

1289

Declassified E.O. 12356 Section 3.3/NND No. 785017

ACC

10000/109/499
(VOL. I)

1290

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

785017

10000/109/499
(VOL. I)

EPURATION
SEPT. 1944 - AUG. 1945

106.

Executive Commission

Torrey plus 10.5.

23/8/45.

21
C.S.O.

107.

P.S. Sub Com. must be asked to reserve channels.

Mr (24/7)

117.

A/ Executive Commission

An interesting 'history of Defacement' during the last year is

at 116.

23/8/45 118

24/9 noted. 7

W/21/5

3235

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82A/E Com²

Please see 81. The original of this letter
has been passed to C.A. Sec for action.
Have you any special instructions to give?

6 Apr 45

83E. Shorden ^{may}

6/4 noted. No special instructions. 7

85(50

a very interesting account of the history of
epuration for the last six months is at
84.

E.C.86

Six copies of this report ^(for 82) have been forwarded to APMH.
12 April 45. ^{W. J. B. C. Sec}

5/16/4

1293

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by
We must try to maintain a standard of
drafting. The E. F. Smith Comm. in para 3 does a
rapid change from plural to singular.

Issue as amended. TS/13/2

LETTER RETYED

TS

3:25

noted

8/14/2

1294

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65.

C.S.O.

1005/64/005 of 92

Attached letter, or signature, if approved is compiled from information contained in C.A.S. letter DF 3.21/CA at folio 55 in answer to letter at folio 54.

[Signature]

C.O.S. (245554)
9.2.45.

66

Miniklewellyn.

At show the letter to Brig Up/Don
- See if he approve. Maybe the
last sentence should be stronger
- Should state that interference
etc is against the established

policy 13/2

67

C.S.O.

Please see Col. Cupp's comment at foot of folio 64.

[Signature]

C.O.S.
13.2.45.

68.

Cos 8 Letter to AF S/C to reply to
C.O.S. 54 Submitted by 54/4/45. 24
is based on C.A.S. letter at 55.
You may think the last sentence
should be stronger and state that
the interference is not and

785017

Miniklewsky:

By show the letter to Ray Up/Den
- See if he appears. Maybe the
last sentence should be stronger
- Should state that interference
etc is against the established

page 13/2

67

C.S.O.

Please see Col. Clipp's comment at foot of folio 64.

De

C.O.S

13.2.45

68.

Cor 9 Letter to AF S/C in reply to
Clavin 54 Submitted for signature. It
is based on C.A.S. letter at 55.
You may think the last sentence
should be stronger and state that
the interference is not an
inadmissible but contrary to policy.

13/2

Chief Commission

56

AVM. Airfare Sub Com on p. 54 complains about
operation commission's organization procedure and
demands dismissal of the representation of the Air
Ministry in office of H.C. for operation. ? agree with
C. A. S. minute in p. 55 - that both matters are
for the Italian Govt. since that intervention would be
impolitic.

MS/412/45-
100-310
100-100

57
COS agree with both you & VP CH Sec.

DW
CL

b/2 CSO
So inform AVM. B-B
MS/412/45-
100-310
100-100

3233

(61)

Capt Menden.
Mr. (27) went up to CHA

(60)

demerit dismissal of the representation of the Air
 Ministry in office of H.C. for operation. I agree with
 C.A.S. minute in p. 155 that both matters can
 for the Italian Govt. since that intervention would be
 implicit.

310
 EC
 310

MS/442/43

CO S agree with both you & VP CH Sec.

Dup
 CC

$\frac{b}{2}$ CSO
 SS.
 So inform A.M. B-B
 DR/9/2

3233

(61)

Capt Martin.
 (60)
 Mr (2) went up to CHS
 without apparently any
 covering letter. M. follows up.
 L. 5/2

NOTE: Folio 62 transferred to file 1010/EC.

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CSO

you should see signal at 34 referring to Gen Orlando.

q

"Gen 45"

36

Col. You probably saw 34 is draft

11

37 CC 59

JAN 1 1960

Chief Commissioner P.34

CS (CD) Kena) rang up and said that he did not propose to pursue this matter further unless you requested a definite

reply. I replied that I agreed. M.S. 10/11

Noted

18/1

NOTE:- Folios 39, 40 & 41 transferred to file 1010/EC

JW

43

Ref 42 Maj Talbot spoke Col Beaton's who undertook to try to make contact with the Ministry this evening.

Sh

20 Jan 45

44

3230

CSO

Ref 42 & minute 43 CLO yesterday saw Minister of Justice & Minister for Punishment of Fascist Crimes. The individual referred to in 42 was charged by Inquest & further proceedings have been stopped. But as no one will take responsibility for release DCS is seeing C.C. today. All are agreed, I understand that there is insufficient case against.

1299

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36

Cpl. You probably saw 34 is draft.

37/CC 59
JAN 21 1950

Chief Commissioner

P.34

C. & (C.D. Hena) rang up and said that he did not propose
pursue this matter further unless you requested a definite

reply. I replied that I agreed. MS/4/1

CofS Voted

38

NOTE: Folios 39, 40 & 41 transferred to file 1010/EC

TWO

43

Ref 42 Maj Talbot spoke C.D. Behrens who undertook to try
to make contact with the Ministry this evening.

Sh

20 Jan 45

44

3230

CSD

Ref 42 & minute 43 CHO yesterday saw Minister
of Justice & Minister for Punishment of Fascist Crimes.
The individual referred to in 42 was charged by
Investure & further proceedings have been stopped.
But as no one will take responsibility for release
D&S is seeing C.S. today. All are agreed. I
understand, that there is insufficient case against
the accused anyway.

22 Jan 45

C.D. Hena sec

CC 100/4/1
N P 111
vml

47

P 46 Seen 17/1/50

1300

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Staff Office to A/Cc

M. Sec 2-b. The action copy has been sent to C. A. - Sec.

Excer 12/10

Noted the 14/10

COS
13 for information.

30/10

Sh

* Acting Chief Commissioner

This will interest you. Submitted for information

~~Sh~~
~~Sh~~
~~Sh~~

15

Noted by A/Cc.

J.A. Quaghe
Hayes.

24

COS

23 will interest you.

PM Sec should see

13 Dec 44 MS/23/10

27

PM Sec

Sh

13/12

3232

Sent to C. A. - Sect.

Exes 12/10

Noted

Done 14/10

COS

13 for information.

30/10

[Signature]

* Acting Chief Commissioner

This will interest you. Submitted for information

15/10/74

15

Noted by A/C.C.

[Signature]
Major

24

3232

COS

23 will interest you.

PA Sec should see

13 Dec 44

15/12/44

27

[Signature]

[Signature] 13/12

PA Sec

Please see 23

[Signature] *[Signature]*
Office of C.C.

23 Dec 44

COS

Seen. Thanks.
M. S. M. M.

PA 83

1005

Report on Defascism
for
year ending 31 Jul. 45

AUG 23 1945

On 27 Jul 1944 the Italian Govt passed DE 138, the principal law dealing with defascising. One year has passed and it is convenient to consider what progress has been made in the problems of Defascising especially as under the law, Defascising should be completed in Italy from 1 Jan inclusive Southwards by the 15 Aug 45 and should therefore be nearly completed now.

Progress has not been spectacular but it is none the less solid. It has progressed methodically if at times somewhat slowly.

It has been a principle of Italian organisation that every defascising tribunal shall have a judge or senior barrister as chairman to ensure that the evidence shall be considered by a judicial mind so that as far as possible people may feel that they have had a fair trial. The intention is that apportion should have been made it neither a desire for revenge - nor a hard core of outworn unemployables with no hope except in revolution.

To appreciate what has been achieved it is necessary to expand in detail.

First as to legislation. 120 decrees have been enacted: from decrees abolishing the principal fascist organisations to those dealing with minor matters such as the removal of fascist emblems from banknotes. Important decrees deal with the removal of fascists from office, the punishment of those guilty of overthrowing the old constitution, of organising violence, the forfeiture of corruptly gained wealth, and the annulling of discriminatory laws. Quite recently as a result of discussions with this Commission the Italian Govt has removed and will shortly issue a law disqualifying well known fascists from holding any important position in trade or commerce. The full list of the decrees which have been passed (attached hereto as an appendix) will give some notion of the scope and variety of the subjects dealt with.

Next as to organisation. None was in existence, everything had to be devised and brought into being. A Government Department had to be created, its staff recruited and trained and its work organised. Recruitment was not an ordinary problem; for obvious political reasons it was necessary to ensure that the public should not be able to challenge the bona fides of those in charge by being able to say that fascists were being employed. All employees therefore had to be screened and such enquiries take time. Further the organisation is not a simple office; firstly it is divided vertically into branches which deal respectively first with fascist crimes, secondly with the pursuing of the services and businesses, thirdly with the recovery of wealth improperly obtained and fourthly with the collection and administration of the funds of abolished fascist organisations. Nor was the establishing of a Central Office to deal with these matters sufficient.

Each of the branches has offices and representatives in every Province of Italian administered Italy. It will be appreciated how vast an organisation had to be built up considering only the clerical side. This work is not yet complete, the Italian Govt is at present engaged in extending this network over all the provinces of North Italy.

But, in addition, in every province in the north there has been set up Special Courts of Assize and Special Prosecutors' offices to deal with the cases of collaborators. Other special Courts have been established to deal with the more serious cases of fascist crimes.

For the recovery of corruptly gained wealth there is a network of tax authorities covering all Provinces and the local Intendente di Finanza is

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Progress has not been spectacular but it is none the less solid. It has progressed methodically if at times somewhat slowly.

It has been a principle of Italian organization that every delinquency tribunal shall have a judge or senior magistrate as chairman to ensure that the evidence shall be considered by a judicial mind so that as far as possible people may feel that they have had a fair trial. The intention is that opinion should have been formed at neither a desire for revenge - nor a hard core of outland unemployed with no hope except in revolution.

To appreciate what has been achieved it is necessary to enquire in detail.

First as to legislation. 120 decrees have been enacted: from decrees abolishing the principal fascist organizations to those dealing with minor matters such as the removal of fascist emblems from buildings. Important decrees deal with the removal of fascists from office, the punishment of those guilty of overthrowing the old constitution, of organizing violence, the forfeiture of corruptly gained wealth, and the annulling of discriminatory laws. Quite recently as a result of discussions with the Commission the Italian Govt has announced and will shortly issue a law disqualifying well known fascists from holding any important position in trade or commerce. The full list of the decrees which have been passed is in an appendix which will give some idea of the scope and variety of the measures taken.

Next as to organization. None was in existence, everything had to be devised and brought into being. A Government Department had to be created, its staff recruited and trained and its work organized. Recruitment was not an ordinary problem; for obvious political reasons it was necessary to ensure that the public should not be able to challenge the bona fides of those in charge by being able to say that fascists were being employed. All employees therefore had to be screened and such enquiries take time. Further the organization is not a simple office; firstly it is divided vertically into branches which deal respectively first with fascist crimes, secondly with the purging of the services and businesses, thirdly with the recovery of wealth illegally obtained and fourthly with the collection and administration of the funds of abolished fascist organizations. There was the establishing of a Central Office to deal with these matters sufficient.

Each of the branches has offices and representatives in every Province of Italian administered Italy. It will be appreciated how vast an organization had to be built up considering only the clerical side. This work is not yet complete, the Italian Govt is at present engaged in expanding this network over all the provinces of North Italy.

But, in addition, in every province in the north there has been set up Special Courts of Assize and Special Prosecutors' Offices to deal with the cases of collaborators. Other special Courts have been established to deal with the more serious cases of fascist crimes.

For the recovery of corruptly gained wealth there is a network of taxation tribunals covering all provinces and the local Intendente di Finanza in charge with the responsibility for investigating prosecuting and recovering money corruptly gained and frequently with administering the estates of persons concerned.

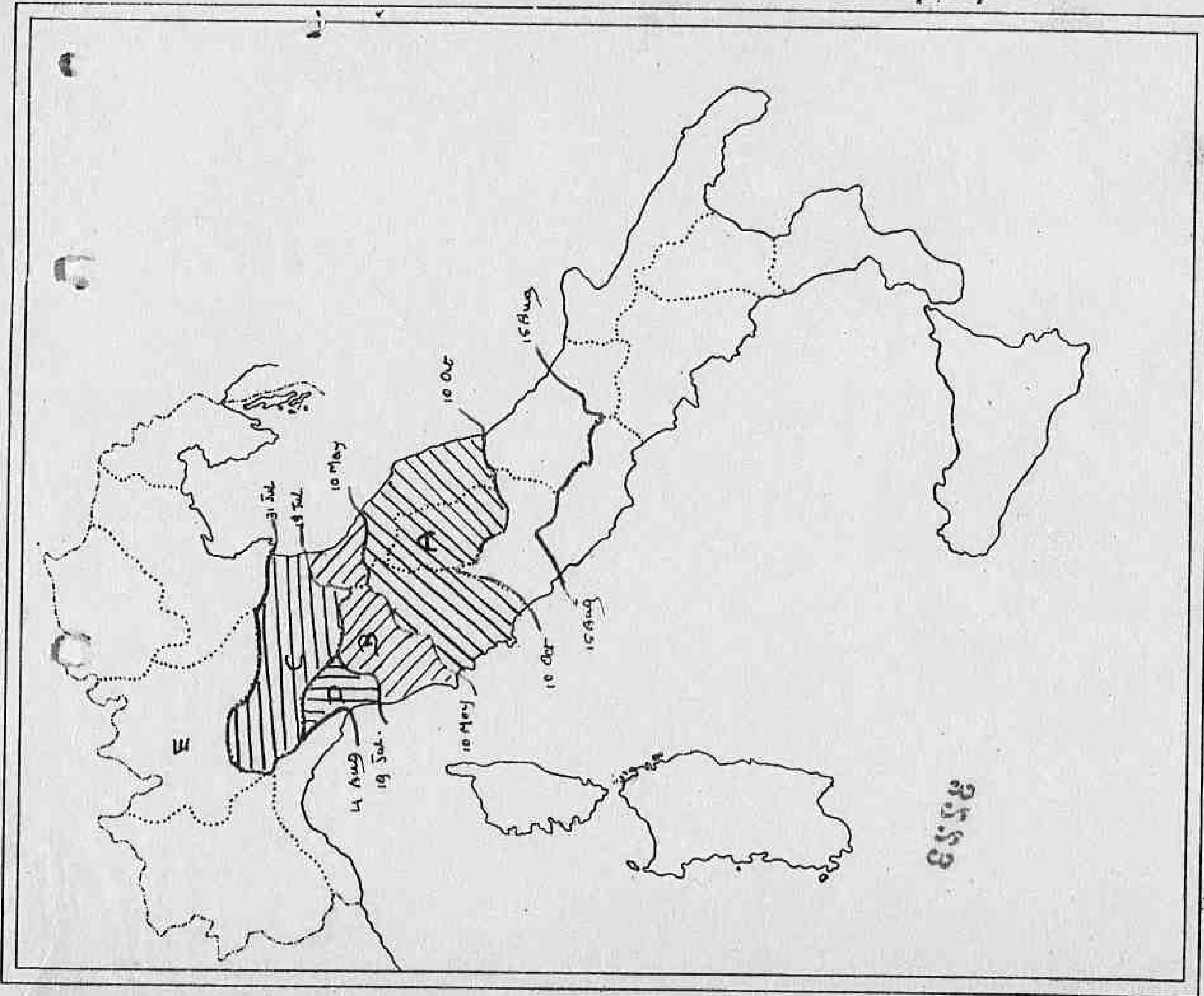
So far as purging of the services is concerned, over 300 tribunals have already been set up to consider whether or not persons should be declared

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Expiration time table

The dated boundary lines show dates on which territory south thereof came under Italian Administration.

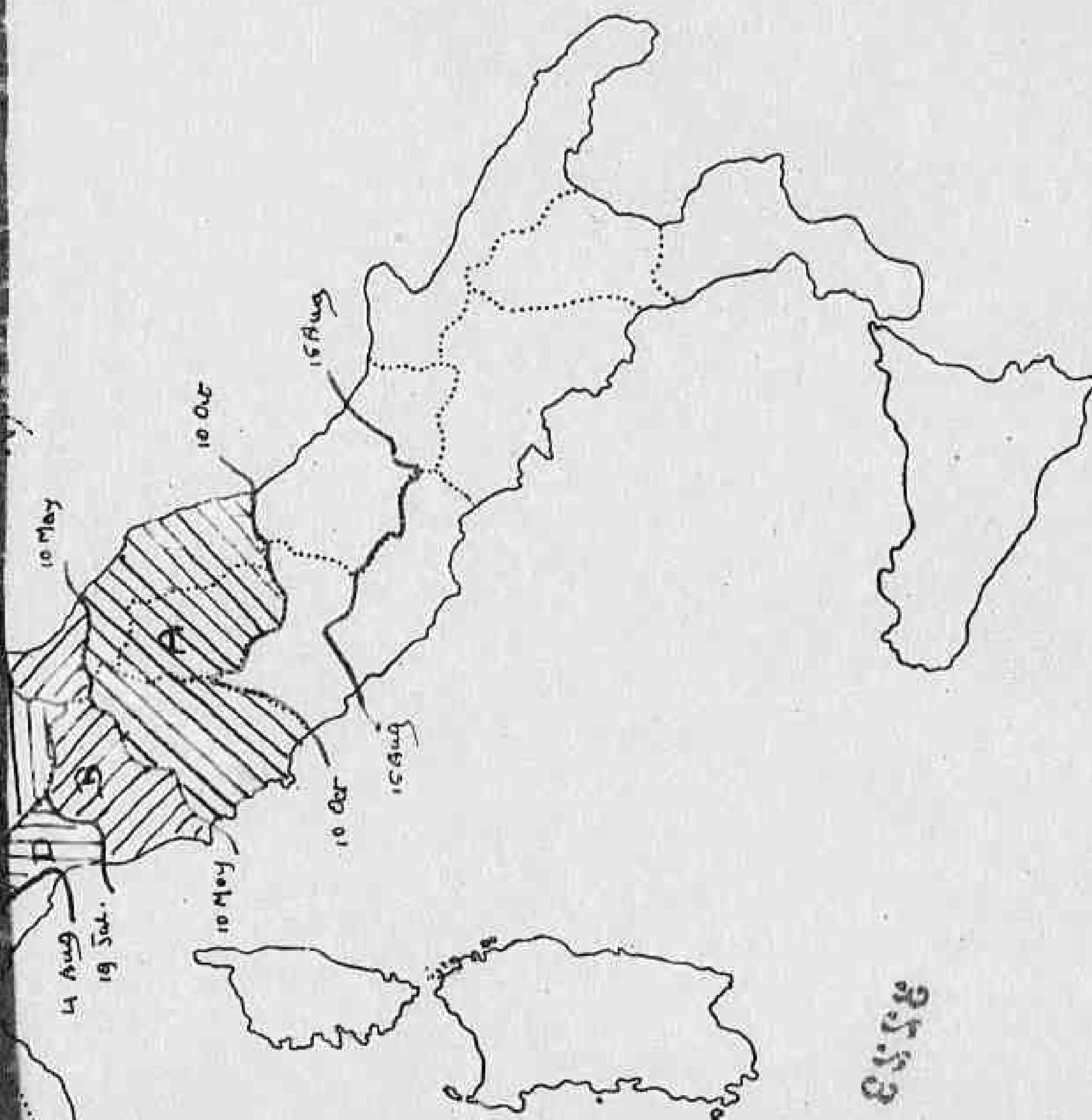
Expiration, with minor exceptions, is concluded south of the line 10 Oct except for cases triable provisionally for which the final date is 15 Nov.

Area	Expiration commences	Last day for trial commencing
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Expiration of Temporary Status

The dated boundary lines show dates on which territory south thereof came under Italian Administration.

Expiration, with minor exceptions, is concluded south of the line 10 Oct except for cases indicated previously for which the final date is 15 Nov.

Area	Expiration commences	Expiration commencing	Final
A	10 May	10 Nov	10 Nov
B	19 Jul	19 Jan	19 Apr
C	31 Jul	31 Jan	30 Apr
D	1 Aug	1 Feb	1 May
E	PHO	PHO + 6m	PHO 9 m

unwilling to "retain" their office and a large number more are in the process of being set to commence operating when for Italy comes under Italian administration. Each province has also a procurator and investigation office.

The network of tribunals is not simple. One set of tribunals deals with the Central Government, but where Government employees are administered locally (e.g. there is a functional administration of state railway employees who are administered from various railway centers) these tribunals may also sit locally. There are tribunals for the various professions which may also sit locally. Businesses may be urged centrally if they are of national importance or locally if they are only of local interest. Local Government and Public Utility undertaking hospitals and other local enterprises of a public character are also dealt with locally.

Before all these tribunals and investigatory bodies were appointed, enquiries had to be made locally to ensure that ex fascists were not appointed to them.

As the remedies advanced to the territory under Italian administration has grown, at no time has a simple uniform procedure been possible. The procedural time limits commenced to run in one district at one time, at another in another. Time may commence to run in one part of a railway division on one date and as to another part on another. In no service is there any uniformity of the time scale, but even by area the time limits expire and not until the last time limit has expired in the last area will operation be finished.

So far as the central Government and Italy south of Rome is concerned, all proceedings except for appeals must finish by 15 Aug. But where Central Government employees are administered locally, the date for completion of proceedings is 15 Nov subject to the further proviso that the locality must have been under Italian administration on 31 Dec 1944.

For the territory that came under Italian administration after that date, the time limit is 6 months from the commencement of Italian administration - 6 months within which proceedings must be commenced and a further 3 months within which they must (except for appeals) be concluded.

Opposite is a map showing diagrammatically the approximate time scale in force (in certain territories there are deviations in respect of certain classes of employees, but these are of minor importance).

During the whole of this period of preparation the Government has been hampered by difficulties of transport and of communications and very often by the fact that only part of a division was under its control.

Further there have been four changes of Government; during the attendant crises (some of which were not short) matters of policy were paralysed including legislation. Not only so; but changes of Government involved, in so political a matter as defascism, a change of control with its consequences of delay, reversal of minor policy, procedure etc.

This Commission has regarded the punishment of fascist crimes in 8 consequences of acts committed by individuals against the Italian State or ~~by~~ other Italian nationals as a matter more or less domestic to the Italian people. It has watched over it generally but almost as if it were only corroborative evidence of the soundness of the change of feeling against fascism. The same is true as to proceedings for the recovery of wealth gained corruptly by individuals from the Italian State or Italian corporations or nationals.

It is quite otherwise however with regard to the purging of the government services and of trade and commerce. The Allied Governments have laid it down that these will be purged of fascism and provisions to that effect are included in the armistice terms. This Commission therefore has required constant

attention to all branches of the Government and it is proper now that the time

only of local interest. Local Government and Public Utility undertakings hospitals and other local enterprises of a public character are also dealt with locally.

Before all these tribunals and investigatory bodies were appointed, enquiries had to be made locally to ensure that ex fascists were not appointed to them.

As the armies advanced so the territory under Italian administration has grown. At the time has a simple uniform procedure been possible. The procedural time limits commenced to run in one district at one time, at another in another. The law commenced to run in one part of a railway division on one date and as to another part on another. In no service is there any uniformity of the time scale, but area by area the time limits expire and not until the last time limit has expired in the last area will operation be finished.

So far as the central Government and Italy south of Rome is concerned, all proceedings except for appeals must finish by 15 Aug. But where Central Government employees are administered locally, the date for completion of proceedings is 15 Nov subject to the further proviso that the locality must have been under Italian Administration on 31 Dec 1944.

For the territory that came under Italian administration after that date, the time limit is 9 months from the commencement of Italian administration - 6 months within which proceedings must be commenced and a further 3 months within which they must (except for appeals) be concluded.

Opposite is a map showing diagrammatically the approximate time scale in force (in certain territories there are deviations in respect of certain classes of employees, but these are of minor importance).

During the whole of this period of preparation the Government has been hampered by difficulties of transport and of communications and very often by the fact that only part of a division was under its control.

Further there have been four changes of Government; during the attendant crises (some of which were not short) matters of policy were paralysed including legislation. Not only so; but changes of Government involved, in so political a matter as defascism, a change of control with its consequences of delay, reversal of minor policy, procedure etc.

This Commission has regarded the punishment of fascist crimes in consequence of acts committed by individuals against the Italian State or against other Italian nationals as a matter more or less domestic to the Italian people. It has watched over it generally but almost as if it were only corroborative evidence of the genuineness of the change of feeling against fascism. The same is true as to proceedings for the recovery of wealth gained corruptly by individuals from the Italian State or Italian corporations or nationals.

It is quite otherwise however with regard to the purging of the government services and of trade and commerce. The allied Governments have laid it down that these will be purged of fascism and provisions to that effect are included in the armistice terms. This Commission therefore has required constant returns from all branches of the Government and it is proper now that the time limits for Rome and South Italy are expiring (15 Aug) that a summary of the position should be included in this report.

