

1442

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

785017

ACC

10000/109/500  
(VOL. II)



1443

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

785017

10000/109/500  
(VOL. II)

EPURATION  
AUG. - NOV. 1945



unreliable

195.

e.s.o. Be see 193-194, important.

EBB 1972

200. 200.

200

Discussed with Poles & V.P.s are here

I do not think we can it should take any

action at the moment. It is not so bad as

made out by Piretti Bros. 197/1972

ML

197/1972

3302

David's 28/1/72



1445

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

785017

2012/11/20

200

327

Discussed with P. 1968 & V.P. member

I do not think we can or should take any action at the moment. It is not so bad as

made out by Piretti Bros. 12/1/58

ML

12/1/58

3302

~~Quarantine~~



1440

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

785017

191

negate

Can you reply to 192 please

W. W. W. W.

CA S  
11 DEC 194  
X. 525

Ex. Com Sec

1100 CHS  
Re. 188

This a present case which may eventually come before the High Court or its equivalent. Such present officials are in the same position as our Padilla & Tamm interviewees. Some have been detained well over a year. I understand it is not our policy to interview.

G. G. Hammon  
H. H. H.

Reque S/C  
CN DECKS

11/27/41 - No further action.

CO



785017

W.D.

from 9/25/80

24/11

183.

ok 30 to CSO for info on 9/25/80

25/24/11

184

Ex Comm.

Per see 182 for info

25/26/11

185.

185.

C.H.S.

This is an excellent summary of

explanation. Please tell Local Gov. so

11/26/81.

186.

Ex CS.

Thank you

- but CA. Sec is the fond parent's note 189.

W.D.

CAS  
2/11/81  
X 525.

187.

Ex Comm. Re see 182 while minute 186 !

11/26/81

25/26/11

32/29/81

189

Ex. Comm.

See, Please see 182 in reply to your letter



100.  
Pete see 182 for info  
2523 26/11

185.

CAS

This is an excellent summary &  
explanation. Please tell Local Gov. so

186.  
11/26/11

Ex CS.

Thank you - but CA Sec is the fund parent's note to G.

CAS  
21 Nov 11  
X SAS.

187.  
11/26/11

188.

Ex Comm Re see 182 while minute 186!

189.  
11/26/11

2523 26/11

3293

Ex. Comm

See, Please see Folio 188 in reply to your letter  
at Folio 161.

190.

C.A.S. 8 months awaiting trial. Is this

below or above average & can we do anything  
about it?

11/26/11



EC DIST - 17 Nov

ACTION: EX COMAR

INFO: CHIRAC COMAR

- POLADA A

- POLA 'B'

Ann. 174

TO: Executive Commissioner.

1. The new decree upon Epuration has now passed into law as IL 702 and it is understood it will be discussed by the Consulta and that amendments may be possible at that stage.
2. Notes of a conversation with the Assistant High Commissioner are at 4A.
3. Three points appear to merit especial comment:-
  - a) Education. The eradication of fascist teaching from schools was specifically mentioned by Roosevelt and Churchill who publicly bound themselves to eradicate fascist teaching: specific provisions were included in the Armistice Terms to carry out this undertaking. It is true that FAN 487 provides that AG will not tender advice on Education, but the eradication of fascism is not within this limitation. The Assistant High Commissioner's comments at "1" of 4A do not entirely avoid the criticisms contained in Folio 5A and Minute 5. Art 2 of IL 702 is limited in scope; there are many teachers it would not reach.
  - b) This decree, in its attempt to right many wrongfully enforced suspensions has used words of wide enough meaning to cancel all suspensions which have been made in the North of Italy under GO 35. This, it is believed, is an inadvertence; it is the agreed policy that AG suspensions shall survive until cases have been considered. The Acting High Commissioner's suggestion at "3" of 4A does not fully meet the case.
  - c) There is a disparity of treatment between the North and South of Italy ("2" of 4A refers). The intention of the A/HG is not in itself a sufficient remedy because there is no authority in law for such a review nor would those entitled to it be aware of their rights.

4. Two questions arise:-

- a) Whether this decree should or should not be implemented in North Italy.

- i) It is already law in "Italian" Italy;
- ii) It contains nothing objectionable in itself.
- iii) Failure to implement it will create a state of chaos;
- iv) It will in any event come into force on the handover which may be early.

It is proposed, therefore, that the law shall be implemented with the safeguard mentioned at "3" of 4A which will allow some time for any representations it may be desired to make.

- b) Whether any and what representations should be made to the Italian Government.

It is recommended that the Italian Government be asked:

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

5. The loose copies of the translation of the decree and of the notes of the meeting with the A/HG are for the retention of your office and for distribution to the CG and to Polada A and B.

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



1450

785017

1. Notes of a conversation with the Assistant High Commissioner are at 44.

3. Three points appear to merit especial comment:-
- a) Education. The eradication of fascist teaching from schools was specifically mentioned by Roosevelt and Churchill who publicly bound themselves to eradicate fascist teaching: specific provisions were included in the Armistice Terms to carry out this undertaking. It is true that FAN 437 provides that AG will not tender advice on Education, but the eradication of fascism is not within this limitation. The Assistant High Commissioner's comments at "1" of 44 do not entirely avoid the criticisms contained in Folio 3A and Minute 5. Art 2 of IL 702 is limited in scope; there are many teachers it would not reach.
  - b) This decree, in its attempt to right many wrongfully enforced suspensions has used words of wide enough meaning to cancel all suspensions which have been made in the North of Italy under GO 35. This, it is believed, is an inadvertence; it is the agreed policy that AMG suspensions shall survive until cases have been considered. The Acting High Commissioner's suggestion at "3" of 44 does not fully meet the case.
  - c) There is a disparity of treatment between the North and South of Italy ("2" of 44 refers). The intention of the A/HQ is not in itself a sufficient remedy because there is no authority in law for such a review nor would those entitled to it be aware of their rights.

4. Two questions arise:-
- a) Whether this decree should or should not be implemented in North Italy.
    - i) It is already law in "Italian" Italy;
    - ii) It contains nothing objectionable in itself.
    - iii) Failure to implement it will create a state of chaos;
    - iv) It will in any event come into force on the handover which may be early.

It is proposed, therefore, that the law shall be implemented with the safeguard mentioned at "3" of 44 which will allow some time for any representations it may be desired to make.

