todt organization he was technically guilty of a violation of article 75 of the Penal Code (collusion with the enemy). The question was whether the accused had acted with sufficient discernment to have understood the nature of his act and appreciated its consequences.

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By a majority vote, the defendant was acquitted.

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CASE OF FRANCESCO SANTO - 20 JANUARY 1945

COUR DE JUSTICE - MARSEILLE - NOUVEAU PALAIS DE JUSTICE

The defendant, an Italian national, who had lived in France for over 25 years (and who had been prevented from becoming a naturalized citizen by the war) was accused of violation Article 75 of the Penal Code (collusion with the enemy)

because he had voluntarily become a civilian employee of the German Labour Office at Marseille. This office recruited French labourers for service in Germany. The defendant had accompanied one or two prospective deportees to their homes while they packed their belongings and had also accompanied groups of labourers to Dijon and to Paris on two occasions. The defendant was 47 years of age and had sought unsuccessfully to enlist in the French army. It was shown that he became a member of the German labour office only when he himself was threatened with deportation to Germany. Two witnesses testified that he had helped them to escape going to Germany by suggesting means of misleading the German authorities. The defendant claimed that he gave this assistance to numerous prisoners. One witness for the prosecution testified that the defendant had carried on pro-Fascist propaganda when he was a factory worker. Another witness testified that he believed the defendant was armed on one occasion when conveying workers. The previous record of the accused was good and he had excellent character witnesses.

By a majority vote the defendant was found guilty of violating Article 75 of the Penal Code and was sentenced to five years at hard labour.

CHARGES CIVIQUES - PARIS -

Case No (1). The defendant was charged with having been a member of the Parti Populaire Français. The membership was not disputed. The defendant's claim was that he was a baker by trade and that it was common knowledge in the workers district of Paris in which he lived that with a membership card in this party one could obtain a more suitable opportunity for employment. His only op-

claimed that he gave this assistance to numerous prisoners. One witness for the prosecution testified that the defendant had carried on pro-fascist propaganda when he was a factory worker. Another witness testified that he believed the defendant was armed on one occasion when conveying workers. The previous record of the accused was good and he had excellent character witnesses.

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Case No (2). The defendant was charged with having become a member of the Rassemblement Nationale Populaire. The defendant claimed that he had attended only two meetings and had never paid his dues. The proof indicated that at least

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on one occasion he had distributed some pamphlets which were intended to interest new members. The defendant was found guilty and given ten years of the Indigénat Nationale. There was no confiscation of property or restriction of domicile.

CHRONOLOGICAL LIST OF THE LAWS DEALING WITH REPRESSION AND BRIEF ANALYSIS THEREOF

- 1 Prosecution of crimes of collaboration : (Repression des Maits de Collaboration).

No and date of Official Journal		Title
No	Date	
55	6 July 1944	Law of 26 June 1944
98	14 Oct 1944	Law of 13 October 1944
99	15 Oct 1944	Law of 14 October 1944
136	29 Nov 1944	Law of 28 November 1944
146	10 Dec 1944	Law of Codification of various laws dealing with the prosecution of crimes of collaboration

A number of laws were passed dealing with prosecution of crimes of collaboration and the establishment of the Cour de Justice. The law of 28 November 1944 constitutes a codification of the various prior texts and is the basic law in force at the present time.

A Cour de Justice is established at the seat of the Court of Appeal for each official district. This Court has exclusive jurisdiction to try cases which

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A Cour de Justice is established at the seat of the Court of Appeal for each official district. This Court has exclusive jurisdiction to try cases which come within the following conditions :

- (a) The acts must have been committed between 16 June 1940 and the date of liberation.
- (b) The acts must constitute violations of criminal statutes in force and effect on 16 June 1940.
- (c) The acts must have been committed with the intention of favouring the enterprises of the enemy, whatever their nature. If such an intention existed with respect to acts committed before 16 June 1940, the Cour de Justice also takes jurisdiction.

APPENDIX -

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Violations of law committed to the prejudice of Allied Nations at war with Axis nations are assimilated to acts committed against the interests of France. Members of the Resistance, escaped prisoners and Allied soldiers are assimilated to French troops.

It is provided that no crime has been committed if the person has done no more than to execute an order which was validly given, or if the person charged performed professional obligations without willingly participating in an anti-national act. If however, the person involved could have avoided the execution of the order, or if his responsibility or moral authority was such that refusal on his part would have served the nation, then this provision is not applicable. It is also provided that valid orders or professional obligations cannot excuse acts of violence, denunciation, acts of betrayal of persons, or the delivery of goods or information for the benefit of the enemy.

Six months after a date to be fixed by decree (presumably the date of the total liberation of French territory) no further proceedings can be initiated before the Cour de Justice.