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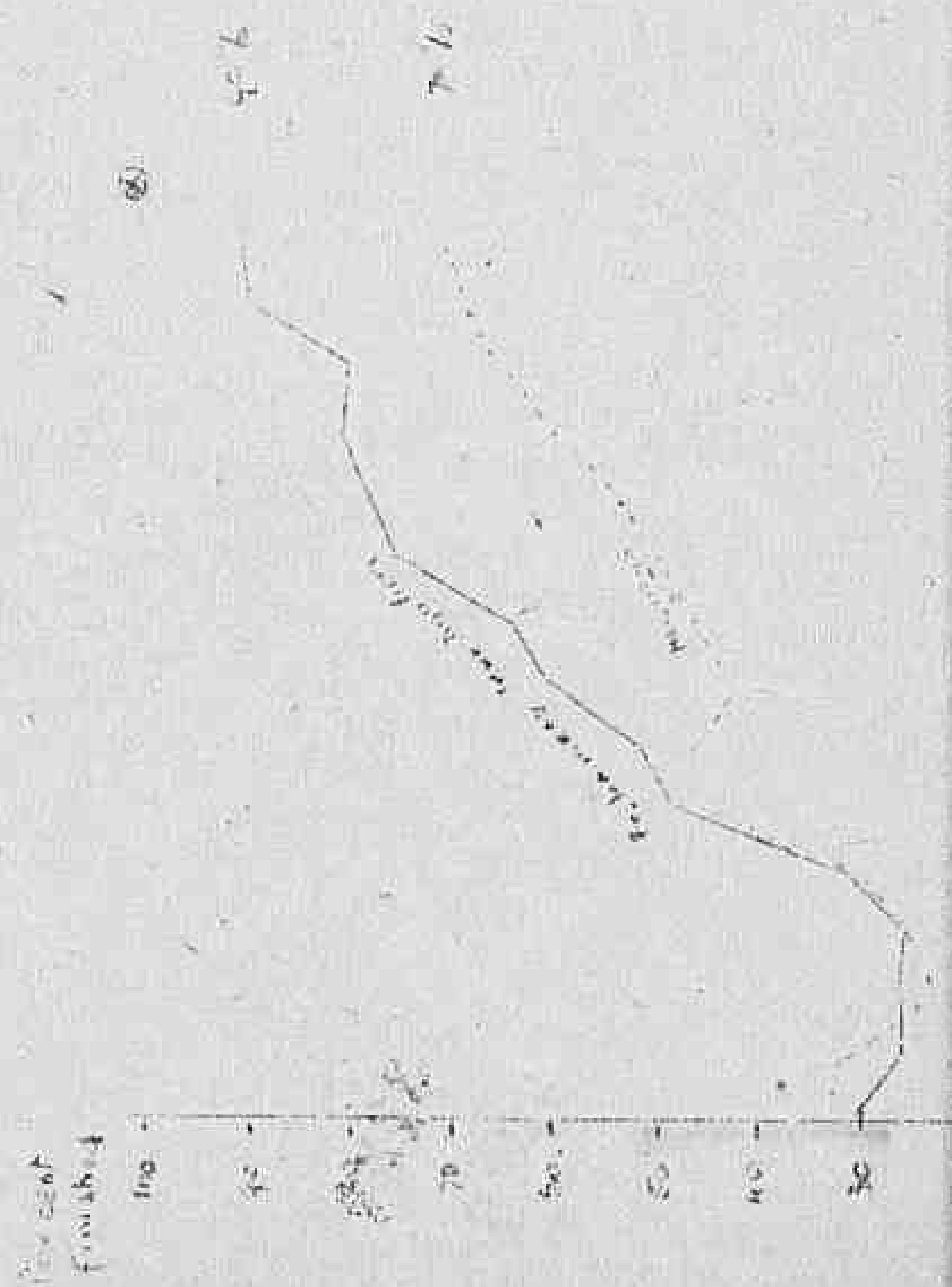
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Statistical showing progress as at 30 July 5

	R	I-IV	V-IX	X-IV	Tot	Prov	Tot
Preliminary Investigation							
Completed	479	410	42,360	158,047	201,296	94,439	295,735
Pending	-	-	5,137	153,790	158,927	121,500	280,427
Total	479	410	47,497	311,837	360,223	215,939	576,162
Totals							
Completed	277	277	5,209	9,551	15,037	1,603	16,640
Pending	-	-	2,312	11,660	13,972	6,278	20,250
Total	277	277	7,521	21,211	29,009	7,881	36,133
Appeals							
Completed	70	70	112	100	312	-	312
Pending	29	29	1,513	876	2,418	220	2,638
Total	99	99	1,625	976	2,730	220	2,950
Decisions							
Dismissal	479	412	714	1,229	2,564	397	2,961
Lesser	-	-	1,427	4,570	6,007	-	-
Total	479	412	2,141	5,799	8,571	397	2,961
Percentage of cases resulting in trial		67.5	17.0	13.4	14.3	8.3	12.5
Percentage of trials resulting in dismissal		14.5	11.3	12.9	17.1	24.6	17.8
Product = percentage of dismissals	100	27.4	2.55	1.30	2.45	2.05	2.22
		(66.5)					
Estimated dismissals in territories at present under Italian administration	479	112	1,209	5,600	7,400	4,420	11,820

Graph showing the progress of Evacuation among Grades I) II) countable centrally



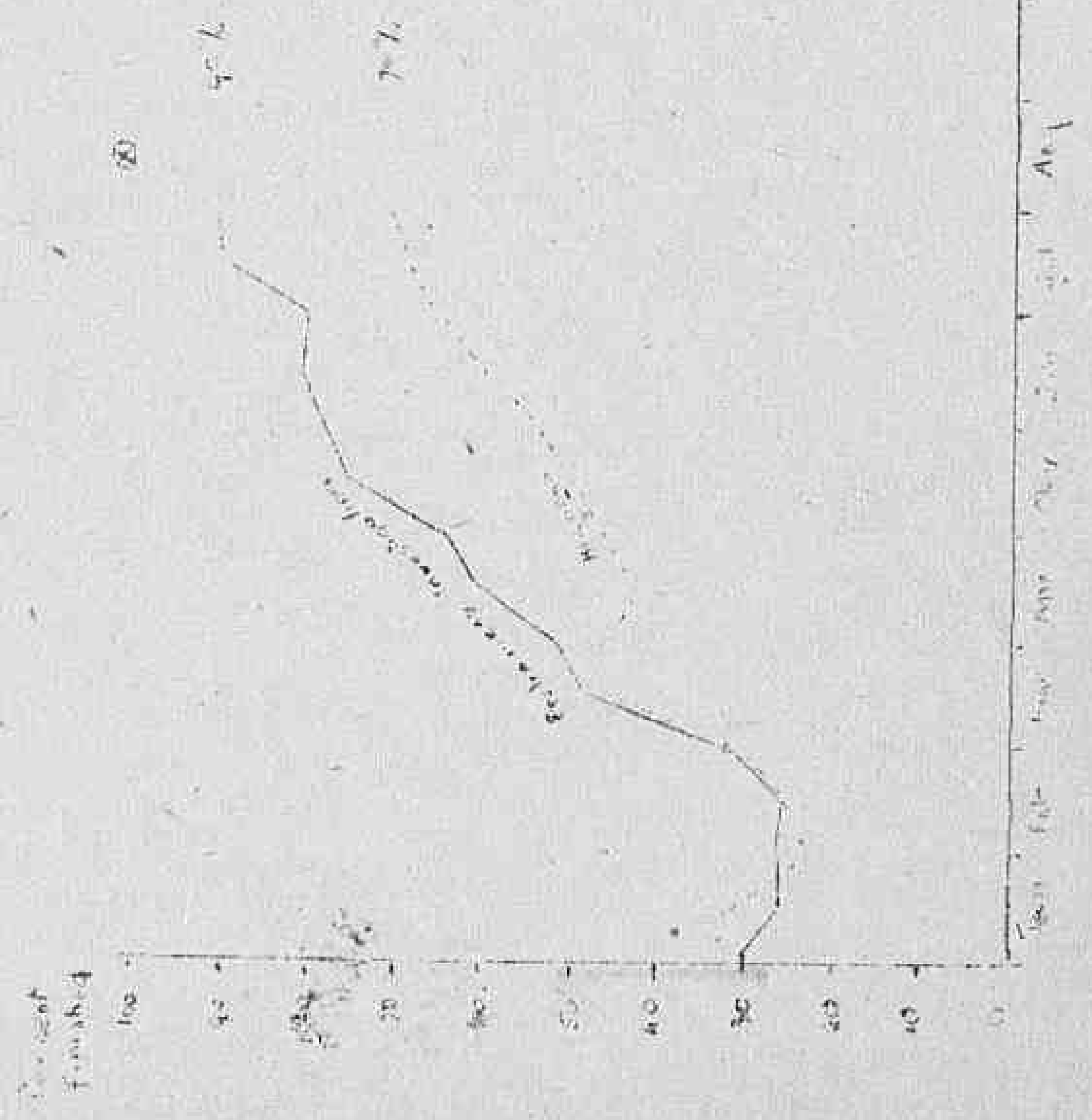
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Appeals	477	1,521	21,211	29,009	7,281	364
Completed						
Pending	70	112	100	312	-	312
Total	29	1,513	876	2,418	220	2,638
	99	1,655	976	2,730	220	2,950
Decisions						
Dismissal	479	744	1,229	3,564	397	2,961
Lesser	-	1,437	1,570	6,007	-	-
Total	479	2,181	5,799	9,571	397	2,961
Percentage of cases resulting in trial	67.5	17.9	13.4	14.3	8.3	12.5
Percentage of trials resulting in dismissal	41.5	11.3	12.9	17.1	24.6	17.8
Product=percentage of dismissals	100	2.55	1.80	2.45	2.05	2.22
	(66.5)					
Estimated dismissals in territories at present under Italian administration	479	1,209	5,600	7,400	4,420	11,820

Graph showing the progress of Eparation among Grades I)IX enuratable centrally



Opposite it is a statistical table showing the position according to the figures as at 30 Jul except for the Provincial figures which show the position as at 15 Jul as provincial returns, because of the difficulties of communication, take longer to get in.

The following explanatory comments on the table are made to make the picture clearer.

The law provides that an official of long service whose ways and thought have become fixed by long usage in fascist methods may, subject to his right to appeal, be retired from service even though he has shown no marked adherence to fascist ideology. Persons so retired belong largely to grades I-IV but are shown under col. R.

The Grades shown are those of the civil service but merely as an indication of the standing of the persons included; the table includes also, under appropriate grades, employees of businesses of national importance operable centrally. Under the heading Provincial are included only local concerns, (persons belonging to national concerns are included in the earlier columns even though their tribunals may sit provincially).

The equivalent Army standing may be a useful guide to the meaning of the various grades; I is the Supreme Commander; IV a Major General; V-II are Major to Capt; X-III Subaltern to Private.

This Commission has most closely watched and on occasions guided operation down to grade IX inclusive. It is of opinion that the first essential was removal of fascists in authority, that the fascism of the ordinary rank and file who had not advanced because of fascism was not serious and that they could be controlled by non fascists in authority over them. To dismiss large numbers would create unemployment and disorganise public services. This Commission has also insisted upon priority being given to the higher grades.

It has made no effort to control the Italian Govt with regard to the lower grades. It will be seen from the percentage at the foot of the table that they are, as is logical, of the same order but rather lower than Grade V-IX which shows that the same standards are being applied.

Now as to progress. The process of liquidation may be regarded as being carried out in three stages, a preliminary investigation by the employing body to ascertain whether the past history of an employee requires formal investigation. By law the employer is responsible for submitting for consideration the cases of all employees "worthy of retention". So far as employees of Grades I-IX are concerned, the last day for commencing proceedings is 15 Aug. The Graph opposite shows the progress that has been made and, as will be seen therefrom, there is every indication that the preliminary investigations will be completed on that date.

On the Graph is shown marked 3 the point "100% - 15 Aug", the date by which preliminary investigations of personnel located south of 10 Oct line must be completed. As the figures contain a proportion located north of the line the graph will not reach 100% on 15 Aug. Similarly hearings, except for personnel located in Provinces, must be completed by 15 Aug, but, for personnel located provincially south of the 10 Oct line, the date for completion is 15 Nov.

From the first lines of the tables it will be seen that out of 47,497 employees the files of all but 5,437 have been scrutinised; of these 4,000 belong to concerns under the control of the Minister of Finance (principally Banks and Insurance Companies) and 550 to Education and 350 to Agriculture and Commerce. Excluding these it will be seen that the work is practically complete, but when the North is added over the figures will again increase.

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...to retired from service even though he has shown no marked adherence to fascist ideology. Persons so retired belong largely to grades I-IV but are shown under col. 2.

The grades shown are those of the civil service but merely as an indication of the standing of the persons included; the table includes also, under appropriate grades, employees of businesses of national importance especially centrally. Under the heading Provincial are included only local concerns, (persons belonging to national concerns are included in the earlier columns even though their tribunals may sit provincially).

The equivalent Army standing may be a useful guide to the meaning of the various grades: I is the Supreme Commander; IV a Major General; V-IX are Brigadier to Capt; X-XXIV Subaltern to Private.

This Commission has most closely watched and on occasions guided operation down to grade IX inclusive. It is of opinion that the first essential was removal of fascists in authority, that the fascists of the ordinary rank and file who had not served because of fascism was not serious and that they could be controlled by non fascists in authority over them. To dismiss large numbers would create unemployment and disorganise public services. This Commission has also insisted upon priority being given to the higher grades.

It has made no effort to control the Italian Govt with regard to the lower grades. It will be seen from the percentage at the foot of the table that they are, as is logical, of the same order but rather lower than Grade V-IX which shows that the same standards are being applied.

How as to progress. The process of Expiration may be regarded as being carried out in three stages, a preliminary investigation by the employing body to ascertain whether the past history of an employee requires formal investigation. By law the employer is responsible for submitting for consideration the cases of all employees "unworthy of retention". So far as employees of Grades I-IX are concerned, the last day for commencing proceedings is 15 Aug. The Graph opposite shows the progress that has been made and, as will be seen therefrom, there is every indication that the preliminary investigations will be completed on that date.

On the Graph is shown marked 3 the point "100% - 15 Aug"; the date by which preliminary investigations of personnel located south of 10 Oct line must be completed. As the figures contain a proportion located north of the line the graph will not reach 100% on 15 Aug. Similarly hearings, except for personnel located in Provinces, must be completed by 15 Aug, but, for personnel located provincially south of the 10 Oct line, the date for completion is 15 Nov.

From the first lines of the tables it will be seen that out of 47,497 employees the files of all but 5,437 have been scrutinised; of these 4,000 belong to concerns under the control of the Ministry of Finance (principally Banks and Insurance Companies) and 550 to Education and 350 to Agriculture and Commerce. Envisaging these it will be seen that the work is practically complete, but when the North is handed over the figures will again increase. When no files also to the total in the last two columns both of which will be very largely increased when the northern provinces (in which over half of Italy's population resides) is handed over to Italian Administration. As it is the files of near 600,000 persons are being scrutinised and well over half is already done.

The second step of operation is the "formal investigation". The High Commission investigates the case and prepares a schedule of allegations to which the employee may reply. The tribunal then gives its decision. This stage is practically complete for Rome and the South except for people located provincially. For many of them the date of completion is 15 Nov but if they were located in territory not under Italian Administration on 31 Dec 44, the date is later as shown by the map but, as will be seen from the table and the graph, 70% of the cases are already complete.

The third step of operation is the appeal stage for which the law provided no time limit but prohibits an employee found "unworthy of retention" from rejoining the employment - or which he was found unfit while the appeal is pending. As will be seen from the table, so far only 12% of Grade I-IX appeals have been heard.

The difference in the proportion of cases "dealt with" provincially as compared with the other columns is partially because provincial operation was much slower in getting under way than central operation was and partially because the figures include territory only recently returned to Italian administration in which operation has hardly begun and is not due to be completed until next April. The figures will later be still further increased by the figures of the six Northern regions.

Comparison is best obtained from the percentage figures at the foot of the table from which it will be seen that (including persons retired) 66% (2 out of 3) of all senior grades officials have been removed, 23% of grades V-IX and 13% of lower grades and 3% of provincial officials. This last figure is higher than for grades X-XIV for two reasons; one because it contains a proportion of senior officers and secondly because the small number is of greater importance in a lower setting.

The Provincial percentages differ from the earlier figures because the Provincial Commissions started later, after experience had been gained; greater discrimination has been shown in choosing those for trial and the percentage is therefore lower, but the percentage of convictions is correspondingly greater. The final result is of the same order and lies logically between groups V-IX and X-XIV. (The figures in boxes, being unweighted averages, cannot be used for obtaining forecasts).

The above is a summary of the work of the Italian Govt. This Commission, has itself taken action to remove fascists from office both under Law Nos 67 and 76 and under GOs 55 and 46. Under GO 35 there is at the present moment a network of commissions covering the whole of North Italy deciding what persons shall be suspended from office pending the consideration of their cases by Italian Commissions sitting under Italian Law when the territory is returned to Italian Administration.

The criterion on which these commissions act are the same as those under which the Italian Commissions act. They are the stop gap which removes fascists from office until such time as the Italians themselves determine what shall be done. Their work has been one of the factors which has contributed to the preservation of law and order in the north and will be the subject of a separate report.

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LIST OF PRINCIPAL LAWS ON FASCISM
ENACTED BY THE ITALIAN GOVERNMENT PRIOR TO 31 JUL 1945

In addition to the decrees listed below a very large number of decrees (probably from two to three hundred or even more) have been passed dealing with such subjects as:

- a) the appointment of Commissioners to manage fascist bodies, newspapers, and businesses under the control of fascists;
- b) the reinstatement of public officials, accountants, notaries, brokers, etc., removed for political or racial reasons;
- c) the changing of names of places or localities which have been given names commemorating fascists or connected with fascist ideology;
- d) reconstituting provincial and communal boundaries altered for fascist reasons.

ML signifies a Decree Law

RD signifies a Royal Decree

PD signifies a Decree of the President of the Council of Ministers.

MD signifies a Ministerial Decree

DCGS signifies a Decree of CGS.

1945
ML NOS.

- 1 668 Suppressing the Special Tribunal for the Defense of the State.
- 2 704 Dissolving the National Fascist Party and other Fascist organizations controlled by it.
- 3 705 Dissolving the "Chamber of Fasci and Corporations" and providing for the election of a new Chamber of Deputies after the war.
- 4 706 Suppressing the Grand Council of Fascism.
- 5 707 Abrogating provisions imposing limitations upon unmarried persons in civil service, armed forces, etc.
- 6 MD 6 Aug Suppressing the Corporative Committee for distribution of textiles and clothing products, etc.
- 7 710 Changing the name of the Ministry of Corporations to Ministry of Industry, Commerce and Labour. **3225**
- 8 720 Recovery by the State of property wrongfully acquired by persons who held public office or were engaged in political activities during the fascist regime.
- 9 721 Suppressing the Central Corporative organs of the Ministerial Co-ordinating Committees on Prices and on Authority. (Abrogating the National Corporative Council, the Corporations, etc.)
- 10 RD 16 Aug Appointing a Commission to investigate cases of wrongfully acquired property, etc.

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- c) the changing of names of places or localities which have been given names commemorating fascists or connected with fascist ideology;
- d) reconstituting provincial and communal boundaries altered for fascist reasons.

IL signifies a Decree Law

RD signifies a Royal Decree

PD signifies a Decree of the President of the Council of Ministers.

MD signifies a Ministerial Decree

DOCS signifies a Decree of CGS.

1943
IL Nos.

- 1 666 Suppressing the Special Tribunal for the Defence of the State.
- 2 704 Dissolving the National Fascist Party and other Fascist organizations controlled by it.
- 3 705 Dissolving the "Chamber of Fasci and Corporations" and providing for the election of a new Chamber of Deputies after the war.
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- 8 720 Recovery by the State of property wrongfully acquired by persons who held public office or were engaged in political activities during the fascist regime.
- 9 721 Suppressing the Central Corporative organs of the Ministerial Co-ordinating Committees on Prices and on Antitrust. (Abrogating the National Corporative Council, the Corporations, etc.)
- 10 RD 16 Aug Appointing a Commission to investigate cases of wrongfully acquired property, etc.
- 11 9/B Abrogating dues payable to the dissolved National Fascist Party.
- 12 11/B Modifying the formula to be used in promulgating laws and royal decrees and in executing acts bearing the heading in the name of the King. (Eliminating the styles "King of Albania and Emperor of Ethiopia".

- 13 RD 16/5 6 Dec Dissolving the Voluntary Militia for National Safety and Special Branches of the Militia.
- 14 29/5 28 Dec Defection of State administrations, local and perastato bodies, of bodies in any way subject to state supervision or control and of private concerns performing public service or of national interest. (Repealed.)
- 15 9 Reinstating into service state employees and employees of local, perastato, and State controlled bodies, of concerns performing public service or of national interest, previously dismissed for political reasons.
- 16 25 Provisions for restoring civil and political rights to Italian citizens and aliens formerly declared or considered of Jewish race.
- 17 58 Modifying the University curricula. (Abrogating courses in Corporative law, etc.).
- 18 101 Complementary provisions for DL 29/5 of 1943 and No. 9 of 1944. (partly repealed)
- 19 110 Establishing the office of the High Commissioner for National purge from Fascism. (Repealed)
- 20 RD 13 and 141 Appointment of the High Commissioner for National purge from Fascism. (Repealed)
- 21 111 Provisional rules for administration of Communes and Provinces. (repealed in part)
- 22 RD 11 May Appointing two judicial officials to be members of the Sections of the Commissione Unica constituted by DL 121 of 1944.
- 24 124 Punishment of fascist offences and illegalities. (Repealed)
- 25- 136 Modifying DL 724 of 1943. (The title "Chief of Government" is substituted in all official acts by that of "President of the Council of Ministers").
- 26 139 Modifying DL No. 16/5 of 1943 relating the dissolution of the Voluntary Militia for National Safety and of special branches of the Militia.
- 27 RD 2 Jun Terminating the office of the High Commissioner for National purge from Fascism.
- 28 140 Appointing the High Commissioner for punishment of fascist offences and illegalities. (Repealed)
- 29 RD 2 Jun Appointing the Deputy High Commissioner for punishment of fascist offences and illegalities. (Repealed)
- 30 142 Changing the name of the Ministry of National Education to Ministry of Public Instruction.
- 31 150 Abolishing the Ministry for Exchange and Foreign Currency, etc.

- 9 Reinstating into service state employees and employees of local, provincial, and State controlled bodies, of concerns performing public service or of national interest, previously dismissed for political reasons.
- 16 25 Provisions for restoring civil and political rights to Italian citizens and aliens formerly declared or considered of Jewish race.
- 17 28 Modifying the University curriculum. (Abrogating courses in Corporative law, etc.).
- 18 101 Complementary provisions for DL 29/B of 1943 and No. 9 of 1944. (partly repealed)
- 19 110 Establishing the office of the High Commissioner for National Purge from Fascism. (Repealed)
- 20 RD 19 April Appointment of the High Commissioner for national purge from Fascism. (Repealed)
- 21 111 Provisional rules for administration of Communes and Provinces. (repealed in part)
- 22 RD 11 May Appointing two judicial officials to be members of the Sections of the Commissione Union constituted by DL 121 of 1944.
- 24 134 Punishment of fascist offences and illegalities. (Repealed)
- 25 136 Modifying DL 704 of 1943. (The title "Chief of Government" is substituted in all official acts by that of "President of the Council of Ministers").
- 26 139 Modifying DL No. 16/B of 1943 relating the dissolution of the Voluntary Militia for National Safety and of special branches of the Militia.
- 27 RD 2 June Terminating the office of the High Commissioner for national purge from Fascism.
- 28 2 July Appointing the High Commissioner for punishment of fascist offences and illegalities. (Repealed)
- 29 RD 2 Jan Appointing the Deputy High Commissioner for punishment of fascist offences and illegalities. (Repealed)
- 30 142 Changing the name of the Ministry of National Education to Ministry of Public Instruction.
- 31 150 Abolishing the Ministry for Exchange and Foreign Currency, etc.
- 32 151 Assembly for a new State Constitution. Oath of members of Government and powers of the Government to issue legal provisions.

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- 32 247 Compilation of electoral lists.
- 53 249 Adjustment of legislation in liberated territories. (All laws of the Fascist republican government and all sentences of tribunals created by such government are declared void, all measures taken to enforce said laws are equally void. Procedure is established for revision of judgments rendered and measures applied by ordinary governmental organs during the rule of such government.)
- 54 252 Publishing and rendering effective DL 26 of 1944 - reinstatement of Italian citizens and foreigners of Jewish race into their rights of property.
- 55 257 Rules for expediting the operative proceedings and for retirement of civil and military state employees belonging to the first four grades of the state personnel classifications.
- 56 264 Modifying the new prevailing regulations for universities, (Election of Rectors, etc.)
- 57 268 Abrogating DL 79 of Jan 31 restricting marriages of Italian diplomatic and consular personnel with aliens.
- 58 272 Regulations for the Superior Court for Public Instruction.
- 59 285 Complementary and executive rules to implement that part of DL 159 of 1944 dealing with operation of the civil service.
- 60 287 Provisions relating to the reform of civil law. (Abrogating the "Carta del Lavoro", labour charter, certain references to corporate law in the Civil Code, etc.)
- 61 288 Provisions relating to the reform of penal legislation. (Abolishing references to certain fascist institutions particularly in rules aiming at their penal protection; simplifies penal procedure.)
- 62 301 Revision of statute of Public employees. Re-admission into service. (Detailed rules for revision of promotion due to fascist influence and merits and reinstatement in proper grades and positions of employees dismissed or forced to resign for political or racial reasons.)
- 63 302 Revision of rolls of journalists.
- 64 306 Complementary rules for the provisions of DL 25 of 1944 restoring civil and political rights to Italian citizens and aliens previously declared of Jewish race. (Detailed rules concerning rectification of civil status documents, marriages, admission to schools, Armed Forces, free professions, abolishing certain penal provisions concerning Jews.
- 65 308 Procedure for readmission to service of military personnel of State Armed Forces holding a grade not superior to 5th, formerly discharged for political or racial reasons.
- 66 313 Suppression of the Lictor's fasces from the State emblem and from the public administration and notarial seals.

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judgments rendered and measures applied by ordinary governmental organs during the rule of such government.

- 54 252 Publishing and rendering effective DL 26 of 1944 - reinstatement of Italian citizens and foreigners of Jewish race into their rights of property.
- 55 257 Rules for expediting the expiation proceedings DL for retirement of civil and military state employees belonging to the first four grades of the state personnel classifications.
- 56 264 Modifying the new prevailing regulations for universities, (Dissolution of Rectors, etc.)
- 57 268 Abrogating DL 79 of Jan 31 restricting marriages of Italian diplomatic and consular personnel with aliens.
- 58 272 Regulations for the Superior Court for Public Instruction.
- 59 285 Complementary and executive rules to implement that part of DL 159 of 1944 dealing with expiation of the civil service.
- 60 287 Provisions relating to the reform of civil law. (Abrogating the "Carta del Lavoro", labour charter, certain references to corporate law in the Civil Code, etc.)
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- 65 308 Procedures for readmission to service of military personnel of State Armed Forces holding a grade not superior to 5th, formerly discharged for political or racial reasons.
- 66 313 Suppression of the Lictor's Palace from the State emblem and from the public administration and notarial seals.
- 67 DCS 8 new Provisions consequent upon the dissolution of the Special Tribunal for Defence of the State (Bando No. 32.)

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- 134 Re-establishment of the Ministry of the Treasury.
- 159 Sanctions against fascism. The decree provides for:
- a) Punishment of fascist crimes;
 - b) Purge of administrations and certain concerns;
 - c) Recovery of illicit profits derived from fascism;
 - d) Liquidation of assets of fascist organisations.
- 169 Suppressing the Ministry for popular culture and constituting an office of the Undersecretary of State for press and information.
- 169 Revocation of benefits of pensions and other allowances granted to members of the dissolved Voluntary Militia for National Safety (M.V.S.N.) and its Specialist Branches and to citizens with fascist merits.
- 170 Rules for the constitution of Courts of Assizes. (For trials of Fascist criminals)
- 177 Modifying DL 111 concerning the composition of the Provincial Deputation.
- 183 Re-instatement into service of officials of the judiciary category dismissed for political or racial motives.
- 186 Abrogating the prohibition against women to teach certain subjects or holding certain executive positions in the secondary institutes of learning.
- 190 Modifying DL 9 of 1944 and DL 101 of 1944 on reinstatement to service of personnel formerly dismissed for political reasons.
- 19 8 Sep Forfeiture of the profits derived from the regime.
- 195 Rectification of civil status documents relating to persons affected by racial laws.
- 198 Rules relating to composition and functioning of the High Court of Justice constituted by DL 159 of 1944 and other procedural rules.
- 206 Appointing to positions formerly made upon nomination of the suppressed Fascist party.
- 207 Appointment of Commissioners extraordinary for administration of publishing concerns which supported fascism and nazism during the war and particularly after the 8 Sep 43.
- 10 Sep Modifying the DL of 8 Sep 44 relating to the forfeitures derived from the fascist regime.
- 208 Provisions for readmission to the profession of notaries affected by racial provisions or dismissed from office for political reasons; modifications of the regulations concerning the national profession.
- 224 Abolishing the death penalty on the Penal Code.
- 229 Admitting a civilly injured party to participation in penal proceedings before the High Court of Justice.