- b) Whether any and what representations should be made to the Italian Government.
 

It is recommended that the Italian Government be asked:

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

5. The loose copies of the translation of the decree and of the notes of the meeting with the A/HQ are for the retention of your office and for distribution to the CC and to Polads A and B.

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

Tel Ext. 525  
16 Nov 45.

(sgd) S.R. WHITE, Lt. Col.  
A/P CA Sec.

Min 17/11

C.S.O.

Please see minute 17/11 and relevant folios. Ref para 5 of Min 17/11 am sending Polads their copies with a copy of Min 17/11

(sgd) C.R. BRAYBROOKS, Capt.  
Off Exco Comm.

17/11



Ex. Com.

(157)

SSO/ Please see 156 - means for S.C.

11/10. 11/10.

13/11

(158)

e/c Please make copy of Mr. Hopkinson's letter  
to the two minutes - put in file &  
return C.C.'s correspondence to S.O. to C.C.

16/10

159

E. Comm.

In reference to C.C.'s letter of 6/11  
attached Embassy Press headlines of Oct. 3rd  
C.A. Section had already written to the appropriate  
Ministry asking for a copy of her chapters. We  
are to get it soon - possibly 15.11.10. It will be  
recalled that in view of the American Embassy's  
at 140 in this file we had based our control, though  
we have asked for reconsideration of this matter  
(on a C.A. file).

As soon as and if her draft law is received  
it will be examined and the matter referred to  
our office. Every effort is being made to get a  
copy of the law decree quickly.

6/11

M. Can Bayader



785017

e/c Please make copy of Mr. Thompson's letter  
 & the two minutes - put in file &  
 return C.C.'s correspondence to S.O. to C.C.

16/10

159

E. Comm.

With reference to C.C.'s note of 6/11  
 attached Embassy Press headlines of Oct. 3rd.  
 C.A. Section had already written to the appropriate  
 Ministry asking for a copy of the draft law. We  
 hope to get it soon - possibly 5. min. It will be  
 recalled that in view of the American Embassy being  
 at 140 in this file we had based our control, though  
 we have asked for reconsideration of the matter  
 (on a C.A. file).

As soon as and if the draft law is received  
 it will be examined and the matter referred to  
 your office. Every effort is being made to get a  
 copy of the law decree quickly.

Mr. Canby  
 V.P.C.H.S.

V.P.C.A.S. 16/11

16/11

95/10 to C.C. who agrees no press but  
 wants to see the decree passed in Nov. 1961  
 to be a bad one

16/11



785017

143

See Ref for 142.

1. C.C. informed P.M. verbally on 20/9. P.M. agreed.
2. There was no letter to or from Nenni. Because he was asked verbally also
3. 133 has not been answered. Entry here at 1st series F.O.'s notes 25/12/19

Please see 140, which refers A.C.'s opinion stated in proposed letter to P.M. at 132  
25/12/19

146

C.C.O.

I do not think that you have been minute 143 or folio 137.  
Ref 144 perhaps E.C. would be interested

25/12/19

147

2003

Capt. Roy Lycocke thank you. Before submitting

144 to Ex. Com. let's have Big Can's comments.

150  
48/

True  
26/9

Ex. Com. P 149 for info. Also 144. 20/12/19  
~~knows all about it or shall I re-submit and~~  
Big Can's comments?

151

True  
27/9

CAS force M 25/9 Copy sent C.A.S. 2/10.

152



785017

CONFIDENTIAL

Please see 140, which reuses A.C.'s opinion stated in previous letter to PM. at 132  
25K221A

146-

C.I.O.

I do not think that you have seen minute 143 or folio 137:  
Ref 144 perhaps E.C. would be interested

BB 25/9

147-

200

Capt. Roy Lytton Thanks you. Before submitting

144 to Ex. Com. let's have Bing Can's comments.

True!  
26/9.

150  
448-

Ex. Com. P 14d for info. Also Hth. 20/9/93  
~~Review all all it or shall I re-submit with~~  
~~Bing Can's comments?~~

27/9.

CAS force W 29/9 Copy sent C.A.S. 29/9.

151-

153.

Ex. Com. I have already initiated (on a CA Section file I think) test the former. I have not yet given their views & that Mr. Higgins has been a danger.  
draft prepared in error at 152 & destroyed  
3/10/70

S. Halford

(A. S. HALFORD)

Asst. Political Adviser (b)

BB 9/10



785017

125

Info for information

2022018

Si 25/8

128

Explain

I am not sure whether  
you have seen 124 in words.

130

Si 1/9. To 18/31

131

129. 130 seen by CE 1 AC - NPA.

fo. 7  
3295

132

CSO. Please see page 138 in answer to letter  
Re: 201/10

142

May Kemster.

- (1) Has action been taken in para 2 of 138?
- (2) Ref 133 & 134 has Nanni written?



128.

Explain

I am not sure what is  
in here seen 124 upwards.

127/128  
129/130  
131/132

131

129. 130 seen by CE 1 EC - NFA.

131/132  
133/134

132.

Q80. Please see page 138 in answer to Q80  
132/133

142

May Kemster.

- (1) Has action been taken in para 2?
- (2) Ref 133 & 134 has Nemo written?
- (3) Has 133 been answered?

132/133



785017

(1) Acoustic interference of any conversation in the vicinity of the subject may not be a material fact.

Thereafter, also with retention of the points on the copy  
of which could be forwarded to the PM, after the interview.

What it comes to is this - that it is desirable  
that the present organization of the High Commission  
should continue until it has instead of being abolished  
on 31 Dec. and that thereafter a reduced establishment  
to deal with appeals should continue until 31 Dec. 1950  
when the abolition is practicable.

(csc) 17 DEC 1941

3295



1458

785017

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

198  
2

EPURATION

I have seen PERETTI-GRIVA. Matters appear to be even worse than was thought. It is openly admitted that the object of the proposals is purely to get epuration under political control and that the matter has not been before the Council of Ministers or the Prime Minister. It is an attempted coup by NERZI and he ordered publication in the papers to prejudice the position and make opposition practically impossible. There is to be no coordinating machinery left, no central body capable of supervising and no power to control Ministries or Provinces; neither the Asst High Commissioner or his delegate will have any power to commence proceedings. The delegates are refused to sinecure. A decree will be necessary and the proposed date for the change over is 31 Dec. It is significant that SPOCCIMARRO, though the decree has not even yet been drafted, has already asked PERETTI-GRIVA to hand over all the papers relating to officials of the Ministry of Finance. PERETTI-GRIVA considers the proposals completely disastrous and refuses to be associated with them and has submitted his resignation. The only office which he left will be a relatively small office attached to NERZI and CANARSA; PERETTI-GRIVA's opinion of CANARSA is such that he refuses to be associated with or to have any dealings with him whatever or even to meet him.