Composition of the Cour de Justice

The Cour de Justice is made up of a Presiding Magistrate and four Jures. Each Cour de Justice can be divided into sub sections similarly composed. The Public Prosecutor before this Court is called the Commissaire du Gouvernement. The Presiding Judge of the Court and the Commissaire du Gouvernement are designated by the Minister of Justice upon the proposal of the First President of the Court of Appeal and of the Procureur General. The assistants to the Commissaire du Gouvernement are appointed in the same way, but can be chosen from among lawyers

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The Cour de Justice is made up of a Presiding Magistrate and four Jures. Each Cour de Justice can be divided into sub sections similarly composed. The Public Prosecutor before this Court is called the Commissaire du Gouvernement. The Presiding Judge of the Court and the Commissaire du Gouvernement are designated by the Minister of Justice upon the proposal of the First President of the Court of Appeal and of the Procureur General. The assistants to the Commissaire du Gouvernement are appointed in the same way, but can be chosen from among lawyers who have had at least ten years of Court experience.

The Jures -

The Jures must be French citizens of at least 25 years of age and may be of either sex. The Jures are chosen from a list made up by the First President of the Court of Appeal, or in the case of a sub section, of the Court, by the President of the Civil Tribunal, and by two representatives designated by the Departmental Committee of Liberation. The list consists of 100 jures for each section or sub section of the Court and cannot include any citizens except those

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who have conscientiously given proof of patriotic sentiments.

Each month the names of 20 jures are chosen by lot and in public. They make up the list for each section or sub section of the Court for the following month. At the beginning of the first session of each week the President of the Cour de Justice or the President of the sub section thereof chooses by lot the names of four jures and of one or more alternate jure. This selection is valid for all of the cases heard in the courts of that week. The law specifies a number of disqualifications which are applicable to the president, the jures, the Commissaire du Gouvernement, to the Judge of Instruction of the Clerk of the Court.

Preliminary Proceedings

The assistants of the Commissaire du Gouvernement act as the Judges of Instruction. Procedural deficiencies are inoperative unless it is shown that the essential rights of the defence have been affected. The Commissaire du Gouvernement can move for the sequestration of the property of the accused before the President of the Civil Tribunal. After the Instruction (Judicial Inquiry) is completed, the Commissaire du Gouvernement decides whether the case is to be heard by the Cour de Justice or by the Chambre Civique. If this official decides that there is no basis for proceeding (Decision de classement) the Departmental Committee of Liberation is notified provided the committee filed the complaint, or joined in it.

Procedure before the Cour de Justice

The procedure followed before this Court is the same as that followed in the trials before the Court of Assise with procedure time limits revised to

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Procedure before the Cour de Justice

The procedure followed before this Court is the same as that followed in the trials before the Court of Assize with procedure time limits revised to permit greater speed.

The decision is reached after deliberation of the President and the jury who meet together in the Council Chamber. Separate written ballots are taken in the form of yes or no answers to questions drawn up by the President. ² The first question voted on is substantially "is the accused guilty of having committed such and such a crime?" Separate ballots are then taken on each of the aggravating or extenuating circumstances and on each of the facts which constitute a legal excuse or defense.

In the event of a negative reply on all of these questions the President of the Cour de Justice is required to ask the following questions "Is the accused guilty of indignite nationale?" If the answer is in the affirmative, questions with respect to extenuating circumstances must then be put. In this regard, it will be noted that the crime of indignite nationale (deprivation of civil rights, confiscation, and restriction of domicile) is always considered a supplementary charge in the prosecutions before the Cour de Justice.

A decision may be reached a majority vote both with regard to culpability and the penalty to be imposed.

Contrary to Art. 365 of the Code d'Instruction Criminelle, the Court cannot in any case suspend the execution of the sentence.

Even in case of acquittal, the court may in its discretion find the defendant guilty of Indignite Nationale.

The defendant has 24 hours to file an appeal before the Court of Cassation. The powers of the Court of Cassation are not as broad as they are in normal criminal appeals. Errors in procedure of jurisdiction can be availed of only if they affect the essential rights of the defense. Moreover, the Court is required to deliver its judgement within three days after the appeal has been perfected.

The defendant always has the right to make an application for clemency. In case of a death sentence, the prosecutor, the Commissaire du Gouvernement, is required to forward the application along with his own view and that of the President of the Court, to the Minister of Justice.

Penalties

The penalties are those prescribed by the penal laws in force on 16 June '40.