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- 35 163 Suppressing the Ministry for popular culture and constituting an office of the Undersecretary of State for press and information.
- 36 163 Repeal of benefits of pensions and other allowances granted to members of the dissolved Voluntary Militia for National Safety (M.V.S.N.) and its Specialist Branches and to citizens with fascist merits.
- 37 170 Rules for the constitution of Courts of Assizes. (For trials of Fascist criminals)
- 38 177 Modifying IL 141 concerning the composition of the Provincial Deputation.
- 39 183 Re-instatement into service of officials of the judiciary category dismissed for political or racial motives.
- 40 186 Abrogating the prohibition against women to teach certain subjects or holding certain executive positions in the secondary institutions of learning.
- 41 190 Modifying DL 9 of 1944 and IL 101 of 1944 on reinstatement to service of personnel formerly dismissed for political reasons.
- 42 ID 8-Sep Forfeiture of the profits derived from the regime.
- 43 195 Rectification of civil status documents relating to persons affected by racial laws.
- 44 198 Rules relating to composition and functioning of the High Court of Justice constituted by IL 159 of 1944 and other procedural rules.
- 45 206 Appointing to positions formerly made upon nomination of the suppressed Fascist party.
- 46 207 Appointment of Commissioners extraordinary for administration of publishing concerns which supported fascism and racism during the war and particularly after the 8 Sep 43.
- 47 ID 10-Sep Modifying the ID of 2 Sep 44 relating to the forfeiture of profits derived from the fascist regime. 3223
- 48 208 Provisions for readmission to the profession of notaries affected by racial provisions or dismissed from office for political reasons; modifications of the regulations concerning the national profession.
- 49 224 Abolishing the death penalty on the Penal Code.
- 50 229 Admitting a civilly injured party to participation in penal proceeding before the High Court of Justice.
- 51 238 Rules for organization of the High Commissariatship for sanctions against fascism.

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- 38 23 Extending the right to vote to women.
- 39 42 Suppressing the "Ente Stampa" (Press Organisation).
- 90 43 Suppressing the police corps for Italian Africa.
- 91 44 Modifying and adding to the legislative provisions for the epuration of the State Administration.
- 92 Constituting a Commission for the examination of appeals lodged against the provisions for revocation of pensions and other benefits accorded to the members of the dissolved Voluntary Militia for National Safety, its special activities and to citizens possessing fascist merits.
- 93 56 Extending the time limits for the initiation of epuration proceedings and establishing the procedure for the payment of remuneration owed to employees who were suspended from office.
- 94 65 Abrogating certain provisions contained in DL 1333 of 1933 which required obligatory oath of allegiance for Presidents and members of Academies, Institutes and Associations of Science, Letters and Arts.
- 95 10 24 Mar Removing the licitor fasces from the seals of public notaries.
- 96 105 Rules for revision of sentences imposed by the abolished Special Tribunal for the Defence of the State.
- 97 132 Suppressing the Institute for studies on Italian Political Writers.
- 98 152 Abrogating the rules establishing penalties for listening to enemy and neutral radio broadcasts.
- 99 168 Composition of the National Consultative Assembly.
- 100 63 Revoking the provisions as to property of nationals (including physical and juridical persons of the United Nations).
- 101 82 Reorganising the National Research Council.
- 102 142 Establishing Extraordinary Courts of Assize to try the offences of collaboration with the Germans.
- 103 146 Establishing a National Consultative Assembly.
- 104 149 Applying sanctions against fascists considered to be politically dangerous.
- 105 179 Supplementary provisions for the epuration of the civil service.
- 106 195 Punishment of fascist activity in liberated Italy.
- 107 123 Concerning upon the High Commission for Sanctions against Fascism, power for appealing against sentences passed in cases of fascist crimes.
- 108 197 Rules of procedure for DL 249 of 1944 relating to the reorganisation of legislation in liberated territory.
- 109 202 Supplementary provisions as to DL 26 of 1944 restoring the property rights of Italian citizens and foreigners affected by racial laws.

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

- 92 Constituting a Commission for the examination of appeals lodged against the provisions for revocation of pensions and other benefits accorded to the members of the dissolved Voluntary Militia for National Safety its special activities and to citizens possessing fascist merits.
- 93 56 Extending the time limits for the initiation of expunction proceedings and establishing the procedure for the payment of remuneration owed to employees who were suspended from office.
- 94 85 Abrogating certain provisions contained in DL 1333 of 1933 which requires obligatory oath of allegiance for Presidents and members of Academies, Institutes and Associations of Science, Letters and Arts.
- 95 10 24 Mar Removing the lictor fasces from the seals of public notaries.
- 96 105 Rules for revision of sentences imposed by the abolished Special Tribunal for the Defense of the State.
- 97 132 Suppressing the Institute for Studies on Italian Political Writers.
- 98 152 Abrogating the rules establishing penalties for listening to enemy and neutral radio broadcasts.
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- 103 146 Establishing a National Consultative Assembly.
- 104 149 Applying sanctions against fascists considered to be politically dangerous.
- 105 179 Supplementary provisions for the expunction of the civil service.
- 106 195 Punishment of fascist activity in liberated Italy.
- 107 193 Conferring upon the High Commission for Sanctions against Fascism, powers for appealing against sentences passed in cases of fascist crimes.
- 108 197 Rules of procedure for DL 249 of 1944 relating to the reorganization of legislation in liberated territory.
- 109 222 Supplementary provisions as to DL 26 of 1944 restoring the property rights of Italian citizens and foreigners affected by racial laws.
- 110 238 Provisions concerning high school education.

68	315	Abolishing the Provincial Economic Councils and Offices and establishing Chambers of Commerce, Industry and Agriculture as well as Provincial Offices of Commerce and Industry.
69	316	Rules relating to a special review of sentences of conviction imposed by the Special Tribunal for the defence of the State which was suppressed by DL 668 of 1943.
70	336	Modifying the present official symbol of Italy as imparts and water-marked sheets for bills of exchange.
71	359	Reconstituting the National Academy "dei Lincei".
72	363	Suppressing the Royal Academy of Italy.
73	369	Suppressing the Fascist syndical organizations and providing for the liquidation of their properties.
74	370	Suppressing the order of knighthood of the "Reale Italia" constituted by DL 172 of 1942.
75	388	Readmitting to their functions stock brokers who had been compelled to resign for racial reasons.
76	394	Abrogating DL 1440 of 1933 concerning the institution of the Lion's emblem.
77	409	Disavowing the General Staff Corps and the General Staff Services.
78	419	Modifying the measure of "admission" and "confino".
79	420	Appointment of Governmental Commissioners and Controllers for the administration of priv. to undertakings operating public services under concessions or other property belonging to the State or who exercise a recognised activity of general interest, as well as for Societies receiving subsidies or being financed or warranted by the State.
80	426	Suppressing the Governorship of Rome and regulating the judicial status of the communal administration of the Capital.
81	427	Abolishing tables of personnel for Albanian matters at the Ministry of Foreign Affairs.
82	10 24 004	Rules for the application of DL 247 of 1944 concerning the compilation of electoral lists.
83	429	Abrogating DL 1963 of 1927 on revision of certain offences in certificates issued by judicial registries of penal sentences.
84	10 18 Dec	Issue of new stamps.
85	457	New title for the Italian Radio Broadcasting organisation "Ente Italiano Audizioni Radiofoniche".
85	2	Complementary rules to DL 159 of 1944; DL 257 of 1944 and DL 285 of 1944 establishing sanctions against fascism and concerning the retirement from office of State personnel of the first four grades.

- 326 Modifying the present official symbol of Italy on imprints and watermarked sheets for bills of exchange.
- 71 369 Reconstituting the National Academy "dei Lincei".
- 72 369 Suppressing the Royal Academy of Italy.
- 73 369 Suppressing the fascist syndical organizations and providing for the liquidation of their properties.
- 74 373 Suppressing the order of knighthood of the "Roman Eagle" constituted by DL 172 of 1942.
- 75 380 Repealing to their functions stock brokers who had been compelled to resign for racial reasons.
- 76 394 Abrogating DL 1440 of 1923 concerning the institution of the Liotard's emblem.
- 77 409 Dissolving the General Staff Corps and the General Staff Services.
- 78 419 Modifying the measure of "administration" and "confino".
- 79 420 Appointment of governmental Commissioners and Controllers for the administration of private undertakings operating public services under concessions or other property belonging to the State or who exercise a recognized activity of general interest, as well as for Societies receiving subsidies or being financed or guaranteed by the State.
- 80 426 Suppressing the Governmentship of Rome and regulating the judicial status of the communal administration of the Capital.
- 81 427 Abolishing tables of personnel for albanian matters at the Ministry of Foreign Affairs.
- 82 427 24 Oct Rules for the application of DL 247 of 1944 concerning the compilation of electoral lists.
- 83 429 Abrogating DL 1933 of 1927 on revision of certain offenses in certificates issued by judicial registration of penal sentences.
- 84 429 16 Dec Issuance of new stamps.
- 85 457 New title for the Italian Radio Broadcasting organization "Ente Italiano Radioradiotelevisivo".
- 1945 86 2 Complementary rules to DL 159 of 1944; DL 257 of 1944 and DL 285 of 1944 establishing sanctions against fascism and concerning the retirement from office of State personnel of the first four grades.
- 87 429 2 Feb Enumerating fascist positions entailing suspension of electoral rights under DL 159 of 1944 as amended by DL 2 of 1945.

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

- 111 ID 7 1889 Impugnability of the law of war to stateless persons affected by racial provision, the previously possessed German citizenship.
- 112 267 Suppressing the Fascist Union for large families.
- 113 268 Retaining in derogation of DL 11 of 1945, the Commission for persecuted "Comunistico Unica per gli Affari del Fascismo" constituted for the purpose of re-employment, previously eliminated for political reasons, previously in the employ of the State Railways.
- 114 ID 30 May 1945 the names of certain institutes for Re-education of juveniles.
- 115 359 Provisions for the formation of members of academies and of cultural societies.
- 116 364 Supplementary rules for DL 159 of 1944 concerning the forfeiture and confiscation of profits of the regime.
- 117 416 Modifying DL 159 of 1944 as to the constitution of the office of the H.C. for Sanctions against Fascism.
- 118 423 Extending the provisions of DL 425 of 1944 regarding the non-allocation of apartments to persons who were excluded for political reasons.
- 119 ID 24 July Removal of the dictator's name from memorial seals.
- 120 418 Suppressing certain Departments of the Ministry of the Interior

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

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1945

Allied Commission

for

ITALY

Report on Defascising

for

the year ending 31 Jul 45

85017

1328

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

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for

ITALY

Report on Defecting

for

the year ending 31 Jul 45

Civil Affairs Section

10 Aug 45

Declassified E.O. 12356 Section 3.3/NND No. 785017

Ref: 1005/103/EC.

24 July 1945.

SUBJECT: Evacuation Committee in Venice.

TO : Civil Affairs Section.

1. Your attention is directed to Public Safety Sub-Commission letter on the above subject dated 20 July 45, addressed direct to the Chief Commissioner.
2. Will you please ensure that the correct channels are observed in future.

105
C. Talbot,
✓ Brigadier,
Executive Commissioner.

see M.107

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PA 24/7

HEADQUARTERS ALLIED COMMISSION
PUBLIC SAFETY SUB-COMMISSION
A. P. O. 394, U.S. ARMY

JUL 22 1945

20 July 1945

Subject: Expiration Committee in Venice.

To: Chief Commissioner, Allied Commission.

1. Colonel Piske has just advised me that you are interested in the matter of the dismissal of the Expiration Committee in the Province of Venezia. During my recent visit to North Italy I called on Major Harris, Public Safety Officer for that Province, who told me the following story.
2. Several weeks ago a prominent citizen of Venice was arrested and placed in jail to await the action of the Expiration Committee. A few days after his arrest an Italian called at his home and demanded an audience with his wife. After some time the wife did receive this man who expressed his regret over the arrest of her husband and offered to assist her in procuring the release of her husband. He said that a friend of his was a member of the Committee and that through him the release could be obtained but that there would be some expenses involved. The wife shrewdly requested time to think the matter over and also requested that the committee member be brought in so that she could talk to him. After a little delay this was arranged. In the meantime the wife arranged for witnesses to be present at the interview but concealed in an adjoining room. The interview took place at which the first Italian stated that she would have to pay them 800,000 lire for the release of her husband. She again stalled off the extortioners and made complaint to the AMG police who arrested the two individuals. Major Harris was in on the investigations and on the basis of the evidence reported the matter to the Provincial Commissioner. There had been other reports of irregularities on the part of the Expiration Committee members but this incident apparently was the last straw and the Provincial Commissioner dismissed the entire committee.

3. The C.I.N. was advised of the dismissal and of the necessity of submitting recommendations for a new committee. When the recommendations came in, the only names submitted were those of the persons who had just been dismissed.

/s/ John W. Cheyenne
JOHN W. CHEYENNE
Colonel
Director, Public Safety
Sub-Commission

EXTRACT Hq AG Public Relations Branch Digest of Rome Press, 20 July 1945:

3. It seems that the general strike has extended to the whole of Venezia Giulia in sign of protest against the situation which has come about owing to misunderstandings between the provincial commissioner for expiration and the Allied Military Govt. After long interviews between the C.I.N. and the A.M.G. the secretary of the Socialist Party announced that agreements had been reached and invited all strikers to go back to work; according to this agreement it seems that the Commission set up by the A.M.G. will be replaced by one formed by the C.I.N. (ANSA)

DISTRIBUTION BY OFFICE OF CC:

Pub Rel Br (for action as directed by CC)
Dac Comm

B/C L-080

matter of the dismissal of the Evaporation Committee in the Province of Venezia. During my recent visit to North Italy I called on Major Harris, Public Safety Officer for that Province, who told me the following story.

2. Several weeks ago a prominent citizen of Venice was arrested and placed in jail to await the action of the Evaporation Committee. A few days after his arrest an Italian called at his home and demanded an audience with his wife. After some time the wife did receive this man who expressed his regret over the arrest of her husband and offered to assist her in procuring the release of her husband. He said that a friend of his was a member of the Committee and that through him the release could be obtained but that there would be some expenses involved. The wife shrewdly requested time to think the matter over and also requested that the committee member be brought in so that she could talk to him. After a little delay this was arranged. In the meantime the wife arranged for witnesses to be present at the interview but concealed in an adjoining room. The interview took place at which the first Italian stated that she would have to pay them 800,000 lire for the release of her husband. She again stalled off the extortioners and made complaint to the AMG police who arrested the two individuals. Major Harris was in on the investigations and on the basis of the evidence reported the matter to the Provincial Commissioner. There had been other reports of irregularities on the part of the Evaporation Committee members but this incident apparently was the last straw and the Provincial Commissioner dismissed the entire committee.

3. The CIN was advised of the dismissal and of the necessity of submitting recommendations for a new committee. When the recommendations came in, the only names submitted were those of the persons who had just been dismissed.

/s/ John W. Chapman
JOHN W. CHAPMAN
Colonel
Director of Public Safety
Sub-Commission

EXTRACT Hq AC Public Relations Branch Digest of Rome Press, 20 July 1945:

3. It seems that the General strike has extended to the whole of Venezia Giulia in sign of protest against the situation which has come about owing to misunderstandings between the provincial commissioner for evaporation and the Allied Military Govt. After long interviews between the G.L.N. and the A.M.G. the secretary of the Socialist Party announced that agreements had been reached and invited all strikers to go back to work; according to this agreement it seems that the Commission set up by the A.M.G. will be replaced by one formed by the C.L.N. (ANSA)

DISTRIBUTION BY OFFICE OF CG:

Pub Rel Br (For action as directed by CG)
Base Comdr
CA Sec
US Ambassador
British Ambassador

B/C K CSO

SEE FILE

du 11/11/45
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Declassified E.O. 12356 Section 3.3/NND No.

785017

1005
HEADQUARTERS ALLIED COMMISSION
PUBLIC SAFETY SUB-COMMISSION
A.P.O. 394, U.S. ARMY

20 July 1945

JUL 21 1945

AC/14754/PS

Subject; Eputation Committee in Venice.

To; Chief Commissioner, Allied Commission.

1. Colonel Fiske has just advised me that you are interested in the matter of the dismissal of the Eputation Committee in the Province of Venezia. During my recent visit to North Italy I called on Major Harris, Public Safety Officer for that Province who told me the following story.

2. Several weeks ago a prominent citizen of Venice was arrested and placed in jail to await the action of the Eputation Committee. A few days after his arrest an Italian called at his home and demanded an audience with his wife. After some time the wife did receive this man who expressed his regret over the arrest of her husband and offered to assist her in procuring the release of her husband. He said that a friend of his was a member of the Committee and that through him the release could be obtained but that there would be some expenses involved. The wife shrewdly requested time to think the matter over and also requested that the committee member be brought in so that she could talk to him. After a little delay this was arranged. In the meantime the wife arranged for witnesses to be present at the interview but concealed in an adjoining room. The interview took place at which the first Italian stated that she would have to pay them 800,000 lire for the release of her husband. She again stalled off the extortioners and made complaint to the AMG police who arrested the two individuals. Major Harris was in on the investigations and on the basis of the evidence reported the matter to the Provincial Commissioner. There had been other reports of irregularities on the part of the Eputation Committee members but this incident apparently was the last straw and the Provincial Commissioner dismissed the entire committee;

2. The CIN was advised of the dismissal and of the necessity of submitting recommendations for a new committee. When the recommendations came in, the only names submitted were those of the persons who had just been dismissed.

3215

SFF F-105

John W. Chapman
Colonel, Director
Public Safety-Sub-Commission

Copy to [signature]
(Not Action)

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

Ref: DE/31/CA.

2 July 45.

JUL 4 1945

You will recall that, during the discussion on Expiration at the Regional Commissioners' Meeting on Thursday morning, the Regional Commissioner, Lombardia, raised an objection to the introduction into AMG territory of a representative of the Italian Government who would organize the appointment of Delegates to prepare for Commissions under the Italian Government decree. Other R.Cs did not take quite such a strong view but the Chief Commissioner stated he would take the matter up with the Prime Minister.

The Chief Commissioner has, however, reconsidered the matter and has decided not to approach the Prime Minister as he does not want to change, at the moment, agreed policy with the Government. It must further be borne in mind, although the point was not raised at the Conference, that if the Italian Government is not permitted to organize matters as early as possible, the appointment of Provincial Commissions for disqualifying fascists from being entered on Electoral Lists may be delayed and the final preparation of the lists unduly prolonged.

The Chief Commissioner has therefore decided to permit the Government representative, Sig. FRANCESCHINI to enter AMG territory for this purpose. I attach copies of his instructions and a letter of introduction by the V.F., Civil Affairs Section, which makes the position clear. The representative will, of course, comply with your wishes when working in your Region.

I desire to emphasize again that Commissions under G.O.35 will not cease to sit until Government Commissions are ready to hear cases. It is unlikely that this will be before 1 Sept. 45.

As the Executive Commissioner is at present away in London, I am writing the above on his behalf.

/s/ E. Talbot

Regional Commissioner	Emilia Region
"	" Liguria "
"	" Lombardia "
"	" Piemonte "
"	" Venezie "

Copy to C.A. Section.

(Copy forward for C.A. files)

103

3218

Declassified E.O. 12356 Section 3.3/NND No. 785017

CONF

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: 9/10/45/CA.

26 June 45.

SUBJECT: Dott. FRANCESCHINI.

TO : RC LIGURIA Region.
RC PIEMONTE Region.
RC LOMBARDIA Region.
RC VENETIA Region.

1. This letter will serve to introduce Sig. FRANCESCHINI who has come up to AHC Territory on behalf of the Italian Government to organize the appointment of provincial delegates, the collection of evidence and other matters of a preparatory nature leading to the appointment of Reparation Commissioners under DIL 159.
2. It is requested that you will afford him every possible assistance in this work.

G.R. UZZONI, Brig.
VP CA Section.

See 103

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

COPY

101

IN ALIEN CONNECTION
AND
CIVIL AFFAIRS SECTION.

Ref: 9/103/DA.

28 June 45.

Dear

The enclosed are letters of introduction to the
Regional Commissioners in the North. Their names are :-

Turin.....Colonel R. MARTINI.
Milan.....Colonel C. POISSY.
Genoa.....Brigadier M. CASI.
Padua.....Brigadier J. V. MIRAF.

I will be glad if, on arrival in the Region, you will
report to each Regional Commissioner before starting work in order
to discuss your mission.

Please do not cross the Security Control Line which now
runs down the western boundary of the Provinces of Gorizia and
Trieste.

(Sgt.) G. R. URBAN,
Brigadier.

Dott. Franceschini,
Alto Commissariato per la Sanita',
control il Fascismo,
Palazzo del Viminale,
Rome.

See 102.103

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COPY

28 June 45

4-29-1945

69

- BY COMMAND OF THE CHIEF COMMISSIONER

Copy to : SCAC 5 Army }
SCAC 8 Army } with 3 copies of enclosure
SCAC IV Corps }

3215

(Max Norown)

PA 29/6

ALLIED MILITARY GOVERNMENT
OF OCCUPIED ITALY

REGIONAL ORDER NO. _____

DISQUALIFICATION OF DIRECTORS AND STATUTORY
CONTROLLERS OF PRIVATE ENTERPRISES

WHEREAS it is necessary that all persons who have participated actively in the political life of fascism or who have shown that by reason of fascist tendencies they are unworthy of holding high office in private industry should be disqualified during the continuance of Allied Military Government from holding the office of administrator or controller or the appointment of liquidator in companies in private industry.

AND WHEREAS the Italian Government has not prior to the date hereof enacted legislation for this purpose within territory subject to the administration of the said government.

I,
Regional Commissioner,
hereby order as follows:

ARTICLE I

The following persons are hereby disqualified during the continuance of this Order from holding the office of administrator or controller and from the appointment of liquidator of stock or limited companies having a capital of more than 5 million lire or mutual insurance companies having a capital of more than 1 million lire or such lower capital in either case as I may hereafter direct:-

- (1) Persons who have been convicted for any of the offences referred to in the first part of the Italian Government's DML 159 of 27 July 1944, notwithstanding that the sentence which may have been imposed upon them in respect of such offences does not include the exclusion from public offices;
- (2) Persons who have been subjected to confiscation in accordance with Art. 9 of DML 159 aforesaid;
- (3) Persons who have been subjected to any of the sanctions set out in Art. 8 of DML 159 aforesaid as amended by the Italian Government's DML No. 2 of 4 January 1945;
- (4) Persons who
 - (a) have held any of the positions set out in the Decree of the President of the Council of Ministers dated 2 Feb 45 published in Official Gazette No. 20 of 15 Feb 45;
 - (b) have been members of the Fascist Government after 3 Jan 25;
 - (c) having been militant members of the fascist party subsequent to 3 Jan 25 have held the position of deputy or national councillor;
 - (d) have been disqualified from holding the position of Senator in accordance with the last paragraph of Article 8 of DML 159 aforesaid;

WHEREAS it is necessary that all persons who have participated actively in the political life of fascism or who have shown that by reason of fascist tendencies they are unworthy of holding high office in private industry should be disqualified during the continuance of Allied Military Government from holding the office of administrator or controller or the appointment of liquidator in companies in private industry.

AND WHEREAS the Italian Government has not prior to the date hereof enacted legislation for this purpose within territory subject to the administration of the said government.

I, Regional Commissioner,
Region, hereby order as follows:

ARTICLE I

The following persons are hereby disqualified during the continuance of this Order from holding the office of administrator or controller and from the appointment of liquidator of stock or limited companies having a capital of more than 5 million lire or mutual insurance companies having a capital of more than 1 million lire or such lower capital in either case as I may hereafter direct:-

(1) Persons who have been convicted for any of the offences referred to in the first part of the Italian Government's D.L. 159 of 27 July 1944 notwithstanding that the sentence which may have been imposed upon them in respect of such offences does not include the exclusion from public offices;

(2) Persons who have been subjected to confiscation in accordance with Art. 9 of D.L. 159 aforesaid;

(3) Persons who have been subjected to any of the sanctions set out in Art. 8 of D.L. 159 aforesaid as amended by the Italian Government's D.L. No. 2 of 4 January 1945;

(4) Persons who

(a) have held any of the positions set out in the Decree of the President of the Council of Ministers dated 2 Feb 45 published in Official Gazette No. 20 of 15 Feb 45;

(b) have been members of the Fascist Government after 3 Jan 25;

(c) having been militant members of the fascist party subsequent to 3 Jan 25 have held the position of deputy or national councillor;

(d) have been disqualified from holding the position of Senator in accordance with the last paragraph of Article 8 of D.L. 159 aforesaid;

(e) have been appointed Ministers of State by the Fascist Government.

(5) Persons who have been deprived by final judgement of their right to a

pension in accordance with Article 22 of ILL 159 aforesaid.

Any person who at the effective date of this order is in office as an administrator or controller or liquidator as aforesaid and is disqualified by this Article from such office or appointment shall automatically vacate such office or appointment.

ARTICLE II

In the case of companies other than those contemplated by Article I hereof in which the office of administrator or controller or the appointment of liquidator is held by a person within any of the categories of Article I hereof and in the case of private concerns in which the manager or owner is a person in any such category it is hereby ordered that no contract for public works and no concession of public utilities may be granted to any such company or concern.

ARTICLE III

It shall be lawful for any person affected by Article I, paragraph 4 hereof, to make application on the grounds hereinafter mentioned for the purpose of avoiding or limiting the application of the penalties imposed by Article I or II hereof, to a Commission appointed in accordance with the provisions of General Order No. 55 of the Allied Military Government. The said Commission is hereinafter called the Commission.

If on hearing such application the Commission shall determine that the applicant has distinguished himself in the fight against the Germans, or before the outbreak of the present war took an open stand against fascism and ceased to belong to the National Fascist Party, or that the applicant has been guilty of only slight political activity and is of acknowledged technical and administrative capacity and has shown a hostile attitude to the Germans during their occupation, the Commission may order that the penalties imposed by Article I or II hereof shall cease to have effect or may order that such penalties shall only operate for a specified term.