*[Signature]*

S.H. WHITE Lt Col.

CA Section  
17 Dec 45

Copy to : Chief Commissioner  
Executive Commissioner  
Polad (A)  
Polad (B)

*See in 200*

3293

*[Signature]*



197  
AIDE-MEMOIRE

Supervision of Epuration

1. It has been observed in the Newspapers that it is intended to abolish the offices of the Asst. High Commissioner, if not entirely, at least to deprive it of practically all its present powers and functions. It is desired to know whether these proposals were approved by the Council of Ministers prior to the publication in the press of the plan as a definite Government intention.
2. Is the Prime Minister satisfied that with each minister responsible in his own sphere and each Province independently responsible in its, epuration will in future be carried out with the same equality of standard, with freedom from external influence and in a judicial and unbiased manner.
3. Does the Prime Minister consider that different standards of Epuration according to the political views of various ministers or in the various provinces may discredit epuration.
4. Will not the organisation of new offices in each Ministry and the inducting of new staffs and the re-examination by them of all files before new proceedings can commence inevitably lead to very considerable delay and disorganisation and is not such delay likely to absorb a large proportion of the three months by which Epuration in North Italy must be completed.
5. Is the Prime Minister satisfied that under the proposed organisation there will be available to the Government as quickly and as conveniently the same information as to progress and will the same coordination be possible. Will consideration of results and of future policy and the preparation of legislation be as efficient.
6. In view of the want coordination resulting from and of the inevitable delay involved in the proposed change, does not the Prime Minister consider that the 31 Mar, the day by which all proceedings including those in that part of Italy recently restored to Italian Administration must be commenced, would be a more appropriate date for the proposed reduction in functions of the High Commission and that even after that date some central staff may be desired to ensure that decisions as to appealing are taken on uniform grounds.
7. Does the Prime Minister approve of the epuration of the Police Forces being under the control of a Minister of one party rather than ~~under the~~ control of a Commission responsible to the Council of Ministers ~~in which all~~ parties are represented. Is he satisfied that the police can be maintained as an honest, unbiased and independent force willing to take action against unconstitutional methods or preparations to use force by whomsoever such methods may be attempted as it would if it were directly responsible to the Council of Ministers. Would an Allied Police Mission be of assistance in maintaining the independent position of the police forces. Is the Prime Minister satisfied that Police Officers, who have fearlessly and independently done their duty in suppressing unorthodox methods and unconstitutional attempts to control or influence the public, will not be removed on some colourable pretext of epuration or transferred to some position of lesser influence or otherwise victimised or rendered ineffective.
8. The Allies are greatly interested in Defascism and that it should be



deprive it of practically all its present powers and functions. It is desired to know whether these proposals were approved by the Council of Ministers prior to the publication in the press of the plan as a definite Government intention.

2. Is the Prime Minister satisfied that with each minister responsible in his own sphere and each Province independently responsible in its, epuration will in future be carried out with the same equality of standard, with freedom from external influence and in a judicial and unbiased manner.
3. Does the Prime Minister consider that different standards of Epuration according to the political views of various ministers or in the various provinces may discredit epuration.
4. Will not the organisation of new offices in each Ministry and the inducting of new staffs and the re-examination by them of all files before new proceedings can commence inevitably lead to very considerable delay and disorganisation and is not such delay likely to absorb a large proportion of the three months by which Epuration in North Italy must be completed.
5. Is the Prime Minister satisfied that under the proposed organisation there will be available to the Government as quickly and as conveniently the same information as to progress and will the same coordination be possible. Will consideration of results and of future policy and the preparation of legislation be as efficient.
6. In view of the vast coordination resulting from and of the inevitable delay involved in the proposed change, does not the Prime Minister consider that the 31 Mar. the day by which all proceedings including those in that part of Italy recently restored to Italian Administration must be commenced, would be a more appropriate date for the proposed reduction in functions of the High Commission and that even after that date some central staff may be desired to ensure that decisions as to appealing are taken on uniform grounds.
7. Does the Prime Minister approve of the epuration of the Police Forces being under the control of a Minister of one party rather than under the control of a Commission responsible to the Council of Ministers of which all parties are represented. Is he satisfied that the police can be maintained as an honest, unbiased and independent force willing to take action against unconstitutional methods or preparations to use force by whomsoever such methods may be attempted as it would if it were directly responsible to the Council of Ministers. Would an Allied Police Mission be of assistance in maintaining the independent position of the police forces. Is the Prime Minister satisfied that Police Officers, who have fearlessly and independently done their duty in suppressing unorthodox methods and unconstitutional attempts to control or influence the public, will not be removed on some colourable pretext of epuration or transferred to some position of lesser influence or otherwise victimised or rendered ineffective.
8. The Allies are greatly interested in Defascism and that it should be fairly and effectively conducted and also in the reliability and independence of the Police Forces and submits the above matters to the earnest consideration of the Prime Minister and would appreciate an early expression of his views.

785017



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

12.45 hours,  
15th December 1945.

Message from Lt.Col.White, A/VP, CA Section:

*194 refers*

I have seen Piretti Griva. Matters appear to be even worse. It is openly admitted that this is purely to get epuration under political control, that the matter has not been before the Council of Ministers or the Prime Minister, that many ordered publications in the papers serve to prejudice the position and make opposition practically impossible. There is to be no coordinating machinery left, no central body capable of coordinating and no power to control Ministries. A decree will be necessary, ~~and~~ But Scoccimaro, though the decree has not even yet been drafted, has asked Piretti Griva to hand over all the papers relating to officials of the Treasury. Piretti Griva refuses to be associated with this and has submitted his resignation. The only office which will be left will be a relatively small office attached to Nenni and Avv. Carnasa with whom Piretti Griva will have no dealings whatever.

Sgt.G.