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Penalties

The penalties are those prescribed by the penal laws in force on 16 June '40. These include fines as well as prison terms up to hard labor for life. Art. 75 of the Penal Code is very frequently the basis of prosecution before the Cour de Justice and conviction therefor carries the death penalty. Sub-Division 5 of this article, the provision most frequently used, provides that any French citizen who in time of war acts in collusion with (entretientra les intelligences) ⁰⁴¹¹ foreign power or its agents for the purpose of favoring the undertakings of this power against France is guilty of treason and punishable with death.

In addition, the Court is required to declare forfeited to the treasury, the fruit of any crime of which it has found a defendant guilty. Every conviction carries with it automatically the penalties prescribed for indignite nationale.

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2. L'indignite nationale (the deprivation of civil rights or degradation nationale).

No.	No. and date of Official Journal	Date	Title
71	28 August 1944	Law of 26 August 1944	
86	1 October 1944	Law of 30 September 1944	
102	19 October 1944	Law of 17 October 1944	
159	25, 26, 27 Dec. 1944	Law of 26 December 1944	

I have discussed in the body of the report the purpose and concept of this crime. While it is described in general terms as a "dechéance" or a deprivation of rights in practically all the texts dealing with it, it is in point of fact a criminal penalty which in addition to being a deprivation of civil rights can involve the confiscation of a person's property, and the loss of his home, by fixing his place of residence at a place different from that at which he is established.

The principle text and the one which modified and codified prior texts, is the law of 26 December 1944, the last one in the above list.

I have listed in the body of the report (see page //) the circumstances under which a person can be tried under this law. In addition to what I have already pointed out it is interesting to note that the law also covers persons who may have participated in the organization of artistic, economic, political or other manifestations in support of the enemy, as well as persons who may have published articles, pamphlets or books; or may have given lectures, in favor of the enemy, of

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Procedure before the Chambre Civile

The Chambre Civile, a section of the Cour de Justice, has exclusive jurisdiction to try this crime. As already pointed out however, the penalties prescribed therefor can be imposed as an incident to a trial (whether conviction, where it is mandatory, or acquittal where it is discretionary) before the Cour de Justice.

The Chambre Civile is made up of a career judge who presides and four jurors who are chosen in the same way as those for the Cour de Justice. Generally, two

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alternate jurors attend the trial. The prosecutor is known as the Commissaire du Gouvernement. The procedure normally followed in criminal cases is observed before this Court. There is an appeal permitted to the Court of Cassation but this appeal is greatly accelerated and can be sustained only on limited grounds. The Court of Cassation, just as in the cases appealed from the Court of Justice, does not have the broad powers it exercises in the usual criminal cases.

Penalties -

In the body of the report (page 14) I have listed the principal penalties which follow upon a conviction for insoumission nationale. In addition, it should be pointed out that a convicted person is not only excluded from every public office but from employment with any undertakings based upon a concession or a subsidy of the government or any sub-division thereof, as well as undertakings 'd'intérêt général' of general interest. If the defendant is a lawyer, he is automatically disbarred. The penalties with respect to restriction of domicile are broad and the Court can constrain a defendant to reside in a fixed place or can declare him to be unworthy of residing in any specific part of France or of the French colonies.

3. Administrative Expatriation (L'Expatriation sans l'Administration)

No. and date of Office Journal		Title	
No.	Date		
55	6 July 1944	Law of 27 June	1944
58	4 October 1944	7 ^{ème} ¹⁹⁴⁴ Law of 3 October	1944

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3. Administrative Expulsion (L'Expulsion sans l'Administration)

No. and date of Office Journal		Title	
No.	Date		
55	6 July 1944	Law of 27 June	1944
88	4 October 1944	from Law of 3 October	1944
109	26 October 1944	Law of 25 October	1944
123	13, 14 November 1944	Law of 12 November	1944
143	7 December 1944	Law of 6 December	1944
147	11, 12 December 1944	Law of 11 December	1944-2039

with some modification, the law of 27 June 1944 above listed remains the principal text of this law. Its primary purpose is to remove from public employment any person who manifested a pro-German or pro-Vichy attitude after

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16 June 1943. The conditions upon which this law is applied are set forth in the body of the report. It is interesting to note that an employee can be brought within this law not only for his acts or writings but for his "personal attitude" (see Art. 1 of Law of 27 June 1944).

Moreover, the employees covered by this law include not only Civil Service Employees but all employees of enterprises which operate by virtue of a public grant or concession or which benefit by subsidies of any kind or by some "privilege" extended by the state or any political sub-division.

The law is also applicable to military and service personnel of all categories. By the law of 6 December 1944, it was extended to include lawyers with disciplinary powers devolving upon the Bar Associations (*Conseils de l'Ordre*). By the law of 12 November 1944 it was extended to include employees of insurance and mutual benefit companies. In addition to the usual disciplinary action which can include demotion, suspension or dismissal without pension reference of matters can be made to military or judicial authorities for disciplinary action or prosecution and to another officer for the purpose of cancelling the right to wear decorations.