It shall be open to any administrator or controller of any company referred to in Article I hereof who since liberation from the Germans of the town in which the head office of said company is situated and before the date of this Order has been removed from the said office on the alleged ground that he has been guilty of fascist activity or fascist sympathies or of collaboration with the Fascist Republican Government or the German invader to make application to the Commission for reinstatement. Upon such application the Commission shall take into consideration the matters referred to in this Article and may make such order as is mentioned therein.

ARTICLE IV

It shall be an offence:

- a. For any person being the administrator controller or liquidator of any company and being disqualified by Article I hereof from such office or appointment to continue to exercise the functions of such office or appointment.
- b. For any person being the controller of any company mentioned in Article I hereof and having knowledge that any administrator, controller or liquidator of such company is continuing to exercise such function therein

In the case of companies other than those contemplated by Article I hereof in which the office of administrator or controller or the appointment of liquidator is held by a person within any of the categories of Article I hereof and in the case of private concerns in which the manager or owner is a person in any such category it is hereby ordered that no contract for public works and no concession of public utilities may be granted to any such company or concern.

ARTICLE III

It shall be lawful for any person affected by Article I, paragraph 4 hereof, to make application on the grounds hereinafter mentioned for the purpose of avoiding or limiting the application of the penalties imposed by Article I or II hereof, to a Commission appointed in accordance with the provisions of General Order No. 35 of the Allied Military Government. The said Commission is hereinafter called the Commission.

If on hearing such application the Commission shall determine that the applicant has distinguished himself in the fight against the Germans, or before the outbreak of the present war took an open stand against fascism and ceased to belong to the National Fascist Party, or that the applicant has been guilty of only slight political activity and is of acknowledged technical and administrative capacity and has shown a hostile attitude to the Germans during their occupation, the Commission may order that the penalties imposed by Article I or II hereof shall cease to have effect or may order that such penalties shall only operate for a specified term.

It shall be open to any administrator or controller of any company referred to in Article I hereof who since liberation from the Germans of the town in which the head office of said company is situated and before the date of this Order has been removed from the said office on the alleged ground that he has been guilty of fascist activity or fascist sympathies or of collaboration with the Fascist Republican Government or the German invader to make application to the Commission for reinstatement. Upon such application the Commission shall take into consideration the matters referred to in this Article and may make such order as is mentioned therein.

ARTICLE IV

It shall be an offense:

- a. For any person being the administrator controller or liquidator of any company and being disqualified by Article I hereof from such office or appointment to continue to exercise the functions of such office or appointment.
- b. For any person being the controller of any company mentioned in Article I hereof and having knowledge that any administrator, controller or liquidator of such company is continuing to exercise such function therein although disqualified under Article I hereof to fail to denounce such illegality to the President of the Tribunal of the district.

2. For any administrator, controller or liquidator of any company or any owner or manager of any concern as defined by Article II hereof, being affected by the provisions of Article I hereof, to make a contract for public works or to procure the concession of a public utility in violation of the provisions of Article II hereof.

ARTICLE V

Within thirty days from the effective date of this order all companies referred to in Article I hereof shall make to the Commission and to the chancery of the appropriate Tribunal a report of the names of their administrators, controllers, or liquidators who have vacated their office or appointment in accordance with Article I hereof.

At the expiration of the said 30 days any administrator, controller or liquidator who has not been reported as having vacated his office may be required by the Commission to furnish information by a special questionnaire so as to show whether he is a person disqualified from office by Article I hereof. If from such information it appears to the Commission that he is a person so disqualified the Commission shall serve upon him and upon the company concerned and upon the chancery of the appropriate Tribunal a notice to that effect.

Any person who upon request fails to furnish such information within the prescribed time or furnishes false or incomplete information shall be guilty of the offence of the giving of false or incomplete evidence.

ARTICLE VI

Any administrator, controller or liquidator who receives notice in accordance with Article V hereof shall within 14 days of such receipt vacate his said office and the company concerned shall thereupon forthwith report such vacation to the appropriate chancery, provided always that such administrator, controller or liquidator may within 10 days of receipt of the said notice file with the Commission an appeal therefrom serving upon the company concerned and the appropriate chancery a copy of such appeal.

In such case the Commission shall forthwith hear and determine the said appeal and shall notify the appellant, the company concerned and the appropriate chancery of the decision thereon.

Provided always that in any case in which the Commission rejects an appeal in whole or in part but is satisfied that the appellant has acted in good faith in not previously vacating his office in accordance with Article I hereof, the Commission may so certify. Any such certificate shall preclude the institution of proceedings under Article IV (a) or (b) hereof in respect of any offences committed by the appellant prior to the issue of such certificate.

ARTICLE VII

Without reference to the foregoing provisions of this Order it is hereby enacted that all administrators, controllers and liquidators of concerns mentioned in Article I (c) of General Order No. 35 of the Allied Military Government shall be subject in all respects to proceedings under that Order.

ARTICLE VIII

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

within thirty days from the effective date of this order all companies referred to in Article I hereof shall make to the Commission and to the chancery of the appropriate Tribunal a report of the names of their administrators, controllers, or liquidators who have vacated their office or appointment in accordance with Article I hereof.

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In such case the Commission shall forthwith hear and determine the said appeal and shall notify the appellant, the company concerned and the appropriate chancery of the decision thereon.

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ARTICLE VII

Without reference to the foregoing provisions of this Order it is hereby enacted that all administrators, controllers and liquidators of concerns mentioned in Article I (c) of General Order No. 35 of the Allied Military Government shall be subject in all respects to proceedings under that Order.

ARTICLE VIII

Administrators and controllers disqualified under this Order shall be replaced in accordance with the provisions of the Italian Government's DML 7 of 18 Jan 45 or a receiver may be appointed by the Allied Military Government.

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

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ARTICLE IX

This Order shall come into effect in any Province or part thereof on the date of its first posting therein and shall continue in full force and effect until the conclusion of Allied Military Government or until the implementation in the said province of a decree enacted by the Italian Government for the purpose of the expiration of such administrators, controllers and liquidators as are mentioned in this Order, whichever date shall first occur.

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

785017

on the date of its first posting therein and shall continue in full force and effect until the conclusion of Allied Military Government or until the implementation in the said province of a decree enacted by the Italian Government for the purpose of the operation of such administrators, controllers and liquidators as are mentioned in this Order, whichever date shall first occur.

Declassified under E.O. 12356
Section 3.3/NND
785017

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDIA REGION
AFO 394

ADMINISTRATIVE INSTRUCTION)

NUMBER

15)

14 June 1945

JUN 18 1945

(Referring to Epuration General Order No. 35)

Several important questions concerning the interpretation and application of various provisions of order 35 have been presented by provincial officers and provincial epuration commissions. Some of these have been covered by previous directives and instructions. In the interest of uniformity, supplemental administrative instructions will be issued from time to time, as needed for the attention of provincial commissioners and through them for the epuration commissions in each province.

1. Treatment of "pre-8 September" regular civil-service employees who were forced to pledge allegiance to the Fascist Republican Government.

Article II (c) of General Order 35 provides that any person who has pledged allegiance to the Republican Fascist Government shall be suspended from service.

Several provincial epuration commissions feel that injustices are likely to occur if this provision is applied universally to all "pre 8 Sept. 1943" employees who were forced as a condition of retaining employment to swear allegiance to the Fascist Republican Government.

Provision for taking into account extenuating circumstances in cases of this type is contained in Circular No. 1 in the booklet of instructions for epuration commissions entitled "Sospensione dei Funzionari e degli Impiegati Fascisti" issued by the Allied Commission February 1945.

It is recommended that epuration commissions in each province, in accordance with the general rules set forth in Circular No. 1 exempt from suspension persons who:

- were full time civil service officials or employees, employed in the same type of position in North Italy prior to 8 September, 1943;
- belong to a category of officials or employees which as an entirety was forced to take the oath as a condition of retaining employment;
- does not fall within any of the other categories of Fascist activity set forth in Article II, and
- is otherwise unobjectionable to the epuration commission.

2. "AUXILIARY" Agents of Questura

It is reported from some provinces that "auxiliary" agents of questura appointed after 8 September are still being kept in office. This result may be partly due to the fact that until very recently epuration commissions could not act with respect to the "Category Postponed" in which these auxiliary agents fall. Now that the "Category Postponed" has been made subject to all the requirements of order No. 35, epuration commissions should proceed to deal immediately with questura agents as the nature of their work makes epuration imperative.

All auxiliaries hired after 8 September 1943, should either be suspended forthwith, or if in the category of temporary employees (avventizi) be dismissed immediately under Order No. 35 A. The permanent agents will be epurated as are all other categories of public employees.

1. Treatment of "pre-8 September" regular civil-service employees who were forced to pledge allegiance to the Fascist Republican Government.

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It is recommended that epuration commissions in each province, in accordance with the general rules set forth in Circular No. 1 exempt from suspension persons who:

- a. were full time civil service officials or employees, employed in the same type of position in North Italy prior to 8 September, 1943;
- b. belong to a category of officials or employees which as an entirety was forced to take the oath as a condition of retaining employment;
- c. does not fall within any of the other categories of Fascist activity set forth in Article II, and
- d. is otherwise unobjectionable to the epuration commission.

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All auxiliaries hired after 8 September 1943, should either be suspended forthwith, or if in the category of temporary employees (avventizi) be dismissed immediately under Order No. 35 A. The permanent agents will be epurated as are all other categories of public employees.

3. Reports from Epuration Commissions

Epuration Commissions in each province are henceforth required to submit in duplicate to the provincial Commissioner a monthly report showing:

- a. Total number of suspension and dismissals made during the month.

b. The names of all persons suspended or dismissed showing title of position, cause for dismissal or suspension and date of the Commissions order with respect to each.

One such copy will be retained by the provincial Commissioner and the other will be forwarded to the Regional Eputation Officer.

4. Provincial Eputation Commissions appointed under General Order No. 35 have no authority to deal with cases of undue enrichment under the Fascist Regime. This subject is covered by part III of D.L.L. 159 and subsequent Decrees, the operation of which is the responsibility of a special branch of the department of the High Commissioner for Sanctions under the Italian Government, and not of A.M.C. or A.C. If in the course of their investigations into matters which are within their competence, the Provincial Eputation Commissions come across facts which indicate that action under part III of D.L.L. 159 may be desirable, they should report such facts to the Intendente di Finanza as a basis for further action by the Italian Government at a later date.

9/1/52

CHARLES FOLETTI
Colonel
Regional Commissioner

DISTRIBUTION:
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List

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Declassified E.O. 12356 Section 3.3/NND No. 785017

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785017

1005
HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DE/SE/CA

10 June 45

SUBJECT : Admiral THACH DI REVEL

TO : RC PIERMONT Region

Reference our 3/7B/CA dated 23 May 45.

May this HQ please be informed whether Admiral Duca THACH DI REVEL has been re-installed as Director General of the Order St. Maurice and Lazarus.

BY COMMAND OF THE CHIEF COMMISSIONER

G.R. UENOIN Brig,
VP CA Section

Copy to : Executive Commissioner

(Not Noted)

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15th

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

785017

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3/7-2/CA

30 May 1945.

MAY 31 1945

My Dear Mr. Prime Minister:

96

Thank you for your letter 437 of 23 May with which I entirely agree.

I have instructed the Regional Commissioner of Piemonte that General Gaszera may not be proposed a second time for repatriation.

Yours very truly,

/s/ Elery W. Stone

ELERY W. STONE
Rear Admiral, USNR
Chief Commissioner

His Excellency Ivanoe Bonomi
The President of the Council of Ministers
Italian Government
Rome.

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Declassified E.O. 12356 Section 3.3/NND No. 785017

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n
HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref 3/7B/CA

25 May 45

SUBJECT : Forwarding of Correspondence

MAY 28 1945

TO : RC PIEMONTE Region

I enclose herewith :

- 1 a copy of a letter from the Prime Minister on the position of Gen. GAZZERA vis a vis Epuration. It is contrary to justice that a man shall be tried twice. You will please see that there is no question of further Epuration;
- 2 a copy of a letter from the Ministry of Interior with regard to the appointment of Admiral Duca THAON DI REVEL as Director General of the Order St. Maurice and Lazarus. Will you please notify those concerned and notify this HQ when he has been re-installed.

BY COMMAND OF THE CHIEF COMMISSIONER

G.R. UPJOHN Brig,
VP CA Section

Copy to: Executive Commissioner

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(Miss L)

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Lit. C. (93)
Translation

The President of the Council of Ministers
137

Rome, 23 May 1945

MAY 24 1945

To Admiral Ellery Stone
Chief of the Allied Commission
R O M E

The newspaper "Unità" of Turin, published on April 29th that the regional and provincial epuration commission of the C.L.N.R. proposed to the C.L.N.R. to epurate among other people General Pietro Gazzera.

On this subject, I want to point out:

- that Gen. Gazzera has been appointed by the Council of Ministers in March 1944 High Commissioner for war prisoners, under the direct dependancy of the President of the Council of Ministers, and that as such, he is working in close contact and collaboration with the Allied Commission, rendering useful services;
- that in his quality of high ranking officer, he has already been submitted to a judgement of epuration on the request of the High Commissioner for sanctions against fascism, according to art. 12, para 1 of D.L.L. n. 159 of July 27th, 1944, and that in its meeting of December 6th, the 1st grade commission found that the facts which had caused him to be charged with having actively participated in the political life of fascism didn't exist, and withdrew all charges against him.

- that the Central Epuration Commission, in its meeting of April 9th, 1945, pronouncing itself on the appeal against this verdict presented by the Deputy High Commissioner for epuration, fully confirmed the decision itself, definitively freeing Gen. Gazzera from every charge which might lead to epuration.

In fact, we are faced with a verdict given according to the law, in first and second instance, fully in favour of General Gazzera, by a national organization, which, according to the laws which are in force, cannot be attacked by regional organizations.

Without further discussing the political conduct of the said general during the twenty years of fascism, upon which a verdict has already been given, I wanted to define the situation, for whatever instructions you may deem advisable to give to the A.M.C. Commissioner of Turin - for justice and respect for lawfulness.

BU 28/5
S. I. Bonomi

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23 MAY 45

ACTION - C.A. SEC

INFO - CHIEF COMAR

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

785017

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

Tel: 735.

Ref: 100/EC.

18 May 1945.

SUBJECT: Civil Affairs Abridged Monthly Report.

TO : ~~Executive Commissioner~~ C.F.O

A quotation from the above mentioned Abridged Monthly Report under the subheading "Defascism" reads as follows:-

"New decrees which are expected to become law very soon have been discussed at length with the Govt. and deal with the extension of the procedural time limits for certain epuration proceedings, the substitution of judges by lawyers and law professors as presidents of commissions of first instance, the forfeiture of corruptly gained wealth during the fascist regime and the disqualification of persons of specified fascist antecedents from holding managerial positions in important companies."

Surely the last sentence "the disqualification of persons of specified fascist antecedents from holding managerial positions in important companies" is not Justice but has the taint of Fascism?

El Dint apr 24/3 - New York rep.

3207

Declassified E.O. 12356 Section 3.3/NND No. 785017

1005
91
Ref: DE/3.A/CA.

APRIL
28 ~~March~~ 1945.

SUBJECT: Defascism - Northern ITALY.

TO : The Honorable Alexander Kirk,
American Embassy,
119, Via Vittoria Veneto,
ROME.

With reference to your discussion yesterday with
the Chief Commissioner, I am instructed by him to forward for
your information the attached copy of Memo DE/3.A/CA, ¹⁰⁰⁵ subject
as above.

M. S. LUGER

Brigadier,
Executive Commissioner.

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SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DE/3A/CA

5 April 1945.

SUBJECT: Fascist Problems in N. Italy.

TO: G-5 Section, Allied Force Headquarters.

1. Reference is made to your G-5: 370.64-3 of the 26 Feb and 14 Mar 45 with enclosure thereto.

2. It is the opinion of this Commission that the whole subject of the treatment of Fascist personnel in Northern Italy requires detailed consideration and certain decisions on matters of policy will have to be made. The attached memorandum which contains the views of this Commission upon this subject is therefore submitted with a request that any necessary decisions thereon be made by you as a matter of urgency and at the earliest possible moment. In particular your attention is drawn to the recommendations made in paras. 6 and 7 as to handing over certain classes of Fascists to be tried by Italian Tribunals at an early date.

3. In the light of the memorandum attached it is not considered that Allied Investigation Units should be set up as they will only touch on the fringe of the problem and will, it is felt certain, lead to confusion in the minds of the Italians. It has always been the policy in dealing with Fascist personnel to carry out investigation and trials by means of Italian Agencies and the responsibility of the Allied Commission is confined to seeing that the work is carried out by the Italian Government. To start special investigation units for the purpose which you outline may well give rise to the belief that the Allied Authorities carry out this work. This cannot be as there is neither the personnel nor sufficient knowledge of local conditions for epuration and such proceedings to be carried out by the Allies.

FOR THE CHIEF COMMISSIONER:

(Sgd.) G.R. UPJOHN, Brig.
VP CA SECTION.

3205

INVESTIGATION OF FASCIST EXECUTION AND CO-OPERATORS.

MEMORANDUM

1. It is necessary to consider the following categories of Fascists:
 - a) those whom it is proposed merely to dismiss from their official posts without imposing further punishment (epuration);
 - b) those who have collaborated with the Fascist Republic and Germans since 8 September 1943;
 - c) those who have committed Fascist crimes as set out in D.L. 159 but have not necessarily collaborated with the Germans since the Armistice, e.g., Rostin;
 - d) war criminals who have committed war crimes (i.e., acts of atrocity and the like) solely against Italians;
 - e) war criminals who have committed such crimes wholly or in part against members of the United Nations;
 - f) members of any of the above categories who are actively engaged in fighting against the Allies and who seize the opportunity of the Allied advance to surrender and become prisoners of war.
2. As to category (a), it is thought that the plans made by this Commission for the epuration of State officials will be sufficient to satisfy the Partisans of the Allies' intentions in this respect.

These plans include,

 - a) the immediate expulsion of notorious Fascists from leading positions in accordance with Executive Memorandum No. 67;
 - b) the setting up of Italian Commissions for each province by the Provincial Commissioner to carry out a systematic epuration of the State Administration. This is done by the early posting of GO 35;
 - c) the ultimate implementation of D.L. 159 and ancillary decrees under which the Italian Government will carry out epuration.
3. D.L. 159 provides special punishments for those who have collaborated with the Germans since 8 September 1943. The Italian Government have produced a draft decree (based on the model set up in France for simi-

lar purposes), to which this Commission has agreed in principle, whereby these collaborators will be brought to trial before special courts consisting of a Judge as President and four lay members drawn by lot from a larger list produced by the local GIN and screened by the local President of the Tribunale.

It is not believed that it will be necessary to set up special investigating units as suggested, for under the Italian system, it is anticipated that a very large number of denunciations will be made. Indeed if, as is probable, any time elapses between the withdrawal of the Germans and the entry of the Allies, it is thought that the local GIN will have locked up a very large number of these collaborators and will have their dossier waiting for investigation by the judicial officials.

4. Class (c) is a highly complex class and the acts showing that the accused is a fascist criminal range over a long period of years. It is thought that these cases can only be adequately investigated by Italian judicial personnel. They will be dealt with not by the Special Courts mentioned in paragraph (3), but by the High Court of Justice in Rome for more serious cases or by the local Courts of Assize for less serious cases.
5. War criminals. The investigation of war criminals in their true sense is a matter in which this Commission has limited its activities to the onward transmission of evidence obtained of crimes actually committed in Italian territory. It is understood that the evidence in such cases when complete is sent forward in order that the cases may ultimately come before the United Nations War Crimes Commission.

It is felt, however, that war crimes committed by Italians solely against Italians do not come within the scope of the United Nations War Crimes Commission, since ex-hypothesi the crimes were not committed against any of the United Nations. It is difficult to see any justification for refusing to allow such cases to be tried immediately by Italian Courts under Italian law, and it is considered that much misunderstanding and possible ill-feeling will be caused if any attempt is made on the part of the Allies to prevent the holding of these trials.

If such trials are allowed, it is not believed that any special investigating unit will be required to enable the necessary evidence to be obtained against the persons accused. It is believed that such evidence will be readily available locally and that large numbers of persons will be only too anxious to produce it. Any evidence which does come into the possession of Allied authorities would, of course, be forwarded to the appropriate Italian Tribunal.

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6. persons in class (f) would, on the basis of present instructions, be required to be held in custody in order that charges against them may be investigated at a later date by the United Nations War Crimes Commission. This may be satisfactory in the case of persons who are charged only with war crimes against United Nations' personnel and where no local Italian interests are involved. In the case of persons who are alleged to have committed war crimes not only against members of the United Nations, but also against the local inhabitants, it is felt that their retention in the comparative comfort of imprisonment, in anticipation of a trial before some far distant and somewhat nebulous tribunal, may lead to considerable discontent. It is strongly recommended that in such cases authority be given for the persons charged to be handed over to Italian Courts for trial, at least in connection with the offenses committed by them against the Italian population. The stipulation may be made that if they are acquitted or inadequately punished by such tribunals, the Allies reserve to themselves the right to bring charges in respect of their crimes against members of the United Nations before the United Nations War Crimes Tribunal. In this case also the previous remarks as to special investigating units appear to apply.
7. For the reasons stated above, it is the opinion of this Commission that no special investigation units are required. The rapid administration of justice in these cases does require a sufficient number of qualified Instructional Judges to investigate cases in accordance with Italian law. These persons must be Italian personnel, they must be qualified, and they are likely to prove difficult to obtain, at least in sufficient numbers. The Italian Government is being pressed to provide a sufficiency.
8. It is felt that some difficulty may be caused by persons classified in (g) above who seize the opportunity of the Allied arrival to make themselves prisoners of war and obtain the benefits of the Geneva Convention, hoping thereby to escape the vengeance of the patriots for their past activities. It may well be a military necessity to accept the surrender of these individuals, together with other members of the opposing army, in the initial stages. It is felt, however, that the Geneva Convention imposes no obligation upon the detaining power to do more than comply with the rules for the treatment of a prisoner during the time he is held in captivity and to arrange for his repatriation at the conclusion of this captivity. It does not impose upon the detaining power any obligation to continue captivity for any particular length of time. It is considered, therefore, that in appropriate cases, prisoners of war should be officially released from their captivity and set at liberty. Arrangements can be made, without infringing the obligations of the Geneva Convention, for such prisoners to be arrested by the civil police immediately such release becomes effective.

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

1005
MEMORANDUM FOR THE ALLIED ADVISORY COUNCIL
6 April 45
by Superior G.M. URGENT

APR 10 1945

EXPLANATION

It is exactly 6 months since I last addressed this Council on the subject of corruption. At that time the position was that the principal decree for Sanctions against fascism - DL 153 - had recently been passed (29th July). This decree established certain machinery which I described in my last speech dealing with defecation in its four branches - punishment of crimes, the urging of the administration, the recovery of corruptly gotten wealth and the forfeiture of the property of fascist organizations.

The main decree created the High Commission. It was not possible for this body to work without further provision to lay down the procedure to be followed. On the 3rd September, DL 193 was published which contained, among other matters, the rules of procedure for operating the High Court which had been established in Part I of DL 153 for trying fascist crimes. There was also published on the 3rd October, DL 238 which dealt with the personnel and details of the organization and administration of the High Commission itself. Furthermore on 23 Oct / 44 DL 255 was published laying down the rules of procedure for trials of corruption. This decree also contained considerable amendments to the principal decree, among other things it provided for the appointment of delegates in the provinces whose primary functions were to keep the High Commissioner informed of conditions in the Provinces, to conduct investigations for the High Commissioner and to inform the High Commissioner as to the local personages whom it was considered desirable to appoint there as members of provincial commissions.

This decree also contained rules as to the service of papers, the preparation for trial and other essential details. I propose, therefore, to tell you what has been achieved in the past six months. First of all, as to organization:

The whole of the High Commission itself had to be recruited and naturally the antecedents of all its staff had to be investigated in order to ensure that it could not be said that fascists were in positions of responsibility.

Then the High Commission itself had to be organized and its personnel trained in its functions.

Then the Hearing Commissions to consider the dismissal of fascists had to be appointed. The total number of Commissions required is 270 of which 170 have already been appointed. Now under the law, in order to ensure that evidence shall be considered by a judicial mind, it is provided that every Commission shall be presided over by a judge. After about 150 judges had thus been withdrawn from their normal duties, it was found desirable to call a halt as the administration of justice was being interfered with and a suggestion was made to the Italian Government that advocates of standing and experience should be allowed to preside on expiration commissions. This proposal they still have under consideration. This has been one of the causes of delay in appointing the requisite commissions especially as to the provinces.

A further cause of delay has been lack of transport. It has been necessary for the central headquarters to send officials to provincial centres for the purposes of interviewing persons suitable to act as provincial Delegates to discuss with prefects and others the persons considered suitable to be appointed to local commissions and also to conduct investigations. It has also been necessary to transfer officials from Rome to the provinces. For a period the High Commission had no cars available whatsoever, and even now has only two cars.

...with concern in its four branches - punishment of crimes, the purging of the administration, the recovery of corruptly gotten wealth and the forfeiture of the property of fascist organizations.

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Now to deal with the four headings:

Firstly, the punishment of fascist crimes. This varies in importance.

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The principal classes are:

- a) those who took an active part in the breaking up of the old constitution who may be punishable by death and are tried by the specially created High Court,
- b) those who were active in taking part in acts of violence or pillage or who have committed any "political crimes" or been guilty of the grosser forms of political corruption, whose crimes are triable at Assizes, those who have been guilty of active collaboration with the Germans who are triable before military courts,
- c) those who have committed lesser offences, as for instance, having been informers, who may be deprived of their right to vote, and
- d) those who are senators and who have constantly supported the fascist government who can be deprived of their life senatorship.

During the past 6 months, the High Commission has investigated cases involving 4,600 persons, of which the conduct of proceedings in 4,393 have been transferred to Assizes or other tribunals, 22 cases have been referred to the High Court of Justice, and of these 16 persons have been convicted and 364 cases are still under preliminary consideration. When considering these figures, it must be borne in mind that all or nearly all of the important fascists at whom this part of the decree was directed, remained with the Republican Fascist Government to Northern Italy and that this part of the decree will not effectively come into full force until North Italy has been liberated.

In regard to Part II, dealing with operation. The total number of persons whose cases have been referred to operation commissions up to date is over 25,800. Of these, 1,200 persons have been dismissed, 3,100 have received some lesser form of punishment and 2,500 have been executed. There are still 19,000 cases to be decided, but the investigation is by no means complete and many more persons will in the future be referred to operation. Therefore, of the cases decided, 15% have been dismissed and 37% have been given some lesser punishment. Together, 52% have received some form of punishment.

630 appeals have been filed over half of them by the High Commissioner against non dismissal. The Court of Appeal was inaugurated on 16 Feb.