*See in 200  
197.*

3291



1005  
194  
1945  
REORGANIZATION

Mr. Piretti has been to see me he is not disturbed over proposals to reorganize epuration.

Mr. Piretti Griva is a Judge of the Court of Appeal he followed two political appointments and was the first non-political assistant High Commissioner. He has lifted epuration onto a judicial plane, above mere party considerations, and ensured a certain amount of uniformity. He is an honest and strong man not afraid of doing what he believes to be right.

AVV. GARNIERA is first a politician. In the early days in Naples Col Piretti put him in charge of epuration there and he rapidly made it chaotic and it certainly was not impartial. When Nenni became High Commissioner he brought Garniera with him as Sec Gen in place of Boeri (another honest man who had done excellent work and placed principles before politics).

This Commission has had to deal with Garniera from time to time but formed such an unpleasant opinion of him and found him so unintelligent, impractical and uncooperative that it has endeavored to avoid dealing with him (whereas it had the friendliest relations with his predecessor Boeri).

AVV. Garniera has the ear of Nenni, and has apparently persuaded him that the work of the High Commission should be distributed amongst all the Ministries. I presume because Piretti Griva has not shown himself sufficiently amenable to political ends.

The result of any such reorganization would be to destroy the organization which has been built up under which a uniform procedure and standard of justification for commencing proceedings has been set up throughout Italy and is enforced by the High Commissioners Delegates in every Province.

It will destroy uniformity in that the Ministers of various political persuasions will be responsible for epuration each in the sphere of his own ministry. A Liberal may set a completely different standard for epuration in one ministry than may be established by a communist in another. A condition which would lead to grave dissatisfaction with epuration and be very bad for the morale of the services and of the public.

The disruption of the present organization will lead to very serious disorganization and delay in that the present files will have to be distributed to Ministries each of which will have to organize new department and all the files will have to be learnt by new and inexperienced officers before the work will start to flow again.

Instead of one department to deal with epuration questions and to make proposals as to legislation on the level of the Council of State there will be no coordinating body, each ministry will have its own views and interests, a most retrograde step. Further there would be no particular department responsible for epuration with which this Commission could coordinate matters; from which it could receive information and statistics or receive information as to the Government's intentions or with which it could discuss proposals.

Lastly the proposal would place the epuration of the Police Forces at the mercy of the Minister of the Interior, a socialist. The efforts of the left parties to disrupt and discredit the Police have been constant and of constant concern to the Public Safety Commission, which regards this proposal with dismay. It would put an end to the Police as an independent and non-party body and cause the removal from the service of all officers of strength of character who have loyally supported the Allied Commission in the effort to build up a reliable independent and efficient Police Force. It would completely undermine the morale of the Police already battered by the appointment of a Socialist as Minister of the Interior and already demonstrate to them that independence does not pay. If they are to get on they will have to play the party game.

Mr. Piretti Griva feels so strongly in the matter that he has addressed a letter direct to the Prime Minister - over the High Commissioner's head, a copy of which is attached.

It is considered that the proposal will make epuration subservient to party ends lead to disorganization and delay, adversely affect morale both of the services and the public.

It is possible that the new Prime Minister may not appreciate the unfortunate consequences which may follow. Is it possible to indicate to him that this



This Commission has had to deal with Canessa from time to time but forced such an unpleasant opinion of him and found him so unintelligent, unpracticed and uncooperative that it has endeavored to avoid dealing with him (whereas it had the friendliest relations with his predecessor Boeri).

Mr. Canessa has the ear of Renni, and has apparently persuaded him that the work of the High Commission should be distributed amongst all the Ministries. I presume because Piretti Griva has not shown himself sufficiently amenable to political ends.

The result of any such reorganization would be to destroy the organization which has been built up under which a uniform procedure and standard of justification for commencing proceedings has been set up throughout Italy and is enforced by the High Commissioners Delegates in every Province.

It will destroy uniformity in that the Ministers of various political persuasions will be responsible for operations each in the sphere of his own Ministry. A Liberal may set a completely different standard for operation in one Ministry than may be established by a Communist in another. A condition which would lead to grave dissatisfaction with operation and be very bad for the morale of the services and of the public.

The disruption of the present organization will lead to very serious disorganization and delay in that the present files will have to be distributed to Ministries each of which will have to organize new departments and all the files will have to be counted by new and inexperienced officers before the work will start to flow again.

Instead of one department to deal with operation questions and to make proposals as to legislation on the level of the Council of State there will be no coordinating body. Each Ministry will have its own views and interests, a most retrograde step. Further there would be no particular department responsible for operation with which this Commission could coordinate matters; from which it could receive information and statistics or receive information as to the Government's intentions or with which it could discuss proposals.

Lastly the proposal would place the operation of the Police Forces at the mercy of the Minister of the Interior, a socialist. The efforts of the left parties to disrupt and discredit the Police have been constant and of constant concern to the Public Safety Commission, which regards this proposal with dismay. It would put an end to the Police as an independent and non-party body and cause the removal from the service of all officers of strength of character who have loyally supported the Allied Commission in the effort to build up a reliable independent and efficient Police Force. It would completely undermine the morale of the Police already battered by the appointment of a Socialist as Minister of the Interior and clearly demonstrate to them that independence does not pay. If they are to get on they will have to play the party game.

Mr. Piretti Griva feels so strongly in the matter that he has addressed a letter direct to the Prime Minister - over the High Commissioner's head, a copy of which is attached.

It is considered that the proposal will make operation subservient to party ends lead to disorganization and delay, adversely affect morale both of the services and the public.

It is possible that the new Prime Minister may not appreciate the unfortunate consequences which may follow. Is it possible to indicate to him that this Commission disallows the proposals.

OPERATION : CHIEF COMMISSIONER  
EXECUTIVE COMMISSIONER ✓

FILED \* 25  
FILED \* 25

See Mr. 195. 196  
H. W. 196



HIGH COMMISSION FOR SANCTIONS AGAINST FASCISM  
COMMISSION FOR EPURATION

Rome, December 1945

TO: The President of the Council of Ministers.

I wish to call your attention on the letter I sent on 19 Dec. to President PAPERI, with documents enclosed, with regard to the serious situation on the High Commission which threatens to have serious repercussions on the epuration procedure.

Lately such situation has become even more serious because of the interference of the Secretary General, AVV. CANARSA.