Prefects are given the right to deal with employees of local government bodies and undertakings, subject, however, to certain exceptions where the Ministry involved must intervene. No action is taken except after personal notice to the employee and each Minister is given the right to establish commissions of enquiry to examine the cases which he might send to them and to report thereon. These are the epuration commissions referred to.

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4. Economic Epuration - (L'Epuration dans les Entreprises)

No. and Date of Official Journal	Title
No. 100	16, 17 October 1944
	Law of 16 October 1944

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This is a recent measure, the scope and application of which are the subject of considerable doubt and discussion. Its purpose was to eliminate from the economic life of the country any persons whether they be directors or owners,

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employees or laborers, who might have favored the undertakings of the Germans or have prejudiced the resistance movement. The powers to apply this law were placed in the hands of regional committees (comite regional inter professionnel d'operation). A national commission was also authorized (commission nationale inter professionelle d'operation). These bodies are made up of career judges, representatives of resistance movements, representatives of labour unions, and representatives of the personnel classifications to which a person involved belongs. The regional bodies were given specific authority to create sections or sub-committees dealing with the following groups:

Mines, Foundries, Mechanical and Electrical, Textiles, Tanning, Building and Public Works, Aircraft Construction, Art and Paper, Chemical Industry, Fuel, Wood Products, Transport, Commerce, Banks, Insurance Companies.

As I have already pointed out, it is difficult to trace a clear line of demarcation between the jurisdiction of the national commission and that of the regional commissions. A person associated with the national commission told me that so far as the terms of the law were concerned, the national commission might just as easily be concerned with a neighborhood bakery store as with a large national industry. The Ministry of Industrial Production, however, has requested the suspension of any action against the small personal types of business and it is to be assumed that these commissions will deal only with substantial enterprises.

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Administrative Order of 27 September 1944 creating an Advisory Commission in the Ministry of the Interior for the application of the law of 27 June 1944 relating to administrative epuration on the French mainland.

THE MINISTRY OF THE INTERIOR :

Considering the law of 27 June 1944 relating to administrative epuration in the territory of the French mainland :

ORDERS : -

Article 1. - An Advisory Commission (Commission Consultative) is established in the Ministry of the Interior which is charged with advising the Minister of the Interior with regard to the application of the law of 27 June 1944 relating to administrative epuration in the territory of the French mainland.

Article 2. - The Advisory Commission will be charged with the examination of the personnel files (dossiers) of employees or functionaries of the Central Administration of the Ministry of the Interior, whether these persons be classed as restored to duty, maintained in their own assignments or appointed by the so-called "Government of the French State".

The Commission will send to the Ministry of the Interior with respect to each employee or functionary its recommendation with regard to the penalties to be applied under the provisions of the law of 27 June 1944.

Article 3. - The Commission will be made up of 16 members, of which eight members are to be designated by the National Council of Resistance and eight members to be designated by the Ministry of the Interior from among the functionaries or employees who were active members of the resistance.

The Commission elects its own president.

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The Commission elects its own president.

Article 4. - The Commission will be divided into two sub-commissions consisting of four members each designated by the Minister of the Interior.
One sub-commission will be charged with the examination of the personnel files of employees or agents of the Surete Nationale, of the various police services and of the services attached to the main office of the Surete Generale. **U30**
The other sub-commission will be charged with the examination of the personnel files of the employees of other offices and services of the Central Administration of the Ministry of the Interior.

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Article 5. - The President will control the work of the Commission and personally direct the discussions of his sub-commission.

A member of each sub-commission will be designated by the President to substitute for him in the event of absence.

The Minister of the Interior will appoint a secretary for each sub-commission.

The meetings of the commissions and of the sub-commissions are not public. The views of the commissions will be recorded by a majority vote. The vote of the President of the meeting will be the deciding vote in the event of a tie.

Article 6. - The sub-commission will notify the interested party of the facts which are complained of and will give him the opportunity to present his explanation either verbally or in writing.

The interested party is considered to have defaulted if he does not submit an explanation, either verbal or written.

Article 7. - A member of each Commission designated by the President will investigate each case and present a report to the sub-commission.

The reporting member retains his right to vote.

Article 8. - Any case before a sub-commission can be referred for examination to the entire commission, at the request of the President of the Commission, of a representative of the Minister of the Interior or of a Sub-Commission.

Article 9. - The Administrative Order of the Minister of the Interior

dated 5 September 1944 is abrogated.

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Paris, 27 September 1944.

The Minister of the Interior
s/ A. TIXIER

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