In October it was realized by the Italian Government that the process of operation was going to take longer than it had at first supposed and as the staff of State Department could not be expected to settle down to the work efficiently with some of its heads not dismissed but merely suspended, it was decided that it was necessary to get stability quickly in the senior staff positions and that to effect this new legislation was needed. DL 257, published on 1 Nov 44 directed that cases of officers of the first four grades should receive priority of consideration and it introduced new and shorter time limits within which proceedings against them must be initiated and the cases against them completed. It also gave power to the President of the Council of Ministers to dispense with the services of older officials who, though not ardent fascists, had become hardened in the ways of fascism, compensating them in some cases for loss of office by adding a few years to their services for a pension, providing that if persons so retired were proved to be fascists, they might be deprived of the whole of their pension or of the increase. The time limit within which officers and officials of the first four grades should be dealt with has expired and of 1680 officials of these grades in liberated Italy, 136, or 8% have been dismissed and 283, or 18% have been retired under the alternative provisions. It should not be overlooked that the most fascist of such officers fled to the North, so that the proportion of dismisals is not so high as it would otherwise be.

Now to deal with the forfeiture of wealth corruptly gained. The scheme here has been to declare that all increases of wealth of persons who held important fascist positions or entered into contracts with the fascist Government on which they might have made improper profits over and above the normal amount with the wealth of the same persons in October '22 is deemed

During the past 6 months, the High Commission has investigated cases involving 4,600 persons, of which the conduct of proceedings in 4,393 have been transferred to assizes or other tribunals, 22 cases have been referred to the High Court of Justice, and of these 16 persons have been convicted and 364 cases are still under preliminary consideration. When considering these figures, it must be borne in mind that all or nearly all of the important fascists at whom this part of the decree was directed, sentenced with the Republican Fascist Government to Northern Italy and that this part of the decree will not effectively come into full force until North Italy has been liberated.

In regard to Part II, dealing with expiration. The total number of persons whose cases have been referred to expiration commissions up to date is over 25,000. Of these, 1,200 persons have been dismissed, 3,400 have received some lesser form of punishment and 2,500 have been exonerated. There are still 19,000 cases to be decided, but the investigation is by no means complete and many more persons will in the future be referred to expiration. Therefore, of the cases decided, 18% have been dismissed and 37% have been given some lesser punishment. Together, 55% have received some form of punishment.

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encountered because of lack of transport, but experience has shown that there are various holes which require blocking and further decrees are now under consideration for closing some of these holes.

So far, 4,400 cases are under investigation, of which 1,300 cases have been prepared for hearing. 534 orders have been made sequestering estates pending decisions.

As regards the last part of the decree, very little progress, considering the matter as a whole, can be expected in the confiscation of the property of fascist activities because movable property has mostly been removed by the fascists to the north. The amount of property so far recovered amounts to a sum slightly over 1,000 million lire.

To complete the picture, it is necessary to mention that Count Sforza retired on the change of Government last Dec. and his place has not been filled. R. E. Ruggiero Grillo succeeded Scoccimarro (who is now Minister for Occupied Italy) as the Assistant High Commissioner for expropriation and R. E. Cingolani is now in charge of the recovery of corruptly gained wealth. By DL 2 of 26 Jan 45, it was provided that while the office of the High Commissioner was vacant its functions and powers should be exercised by a Board consisting of the four Assistant High Commissioners under the presidency of the President of the Council of Ministers.

The problem which faces Italy is very different from the problem which faces France. Since the occupation for a matter of 4 years, during which time movement was restricted and therefore persons could not move far from their home towns. The only persons to be dealt with were collaborators and local memory and local feeling is sufficient to produce the evidence. Cases are therefore mostly relatively simple and can be dealt with quickly but in Italy fascism has existed for over 20 years, unjust and discriminatory laws 20 years old, not only have to be repealed, but their effects have to be undone, property unjustly confiscated over a period of years has to be restored. Political trials of those who opposed fascism during the past 20 years have to be scrutinized and injustices corrected. The fascist administrative machinery has not only to be broken but a new administrative machinery has to be constructed. The fascist party and fascist organizations have to be dissolved and fascist ideology has to be eliminated. In order to obtain convictions for fascist crimes it is necessary to delve into the past and enquiries are sometimes necessarily very lengthy. The same with alleged corruption. Expropriation also may depend upon the investigation of a course of conduct extending over several years.

In order to see whether assistance in dealing with these vast problems could be derived from a study of the methods employed in France, a French speaking officer of this Commission who was not only employed on expropriation but is also a lawyer, was sent to France in December. He visited Paris, Dijon, Toulon, Marseilles, Lyons. He attended at the office of the Government departments concerned with the punishment of collaborators where he was given every assistance and given copies of the decrees; he was permitted to attend courts and investigations and conversed freely with officials. In the main his conclusions were that insofar as expropriation was concerned, that the Italian method was better. It is a long term policy to proceed with justice and moderation and to leave as little desire as possible for revenge. As the result of his visit he had no important proposals for change to put forward in this field.

With regard to the punishment of collaborators he was of opinion that there were certain advantages in some of the French procedures, namely the representation of the local population upon tribunals and a speedier and simpler legal process. It is not suggested that a special process should be applied to all fascist crimes, but that it can with advantage be applied particularly to recent acts of collaboration and acts of violence, sabotage or pillage in North Italy.

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It is hoped that within a relatively short time North Italy may be liberated. It may be desirable therefore that I should refer to the special conditions which we may find there and what arrangements we have to make to meet them. First of all the local Committees of Liberation are in being and actively at work. It is desirable that they should have some share in whatever may be done to remove or punish fascists against whom they have been so long and bitterly

struggling and at whose hands they have suffered so much.

To consider first the fascist crimes. The draft decree which I have mentioned provides for the setting up of special courts of justice presided over by a judge with two lay assessors. It is proposed that these courts shall deal only with crimes of collaboration since 8 Sep 43 and that in each province the Committee of Investigation shall be asked to form panels of 200 local persons of repute, men and women, suitable to act as lay assessors and that the President of the Tribunal shall select from these 200 names, 50 persons to sit in rotation as lay assessors.

It is hoped that these courts will be formed and will commence operations within two or three days of liberation.

So far as expiation is concerned, it is felt that it would take the Italian Government rather too long to appoint its delegates and Commissions (especially having in view its lack of transport facilities) so that Allied Military Government proposes to undertake the first phases of expiation. It proposes to act firstly by Executive Memorandum 67. This is an 'immediate' action, a firm, active scheduling on the one hand, the most important provincial offices from which it is desirable that fascists should be removed at once. It schedules, on the other hand, the most important positions in the fascist hierarchy and directs that any persons holding any of these specially important offices who is a fascist or sufficient evidence to have held one of the main important fascist positions or distinctions (ranked as a reward for active fascism, shall without any further enquiry be removed from office. This action is followed by General Order 35 of the Allied Military Government which deals more methodically and more deeply with fascism. The order schedules employees by grade - senior, middle and subordinate - and directs that questionnaires shall be served on all of the first two classes. It sets up in every Province one or more Boards each of five Italian persons appointed by the Military Government Provincial Commissioner (after hearing any recommendations made by the President of the Committee of Libération), to consider the questionnaires. These Boards then recommend to the Provincial Commissioner which persons should be suspended because they are politically dangerous. The order lays down the time limits within which the proceedings shall be conducted, priority to be observed in dealing with cases, the formalities to be observed and prescribes forms and so forth. By the time that this work has been got well under way, it is hoped that the Italian Government will be able to put in 158 days active operation. The Commissions under that decree would therefore consider first the cases of persons suspended under GO 35 and when it had dealt with those, would proceed to more complete operation.

There are other problems. The responsibility of the Italian Government is not only to remove fascists from positions of important administrative posts in connection with the Government of public companies or national importance but there also remains the question of the removal of fascists from controlling positions in trade and commerce which problem has not yet been adequately dealt with. It is particularly important that firms which are engaged in substantial international trade should be defascised as, apart from this being in accordance with Allied policy, they may become centres of infection in other countries or may act as centres of fascist propaganda or for collection of information. It is also important that firms having large financial interests should be defascised in order to prevent substantial funds from being made available for fascist purposes. None of the decrees published so far efficiently deals with this important problem. While it is probable that a majority of important fascists will be caught by some of the provisions of the many decrees already passed, the Italian Government has at the present moment under consideration a draft decree which endeavours to stop such bolt holes as still exist.

Another decree which is under consideration is one to disqualify any persons convicted of fascist crimes or having suffered forfeitures for corruption or

It is hoped that these courts will be formed and will commence operations within two or three days of liberation.

So far as operation is concerned, it is felt that it would take the Italian Government rather too long to appoint its delegates and Commissions (especially having in view its lack of transport facilities) so that Allied Military Government proposes to undertake the first stages of operation. It proposes to act firstly by Executive Memorandum 67. This is an immediate action directive scheduling on the one hand, the most important provincial offices from which it is desirable that fascists should be removed at once. It schedules, on the other hand, the most important positions in the fascist hierarchy and directs that any persons holding any of these specially important offices who is a fascist or sub-fascist undertake to have held one of the main important fascist positions or distinctions removed as a reward for active fascism, shall without any further enquiry be removed from office. This action is followed by General Order 35 of the Allied Military Government which deals more methodically and more deeply with fascism. The Order schedules employees by grade - senior, middle and subordinate - and directs that questionnaires shall be served on all of the first two classes. It sets up in every Province one or more Boards each of five Italian persons appointed by the Military Government Provincial Commissioner (after hearing any recommendations made by the Prefect of the Committee of Liberation), to consider the questionnaires. These Boards then recommend to the Provincial Commissioner which persons should be suspended because they are politically dangerous. The Order lays down the time limits within which the proceedings shall be conducted, priority to be observed in dealing with cases, the formalities to be observed and prescribes forms and so forth. By the time that this work has been got well under way, it is hoped that the Italian Government will be able to put on 159 active operation. The Commissions under that decree would thereupon consider first the cases of persons suspended under GO 35 and when it has dealt with those, would proceed to more complete operation.

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Another decree which is under consideration is one to disqualify any persons convicted of fascist crimes or having suffered forfeitures for corruption or because they have given substantial financial support to fascist funds, from holding the offices of director or manager of important companies (whether private or public). This decree will also forbid the granting of Government contracts to companies which are managed by fascists who have been thus convicted or punished.

It will be seen from this brief survey that much progress has been made in the last 6 months. No doubt there have been delays in some cases unnecessary but on the whole the Italian Government are tackling this most difficult problem with energy and success.

1368
POLITICAL LIAISON OFFICER
REPUBLIC OF SAN MARINO

Ex Comm

(87)

1005

30 March 1945

APR - 5 1945

Subject : Trials of San Marinian Fascists
To : Regional Commissioner Emilia Region

1. Reference is to conversation on 28 January 1945, with Col. Fiske.
2. Subject trials are continuing, the Court having announced no decisions to date. Summary of progress follows:
 - a) A law passed on 23 October 1944 established an "Extraordinary Syndicate of Expurgation". A public manifesto was posted, stating that any one who had been wronged by Fascists could denounce the wrong-doers to the Syndicate, which would try them. On the same date the Grand Council ordered the following Fascists, considered dangerous to the public order, not to leave their homes:
 - 1) GOZI GIULIANO, Secretary of State till 25 July 1943 and thereafter Secretary of the Fascist Republican Party of San Marino.
 - 2) GOZI MANLIO, Secretary of the San Marinian Fascist Party until 25 July 1943.
 - 3) RAISIMELLI ARTURO, a director of the Fascist Republican Party of San Marino.
 - 4) FOSCHI SALVATORE, a director of the Fascist Republican Party of San Marino.
 - 5) ROSSI GIUSEPPE, a director of the Fascist Republican Party of San Marino.
 - 6) BRASCHI ANTONIO, reputed to be a Fascist of the vicious gangster type, generally credited with the killing of two British Airmen.
 - 7) BRASCHI ARRIGO, son of the above and described as more vicious than his father.
 - 8) GOZI GEMINO, son of Gozi Manlio, was found to have departed for Milan before the arrival of the Allied troops.
 - b) Preceding the popular election of the new Council on 11 March 1945, all Fascists were served with a written order which deprived all Fascists of the right to vote.
 - c) GOZI GIULIANO, addressed a letter to the Government, using the letterhead of "The San Marinian Fascist Party", protesting that the treatment accorded him was contrary to law, and asking for his release from house arrest, pending trial. The Regents felt that his use of the Fascist letterhead was deliberately provoking, and ordered Gozi jailed. He was subsequently released on a medical certificate.
 - d) At present approximately 120 Fascists are involved in the "purge", including:

See A. 82-83

- 1) FATTORI MARINO, Cc nel of Fascist Militia.
2) FATTORI FERDINANDO, lieut. of Fascist Militia.

Fascists who fled to northern Italy will be tried in absence. Up to within a short time the Tribunal has been wholly occupied with the interrogation of accused. Only recently has it begun to examine witnesses. His difficult to forecast when the trials will end, as the charges are very numerous. There have been more than 40 charges lodged against GOZI Manlio.

- e) The judge is Avv. COMMANDINI GIACOMO, an Italian jurist, resident of Cesena. He is assisted by BERTI CLEMENTE, manager of the San Marinese Registration Office and by Father CESARI ALFREDO, Roman Catholic Clergyman who is headmaster of the Balluzzi Preparatory School, San Marino.

3. Prompt report will be submitted upon further developments.

RIX/HQ/R/10 1st Lt. *D. Comstock*
Hq Emilia Region AMG, APO 394, U.S. Army 2 Apr 45

TO: Acting Executive Commissioner OLIVER D. COMSTOCK
(For personal attention) Capt. C.M.P.

For the Regional Commissioner: P.L.O.

A.T.H.

Lc Dist - 5 Apr 45

Action - C A SEC.

INFO - Ex Comm.

3198

3197

1368

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

785017

1005

Ext : 469

71

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

11/3.7/CA

29 Mar 45

MAR 31 1945

SUBJECT : Pellegrini

TO : Communications S/C

- 1 Reference your 1172.64-CS of 26 Mar. It is not proposed to make any representation to the Italian Government with regard to Pellegrini while the matter is still sub-judice.
- 2 If when the appeal is concluded you are of opinion that any representation should be made this will be done if you will specify the precise points upon which you desire representation to be made and support it with copies of any document to which you think attention should be drawn.
- 3 The primary responsibility for watching the working of the Communications Epuration Commission lies of course with the Communications Sub-Commission and not with this Section which is only concerned with general policy and direction except when matters have to be taken to a higher level. Before it can be in a position to make any such representation it will require full particulars and papers.

R. R. C. [Signature]
G. R. U. JOHN Brig.
IP CA Section

Copy to : Chief Commissioner

AB/ia

TA DLL

31/3

3197

PA. [Signature] 4 Apr.

126

HEADQUARTERS ALLIED COMMISSION
APO 394
Communications Sub-Commission

HHS/epc

D.172.64.GS

26th March, 1945

MAR 27 1945

SUBJECT: Pellegrini Epuration Case
TO: V.P. Civil Affairs Section

Folio 33 refers

1. You will remember that many months ago Admiral Stone assured representatives of A.F.H.Q. that the A.C. would do everything in its power to insure that Pellegrini be given a prompt and fair trial.
2. The failure to have his case handled promptly cannot be attributed to any lack of effort on the part of A.C.
3. Brigadier W.C. Buchanan called on me on March 24th, 1945 and presented a very strong protest against the manner in which the Epuration Commission had handled Pellegrini's case. I understand that Major Palmieri has already given you a report on the subject and that you are investigating and will, if your investigation warrants such action, make a strong complaint to the Italian Government.
4. This Memo. is to inform you that I told Brigadier Buchanan that you were investigating the matter and that he could rest assured that if the proceedings of the Epuration Commission were proved to have been irregular or if it were to the Allied interests to do so, suitable corrective action would be taken.

see 79
H.H. SCUDDER
Lt. Colonel, 3198
D/Director.

Copy to: Chief Commissioner
(Thru' Executive Commissioner)

B/H 3/4/45

DU 27/3

PA 27/3

(Copy passed for cc files)

1370

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

785017

~~SECRET~~

(77)

Executive Commissioner

COLASURDO Antonio

1005/EC.

VP, CA Section.

14 March 1945.

(76)

I refer to attached letter from G-5, AFHQ, dated 8 March.

I spoke with Major Hooton. We must drop this case and encourage the Prime Minister to do the same. Too much is at stake.

M. S. LUSH

MSL/JC.

CONFIDENTIAL

3195
[Signature]

[Signature]

Declassified E.O. 12356 Section 3.3/NND No. 785017

CONFIDENTIAL

2228 76
7 Commissioner
PERSONAL and CONFIDENTIAL

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

DSJ/HYA/mls

8 March 1945

SUBJECT: COLASURDO Antonio.

TO : Brigadier M. S. Lush,
Chief of Staff,
Allied Commission.

Reference AC/4087/6/L dated 14 February and our G-5:
014.5 dated 20 February.

1. Attached hereto is a copy of a letter from G-2 Section at this Headquarters (GBI-389.701/PF/754 dated 6 March). You will see that though this letter contains no details of the case, Major Hooton No. 1 S.C.I. Unit Rome is authorized to give to you or Brigadier Upjohn further details of the nature of the information held by Colasurdo.

2. In view of the letter attached hereto, we shall take no action on your letter under reference until we hear from you.

For ACOS 85,

D. S. JACKLING,
Colonel.

Incl:
as above.

I will see Major Hooton. In meantime keep
in these files DSJ/10/3

3193

3 p.m. Tuesday

SECRET

ALLIED FORCE HEADQUARTERS
Office of the Assistant Chief of Staff, G-2

GFI-389.701/PF/754

6 March 1945

SUBJECT: COLASURDO Antonio.

TO : G-5, AFHQ.

Reference Allied Commission's letter AC/4087/6/L of 7
and 14 February 1945.

1. The over-riding consideration in asking for energetic action to be taken in Subject's case, resulting in the despatch of your signal on 20 January 1945 to Allied Commission, was the absolute necessity of ensuring the security of certain information of a TOP SECRET nature known to be (not improperly) in Subject's possession. The information relates to matters which constitute one of the main Allied counter-espionage defenses in ITALY. Any risk of revelation of these matters to unauthorized persons constitutes a grave danger and their discovery by the enemy would have very damaging consequences for Allied interests. In accordance with general practice in such cases this information cannot be divulged to other than those officers directly responsible for the intelligence operations concerned. It is very likely that under interrogation prior to trial or in court Subject might be led to reveal his knowledge of these matters as items to be quoted in his defense or under duress.

2. It was for this reason and because of the great urgency of the matter that officers of Security Branch, R.A.A.C., made a direct approach to the Italian authorities. It is considered that in so doing their action was in the circumstances reasonable and justified. It is also considered that they acted quite properly and in the best interests of security in withholding intimate details of the case from officials of the Legal Division. If, however, Allied Commission wish to satisfy themselves as to the nature of the information held by COLASURDO, details can be supplied to the Chief of Staff or the Vice-President, Civil Affairs Section, by Major HOOTON, No. 1 S.C.I. Unit, ROME.

3. Considerations of the security of the information in 3193 Subject's possession make it essential that he should not be submitted to close examination by the Italian authorities at any time for the duration of hostilities in Europe. So long as the Procurator's warrant is valid and the possibility exists of its being summarily executed there is a risk of his being re-arrested and interrogated. The desire not to impede the course of Italian justice is fully understood but it is felt that unless a guarantee can be obtained that the warrant will not be executed for the period mentioned the means of having it rescinded as an exceptional measure should be examined.

4. It will be realised that Subject's position in the service of the Allies is one of trust and it is superfluous to say that he would not enjoy such confidence had his background and

785017

Reference Allied Commission's letters AC/4087/6/L of 7
and 14 February 1945.

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4. It will be realised that Subject's position in the service of the Allies is one of trust and it is superfluous to say that he would not enjoy such confidence had his background and loyalties not been carefully investigated and found satisfactory.

For the A.C. of S., G-2:

/s/ ? ? ? Lt. Col. G.S.
for /t/ S. S. HILL-DILLON,
Colonel, G.S.,
G-2 (CI) Section.

SECRET

1373

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

785017

1005

74

Ref: DE/4/13.1/OA.

21 February 1945

FEB 22 1945

My Dear Mr. Prime Minister,

I acknowledge with thanks the information contained in your letter 27417. 10424.62/1.7 of 16 February that proceedings against Colonel Remondino have been stopped.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USN
Chief Commissioner

His Excellency Ivanoe Bonomi,
The President of the Council of Ministers,
Italian Government,
R O M E.

PA 316

PA 3192

Declassified E.O. 12356 Section 3.3/NND No. 785017

Translation

The President of the Council of Ministers
27117 10121.62/1.7

Rome, 16 February 1945

FEB 17 1945

Dear Admiral,

referenced to the assurances I gave you in my note
n. 26341/10121-52, of February 2nd, I communicate to you that the cessa-
tion of the penal proceedings and of the epuration proceedings against
Col. Aldo Remondino, Deputy Chief of Staff of the Air Force, has already
been ordered.

I remain, my dear Admiral,

Truly yours,

See 74
S. I. Bonomi

To Admiral Billy M. Stone
Chief Commissioner of the Allied Commission
R O M E

E.O.

PA 19 1/2
E.C. Dist - 17 FEB 45
3191

PA 19 1/2
ACTION: CA SEC
INFO: CHIEF COMM
E.C.

AIR FORCES SC

1376

785017

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

92

AQ/hjp

17 February 1945

FEB 17 1945

Dear Sig. Boconi:

I am instructed by Admiral Stone to thank you for your letter of February 15th enclosing the text of H.E. Bonomi's speech on the occasion of the inauguration of the Central Commission for Emigration.

Very truly yours,

J. A. Quayle

J. A. QUAYLE
Major, R. A.
Staff Officer to CC

On. Avv. Alessandro Boconi
Commissione Centrale per l'Emigrazione
Piazza SS. Apostoli, 73
Roma

cc: Ex. Com.
cc file

PA

3193

17 February 1945

FEB 17 1945

Dear Sig. Boccooni:

I am instructed by Admiral Stone to thank you for your letter of February 15th enclosing the text of M.E. Bonomi's speech on the occasion of the inauguration of the Central Commission for Epuration.

Very truly yours,

/s/ J. A. Quayle

J. A. QUAYLE
Major, R. A.
Staff Officer to CC

On. Avv. Alessandro Boccooni
Commissione Centrale per l'Epurazione
Piazza SS. Apostoli, 73
Rome

cc: Ex. Com. ✓
CC file

PA 1/1

3193

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

785017

1378

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

785017

Trans mission

101

(P)

Col

Central Commission for epuration

n. 766

Rome, 15 February 1945

FEB 16 1945

To Admiral Eliery Stone
Allied Commission

R o m e

(70)

I enclose a copy of the speech delivered yesterday by
M. M. Bonomi, on the installation of the Central Commission
for epuration.

I take this opportunity for thanking you for coming to
the ceremony, and I remain,

Truly yours,

THE PRESIDENT
(Gen. AVV. Alessandro Rocconi)

B. A. Rocconi

e.c.

3183

Col Dist - 16 FEB 45

Action: Sot CC

INFO: Col

CASAC

MA 17/2

PA

Handwritten signature

70

Speech of H. Lx. Bonomi for the Installation of the
Central Commission for Epuration.

All successors of fallen regimes have a hard task in the way of epuration and renovation; in a new political atmosphere, public administration cannot go on with men who have already been deeply compromised in a recent past. This happened in Italy from 1860 to 1870, when men of liberal party took the place of the functionaries of Austria, of the Grand-Ducs, of the Bourbons. These epurations didn't take place according to a fixed criterion. For the first time, epuration is being done legally and by Commissions which have to judge the personal situations of those who are to be epurated.

Three elements are to constitute these Commissions: magistrates, functionaries of the central administrations, and citizens appointed by the High Commissioner for sanctions against fascism. In your second-degree Commission, a President Central and four presidents of section have been appointed by the President of the Council of Ministers.

The law you are to enforce hasn't got to locate and strike strictly determined categories; it offers great possibilities for investigation and appreciation. The verdict can therefore be better adapted to concrete situations, and the Commissions are able to act with great severity when severity is required, or to be more indulgent in less serious cases.

The function entrusted to you cannot be solved by a mechanical enforcement of the law, it implies a series of appreciation of a moral order, and therefore a high sense of justice and responsibility.

Epuration must principally strike the high ranking functionaries who were the blind instruments of the regime, and valued their personal interest more than that of the nation. The State needs trustworthy and faithful servants on whose moral qualities and ability it can rely.

Less high ranking functionaries can be judged with more indulgence. Small employees are far less guilty than their chiefs, besides, their functions haven't the same character of trust as higher administrative situations.

Particular importance must be given to the attitude of the employees after September 8th 1943, when they all had the possibility of showing their unwillingness to collaborate with the so called government supported by enemy bayonets.

e.c.

1380

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

785017

~~SECRET~~

(64)

Ref: 1005/64/005.

14 February 1945.

SUBJECT: Epuration.

TO : Director, Air Forces Sub-Commission.

(54)

1. I refer to your AFSC/R/7/SPEC LIT of 26 January 1945, on the subject of the removal of Colonel CAPEZZONE from office.
2. The Discrimination Tribunal is a Tribunal set up in the Air Ministry for its own purposes to advise the Minister on the conduct of officers since 8 September 1943. It is not a part of the statutory epuration machinery and has no power to acquit.
3. The Epuration Commission, however, does take cognizance of the findings of the Discrimination Tribunal just as it does of any other evidence whether for or against the accused. In the case of General CAPPA the Epuration Commission has agreed with the views of the Discrimination Tribunal and found General CAPPA not guilty.
4. The "Military Tribunal" referred to in your paras 6 and 7 is the epuration "appeal" commission. I do not think it desirable to ask the Italian Government to abolish the only appeal court there is for epuration proceedings. This court has before it more appeals lodged by persons found "guilty" than appeals by the High Commissioner against findings of "not guilty" and abolition would do away with their chance of review.
5. Although there may appear to be a plethora of proceedings in the case of service personnel, this is caused by the superimposition of the purely advisory Discrimination Tribunal on the normal procedure of DIL 159.
6. As Colonel CAPEZZONE is the representative of the Air Ministry in the office of the High Commissioner as Liaison Officer and Adviser on Air Force matters, his removal is a matter entirely for the Air Ministry. I think interference on questions of personnel, where the responsibility is Italian, is inadvisable and impolitic.

W. S. LUSH

Brigadier,
Chief of Staff.

3187

SEEN BY
CAPT MORDEN
THIS EVENING

Copy to : C.A.S.E.C.

3186

14/2

1005
CONFIDENTIAL

~~SECRET~~ (63)

Ref: AG/4087/6/L.

7 February 1945.

SUBJECT: Release of Prisoners held by the Italian Government.