I wish to point out that the decision of transferring to the State Council and to Public Administrations all the cases which are being examined by this Commission would cause an excessive burden on the State Council while epuration procedure would be greatly delayed.

Because of my position of a magistrate appointed to this office, I cannot adhere to decisions resulting from political expediency, since I am strongly convinced that the decision of the Secretary General while apparently determining a transfer of epuration, would, on the other hand, greatly delay its procedure and hinder the proper outcome contemplated by the law.

The sudden ceasing of the activity of this office would compel me to state officially the reasons of my firm attitude in this connection in order not to be involved in moral responsibility when, later, the disastrous results of such a directive will be plain. I feel I do not deserve to be held as responsible since I have always worked strongly and conscientiously in order to speed up as much as possible the difficult and delicate procedure of epuration.

I have already given special instructions to simplify and speeding up at the utmost the pursuance of the rules of the new decree which I would like to disclose after they have been examined by your Presidency.

I have also set up a provision of law containing 4 articles, concerning implementation rules, intended to reach an agreement as already set out in conjunction with the President or the State Council.

I am at your disposal and wish to point out the urgency of such an agreement since I feel that this particularly serious situation of the Commission cannot any longer subsist.

With my best regards

(/s/ AVV. PERENTI-GRIVA)



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

1005 98  
HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
NAPLES COMMUNE  
APO 394  
PUBLIC SAFETY DIVISION

188

Ref: PS/ E/64/Security

Date 7 December 1945  
DEC 11 1945

SUBJECT: Dott. MORONI Ludovico fu Emilio, aged 42 years.

TO : Headquarters, Allied Commission,  
Executive Officer, A.C.  
(thro Public Safety Sub-Commission).

161

1. Referring to letter No. 1005/EC dated 23rd October 1945 in respect of the above named.

2. Records here show that Dott. MORONI was arrested at Naples on 12th April 1945 by local "Centro C.S." (Italian Counter Intelligence Corps) and denounced by the Italian Military War Tribunal, for collaboration and the organization of subversive activities whilst acting as Federal Secretary in Florence, contravening article 51 Military Code, and article 270 Penal Code.

3. He is at present incarcerated in Poggioreale Prison, Naples, awaiting trial.

4. Royal Questura, Florence are interested in this case.

5. Date of trial is unknown; as the evidence is not available to this Headquarters, it cannot be said at this juncture whether or not the accused is guilty as alleged.

For the Commissioner:

ACS/jag.

See h. 189 190, 191, 192  
Saunders

A.C. SAUNDERS  
Major,  
Public Safety Officer.

3288

10/12  
2348  
Office of  
EC.

(CAPT B)



HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Ref : DF/5.28/CA

19 Nov 45

SUBJECT : Revision of Epuration Procedure

NOV 24 1945

TO : See Distribution

Enclosed is an English version of DL 702, the new law on epuration which replaces Part II of DL 159.

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

(APT 0) 20B 24/11

See hw 13283 + 186 197

PA 2 27/11/45



7 Suspensions of all persons of lower than Grade 7 are revoked unless they are persons against whom proceedings are to be continued under Para 2 of Art 1 or under Art 2. All "de facto" suspensions, however occasioned, are revoked. This is intended to apply to those persons who have been warned or instructed by bodies or persons, who are not legally empowered so to do, that they are dismissed or will not in future attend their offices. It does not apply to suspensions ordered under GO 35.

8 The time limits within which proceedings must be brought are the 31 Mar  
Art 14 46 or three months after the handing back of the territory to Italian administration, whichever is the later, but this will not re-open time limits which expired before this decree came into force.

9 New provisions are contained to enable the operation of those directors and managers who by Italian law are, technically speaking, not employees.  
Art 16 If such persons have been guilty of named acts or have held named offices their contracts are declared dissolved and any employer who continues to  
Art 18 employ such persons is liable to punishment by imprisonment or fine. This  
Art 17 dissolution will not be applied in certain cases. Persons may apply to a Special Commission for an order that the dissolution does not apply. Persons  
Art 19 whose employment is dissolved are, under certain circumstances, entitled to compensation.

10 All provisions of DL 159 and of the subsequent operation decrees, e.g. 257, which are not inconsistent with any of the above provisions, continue. The principal changes are the restriction, in normal circumstances, of operation to the first 7 Grades, the addition of managers and directors to those operatable and the change of procedure with regard to the professions and as to appeals. For all practical purposes, so far as Sub-Commissions and Regions are concerned, the machinery under DL 159 continues to operate unchanged so far as the restricted classes of employees are concerned. It should not be overlooked that any employee of a grade lesser than the 7th may be operated if he has shown serious fascist bias as well as for reasons contained in Art 2.

BY COMMAND OF THE CHIEF COMMISSIONER

*[Signature]*  
S. H. WHITE Lt Col,  
A/VP CA Section

|                       |                |                 |                     |
|-----------------------|----------------|-----------------|---------------------|
| <u>DISTRIBUTION:-</u> | Local Govt S/C | Commerce S/C    | Naval S/C           |
|                       | Legal S/C      | Finance S/C     | IRB                 |
|                       | Pub Saf S/C    | Pub Works S/C   | RC Piemonte Region  |
|                       | Educ S/C       | Transport S/C   | RC Lombardia Region |
|                       | Communic S/C   | Air S/C         | RC Liguria Region   |
|                       | Agric S/C      | Land Forces S/C | RC Venezia Region   |

For info : Economic Sec }  
Executive Commissioner } 2  
SCAO Venezia Giulia }

Scale of Dist: RHQ (4); BRQ (2)



DL 702 OF 2 NOV 1945

Revision of the Law as to Duration

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

Officers are referred to the Italian text for all points of detail or matters of procedure or dispute.

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

|                                       |         |
|---------------------------------------|---------|
| Liability to Expiration               | Art 1-3 |
| Expiration Procedure                  | " 4-5   |
| Pension                               | " 6     |
| Suspensions                           | " 7     |
| Application to non-State Bodies       | " 8     |
| Transfer of officials                 | " 9     |
| Professions                           | " 10    |
| Appeals                               | " 11-12 |
| Past Decisions                        | " 13    |
| Time Limits                           | " 14-15 |
| Liability to Expiration and Procedure | " 16-20 |

PART I - EMPLOYED AND PROFESSIONS

LIABILITY TO EXPIRATION

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

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

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

2 Employees of the public services of every description even if irremovable may be dismissed from service if they have shown themselves unfit to retain their offices because they have since 1 Feb 1943:-

- a) given military or civil services to the German invader;
- b) belonged to the Fascist Republican Party;
- c) voluntarily served in military units of the government of the so-called Italian Social Republic or as officers in the labour organizations of that government;
- d) taken part in executing, authorizing or summary executions ordered by Nazi fascists or acted as informers for the latter;
- e) been appointed chief of the provinces or members of the so-called Italian Social Republic or have been President, Public Prosecutor or member of the special or extraordinary tribunals set up by the said government;
- f) left their headquarters of abode to follow and serve the fascist government;
- g) collaborated with the Germans or with the so-called Italian Social Republic.

Dismissal of public services shall not be ordered of the activities after 8 March



785017

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

Officers are referred to the Italian text for all points of detail or matters of procedure or dispute.  
Words in brackets are explanatory and not in the original text.

|                                       |     |       |
|---------------------------------------|-----|-------|
| Liability to Expiration               | Art | 1-3   |
| Expiration Procedure                  | "   | 4-5   |
| Pension                               | "   | 6     |
| Suspensions                           | "   | 7     |
| Application to non-State Bodies       | "   | 8     |
| Transfer of officials                 | "   | 9     |
| Professions                           | "   | 10    |
| Appeals                               | "   | 11-12 |
| Fast Decisions                        | "   | 13    |
| Time Limits                           | "   | 14-15 |
| Liability to Expiration and Procedure | "   | 16-29 |

PART I - EMPLOYEES AND PROFESSIONS

LIABILITY TO EXPIRATION

1 Employees of the public services of the 7th or higher grades or whatever description even if irremovable who, because of their (past) fascist political activity their (unproven) fascist conduct, whether or not in the execution of their office, their fascist bias or their appointment to office, because of their fascist qualifications have shown themselves unfit to retain their office shall be dismissed from the service.  
Employees of the public services of grade lower than 7th shall not be liable to dismissal unless they have shown serious fascist bias or are within the provisions of the next article.  
For the purposes of this law, when the parity of the grades of non-state services is undetermined, it shall be declared by the head of that Service.

2 Employees of the public services of every description even if irremovable may be dismissed from service if they have shown themselves unfit to retain their office because they have since 8 Sep 43:-

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

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



785017

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

EXPLANATION

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

a) in the case of employees of the State Central Services or of Autonomous public bodies be decided by the expiration Commission set up under D.L. 159 of 27 Jul. 44; the powers contained in the last para of art 13 of D.L. 159 of 27 Jul. 44, and in art 16 of D.L. 285 of 23 Oct. 44, shall remain unchanged.

b) in the case of employees of local public bodies and of companies controlled by the local administration be decided by the provincial Expiration Commission set up by art 9 of art 12 of D.L. 459 of 27 Jul. 44.

The High Commission for discipline against freedom and his provincial delegations may initiate proceedings and when necessary may commence proceedings.

The rules contained in D.L. 159 of 27 Jul. 44 for the proceedings before the Commission of first instance and the subsequent additions and amendments thereto shall apply to proceedings before Expiration Commissions.

5 The Service concerned, having received notice of the final decision, shall order the dismissal from the service of an employee insured unfit to retain his office.

No appeal whether to the administrative authority or to the judiciary shall lie against an order for dismissal from service.

DISCIPLINE

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

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

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

DISPOSITIONS

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

APPLICATION TO NON-STATE EMPLOYEES

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

Where no other appropriate commissions have been set up for the said institutions and undertakings, the competent body to pronounce the verdict on expiration proceedings shall be the provincial expiration commissions set up under the third para of art 48 of D.L. 159 of 27 Jul. 44 and the subsequent additions and amendments thereto.

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

TRANSFER OF OFFICIALS

8 Heads of the various public services may up to 31 Jan. 1946 transfer officials even if they are irremovable to another area if for political or moral reasons they consider it advisable to do so. In territory under the administration of AMG such transfer may be ordered up to three months after such territory has been returned to Italian administration.

EXPLANATION



1471

785017

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

...proceedings and when necessary may commence proceedings. The rules enacted in July 1938 and 27 July 44 for the proceedings before the Commission of first instance and the subsequent additions and amendments thereto shall apply to proceedings before Expiration Commissions.

- 5 The Service concerned, having received notice of the final decision, shall order the dismissal from the service of an employee deemed unfit to retain his office.
- 6 No appeal whether to the administrative authority or to the Judiciary shall lie against an order for dismissal from service.

PENSION

- 7 An employee dismissed from service under the preceding article shall be granted the pension rights to which he is entitled under the existing laws.
- 8 In particularly serious cases the expiration commission may order forfeiture of pension.
- 9 When a forfeiture of pension has been ordered, the contribution which he has paid to the pension fund shall be repaid to the dismissed employee.

DISPOSITIONS

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

APPLICATION TO NON-STATE INSTITUTIONS

- 10 The provisions of the preceding articles shall apply also to employees of public institutions and to institutions of national importance and of private undertakings or companies carrying public service or serving a public purpose or public utility undertaking.
- 11 Where no other appropriate commissions have been set up for the said institutions and undertakings, the competent body to pronounce the verdict on expiration proceedings shall be the provincial expiration commissions set up under the third part of art. 18 of July 1938 or 27 July 44 and the subsequent additions and amendments thereto.
- 12 The decision as to the dismissal of employees of public institutions and institutions of national importance shall be by the head of the institution. In the case of employees of private companies or undertakings mentioned in the first part of the present article, the decision shall be that of the prefect of the province in which the company or undertaking has its head office.

TRANSFER OF OFFICIALS

- 13 Heads of the various public services may up to 31 May 1946 transfer officials even if they are intransferrable to another area if for political or moral reasons they consider it advisable to do so. In territory under the administration of AIC such transfer may be ordered up to three months after such territory has been restored to Italian administration.

TRANSFERRABLES

- 14 Any person who, because of bias or Jewish prejudices, has rendered himself unworthy to continue to exercise his profession, art or trade, may be removed from the registers of such profession.
- 15 The decision as to such unsuitability shall be by the bodies responsible for



keeping the said registers, which they shall do directly or by means of a commission appointed by them; if no such body exists, a commission shall be appointed by the Minister under whose supervision the (appropriate) register is kept.