TO : Allied Force Headquarters.
Attn: G-5 Section
G-2 Section

FEB 9 1945
42

1. In compliance with the orders in your signal FA 80106 of 20 Jan 1945 (as subsequently amended) the Italian Government was instructed to release Antonio COLASURDO and his staff. COLASURDO has been released but the Italian Government, through the Procuratore Generale of Rome, denies that any member of his staff has been arrested.

2. It is considered, however, that the ~~inappropriate~~ procedure which has been adopted in this case cannot be allowed to pass without comment.

3. In the first place, officers of Security Branch made a direct approach on about 8 January 1945 to Italian judicial officials to secure the release of COLASURDO, and when this was naturally and properly refused the officers declined to visit this Headquarters or to explain to the Deputy Chief Legal Advisor the nature of their request. No further action was taken until the despatch of the signal of 20 January 1945.

4. It should not be necessary to emphasize that this Commission is the only authorized channel for communication with the Italian Government and that satisfactory results will not be achieved unless this rule is strictly observed.

5. Secondly, it should be borne in mind that this Commission is charged with the duty of enforcing the Armistice Terms and advising the Supreme Allied Commander thereon. It will be apparent that a signal of the kind received in this case, giving no information upon which a reasonable judgement can be formed in spite of the serious political consequences likely to attach to the action proposed, makes it difficult for this Commission properly to discharge either of these functions.

6. When this Commission is required to approach the Italian Government on any subject it is requested that it should be given full and detailed information. Such information may not only affect the manner in which the question has to be raised; it may also involve technical, political or legal points on which this HQ may have a right to express its views and in any event it is extremely embarrassing to be uninformed when discussing a matter on the highest level.

For the Chief Commissioner.

PA (Copy passed for 'A' File)

MS 3186
Brigadier,
Chief of Staff.

Translation

The President of the Council of Ministers

n. 3683

Rome, 1 February 1945

To Admiral Stone
Chief Commissioner of the Allied Commission

FEB 4 1945

R o m e

On December 28th 1944, the R. Questura of Rome sent to the Procura Generale to the Court of Appeal in Rome an accusation against the Deputy Commissioner of Public Safety, Dr. Antonio Colasurdo, because of facts which gave a concrete form to the hypothesis of collaboration with the Nazi-fascists.

The charges against Colasurdo referred to his collaboration with the questore Caruso and with the gang of Lieutenant Koch, as well as to the serious episode of the arrest of some patriots, who were later shot in the Masse Ardentine, arrest which took place while they were in a restaurant of the town, with Colasurdo, who is therefore suspected of having betrayed them; there are also other circumstances of a general character.

On the basis of the denunciation, the Procura Generale del Regno ordered Colasurdo to be arrested and issued a warrant for arrest; the inquiry began, and while this was taking place, other serious circumstances against Caruso materialized.

According to the Italian penal code, penal action is only revocable through discharge after the investigation, or following the debate, of the defendants.

Therefore, after the request of this Commission, the Procuratore Generale del Regno could only suspend the proceedings, enforcing art. 2 of the law of July 9th, 1940, n. 924, i.e., considering that they couldn't follow their regular course for reasons which depended on the state of war. As a consequence, the said Procuratore ordered that Colasurdo and the other people who were suspected of complicity should be immediately set free.

When the reasons of a military character which determined the request of the Commission will no longer exist, I shall be most grateful to you if you will kindly let me know.

THE PRESIDENT OF THE COUNCIL
MINISTER OF THE INTERIOR

S. I. BONDI

COS DIST - 3 FEB 4 1945

Action: C AISEC
INFO: CHIEF COMM R
COS

e.e.

Declassified E.O. 12356 Section 3.3/NND No. 785017

Translation

The President of the Council of Ministers
n. 26341/10124.62

Rome, 2 February 1945

FEB 2 1945

Dear Admiral,

Refers to your letter of January 27th
(DE/4/13.I/CA), about Colonel Aldo REMONDINO, Deputy
Chief of Staff of the R. Airforce.

I am glad to be able to tell you that I have already
imparted the necessary instructions to the competent ju-
diciary and administrative authorities, immediately to
suspend the proceedings against the said officer, and to
see that the most complete silence is kept about such
elements as already came to light on this subject.

I remain, my dear Admiral,

Truly yours,

E. I. Bonomi

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
R o m e

S.C.

COB Test

ACTION: C.A. Section
INFO: CHIEF COMM.

COB 5183

3183

INFO ONLY

(COPY SEEN ON 502)

1005 af
HEADQUARTERS ALLIED COMMISSION
CIVIL AFFAIRS SECTION

INTER-OFFICE MEMORANDUM

DF/3.21/CA

31 Jan 45

TO: Chief of Staff.

JAN 31 1945

- 1 In forwarding the attached communication from the Air Force Sub-Commission, I think it is desirable to make the following comments for the Chief Commissioner.
- 2 The Discrimination Tribunal is a tribunal set up in the Air Ministry for its own purposes to advise the Minister on the conduct of officers, since 8 Sep 43. It is not a part of the statutory Epuration machinery which was set up by DLL 159 and has no power to acquit.
- 3 The epuration commissions set up under DLL 159 do, however, take cognizance of the findings of the Discrimination Tribunal just as they do of any other evidence whether for or against the accused. In the case of General CAPPa the Epuration Commission has agreed with the views of the Discrimination Tribunal and found Gen. CAPPa not guilty.
- 4 I have made enquiry of the Air Vice Marshal and by the expression "military tribunals" in paras 6 and 7 of his letter he intends to refer to the epuration "appeal" commission. I do not think it reasonable or desirable to ask the Italian Government to abolish the only appeal court there is for epuration proceedings. This court has before it more appeals lodged by persons found "guilty" than appeals by the HC against findings of "not guilty" and abolition would do away with their chance of review.
- 5 Although there may appear to be a plethora of proceedings in the case of service personnel this is caused by the superimposition of the purely advisory Discrimination Tribunal on the normal procedure of DLL 159.
- 6 With regard to Col. CAPEZZONE I understand from the AVM that his position is that he is the representative of the Air Ministry in the Office of the HC as Liaison Officer and Adviser on Air Force matters. Surely his removal is a matter entirely for the Air Ministry. In any case the advisability of interference in questions of personnel where the responsibility is Italian is doubtful.

see M 56
G.R. Upjohn
G.R. UPJOHN, Brig.,
VP CA Section,
DCOS AC.

FROM: AIR FORCES SUB-COMMISSION,
ALLI COMMISSION, ROME.

TO: CHIEF COMMISSIONER, HEADQUARTERS, ALLIED COMMISSION.
(THROUGH CIVIL AFFAIRS SECTION, LEGAL SUB-COMMISSION.)

DATE: 26TH JANUARY, 1945.

REF: AFSC/F/7/SEC INT.

~~SECRET.~~

1. At the beginning of October 1944 General CAPPA, Umberto, was absolved by the Discrimination Tribunal and by the Epuration Tribunal on 14th December 1944. By the Discrimination Tribunal he was awarded the classification 1A. That is, he was absolved of all blame for his actions during the period of the German Occupation of Rome, and in addition was commended for the work he had carried out during that period.

2. General CAPPA was Chief of the Italian Air Force Secret Resistance Front in Rome during that period. It is also common knowledge that he is to receive an American decoration for his work in that connection.

3. About 17th January 1945 General CAPPA was informed that the Military Tribunal would not accept the verdict of the Discrimination Tribunal, and that the case was to be re-opened. This Sub-Commission has been able to obtain a copy of the denunciation, and a translation of this is attached as Appendix "A" to this letter.

4. Similar action was taken by the High Commissioner for Epuration, in the case of Colonel PIZZARDINO, and this Sub-Commission has asked for the quashing of the proceedings in this case, as PIZZARDINO is Vice Chief-of-Staff to the Italian Air Ministry, and is therefore taking an active part in the war against the Germans. It is certain that these cases will be followed by similar ones.

5. It is not intended to ask for any particular action in the individual case of General CAPPA, but it is felt that this continual revision of cases violates the most elementary principles of justice. Either the Discrimination Tribunals have the power of acquittal or they have not, and if their acquittals are to be continually challenged by higher Tribunals, there can be no peace of mind for anyone, and no respect for Italian justice.

6. It is fairly clear that this Military Tribunal is being used as a political instrument, in fact, under the late Assistant High Commissioner for Epuration, it seems that all Tribunals were used in this way.

7. It seems therefore that it would be most desirable to dissolve this Military Tribunal, since the work should already be done by the other Tribunals. It is naturally an affair for the Italians themselves, but it should be easy to show them how their disregard for the principles of justice and the use of the Tribunal as a political instrument is bringing them into disrepute among outsiders.

8. Attached also as Appendix "B" is a translation of a declaration made by Colonel CAPEZZONE, who is the Italian Air Ministry representative to the High Commission for Epuration. Apart from what he has to say about General CAPPA, the greatest exception is taken to the statement that no I.A.F. group carried out any effective work against the Nazi-fascists. From this it is quite clear that this Officer has a bias, and from other reports received there is no doubt that it is a political one. I have approached the Air Ministry and asked them to remove him from this assignment, but they state that they are powerless in the matter as he is under the orders of the

1. At the beginning of October 1944 General CAPEA, Umberto, was absolved by the Discrimination Tribunal and by the Epuration Tribunal on 14th December 1944. By the Discrimination Tribunal he was awarded the classification 1A. That is, he was absolved of all blame for his actions during the period of the German Occupation of Rome, and in addition was commended for the work he had carried out during that period.

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Continued /2.....

CONFIDENTIAL

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Declassified E.O. 12356 Section 3.3/NND No. 785017

-2-

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1. is considered that we should insist on the removal of Colonel. CALEZZONE at once. As long as this political bias continues it is impossible that justice is done, and confidence and discipline is maintained in the Italian Air Force.

2. The originals of the two documents at Appendices "A" and "B" to this letter can be found at:

THE CENTRAL COMMISSION FOR EXPIRATION,
PIAZZA SS. APOSTOLI, 73,
ROME.

W.A.B. Bursar.

W.A.B. BOWEN-BUSCARLET,
AIR VICE-MARSHAL,
AIR OFFICER COMMANDING.

3181

TRANSLATION.

Appendix "A". 52

FROM: THE HIGHER COMMISSIONER FOR THE SANCTIONS AGAINST FASCISM.
TO: THE CENTRAL COMMISSION FOR EPURATION, AND FOR THE ATTENTION
OF THE ITALIAN AIR MINISTRY.

ROME, 2ND JANUARY: '45

Appeal against the decision of the 1st. Grade Commission for
the Epuration of the Air Force military personnel on General
Cappa's case. -----

In accordance with Article 20 D.L.L. 27/7/44 n.159 I propose to
appeal against the decision of the 1st. Grade Commission by which
General Umberto Cappa has been declared immune from military discip-
linary action.

The contested decision upholds in fact and in law his non-depart-
ure for Sardinia, where he was Commander-in-Chief of the Air Force,
which non-departure constituted failure to fulfil his military duties
in accordance with Article 13. The Commission, however, retain that
Cappa can be absolved in accordance with Article 11. Such a decision
must, undoubtedly, be considered erroneous.

Cappa's activities after the 10th. September 1943 not only have
particular features but they also enter into the hypothesis of
Article 17. Immediately after that date he assumed, without being
appointed to them, the duties of Chief of Cabinet to the Commission-
er, General Urbani. (See page 7 of the Air Force Brief;)

In the execution of those duties he issued numerous orders by
circular and by decree so that lists of names of officers, N.C.Os,
and Air Force specialists could be compiled together with their
qualifications, details of their work they were carrying out, their
private means, and even some of their telephone numbers. These
lists, together with other documents, were handed to the German auth-
orities. (See page 8 of brief.)

The absolutely unquestionable source of the above information
is such as to dispense with the necessity of further proof in order
to show that Cappa, after the 8th. of September 1943, collaborated
with the Germans.

It has been proved that Cappa did all he could to send men and
material to the North and that he gave orders to officers to attend
a meeting held by General Graziani at the Adriano Theatre. ^{8th} This
matter General Giacchettu can also bear witness; This undoubtedly
constitutes collaboration with the fascist Government.

It does not appear seriously possible to sustain the argument
given by the defence in the brief, namely, that General Cappa signed
all the papers and circulars by order of the Commissioner. Either
Cappa considered it to be his military duty to sign those circulars
and thus assume the responsibility for them or he ought to have
withdrawn himself (as he did later), the more so because he assumed

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785017

the separation of the Air Force military personnel on General Cappa's case.

In accordance with Article 20 D.L.I. 27/7/44 n.159 I propose to appeal against the decision of the 1st. Grade Commission by which General Umberto Cappa has been declared immune from military disciplinary action.

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In the execution of those duties he issued numerous orders by circular and by decree so that lists of names of officers, N.C.Os. and Air Force specialists could be compiled together with their qualifications, details of their work they were carrying out, their private means, and even some of their telephone numbers. These lists, together with other documents, were handed to the German authorities. (See page 8 of brief.)

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It does not appear seriously possible to sustain the argument given by the defence in the brief, namely, that General Cappa signed all the papers and circulars by order of the Commissioner. Either Cappa considered it to be his military duty to sign those circulars and thus assume the responsibility for them or he ought to have withdrawn himself (as he did later), the more so because he assumed the duties of the Chief of Cabinet without being appointed to that post. The fact that the lists were not exact and that in any case they were of very little use to the Germans does not reduce Cappa's responsibility in the slightest, for he did nothing to contribute to their inaccuracy and he must be judged by his deeds and not by the results which, independently of him, were reached. In any case it is certain that even the mere announcement that such lists were

in the hands of the Germans and were signed by Cappa certainly influenced the sk ones, intimating the and deciding them to submit to the will of the fascist Government.

Therefore, the justification that is given in the said brief that his failure to depart for Sardinia was for the benefit of his country is absolutely arbitrary, and in any case such consideration would be juridically irrelevant when one sees that Cappa's conduct was not in keeping with his military duty.

Much later, when Cappa was faced with the necessity of assuming more precise responsibilities he withdrew himself and hid in a safe place. Because of this one fact the contested decision has been given in accordance with Article 16, since nothing can be specified in favour of Cappa as proved that he distinguished himself in the struggle against the Germans; That he was nominated Chief of the Clandestine Movement cannot be cited in his favour as he had a right to this title in view of his high rank; nor the fact that he received praise and decorations, since these were bestowed generically only, and out of consideration to his position did he receive them.

In addition, it is very clear that no member of the Air Force Clandestine Movement can be said to have distinguished himself in the fight against the Germans, and least of all the leader of the movement. On the other hand, the political and moral background of those whom Cappa chose as his faithful collaborators for the Clandestine Movement is to be doubted. It is sufficient to recall to mind Capt. D'Avet, Chief of the Duce's musketeers, and the squadrists, General Farba, Major La Corte, Major Neri, etc.

His conduct whilst Chief of the Clandestine Movement gives ample reason for the accusations of incapability and unseamly conduct in accordance with Article 13, and his manner of using means and men, which were not available to other patriotic organisations, against the Germans, gave full proof of his incapability. The fact that Cappa was head of the movement proved, therefore, to be damaging, and he has not done more for the country than he could have done if he had returned to his command on the island of Sardinia, which is cited several times in the case which was conducted under the presidency of General Prendoni, who has since been exonerated himself.

As to his misconduct, Cappa gave clear proof of it when he tried to make it appear that the assassinated Generals Lordi, Martelli and others were members of the Clandestine Movement, when, in fact, these men took good care not to belong to the movement.

Consequently, discrimination absolutely cannot be given to Cappa in accordance with Article 16 because after the 10th. of September not only did he not distinguish himself in the fight against the Germans, but examining his activities one can justifiably find reasons for new charges as well as insisting on those already stated.

In addition, one must dispute with General Cappa the fact that from November 1937 until December 1930 he was Commander in Chief of the Italian Air Force in the Egean Sea at the dependence of De Vecchi, a member of one of the Quadrumvirates and Cappa's compatriot and friend. In this brief period, and solely on the proposal of,

more precise responsibilities he withdrew himself and hid in a safe place. Because of this one fact the contested decision has been given in accordance with Article 16, since nothing can be specified in favour of Cappa as proof that he distinguished himself in the struggle against the Germans; That he was nominated Chief of the Clandestine Movement cannot be cited in his favour as he had a right to this title in view of his high rank; nor the fact that he received praise and decorations, since these were bestowed generically only, and out of consideration to his position did he receive them.

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In addition, one must dispute with General Cappa the fact that from November 1937 until December 1930 he was Commander in Chief of the Italian Air Force in the Egean Sea at the dependence of De Vecchi, a member of one of the Quadrumvirates and Cappa's compatriot and friend. In this brief period, and solely on the proposal of, and because of the protection of the "gerarca" Cappa was promoted from Colonel to Brigadier General and then to General of Division, thus being advanced much ahead of his contemporaries, and without any particular personal merit.

In view of the afore-mentioned and in accordance with the appeal as per Articles 12, 13, and 17 D.LI 27/7/44, n/159, and Article 12

3.

D.I.I. 23/10/40/285, I request that the Central Commission arrange for the retirement of General Cappa from the Service with the loss of his right to a pension.

for THE ASSISTANT HIGH COMMISSIONER FOR EPURATION,
(Dr. Mauro Scoccimarro)

Brigante.

Air Forces Sub-Commission.
Allied Commission,
ROME.
January 25th. 1945.

31178

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

785017

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TRANSLATION.

Appendix "B", #1

SUMMARY OF A DECLARATION SIGNED BY LT. COLONEL CAPEZZONE
RELATING TO GENERAL CAPPA AND THE ITALIAN AIR FORCE DURING
THE CLANDESTINE PERIOD.

1. General Cappe did not consider it to be his duty to return to Sardinia after the Armistice notwithstanding the proposals of General Urbani and General Santoro.
2. Cappe put himself at the disposal of the Air Force Commissioner and acted as his chief of cabinet until November 1943.
3. His activities as regards the Clandestine Movement were merely administrative, and it would be advisable to conduct an enquiry into the question of the funds which were at the disposal of Cappe.
4. No one ever saw Cappe doing active work. In addition, there was no Italian Air Force group which carried out effective work against the Nazi-fascists.

Jan; 25th. 1945.

3177

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

785017

1393

1005
COPY

DE/4/13.1/CA

27 January 1945

JAN 30 1945

My dear Mr. Prime Minister,

I have been informed that judicial and epuration proceedings have been initiated against Colonel Aldo REMONDINO of the Royal Italian Air Force and that the investigation of the charges made against this officer has already been started.

The Air Vice Marshal commanding the Air Force Sub-Commission advises me that the retention of Colonel REMONDINO as Vice Chief of the Air Staff is essential to the Allied war effort.

Further I am informed that the facts which will be brought to light upon investigation of these charges or in the hearing of the epuration proceedings are of such a nature that their publication would be contrary to the Allied interests in the prosecution of the war.

The Procuratore Generale Militare has been interviewed and has been informed that, from the evidence in possession of this Commission, Colonel REMONDINO appears to be entirely innocent of the charges made against him. Nevertheless, he has stated that he has no power to intervene in the case unless this evidence is brought to the notice of the court.

You are, of course, aware that under the Armistice Terms you are required to abstain from all action detrimental to the interests of the United Nations and to carry out promptly and efficiently all orders in relation thereto given by the United Nations.

For the reasons above given, I must require the immediate discontinuance of all proceedings both judicial and under Decree 159 against Colonel REMONDINO.

I shall be glad to hear from you as soon as possible that the necessary action has been taken.

Yours very truly,

/s/ Ellery W. Stone
ELLERY W. STONE
Rear Admiral USNR
Chief Commissioner

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

ACTION COPY ON FILE 500/COF

Declassified E.O. 12356 Section 3.3/NND No. 785017

1005 File 1127
Extract of Minutes of Chief of Staff's Meeting held on 30 January 45

Exhortation.

Pol Sec cited the instance of a person held for
exhortation who had been released by intervention of AFHQ.
The Quastura strongly resented this. It was pointed out
that repercussions would fall on AC+ and we should know
more about the case.

COS said the matter should be reported to AFHQ with
all the facts and Pol Sec would coordinate with CA Sec on
this matter.

3175

Declassified E.O. 12356 Section 3.3/NND No. 785017

1005

File

48B

Extract of Minutes of Chief of Staff's Meeting held on 26 January 1945.

Change in Italian War Ministry.

Land Forces Sub-Commission reported that Gen. Mariotti, the Corps Commander in Sicily, was to be epurated, and that Gen. Beradi, up to now Chief of Staff, was to take his place. Announcement would be made in the press. This appointment would assist the reorganisation in the Italian War Ministry.

3173

1005
~~TOP SECRET~~

TOP SECRET

EX-100
JAN 27 1945
CC 239

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

TRH/WGE/mls

G-5: 000.5-6

CONFIDENTIAL 25 January 1945.
JAN 29 1945

SUBJECT: War Criminals.

TO : Headquarters, Allied Commission, APO 394.
(Attention: Chief Commissioner).

- 34
1. Reference your message number S-410 dated 9 January 1945.
 2. This Headquarters approves your reply to the Italian Government to the effect that Allied Commission will take no steps for the removal of General Orlando until requested either by the Allied Governments or this Headquarters as set out in paragraph one of your message.
 3. It is confirmed that you may assume that no official recognition should be given the Broadcast in question unless and until the United Nations War Crimes Commission in London shall have itself placed General Orlando's name on its official list of War Criminals.

T. R. HENN, Colonel,
Acting Asst. Chief of Staff, G-5.

3173

cc: COS ✓
A Files
C A Sec (By Cos) 29/1/45.

CONFIDENTIAL

~~TOP SECRET~~

see 47

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785017

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

AC/4087/6/L.

RWS/rfp.

22 January 1945

My dear Mr. Prime Minister.

The Supreme Allied Commander has notified me that Antonio COLASORDO and his staff have been arrested and are now in prison in Rome. It is understood that this action has been taken by the Procuratore Generale of Rome and it is believed that the charge against the accused is collaboration with the Germans in Rome.

The Supreme Allied Commander states that the arrest and trial of these persons is contrary to the allied interests in the prosecution of the war and that it is essential that they should be released immediately.

H.E. BEHLINGER has been interviewed. He stated that he believed the charges against COLASORDO to be unfounded and said that he would be glad to give every assistance in the withdrawal of the charges. He added that he had no power himself to intervene.

You are, of course, aware that under the Armistice Terms you are required to abstain from all action detrimental to the interests of the United Nations and to carry out promptly and efficiently all orders given by the United Nations.

In accordance with the orders of the Supreme Allied Commander, I must therefore require the immediate release of Antonio COLASORDO and his staff and the abandonment of all the proceedings against them.

I shall be glad to hear from you as soon as possible that the necessary action has been taken.

Very truly yours,

Ellery W. Stone
ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

His Excellency Ivanoe Bonomi
The President of Council of Ministers
Italian Government

Cc: Legal S/C
Chief of Staff
"A" files

Prepared by: W.E. BENHENS, DCIA, LEGAL Sub-Commission.

Colonel

31721

SECRET

EX 88106
JAN 20/1946

C/S (12)
C/S711
JAN 20/1945
PRIORITY

FROM: AFHQ, SIGNED SACRED SITE PHOTO
TO: ACTION: ALCON FOR BEHRENS

CONFIDENTIAL

JAN 20 1945

FOR INFORMATION ONLY

SECRET.

1. Reported ANTONIO CALABRO (7) CALABRO and family arrested and imprisoned in ROME on warrant prosecutors Generale on 5 January 1945. Believed charge collaboration with Germans in ROME.

2. Requested utmost pressure be brought to bear on Italian authorities for release this man and family for following reasons:

A. He has aided Allied authorities and has important information which essential should not be disclosed.

B. His arrest delaying important Allied intelligence investigation of enemy activity in ROME.

C. For foregoing reasons his arrest and trial definitely against Allied interests in prosecuting war.

3. Great matter utmost urgency and importance

FOR INFORMATION ONLY

Spoke Maj. Dillard

CA Sec 1800 hrs 28/1/45

SECRET

RECEIVED
20 JAN 1945

3171

ACTION: LEGAL SC (2)

INFO: A/PRESIDENT
CHIEF COMMISSIONER
COS
CA SEC
PUB SAFETY SC
FILE

Deas Secy of Govt
apud Houdy

see Minutes
43944

1400

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

785017

~~TOP SECRET~~

10-5

34

AFHQ

3-410

9 JAN 45

PRIORITY

JAN 10 1945

TOP SECRET PD

PWB UNITED NATIONS NEWS DISPATCH FROM LONDON DATED JANUARY EIGHTH AS YET
 UNPUBLISHED NEWS STATES THAT ACCORDING TO BROADCAST BY QUOTE FIVE YUGOSLAV
 RADIO END QUOTE CMA THE YUGOSLAV WAR CRIMES COMMISSION HAS NAMED GENERAL
 ORLANDO CMA PRESENTLY COMMANDER CARABINIERI CMA IN ITS LIST OF WAR CRIMINALS
 PD BASED ON PRECEDENT IN ONE NINE FOUR THREE WHEN WE ASKED BRUNO TO REMOVE
 BOATTA AND AMBROSIO CMA ITALIAN GOVERNMENT WHO WAS NOTIFIED BY PWB OF THIS
 DISPATCH HAS ASKED IF WE DESIRE ORLANDO'S REMOVAL PD I AM REPLYING THAT
 UNTIL YOU OR ALLIED GOVERNMENTS REQUEST HIS REMOVAL THE COMMISSION DOES NOT
 INTEND TO DO SO PD

PAREN TO AFHQ FOR SACRED CMA UNITED STATES POLAD AND BRITISH RESIDE FROM RE
ALAN FROM STONE PERSONAL PAREN

PARA TWO PD COMMENT CLM I ASSUME THAT NO OFFICIAL WEIGHT IS TO BE GIVEN
 TO THIS BROADCAST UNTIL AND UNLESS UNITED NATIONS WAR CRIMES COMMISSION IN
 LONDON SHALL HAVE ITSELF PLACED ORLANDO'S NAME ON ITS OFFICIAL LIST OF WAR
 CRIMINALS

3173

PAH

See 37

Chief Commissioner

222

DISTRIBUTION:

Sir Noel Charles
 Hon. Alexander Kirk
 Political Sec.
 CA Section
 Chief of Staff

ELDERY W. STONE
 Rear Admiral
 Chief Commissioner

~~TOP SECRET~~

1401

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

785017

1005

33

translation

The President of the Council of Ministers

n. 6

Rome, 5 January 1945

JAN - 6 1945

32

Dear Admiral,

Reference your letter December 29th,
I communicate to you that I have immediately given
the necessary orders to the High Commissariat for
expedition for the position of Mr Pellegrini to be
examined and solved without delay.

I will be able to send you more informations
before long.

Truly yours,

E. I. Bonomi

Admiral Wilfrid G. Stone
Chief Commissioner
Allied Commission
R O M E

3169

s.o.