#### APPEALS

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

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

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

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

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

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

#### PAST DECISIONS

13 Decisions from service, removable from the registers and acquittals resulting from final decisions already made under DL 159 of 27 Jul 44 shall stand, but judgments other than dismissed from service, removal from the registers and suspension or grade ordered by final decision under the same legislative decree shall stand.

For the purposes of the provisions of the preceding paragraph, a decision of the Central Commission shall be considered final even if notice of the same has not been served as required by art 5 of DL 179 of 22 Apr 45 on the day this decree comes into force.

Appeals against decisions of (Commissions of) first instance made under DL 159 of 27 Jul 44 and the subsequent additions and amendments thereto which are still appealable may be lodged in accordance with the procedure laid down in this decree.

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

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

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

Proceedings pending before commissions of first instance on the day on which this decree comes into force shall be continued before said commissions or before



785017

decision to which the appellant belongs.

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

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

12

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

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

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

### 13 CASE DECISIONS

13

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

For the purposes of the provisions of the preceding paragraph, a decision of the Central Commission shall be considered final even if notice of the same has not been served as provided by art 5 of DIL 179 of 22 Apr 45 on the day this decree comes into force.

Appeals against decisions of (Commissions of) 1st instance made under DIL 159 of 27 Jul 44 and the subsequent additions and amendments thereto which are still appealable may be lodged in accordance with the rules laid down in this decree.

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

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

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

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

Where employees are not within the provisions of the second part of arts 4 and 2, suspension from office pending proceedings or employees of 8th grade and lower shall be revoked by the Service concerned; in all other cases suspension may be revoked by the Service concerned or by the bodies set up by art 10 even if proceedings have been commenced.



785017

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

THE LIMITS

14. Decrees of persons to be subjected to expatriation proceeding must be sent in  
one month from the day this decree comes into force in AMG territory (in which case  
proceedings must be completed) within three months from the day on which said ter-  
ritory is handed back to the administration of the Italian Government but this  
(article) shall not re-open time limits which expired before this decree came into  
force.

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

PART II - MANAGERS OF BUSINESSES

LIABILITY TO EXPATRIATION AND EXCLUSION

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

- 1) if the person concerned has been sentenced for a (fascist) crime under part  
1 of D.L. 159 of 27 Jul 44, even if such sentences do not include disqualifi-  
cation from holding public office;
- 2) if property belonging to such person has been confiscated under art 9 of  
said decree;
- 3) if such person has been subjected to any sanction under the final para  
of art 1 or the 1st and 2nd para of art 3 of D.L. 449 of 26 Apr 45;
- 4) if such person has held any (or the following) fascist offices, secretary  
or vice secretary of the party, member of the Grand Council, member of the  
National Directorate, Inspector of the party, federal secretary, fascist deputy  
city, national councillor or senator who has been removed from such office.

17. The provisions of sub-para 4 of the preceding article shall not be enforced  
if said persons are of acknowledged technical and administrative capacity and  
if they fulfill any of the following conditions: have distinguished themselves  
in the fight against the Germans or had before the beginning of the present war  
openly opposed fascism, or left the national fascist party, or they held the pos-  
sion of national councillors (merely) as representative of the profession with-  
out engaging in any real political activity.

Upon the application of any such person the decision (as to his dismissal)  
which shall be final and be requested within sixty days from the day on which  
this decree comes into force, shall be given by a provincial commission appointed  
as the Prefect of the province or had before the beginning of the present war  
shall consist of a President nominated by the Provincial Delegation of the High  
Commissioner for Operations against Fascism and of four members, two of whom shall  
be nominated by the "Camera del Lavoro" and two by the association of employers.  
The Commission authorized (to decide the case) shall be that having jurisdic-  
tion in the place in which the employee works.

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

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

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

18. If an appeal mentioned in the second para of art 17 has not been lodged, the  
employer shall, as soon as the time limit mentioned in the said article has exp-  
ired, be liable for the dissolution of an employ-



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

## PART II - MANAGERS OF BUSINESSES

### LIABILITY TO EXAMINATION AND PROCEDURE

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

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

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

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

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

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

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

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

Any employer who violates the provisions of the preceding article shall be punishable by imprisonment up to a maximum of six months and a fine up to a maximum of 400,000 lire.

785017

1475



179  
19 An employee discharged in consequence of dissolution of his agreements under art 16 of the present Decree, shall be entitled to receive the compensation referred to in the third and fourth parts of art 10 of the DDL 1325 of 13 Nov 1924, converted into law no 562 of 18 March 1926 and any other compensation provided for by his contract of employment.

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

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

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

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

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

3283



1477

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

785017

...of an unlimited period. In such case the compensa-  
tion and damages shall be transferred to the Provident Fund of the Company or,  
failing that, to the National Institute of Social Insurance.

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

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

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

3284



1478

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

785017

DL 702 9 NOV 45

REVISION OF THE LAW

AS TO

REVISION

85403



1479

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

785017

REVISION OF THE LAW

AS TO

EXPLANATION

19 NOV 45

01A SEC

8453



REVISED REPRESSION LAW

## PART I

## ART 1

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

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

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

## ART 2

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

- a) given military or civil service to the German invaders;
  - b) belonged to the fascist republican party;
  - c) voluntarily served in military units of the government of the so-called Italian Social Republic or as officers in the labor organizations of that government;
  - d) taken part in arresting, confining or issuing executions ordered by fascist or anti-fascist informers for the latter; of the so-called Italian Social Republic;
  - e) been appointed chief of the province or quarters or have been a student, public prosecutor or member of the special or extraordinary tribunals set up by the said Government;
  - f) left their usual place of abode to follow and serve the fascist government;
  - g) collaborated with the German or with the so-called Italian Social Republic.
- Dismissal from service shall not be ordered if the activities after 8 Sep 43 were under compulsion or had the object of hindering German activities or those of the government which was in fact being served only in appearance.

## ART 3

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

## ART 4



1481

785017

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

ART 1

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

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

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

ART 2

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

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

ART 3

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

ART 4

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

- a) in the case of employees of the State Central Services or of Autonomous public bodies be decided by the operation commissions set up under D.L. 159 of 27 Jul 44; the powers contained in the last para of art 18 of D.L. 159 of 27 Jul 44 and in art 16 of D.L. 285 of 23 Oct 44 shall remain unchanged.