COS Hist. LETTER

ACTION: CASEC

INFO: CHIEF COMM

-COS-

PA 11

12

1402

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

785017

1005

(32)

Ref: DE/3.7/CA

29 Dec 44.

DEC 31 1944

My dear Mr Prime Minister,

I am very disturbed about the position as to Mr. Allegrini. As you are aware, Mr. Allegrini is an expert whose services may be of great use to the Allies. I agreed to his case going before an Espionage Commission provided it would be dealt with quickly but there has been much delay, as to which my staff has made many representations. It is understood that all the papers relating to the case are in Rome and that there is no legal objection to his case being dealt with by the Espionage Commission sitting in Rome.

This case is one which I consider affects Allied interests and I must ask you to see that this case is definitely brought to a conclusion within 10 days. It is important that we shall know promptly whether or not we are going to be able to rely on Mr. Allegrini's services. The matter has been allowed to drag on too long and the present indeterminate position cannot be allowed to continue.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE,
Rear Admiral, USNR,
Chief Commissioner.

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

3168

3168

PA [signature] 3/1

[signature]

Ref: DE/28/CA

28 Dec 44

My dear Mr Prime Minister,

The policy to which you refer in your 17214/10124-37/1-7 of the 19 Dec is the general policy of the Allied Commission on the question; it does not apply only to employees of the Ministry of Instruction. If you will refer to the two last paragraphs of the text of my letter of the 11 Nov, you will see that I referred consistently to "suspensions" and stated definitely that "such suspensions are temporary pending formal proceedings by your Government under DLL 159". It has never been the intention that persons removed from office by AMG Officers by the earlier methods, from which Executive Memorandum 67 and General Order 35 were evolved, should be in any worse position than those dealt with under either of these instructions.

In my letter of the 11 Nov I promised to let you have a copy of General Order 35. I now enclose three copies of a handbook which I have had prepared for the use of persons who may be appointed to the Commissions under this Order. The booklet contains translations of the Order, of the Administrative Instructions governing the conduct of proceedings under the Order and of the forms to be used in such proceedings. There is also a copy of a letter addressed by the Asst High Commissioner for Sanctions against fascism to members of DLL 159 Commissions so that GO 35 commissions may deal with cases in the same spirit as your Commissions do. You will note also that the Order, wherever appropriate, uses the words of DLL 159.

May I refer you to para (b) of Art XII on page 10 of the booklet where the policy to which I have referred above is set out and you will also see how careful AC has been to provide that no action taken by it shall limit in any way the powers of the Commissions appointed under DLL 159. AC makes only one reservation; if a DLL 159 Commission clears a suspended person, he may be re-employed but in AMG territory the approval of AC must first be obtained if it is desired to restore him to his original appointment. As you will readily appreciate, AC might have had reasons for ordering the removal of a particular person from office which were not concerned with fascism and of which the DLL 159 Commission would have no knowledge and with which it is not concerned.

Yours very truly,

PA 84
His Excellency Ivanoe Bonomi
The President of the Council of Ministers
Italian Government
ROME

/s/ ELLERY W. STONE 34675
ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to: Chief of Staff's Office. (Ref. your 1005/CS.)

Declassified E.O. 12356 Section 3.3/NND No. 785017

1005
JAG/45e

30

29 December 1944

29 DEC 1944

Lt. Col. White, CA Section:

Two epurated senators, Admiral Bernotti and General Calcagno, have asked for an interview with the Chief Commissioner and have left the attached memorandum for prior reading. The complaint is the usual one against epuration in general and their own in particular. I should be grateful if you would let me know if there is any good reason why their complaints should be considered by us, or why Admiral Stone should grant them an interview.

J. A. QUAYLE
Major, R. A.
Staff Officer to CG

cc: C of S
CC Files

3166

1405

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

785017

(29)

Ref: 1005/29/COS.

Ext: 388.

28 December 1944.

SUBJECT: Evacuation Policy.

TO : Civil Affairs Section.

I am directed by the Chief of Staff to refer to his memorandum 1005/COS of 21 December on the above subject, and to draw your attention to the fact that this office has not yet received a copy of your reply to the Prime Minister.

Chief Staff Officer,
To the Chief of Staff.

Copy to: SO to CO.

3165

PA

Translation

The President of the Council of Ministers
n. 17/101/101.4-57/1-7

Rome, 19 December 1944

Dear Admiral,

the Education Sub-Commission of the Allied Commission communi-
cated to the Ministry of Public Instruction that, by a decision of the Allied
Command, the personnel which has been dismissed by A.M.G. is entitled to the
same economic treatment as the personnel which has been suspended by a decision
of the Italian Administration.

The motives of justice which caused this decision to be taken about the
said personnel make me draw your attention on other categories of public func-
tionaries who, because of some regulations of A.M.G., find themselves in an
identical legal situation. I want to make it quite clear that I am only speak-
ing about the employees of the administrations of the State; in their case,
according to the agreements made, epuration should be made by the Italian Au-
thorities, while the competent Allied organs should take charge of the depend-
ents of the public institutions and of the enterprises.

According to the principle safeguarding the officiousness of all acts
done by A.M.G. in the territories which have been given back to Italian Admin-
istration, the regulations made by Allied organs for removing employees from
their job or charge, on epuration grounds, couldn't strictly speaking be examined;
not by the Allied Authorities, A.M.G. having come to an end, nor by the Italian
organs which don't have the power to revoke or modify these regulations unila-
terally. On the contrary, in the territories which are still under A.M.G., the
sanctions applied by the Allied Authorities are re-examined according to the
Italian law (legislative decree of the Lieutenant, 27 July 1944, n. 129, for
sanctions against fascism) which was made executive in these territories by the
A.M.G. decree of July 29th, published at the same date in the ordinary suppl-
ment to n. 11 of the Gazzetta Ufficiale del Regno d'Italia.

Considering the injustices caused by this, I think that, to re-establish
the desired equilibrium, the most convenient solution would be to extend the
decision already adopted for the personnel of public instruction to all identical
situations: i.e. to considered as being suspended, to all effects contemplated
by the Italian law, those who have been dismissed from their charge or job by
a regulation from A.M.G.

The opportunity for a different understanding, might also be examined, in
the sense of admitting, for the above mentioned regulations, the revision fore-
seen by para. 2 of the said legislative decree: the regulations would
therefore be revoked or approved according to their being or not being in agree-
ment with the new Italian regulations. This solution seems to find a similar
reference in art. 2 of the legislative decree of 20 July 1944, n. 102, about
the legal regime of the territories which have returned under Italian Adminis-
tration, which admits the revocation or the modification, with the consent of
the Allied Commission, of the verdict passed by Allied Military Tribuna-
ls. It also seems justified by the fact that, in the territories which are sub-
mitted to them, the Allied Authorities have accepted the Italian legal disposi-
tions about epuration.

Whatever the solution, the considerations I exposed to you in my letter of
the 11st Nov. will be extended to the personnel dismissed by A.M.G.; the said
letter refers to the precautional regulations for suspension, which have been
adopted in various cases by the Allied organs. Therefore, if you want to approve

ated to the Ministry of Public Instruction that, by a decision of the Allied Command, the personnel which has been dismissed by A.M.G. is entitled to the same economic treatment as the personnel which has been suspended by a decision of the Italian administration.

The motives of justice which caused this decision to be taken about the said personnel have drawn your attention on other categories of public functionaries who, because of some regulations of A.M.G., find themselves in an identical legal situation. I want to make it quite clear that I am only speaking about the employees of the administrations of the State; in their case, according to the agreements made, epuration should be made by the Italian authorities, while the competent Allied organs should take charge of the dependents of the public institutions and of the enterprises.

According to the principle safeguarding the efficiency of all acts done by A.M.G. in the territories which have been given back to Italian Administration, the regulations made by Allied organs for removing employees from their job or charge, on epuration grounds, couldn't strictly speaking be examined: not by the Allied Authorities, A.M.G. having come to an end, nor by the Italian organs which don't have the power to revoke or modify these regulations unilaterally. On the contrary, in the territories which are still under A.M.G., the sanctions applied by the Allied authorities are re-examined according to the Italian law (legislative decree of the Lieutenant, 27 July 1944, n. 139, for sanctions against fascists) which was made executive in these territories by the A.M.G. decree of July 29th, published at the same date in the ordinary supplement to n. 41 of the Gazzetta Ufficiale del Regno d'Italia.

Considering the injustices caused by this, I think that, to re-establish the desired equilibrium, the most convenient solution would be to extend the decision already adopted for the personnel of public instruction to all identical situations: is. to consider as being suspended, to all effects contemplated by the Italian law, those who have been dismissed from their charge or job by a regulation from A.M.G.

The opportunity for a different understanding might also be examined, in the sense of article 146, for the above mentioned regulations, the revision foreseen by para. 2 of art. 146 of the said legislative decree: the regulations would therefore be revoked or approved according to their being or not being in agreement with the new Italian regulations. This solution seems to find a similar reference in art. 2 of the legislative decree of 20 July 1944, n. 162, about the legal regime of the territories which have returned under Italian Administration, which admits the revocation or the modification, with the consent of the Allied Commission, of the verdict passed by Allied Military Tribes; it also seems justified by the fact that, in the territories which are submitted to them, the Allied Authorities have accepted the Italian legal dispositions about epuration.

Whatever the solution, the considerations I exposed to you in my letter of the 21st Nov. will be extended to the personnel dismissed by A.M.G.; the said letter refers to the precautionary regulations for suspension, which have been adopted in various cases by the Allied organs. Therefore, if you mean to approve my new request, I shall be most grateful if you will see that the competent Allied organs should communicate to the High Commissioner for the epuration of the Administration, all particulars and elements about the dismissals, and if possible, the documentation of the inquiries.

I remain, my dear Admiral,

Truly yours,

S. I. Bonomi

trans. e.o.

1005
HEADQUARTERS ALLIED COMMISSION
APO 394
PUBLIC RELATIONS BRANCH

26/PRB

12 Dec '44

12 DEC 1944

TO : Chief of Staff, A.C.

SUBJECT : BULLETIN NO. 36.

As a late comment on our comment on
Scoccimarro in the Bulletin, the following from
ITALIA LIBERA of this morning may be of interest :

"As is well-known, one of the reasons which induced
Bonomi to tender his resignation was the proposal,
which he himself had put forward, that the High
Commissariat for Epuration should be abolished. Now
there is a rumour that in spite of the objections made
to Bonomi's plan by the Ministers without portfolio,
the High Commissariat will in fact be suppressed and
a Committee of three Ministers nominated instead.
We need not dwell on the political repercussions of
such a step; we reserve our comments."

Lowell Fielden
LEWELL FIELDEN

Major

Public Relations Director.

3162

Ref:- EF/2B/GA

16 November 1944.

My dear Mr. Prime Minister,

Thank you for your letter of 31 October 1944 with regard to epuration in Military Government territory. I think it will be helpful if I set out the policy and procedure of this Headquarters with regard to epuration in such territory.

When territory is first liberated, AMO officers carry out a somewhat rough and ready operation in accordance with the procedure laid down in Executive memorandum No. 67, a copy of which is attached. At this stage, where the territory has been recently fought over, you will appreciate that officers are extremely busy with the immediate and urgent problems of administration and restoration, and it is for this reason that the executive memorandum is deliberately made simple and easy to carry out. It is recognized that it provides only a rough guide, and there may be cases where urgent necessity demands the retention of ex-Fascists temporarily in office in order that pressing matters of administration may be executed.

Later on as conditions become more normal, DIL No. 159 dated 27 July 1944 is introduced, and thereafter epuration is carried out entirely by the Italian Government. As an example I may state that this decree is at present in operation in nearly all provinces at present under Military Government.

Certain difficulties are arising, however, owing to the inability of the Government effectively to carry out the provisions of DIL No. 159 in the more distant provinces owing to lack of transport, the requirements of the military authorities in restricting movement in forward areas, and so on.

To meet these circumstances it has been agreed between Count Sforza and Brigadier Upjohn that it may be necessary to introduce a modified form of epuration under the Allied Military Government. The procedure will be for my Provincial Commissioners to appoint local Commissions of Italians who will then carry out epuration in accordance with the principles laid down in DIL No. 159.

Declassified E.O. 12356 Section 3.3/NND No. 785017

- 2 -

where the personnel is suspended from office under the terms of Executive Memorandum No. 67, or G. O. 35, such suspension is temporary pending formal proceedings by the Italian Government under D.L. No. 159. It is true that persons suspended continue to receive their salary, but this is because Article 22 of D.L. 159 so provides, and I feel it would be unfair to attempt a different solution in Military Government territory.

As you will see from the terms of Executive Memorandum No. 67, suspensions are made on a classification basis and therefore frequently without documentary investigation, but I have already arranged for copies of all scheda personale, where such are completed, to be handed over to the High Commissioner for repatriation at the proper time. A large number of such scheda have already been sent to the High Commissioner, who will also be supplied with orders made under G. O. 35.

Trusting my dear Prime Minister that this will explain the situation to you, I remain,

Yours very truly,

/s/ Ellery W. Stone

ELLEERY W. STONE
Commander, USMR
Chief Commissioner.

His Excellency Ivanoe Bonomi,
The President of the Council of Ministers,
Italian Government,
R O M E

3163

1412

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

785017

INTER OFFICE MEMO

Office of the Chief of Staff

Tel: 735

SUBJECT:- Repuration.

1005/20/COS.

TO : Civil Affairs Section.

5 November, 1944.

19
Attached letter dated 25 October 44 from "A Group of Counsellors of State" making accusations against four Counsellors of State therein mentioned, is forwarded for action as you may consider appropriate.

Chief Staff Officer,
To the Chief of Staff.

3159

PA

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1413
Translation 150.5 19

Rome, 29 October 1944

To the Deputy High Commissioner for Repatriation

To be seen by:

The High Commissioner for Sanctions against Fascism

The President of the Council

The Undersecretary to the Presidency of

Commodore Ellery Stone, Chief Commissioner of the Allied Commission

4 NOV Recd

The Deputy High Commissioner ought to make public the motives (if they are avowable), that prevented him from deferring to the judgement of the Commission for repatriation the following Counsellors of State:

ROCCO Ferdinando, President of Section, member of the federal council of the fascist party in Rome, member of the council of the Governatorato di Roma, apologist of the regime in public occasions, brother of the 'legislator of fascist revolution'.

ROZZI Carlo, Secretary General of the Government of Palermo and collaborator of Bastianini in the repression and shooting of Tito's partisans, and appointed Prefect of 1st class for this reason.

RODIN Aldo, National Counsellor, National Fiduciary of a public charge, apologist of the regime in meetings and on the news paper 'Forze Civili', volunteer against Greece.

ROZZI Antonio Vice National Fiduciary, intimate collaborator of the former, apologist of the regime in meetings and on the newspaper, member of the Commission for war laws, author of several fascist laws.

If this isn't done, public opinion will have to be informed through the newspapers. The law must be the same for all.

A GROUP OF COUNSELLORS OF STATE

see 20

Trans. E.C.

3158

Copy retained by SO to A/CC

Declassified E.O. 12356 Section 3.3/NND No. 785017

Office of Chief of Staff

Tel: 735

Expiration.

1005/ /003.

DOCS, Civil Affairs Section.

2 Nov 4

1. The attached letter from the Prime Minister dated 31 October 44, No. 17214/10224-37/1/7, is passed to you for action.
2. The Chief of Staff directs that a draft of a reply for signature of the Acting Chief Commissioner be submitted as soon as possible.

Copy to: Maj. Quayle.

gh
Chief Staff Officer,
to the Chief of Staff.

3157

A/c 190 / 1/10/44

785017

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

Trans: ON

The President of the Council of Ministers
n. 1721/10121-37/1/7

Rome, 31 October 1944

My dear Admiral,

As you know, in the territories administered by AID, the competent authorities proceeding to the separation of the public offices and of the organizations under the control of the State, have suspended many employees from their services.

This, so to be on the safe side. It was the preliminary phase of the judgments of separation which were logically to follow, to verify the true responsibilities of the people struck by them, and whether the definitive sanctions were to be enforced.

With the return of the said territories under Italian Administration, the said cases depend from the decree of the Government, 27 July 1944, n. 199, about the sanctions against fascists. According to these regulations - which AID extended to the territories which are still under Military Administration (decree of July 19th) - personal situations in connection with the above mentioned suspensive measures are settled.

But the operating organs foreseen by the said decree are unable to examine these situations for they do not have sufficient particulars about the temporary measures taken by AID, and about the motives which caused them. Sometimes, nothing is known about the circumstances and motives which brought about the suspension.

This situation causes a painful state of uncertainty. First of all, it is contrary to the most elementary sense of justice, for the position of the persons who have been suspended from their offices ought to be cleared without delay. Besides, it is bad for the functioning of the enterprises and organizations, which cannot replace the personnel that has been suspended, as long as there is no definite measure dispensing them from service or allowing them to remain. Meanwhile, according to the regulations which are now in force, they must go on paying the wages of the said personnel. The question is still more serious when the tribunals or the managers of the administration are involved.

Therefore, I wish to point out to you the urgent need of eliminating these inconveniences.

It is indispensable that the competent allied organs should communicate without delay to the High Commissioner for the separation of the Administration the suspensive measure adopted by AID. At the same time, the particulars about these measures, and the relative legal documents, ought to be sent to the same High Commissioner.

I trust you will transmit this request to the competent organs.

I shall give the necessary orders to the High Commissioner to see without delay, according to the nature of the institutions and of the results obtained, whether there is any reason for pending the judgments of separation, according to the law in force. If this judgment must be made, the preventive measure remains unchanged; otherwise, the measures to be revoked. There would always be the possibility of again enforcing the measure, should there be or charges against the person already suspected

3156

by the competent authorities proceeding to the execution of the public offices and of the organizations under the control of the State, have suspended many employees from their service.

This, to be on the safe side. It was the preliminary phase of the judgments of epuration which were logically to follow, to verify the true responsibility of the people struck by them, and whether the definitive sanctions were to be endorsed.

With the return of the said territories under Italian Administration, the said cases depend from the decree of the Government, 27 July 1944, n. 109, about the sanctions against Italian. According to these regulations - which are extended to the territories which had until under Military Administration (decree of July 1944) - personal situations in connection with the above mentioned punitive measures are settled.

But the operative organs foreseen by the said decrees are unable to examine these situations for they do not have sufficient parties are about the temporary measures taken by the, and about the motives which caused them. Besides, nothing is known about the circumstances and motives which brought about the suspension.

This situation causes a painful state of uncertainty. First of all, it is contrary to the most elementary sense of justice, for the position of the persons who have been suspended from their office ought to be cleared without delay. Next, as, it is bad for the functioning of the enterprises and organizations, which cannot replace the personnel that has been suspended, as long as there is no definite measure dispensing them from service or dismissing them; meanwhile, according to the regulations which are now in force, they must go on living the wages of the said person etc. The question is still more serious when the attitudes or the managers of the said organizations are involved.

Therefore, I have to point out to you the urgent need of eliminating these inconveniences.

It is indispensable that the competent allied organs should communicate without delay to the High Commissioner for the epuration of the Administration the suggestive report adopted by A.C. At the same time, the particulars about these measures, and the relative legal aspects, ought to be sent to the same High Commissioner.

I trust you will transmit this request to the competent organs.

I shall give the necessary orders for the High Commissioner to see without delay, according to the nature of the imputations and of the results obtained, whether there is any reason for passing the judgments of epuration, according to the law in force. If this judgment must be made, the preventive measure remains unchanged; otherwise, the measure must be revoked; there would always be the possibility of again enforcing the measure, should there be at a charge against the person already suspected by A.C.

I am waiting to know your opinion on this matter, and I remain, my dear Admiral,

Yours sincerely,

/s/ Ivanoe Bonomi

Commandore Stone

Chief Commissioner of A.C.

Trans. A.C.

1417

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

785017

1005

16

HEADQUARTERS ALLIED COMMISSION
APO 394

TO: Civil Affairs Section
For attention of Colonel Gripps.

31 Oct 44

FROM: Col. L.S. Halls.

SUBJECT: General Biglino,
Committee of Reputation.

1 The enclosed letter speaks for itself. You will note that General Biglino asks us only for one thing: namely, our evidence to the effect that the accusation mentioned in the enclosed letter is without foundation. The General worked as a part of ACC Staff (Refugee Branch) during the first half of this year, and thereafter as a collaborator only, then transferred to the staff of L. Zaniboni (Italian Government Commissioner for Refugees). I was in daily touch with him and consequently knew him and his work well. I can say emphatically that there is no truth in the accusation. On the contrary, I had frequent occasion to commend his good work. The Executive Commissioner did so also. Of all Italians I know, he has given the greatest and most loyal assistance to our military effort during a time when the refugee problem could have had a serious effect upon operations (e.g. the Anzio refugee evacuation).

2 During this time - almost a year - I have seen no sign of any tendency on the General's part towards political rather than purely military activities.

3 During the time I was in charge of Refugee matters, I had occasion to criticize the Italian Government authorities. May it be that General Biglino's close and loyal co-operation with us has led him to his present situation.

4 Whatever may be the reasons for the Committee's action, I feel most strongly that from our point of view, this is a case in which we should intervene. I feel certain that Brigadier Lusk will support the views above expressed.

L.S. HALLS, Colonel.

3155

LEE/MS

Copy: Brigadier M. Lusk

PA 31

MC ✓

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

785017

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13

HEADQUARTERS
ALLIED COMMISSION
APO 394
CA SECTION

WMTN

SW

DF/5.9/G

26 Oct 44

28 OCT Recd

SUBJECT : Defascism.

TO : See Distribution.

1. A new Decree with regard to defascism has been issued. Its object is to expedite the removal of senior officials so that non fascists can be promoted to take charge of their new departments, get hold of them, reorganize, and get their staffs to settle down.
2. The new decree introduces a special procedure for expurating officials of Grades I - IV (and of the corresponding grades of the State Railways); as regards all other officials Part II of ILL 159/44 will continue to apply unchanged and as regards those officers to whom the new decree applies those provisions of Pt II which are not inconsistent with the new decree continue to apply.
3. Translations of the decree will be issued to Sub-Commissions who will remain responsible for supervising central defascising. Regions and Armies, who are not concerned with the procedure but only with results, will however be sent translations for their information.
4. The new decree requires, in effect, that any expuration proceedings against officers of the first four grades (or equivalent ranks of Railway officials) shall be commenced before the 30 Nov; that the Expuration Commissions shall give their findings before the 30 Dec and that appeals by an employee shall be lodged within 3 days of a decision. There is power to extend the time for hearing up to a further 30 days in cases of exceptional difficulty.
5. The Government has also taken power to retire officers of the first four grades (and of corresponding Railways grades) even if they do not come within the provisions for dismissal, if they are considered unsuitable for retention. Such retirement can take place before purging and persons retired may be expurated and lose the whole or part of their pensions. "Irremovable" officers retired may if they are not fascist be compensated for loss of their office by addition of service to count for pension.

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PMA

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

- 6. Promotions to fill vacancies in the first four grades must be cleared by the appropriate promotion commission before being made.
- 7. In territory now in enemy occupation the various time limits contained in this decree commence as for any from the date the decree comes into effect in that area.

BY COMMAND OF COMMOLORE STONE :

G. R. [Signature]
 G. R. [Signature]
 G.P. W. Section
 1903

DISTRIBUTION :-

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		R.C. Southern Region

Copy to : J/CO,
 303

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

785017

To P.A. of EOS 13

The originals of these ~~two~~ attached
letters were signed by Roy Upshur but
lost sight and sent direct to
Carmichael Stone as there was
no time before his departure
to send them through the C.O.S.
Section. They are now forwarded
for information.

William H. Stone

P.O. 601

24/10/44

Declassified E.O. 12356 Section 3.3/NND No. 785017

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
CIVIL AFFAIRS SECTION
APO 394

Ref: - DF/3.1/CA

23 Oct '44

TO:- A/CC.

24 OCT Recd

SUBJECT:- Pellegrine

1. I have to inform you that the very serious charges against Pellegrine for collaborating with the Germans against the Allies in September '43 pending the fall of the military tribunal at Naples, have been disposed of by the instructional judge, and he has been acquitted of all charges.

2. These charges were as you will recall brought under certain sections of the military penal code of war and have no connection with the epuration decree of the 27th July, '44.

3. While these charges were pending against him, epuration procedures under Part II of the epuration decree which deals merely with dismissal were quite properly suspended, but I have this day agreed with the Italian Government that these epuration proceedings shall now continue; they will be given a high priority and the deputy High Commissioner for Epuration has undertaken that they will be brought to a conclusion one way or another as soon as possible.

G.R. UPJOHN, Brig.
VP 34158
Dep. C.O.S.

GRU/ymb.

25/7

1422

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

785017

EMS/dfc

A/CC 250-1

20 October 1944

Subject: Colonel Moscatelli

21 OCT Recd

To: Colonel Galvin, Office of Strategic Services,
59 Via Sicilia, Rome

1. A request has recently been passed to you by the Air Forces Sub-Commission, that a certain Colonel Moscatelli of the Italian Air Force, who is at present working in your organization, should be temporarily placed at the disposition of the Italian Air Ministry, in order that certain charges against him may be investigated by a Court of Inquiry.

2. It is understood that you have resisted this application on the grounds that Colonel Moscatelli is doing important work for the O.S.S.

3. The investigation of the recent activities of Senior Officers in the Italian Services is regarded as being of the highest importance, and up to the present no exceptions have been allowed. The effect of any exception must have undesirable political consequences, as well as repercussions within the Services and from the public. I should be grateful if you could release Colonel Moscatelli and instruct him to report to the Air Minister for temporary duty.

MILERY W. STONE
Commodore, USNR
Acting Chief Commissioner

cc: Air Forces Sub-Commission, ACC

C of S Section ✓

'A' File

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22/H

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

785017

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8-9

To the P.A. of the Chief of Staff.

Attached is a copy of Brig. Upjohn's speech to the Allied Advisory Council on Education which the Chief of Staff might like to read and keep.

~~Lawrence~~ Lawlor

P.A. to Deputy Chief of Staff.

Civil Affairs Section.

7/10/64

3151

~~Home~~
5565/1

Col. office

Please file
Cpl. H.

Speech to the Allied Advisory Council
on Friday 6 October 1944

RESTRICTED

by
Benigno G.R. URJOEN

MEMORANDUM

I must ask the members of the Council to treat the information given in this paper as entirely confidential. The Italian Government have been good enough to tell me of their future plans in this matter of expatriation and it is not desirable that there should be any publication thereof.

The Italian Government published its first decree to purge the administration of fascists while still at Brindisi on the 28th December 1943 but in view of the shortage of personnel and the manifest difficulties then facing the Government the decree was treated more as a declaration of policy than an operational decree and little if any practical results were achieved thereunder.

On the 26 May 1944 the Government passed a decree for the punishment of fascists and immediately thereafter had under consideration a further decree amalgamating the purely purging decree of the 28th December and the punishment decree of the 26 May, 1944, and integrating the operations thereunder. However, the then Benigno Government fell and was succeeded by the present administration.

The present Government produced its decree which is entitled "Sanctions against Fascism" on the 27th July 1944. It is much broader in scope than the earlier decrees and is divided into four separate parts as follows:

- I. Punishment of Fascist crimes.
- II. Purging of the administration.
- III. Disposal of profits made by fascists.
- IV. Confiscation of Fascist Property.

The decree creates the office of a High Commissioner for Sanctions against Fascism to supervise the execution thereof and an assistant High Commissioner in charge of each of the four parts. 3153

B.E. Count Sforza has been as no doubt you are aware, appointed to the important post of High Commissioner and he has four assistants whom I will mention as I deal with each department.

Part I. CRIMES AGAINST FASCISM

B.E. Merlinguer is in charge of this Department.

Briefly this part of the decree provides first for the trial by a special High Court of Justice, of which Meroni is President, of members of the Government and high ranking members of Fascism who are guilty of annulling the guarantees of the constitution, or destroying the liberty of the people, or creating the Fascist regime and of betraying the fortunes of the country bringing it to its present disaster.

I must ask the members of the Council to treat the information given in this paper as entirely confidential. The Italian Government have been good enough to tell me of their future plans in this matter of expatriation and it is not desirable that there should be any publication thereof.

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1. Punishment of Fascist crimes.
11. Purging of the administration.
111. Disposal of profits made by Fascists.
- IV. Confiscation of Fascist Property.

The decree creates the office of a High Commissioner for Sanctions against Fascism to supervise the execution thereof and an assistant High Commissioner in charge of each of the four parts.

M.E. Count Sforza has been as no doubt you are aware, appointed to the important post of High Commissioner and he has four assistants whom I will mention as I deal with each department.

PART I. ORDERS AGAINST FASCISM

H.E. Perlinguer is in charge of this Department.

Briefly this part of the decree provides first for the trial by a special High Court of Justice, of which Noroni is president, of members of the Government and high ranking members of Fascism who are guilty of annulling the guarantees of the constitution, of destroying the liberty of the people, of creating the Fascist regime and of betraying the fortunes of the country bringing it to its present disaster.

The punishment is up to penal servitude for life or in specially grave cases, death.

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Specifically it provides for trial in the Courts of Assize, Tribunale and Pretore of a more numerous class, namely those who organized Fascist squads and committed acts of violence and those who promoted the revolt of 28th Oct. 1922 and Coup d'Etat of 3rd Jan. 1925.

Similarly it provides for the punishment for those who whether members of the armed forces or not collaborated with the Germans after 8th Sept., 1943.

The first trial before the High Court of Justice that of Ceruso and his assistant Cocchiato took place as is well known on the 21st and 22nd Sept., resulting in the death sentence for the former and 30 years imprisonment for the latter.

The trial of Arrolini former Director of the Bank of Italy is fixed for the 9th October in Rome before the High Court of Justice.

On the 23rd October Generals Pontinelli and Del Totto will be tried in Rome for collaboration with the Germans and for not having defended the City of Naples from them and on the 22nd October Soriano the ex-profect of Naples will be tried before the Court of Assize there for failing to resist the Germans. His defence is an interesting one, namely that he acted on the orders of the puppet Government then located in Rome although of course he will insist it was dominated by the Germans. If his defence fails a number of other prosecutions on the same lines will follow.

In addition 86 persons have been arrested and are awaiting trial in Rome including the following well known figures: Suvich former Under Secretary for Foreign Affairs, Biagi former Under Secretary of Corporations, Beninelli former Under Secretary of Communications, and Giannini former Ambassador and President of the Council of State.

In a short time a further 144 persons will be arrested and placed on trial they were all members of the notorious Special Tribunal for the Defence of the State.

In addition to the foregoing 600 denunciations have been sent to the Procura del reame throughout liberated Italy; these cases are now under investigation and in many cases the persons denounced will soon be tried before the appropriate Assize Courts, Tribunale and Pretore throughout the Kingdom.

The High Court of Justice will also shortly sit to consider the records of the conduct and voting members of the Senate and it has power to inflict disqualification from holding public office or a loss of political rights for not more than 10 years. If such persons are moreover considered a danger to security they may be sent to an agricultural colony or labour institution for not more than 10 years.

The plea of the senators it is understood is, that they were in danger of their lives and could not vote against the Government though 25 of them had in fact done so.

A section of the populace appear to think that there has been unnecessary delay in bringing offenders to trial but bearing in mind Count Sforza's task in having to organize a completely new office and the time necessarily spent in pre-trial investigations I think you will agree there

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8th Sept., 1943.

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and his associate Cocuzetto took place as is well known on the 21st and 22nd
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investigation and in many cases the persons denounced will soon be tried
before the appropriate Justice Courts, Tribunale and Pretori throughout the
Kingdom.

The High Court of Justice will also shortly sit to consider the
records of the conduct and voting members of the Senate and it has power to
inflict disqualification from holding public office or a loss of political
rights for not more than 10 years. If such persons are moreover considered
a danger to society they may be sent to an agricultural colony or labour
institution for not more than 10 years.

The plea of the senators is it is understood that they were
in danger of their lives and could not vote against the Government though
25 of them had in fact done so.

A section of the populace appear to think that there has been an
unnecessary delay in bringing offenders to trial but having in mind Count
Sforza's task in having to organise a completely new office and the time
necessarily spent in pretrial investigations I think you will agree there
has been no undue delay.

/ PART II.

PAGE III. DISPOSAL OF PROPERTY MADE BY REGIMES.

This Department is under the charge of R.E. Cingolani and is concerned with the collection and disposal of the profits of Fascists. Briefly an increase of property obtained after the 25th October 1922 by persons holding public office or in any way engaged in political activity as fascists is presumed to constitute a profit from the Fascist regime unless the owner is able to prove the contrary. Where such property has been parted with such increase is constitut ed a debt from the former owner.

The investigation and assessment of the amount of the profit derived from the regime is placed within the jurisdiction of a Special Section of the Provincial Taxation Commission of each province.

Down to date demonstrations have been received in respect of 1127 persons and in Rome alone protective measures for the sequestration of the property of 20 persons have already been taken. I will mention the names of 7 of the best known, Federzoni, Bottai, Vaselli, Farinacci, Dino Grandi, Sturzo and Mussolini.

The property of these 20 persons is estimated to amount to 3 billions of lire.

In addition investigations are being carried out in Rome with respect to the property of 95 other persons.

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In the province of Naples the Intendants of Finance there

inform us that protective sequestration has been taken against the property of 945 persons and the sequestered property of the five brothers Piscitelli alone amounts to nearly 51 million lire.

Beginning with this month the Provincial Taxation Commissions have been instructed to send to the Government on the 1st and 16th of each month lists of persons considered to be profiteering and the action taken so that in future more complete figures will be available. The preliminary figures which I have briefly given above however seem to indicate a satisfactory start.

The Council of Ministers has under consideration the creation of an organization to deal with the assets collected, to run businesses where they are taken over and generally to prevent a dissipation of the assets forfeited under the provisions of the Decree.

PART IV. COMMISSION OF FASCIST PROPERTY.

This Department is under the charge of H.E. Stangoni. It is charged with the collection and disposal of Fascist organizations and societies dissolved by the Royal Decree of 24th August, 1923.

The properties of the organizations which have been dissolved run into many millions of lire but it is obviously not possible at this stage to give any figures which would be of value.

Purely by way of example, in Rome alone cash to the value of 269000 lire and other movable property to the value of 6 million lire have already been secured.

So far as real estate is concerned Commissioners have been appointed to manage many properties or they have been handed over to deserving persons; I need only mention one property in Rome the C.I.L. property at Monte Mario now handed over to the Don Orsino Institution for assistance to abandoned and orphaned children.

In conclusion I hope my remarks have not been too long or too

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ed a list from the former owner.

The investigation and assessment of the amount of the profit derived from the regime is placed within the jurisdiction of a Special Section of the Provincial Taxation Commission of each province.

Up to date denunciations have been received in respect of 1427 persons and in Rome alone protective measures for the sequestration of the property of 20 persons have already been taken. I will mention the names of 7 of the best known, Faddarsone, Bottai, Vascelli, Farinacci, Dino Guadagni, Starace and Lasolanti.

The property of these 20 persons is estimated to amount to 3 billions of lire.

In addition investigations are being carried out in Rome with respect to the property of 95 other persons.

In the province of Naples the Intendants of Finance there

inform us that protective sequestration has been taken against the property of 845 persons and the sequestered property of the five brothers Piscitelli alone amounts to nearly 54 million lire.

Beginning with this month the Provincial Taxation Commissions have been instructed to send to the Government on the 1st and 16th of each month lists of persons considered to be profiteering and the action taken so that in future more complete figures will be available. The preliminary figures which I have briefly given above however seem to indicate a satisfactory start.

The Council of Ministers has under consideration the creation of an organization to deal with the assets collected, to run businesses where they are taken over and generally to prevent a dissipation of the assets forfeited under the provisions of the decree.

PART IV. CONVERSION OF FASCIST PROPERTY.

This Department is under the charge of M.E. Stangoni. It is charged with the collection and disposal of Fascist organizations and societies dissolved by the Badoglio decree of 2nd August, 1943.

The properties of the organizations which have been dissolved run into many millions of lire but it is obviously not possible at this stage to give any figures which would be of value.

Purely by way of example, in Rome alone cash to the value of 269000 lire and other movable property to the value of 6 million lire have already been secured.

So far as real estate is concerned Commissioners have been appointed to manage many properties or they have been handed over to deserving purposes; I need only mention one property in Rome the G.I.L. property at Monte Mario now handed over to the Don Orsino Institution for assistance to abandoned and oriled children.

In conclusion I hope my remarks have not been too long or too statistical but perhaps they have assisted to present a fair picture of the progress of operation by the Italian Government, a picture to which I feel that full justice is not always done in the Italian Press.

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PART II. OPERATION OF THE ADMINISTRATION.

M. E. Scoccimarro is in charge of this Department which is concerned not with punishment but with the purging of the administration of those (particularly those in high government offices) who have participated in the political life of Fascism; who have been consistent apologists of Fascism, and of those who have obtained High Governmental office through Fascist favouritism. Likewise those who have been guilty of Fascist bias, incompetence or corruption or who have collaborated with the Germans since 8th Sept., 1943 are subject to dismissal.

This from a purely administrative point of view is the most important part of the Decree and Count Sforza has repeatedly laid down the policy that the operation must be carried out rapidly and that the high ranking officials must be dealt with first.

There is now before the Council of Ministers a further decree which will shortly be published compelling operation down to officials of the rank of Grade IV to be completed within two months from the date of the publication of the decree.

The machinery set up by the Decree of 27th July is to provide in each Ministry one or more commissions each commission consisting of a Judge as President and an official of the Ministry and an appointee of the High Commissioner as members. These Commissions consider the cases sent to them by the High Commissioner and after considering the record may propose the employee for dismissal. The employee may appear before them and if they decide against him he may appeal to a central commission appointed by the President of the Council of Ministers and consisting of 7 members.

The Commission of first instance may recommend to the Minister the suspension of employees pending the hearing of his case.

Considerable progress has been made as is shown by the following figures. It is proposed to form a total of 126 Commissions and of these 64 are already appointed and sitting.

The office of the High Commissioner has had or now has under consideration up to the 27th September a total of 6054 cases. Of these 3471 having already been referred to Commissions with a proposal for the suspension pending hearing of 641. Ministries have ordered suspensions in 167 cases. The first figure is a little misleading however for in a very large number of cases Ministers have on their own initiative and frequently on the advice of unofficial committees set up by them before the decree came into force, ordered suspensions on their own account. In many other cases employees have wisely accepted a hint that their continued attendance at the office would serve no good purpose. The figures of these unofficial suspensions are not however available at present.

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Heating in mind the magnitude of the task the somewhat slow progress that has been made was to be expected but now that the machine is running a greatly accelerated speed of operation is to be hoped for especially having regard to the provisions of the new decree which I have already mentioned.

In addition to these Ministerial Commissions, in each province Commissions will be set up to purge organisations such as the Ufficio sanitario which depend entirely from the prefect. Until the purge of prefects is completed however it is not proposed to appoint provincial commissions. The purge of prefects is of course having the urgent attention of the High Commissioner.

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and of those who have been consistent apologists of Fascism, revolution. Likewise those who have been guilty of Fascist lies, incompetence or corruption or who have collaborated with the Germans since 8th Sept., '43 are subject to dismissal.

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The Commission of first instance may recommend to the Minister the suspension of employees pending the hearing of his case.

Considerable progress has been made as is shown by the following figures. It is proposed to form a total of 126 Commissions and of these 61 are already appointed and sitting.

The office of the High Commissioner has had or now has under consideration up to the 27th September a total of 6051 cases. Of these 3474 having already been referred to Commissions with a proposal for the suspension pending hearing of 644. Ministers have ordered suspensions in 167 cases. The last figure is a little misleading however for in a very large number of cases Ministers have on their own initiative and frequently on the advice of unofficial committees set up by them before the Decree came into force, ordered suspensions on their own account. In many other cases employees have wisely accepted a hint that their continued attendance at the office would serve no good purpose. The figures of these unofficial suspensions are not however available at present.

Seeing in mind the magnitude of the task the somewhat slow progress that has been made was to be expected but now that the machine is running a greatly accelerated speed of execution is to be hoped for especially having regard to the provisions of the new Decree which I have already mentioned.

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/ PART III.

3149

TRANSLATION

THE PRESIDENT OF THE COUNCIL
OF MINISTERS

n. 10035/1/7

Rome, 7 October 1944

11 OCT Recd

Dear Admiral Stone,

Referring to your letters of September 14th and 17th, I send you the information you asked about the question of the dissolution of the Fascist organizations mentioned in the memorandum 22 June of the Ministry of Justice.

This memorandum includes two lists, one about the 'institutions, the suppression of which has been agreed to', the other about the 'institutions still under discussion'.

As to the institutions mentioned on the first list, I draw your attention on the following facts:

- a) the institutions mentioned in n. 1 and 2 (ente opera assistenziali and Associazioni fasciste famiglie militari in rivedimento) have been dissolved by the same measure as the fascist party (R.D. 12 August 1943, n. 704 - art. 1 and 4);
- b) the institutions mentioned in n. 3, 4, 5, 6, and 7 (Fascist Associations of public employees, of schools, State railroad workers, post, telegraph and telephone employees, employees of the State industrial plants) will be suppressed. I will communicate to you the measure deciding their suppression, as soon as the definitive agreements between the various Ministers concerned will have been brought to an end.

- c) as for the institutions mentioned in n. 9, 10, 11 and 12 (Economic Institution of viticulture, and depending offices, National Committee for forests, Corn Cultivation Institution, Office for agricultural experiments) which depend from the Agriculture and Forests Department, the said Ministry has already been requested to provide information about their suppression, that it had approved last May.

As for the institutions mentioned in the second list - 3148 includes institutions of different characters, mostly created by fascism and depending from the various Ministries, I draw your attention to the following points:

- e) the Navy Department will appoint without delay an extraordinary Commissioner to reorganize and if necessary to reform the statute of the institution mentioned by n. 1 (Legn Navale) - formed in 1907. by decree of the Lieutenant-Admiral August 1944
- f) the Gen. Ettore Viola has been appointed extraordinary Commissioner of the institution mentioned by n. 2 (National Association of Veterans) founded in 1919-20. The Commission for suppression is being appointed

- g) Ernesto Cabrera, Medaglia d'Oro, has been appointed extraordinary Commissioner of the institution mentioned by n. 3 (National Association of War-invalids) founded in June 1917. The Commission for suppression has been appointed; I have informed you of this on September 25th last.

As for the institutions mentioned in n. 4 (League of the Volun-

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Referring to your letters of September 17th and 17th, I send you the information you asked about the question of the dissolution of the fascist organizations mentioned in the memorandum 22 June of the Ministry of Justice.

This memorandum includes two lists, one about the 'institutions, the suppression of which has been agreed to', the other about the 'institutions still under discussion'.

As to the institutions mentioned on the first list, I draw your attention on the following facts:

- a) the institutions mentioned in n. 1 and 2 (ente one e assistenti and Associazioni fasciste famiglie caduti per la rivoluzione) have been dissolved by the same measure as the fascist party (R.D.L. 2 August 1943, n. 704 - art. 1 and 4);
- b) the institutions mentioned in n. 3, 4, 5, 6, and 7 (Naziist Associations of public employees, of schools, state railroad workers, post, telegraph and telephone employees, employees of the state industrial plants) will be suppressed. I will communicate to you the measure deciding their suppression, as soon as the definitive agreements between the various ministers concerned will have been brought to an end.
- c) as for the institutions mentioned in n. 9, 10, 11 and 12 (Comunione Institution of viticulture, and depending offices, National Committee for Forests, Corn Cultivation Institution, Office for agricultural experiments) which depend from the Agriculture and Forests Department, the said Ministry has already been requested to provide information about their suppression, that it had approved last May.

As for the institutions mentioned in the second list - **84148** includes institutions of different characters, mostly created by fascism and depending from the various ministries, I draw your attention to the following points:

- a) the Navy Department will appoint without delay an extraordinary Commissioner to reorganize and if necessary to reform the statute of the Institution mentioned by n. 1 (Legn Savale) - formed in 1937. by decree of the Lieutenant 21 August 1944
- f) the on. Attore Viola has been appointed extraordinary Commissioner of the Institution mentioned by n. 2 (National Association of Veterans) founded in 1913-20. The Commission for epuration is being appointed
- g) Ernesto Cabrera, Medaglia d'Oro, has been appointed extraordinary Commissioner of the Institution mentioned by n. 3 (National Association of War-invalide) founded in June 1917. The Commission for epuration has been appointed; I have informed you of this on September 29th inst.
- h) as for the Institution mentioned in n. 4 (Legion of the Volunteers of Italy) it will be suppressed by the measure I mentioned in par. c.
- i) The Commission for epuration for the Institution mentioned in n. 5 (Garibaldi Legion) will be appointed without delay.
- j) without opposing any solution for the organization of the Institution, a Commissioner is being appointed to the Institution mentioned in n. 6 (C.O.N.I.); a Commission for epuration is also being appointed.

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d) Vincenzo Baldazzi has been appointed Commissioner of the institution mentioned by n. 7 (Dopolavoro); the Commission for epuration is being appointed.

n) Prof. Giorgio Candeloro has been appointed Liquidator Commissioner of the institution mentioned in n. 8 (D.L.) - the functions of which have been assigned to the Ministries of War and Public Instruction, according to art. 6 of the above mentioned R.D.L. 2 August 1943, n. 704. The Commission for epuration is being appointed.

o) Counsellor of State Giuseppe Siracusano has been appointed extraordinary Commissioner of the institution mentioned in n. 9 (National Institution for War Q/rylans) - founded by the law n. 1143, 18 July 1917. The Commission for epuration is being appointed.

p) The institution mentioned by n. 10 (Catholic University Federation) has nothing to do with politics; on the contrary, it suffered from fascist persecution. It is the organ of the Catholic Action, under the care of the Vatican.

q) The institution mentioned in n. 11 (Unione Ufficiali in Congedo) depends from the War Department which is transforming it in non-political and voluntary association. An extraordinary Commissioner, General Zuparelli, has been appointed.

r) The institutions mentioned in n. 12 (Ispettorati agrari provinciali) depend from the Ministry of Agriculture and Forests; they are administrative organs of a technical character, and have no legal personality.

s) The institutions mentioned in n. 13 (Syndical Organizations) depend from the Department of Industry, Commerce and Work. They have been dissolved and are being liquidated. A measure for a new discipline of the syndicates is being studied.

t) As for the institutions mentioned in n. 14 (Provincial Council of Economies) - depending from the Department of Industry, Commerce and Work - a measure is being issued, transforming them in bodies of Commerce, Industry and Agriculture, of a strictly economic character, and having an elective basis.

u) The institutions mentioned in n. 15 and 16 (Istituto Nazionale di Rivedenza Sociale and Casse mutue mutuelle) depend from the Ministry of Industry, Commerce and Work. Their character is non-political and their aim is to give help when required. Prof. Bonelli has been appointed extraordinary Commissioner of the Istituto Nazionale di Rivedenza Sociale.

As the occasion will arise, I shall communicate to you the appointments of the Commissions for epuration and of the extraordinary Commissions, as well as every measure concerning the above mentioned institutions.

I remain, my dear Admiral,

Yours sincerely,

/s/ I. Bonomi

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of Counselor of State Giuseppe Giacosa has been appointed extraordinary commissioner of the institution mentioned in n. 9 (National Institution for War Wounded) - founded by the law n. 1143, 18 July 1917. The Commission for operation is being appointed.

2) The institution mentioned by n. 10 (Catholic University Federation) has nothing to do with politics; on the contrary, it suffered from fascist persecution. It is the organ of the Catholic Action, under the care of the Vatican.

3) The institution mentioned in n. 11 (Unione ufficiali in congedo) depends from the War Department which is transforming it in non-political and voluntary association. An extraordinary Commissioner, General Zuparelli, has been appointed.

4) The institutions mentioned in n. 12 (Ispettorati agrari provinciali) depend from the Ministry of Agriculture and Forests; they are administrative organs of a technical character, and have no legal personality.

5) The institutions mentioned in n. 13 (Syndical organizations) depend from the Department of Industry, Commerce and Work. They have been dissolved and are being liquidated. A measure for a new discipline of the syndicates is being studied.

6) As for the institutions mentioned in n. 14 (Provincial Council of Economics) - depending from the Department of Industry, Commerce and Work - a measure is being issued, transforming them in Institute of Commerce, Industry and Agriculture, of a strictly economic character, and having an elective basis.

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7) The institutions mentioned in n. 15 and 16 (Istituto nazionale di previdenza sociale and Cassa mutua milizia) depend from the Ministry of Industry, Commerce and Work. Their character is non-political and their aim is to give help when required. Prof. Romanelli has been appointed extraordinary Commissioner of the Istituto nazionale previdenza sociale.

As the occasion will arise, I shall communicate to you the appointments of the Commissions for operation and of the extraordinary Commissions, as well as every measure concerning the above mentioned institutions.

I remain, my dear Admiral,

Yours sincerely,

/s/ L. Bonomi

TRANS. R.O.

4
DRAFT THE LEGISLATIVE DECREE OF THE COUNCIL ABOUT THE
SUPPRESSION OF ARM ASSOCIATIONS AND UNITS *

UMBERTO DI SAVOIA
PRINCE OF VENEZIA
LIEUTENANT GENERAL OF THE KINGDOM

By the authority entrusted to us;
Considering the R. decree of 28 April 1938, n. 15
Considering the R. law-decree of 2 August 1943, n. 704, about the
suppression of the national fascist army;
Considering the law-decree of the lieutenant, 29 June 1944, n. 151;
Considering the deliberation of the Council of Ministers;
On the proposal of the President of the Council of Ministers Prince Mi-
nister Secretary of State, in agreement with the Ministers Secretary of State
for Finance, Treasury, War, Navy and Airforce;

WE HAVE SANCTIONED AND WE PROMULGATE WHAT FOLLOWS:

Art. 1

are suppressed the Legion volontari d'Italia "Giulio Cesare", the Units
Armati d'Italia, the Groups "Mariani d'Italia" (Italian Sailors), the Groups
"Aviatori d'Italia" (Italian Aviators), the Legion Finanziari d'Italia, as
well as the arm units and special units (arm A. associations) of the R. Army.

Art. 2

The Administrations that these associations or units are depending from
according to art. 2 of the law-decree of 2 August 1943, n. 704, will have to
settle the credit and debit of the associations and units mentioned in art. 1,

Art. 3

The credit remaining from the liquidation of the patrimony of the suppressed
associations and units will be used to help the children and families
of the soldiers who died in the war or died in service, through a decree of
the President of the Council of Ministers or of the Minister the associations;
or units were depending of.

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Considering the R. Law-decree of August 1943, n. 734, about the suppression of the national fascist army;
Considering the law-decree of the lieutenant, 23 June 1944, n. 151;
On the proposal of the President of the Council of Ministers;
Minister Secretary of State, in agreement with the Ministers Secretary of State for Finance, Treasury, War, Navy and Airforce;

WE HAVE SANCTIONED AND WE PROMULGATE WHAT FOLLOWS:

Art. 1

Are suppressed the Legion Volontari d'Italia Agnello Cesare, the Units Arditi d'Italia, the Groups Marinari d'Italia (Italian Sailors), the Groups Aviatori d'Italia (Italian Aviators), the Legion Finanziari d'Italia, as well as the arm units and special units (arm A associations) of the R. Army.

Art. 2

The Administrations that these associations or units are depending from, according to Art. 2 of the law-decree of August 1943, n. 734, will have to settle the credit and debit of the associations and units enclosed in art. 1.

Art. 3

The credit remaining from the liquidation of the patrimony of the mentioned associations and units will be used to help the children and families of the soldiers who died in the war or died in service, through a decree of the President of the Council of Ministers or of the Minister the associations or units were depending of.

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A/CC 250-2

My dear Mr Prime Minister:

With reference to the "Dissolution of Fascist Organizations" I should be grateful to know if I may expect a reply shortly to my letter of 5 September 1944.

Yours very truly,

/s/ ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

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

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cc: Administrative Section

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Vol. II
EWS/ajp

A/CC 250-2

5 September 1944

My dear Mr. Prime Minister:

This is relative to the subject "Dissolution of Fascist Organisations".

In a memorandum dated 22 June 44, the Minister of Justice sent to the Allied Control Commission:

- a) a list of fascist societies which it was proposed to dissolve and
- b) a list of societies which were under consideration by the Cabinet.

I have not yet received any news of the actual dissolution of the bodies referred to in list a) and I shall be glad to hear from you when I may expect to receive from you a draft decree effecting this.

I shall also be glad to hear of your intentions in regard to the bodies in list b), their operation and future conduct.

Yours very truly,

ELLERY W. STONE
Captain, USMR
Acting Chief Commissioner

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

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(Drafted by Admin. Section)

c.c. Legal Sub-Com

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Office of the Chief of Staff.

Defascistisation - Italian Air
Forces.
Deputy Chief of Staff,
Civil Affairs Section.

1005/1/003.

3rd October, 1944.

1. Unless there is a distinct improvement within a week we should represent this to the Italian Government (Prime Minister) in the strongest terms.
2. In the meantime I note that the High Commissioner will be "pressed". Will you ask Major Palmieri to report on 10th October.

(Sgd) M. S. Lush
Brigadier,
Chief of Staff.

The refers to a letter written by Air Force S/C to
Adm Sec regarding the slowness of operation
in the Italian Air Force.

Other correspondence on CAS files.

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