1177475



785017

172  
b) In the case of employees of local public bodies and of enterprises controlled by the local administration to be decided by the provincial Executive Councils set up by para 3 of art 48 of D.L. 159 of 27 Jul 44.  
The High Commissioner for emigrations against fascists and his provincial delegates supervise emigration proceedings and when necessary may commence proceedings. The rules contained in D.L. 159 of 27 Jul 44 for the proceedings before the Commissions of first instance and the subsequent additions and amendments thereto shall apply to proceedings before Emigration Commissions.

ART 5

The Service concerned, having received notice of the final decision, shall consider the dismissal from the service of said employee bearing in mind that he has been declared unfit to remain in his office.  
No appeal whatever administrative or judicial shall lie against an order for dismissal from service.

ART 6

An employee dismissed from service under the preceding article shall be granted the pension rights to which he is entitled under the existing laws.  
In particularly serious cases the emigration commission may order forfeiture of pension.  
When a forfeiture of pension has been ordered, the contributions which he has paid to the pension funds shall be repaid to the dismissed employee.

ART 7

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

ART 8

The provisions of the preceding articles shall apply also to employees of public institutions and to institutions of national importance and of private undertakings or companies operating public services or serving a public purpose or public utility undertaking.  
Where no other appropriate commissions have been set up for the said institutions and companies, the competent body to pronounce the verdict on emigration proceedings shall be the provincial emigration commissions set up under the third para of art 48 of D.L. 159 of 27 Jul 44 and the subsequent additions and amendments thereto.  
The decision as to dismissal of employees of public institutions and institutions of national importance shall be by the head of the institution. In the case of employees of private companies or undertakings mentioned in the first para of the present article, the decision shall be that of the president of the province in which the company or undertaking has its head office.



ART 5

The service concerned, having received notice of the final decision, shall ~~under~~ the dismissal from the service of ~~an~~ employee bearing in mind that he has been declared unfit to retain his office.  
No appeal whether ~~to~~ administrative or judicial ~~shall~~ shall lie against an order for dismissal from service.

ART 6

An employee dismissed from service under the preceding article shall be granted the pension rights to which he is entitled under the existing laws.  
In particularly various cases the operation mentioned may order forfeiture of pension.  
When a forfeiture of pension has been ordered, the contributions which he has paid to the pension funds shall be repaid to the dismissed employee.

ART 7

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

ART 8

The provisions of the preceding articles shall apply also to employees of public institutions and to institutions of national importance and of private enterprises or companies operating public services or serving a public purpose or public utility undertaking.  
There are no other appropriate commissions have been set up for the said institutions and companies, the competent body to pronounce the verdict on execution proceedings shall be the provincial execution commissions set up under the third para of art 48 of DIL 159 of 27 Jul 44 and the subsequent additions and amendments thereto.  
The decision as to dismissal of employees of public institutions and institutions of national importance shall be by the head of the Institute. In the case of employees of private companies or undertakings mentioned in the first para of the present article, the decision shall be that of the president of the province in which the company or undertaking has its head office.

ART 9

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



174  
such transfer may be ordered up to three months after such territory has been referred to Italian Administration.

## ART 40

Any persons who, because of ideas or socialist malpractices, has reviewed himself unworthily to continue to exercise his profession, art or trade, may be removed from the registers of such profession.

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

## ART 41

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

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

The Special Section shall consider the appeal in camera and shall not be bound by the ordinary rules of procedure but shall observe the rules contained in D.L. 459 of 27 Jul 64 and subsequent additions and amendments for the proceedings before the Central Commission.

## ART 42

An employee dismissed may lodge an appeal against the decisions of a Special Section Commission to a commission set up in the Court of Appeal within whose jurisdiction the commission of 1st Instance is located. The commission of appeal shall be set up by decree of the President of the Court of Appeal and shall consist of a President who shall be a magistrate or an official of the public service, serving or retired, of not less than the 15th grade and of two members one of whom shall be nominated by the High Commissioner and the other by the President of the Council of State from the officials of the service to which the appellant belongs.

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

The rules for the proceedings before the central commission contained in D.L. 459 of 27 Jul 64 and the subsequent additions and amendments thereto shall apply to proceedings before such Commissions of Appeal.

## ART 43

Dismissals from service, removals from the registers and acquittals result-



785017

AECT 44

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

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

The Special Section shall consider the appeal in camera and shall not be bound by the ordinary rules of procedure but shall observe the rules contained in DEL. 459 of 27 Jul 44 and subsequent additions and amendments for the proceedings before the Central Commission.

APR 42

An employee dissatisfied may lodge an appeal against the decisions of a judicial Commission to a Commission set up in the Court of Appeal within whose jurisdiction the Commission of 1st Instance is located. The Commission of appeal shall be set up by decree of the First President of the Court of Appeal and shall consist of a President who shall be a magistrate or an official of the public service, serving or retired, of not less than the 5th grade and of two members one of whom shall be nominated by the High Commissioner and the other by the President of the Council of the Territory. The Commission shall be presided over by the President of the Council of the Territory.

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

The rules for the proceedings before the central committee contained in D.L. 159 of 27. Jul. 44 and the subsequent alterations and amendments thereto shall apply to proceedings before such Committees of Appeal.

**Abstract**

Persons from service, removals from the registers and acquittals resulting from final decisions already made under Bill 479 of 27 July 54 shall stand, but punishments other than dismissal from service, removal from the registers and re-entrance in parole ordered by final decisions under the same legislative decree are ~~not~~ <sup>void</sup> pursuant to the provisions of the preceding paragraph, a decision of the central commission shall be considered final even if notice of the same has not been served as required by art 5 of Bill 479 of 28 June 54, on the day of the ~~imple-~~



173  
entirety of this decree. Comes into force

appeals against decisions of (commissions of) first instance made under RIL 159 of 27 Jul 44 and the subsequent additions and amendments thereto which are still appealable may be lodged in accordance with the procedure laid down in this decree.

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

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

The Central Commission for examination and the commissions for the revision of the registers set up by RIL 159 of 27 Jul 44 are abolished.

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

Where employees are not within the provisions of the second para of arts 1 and 2, suspension from office of employees of 8th grade and lower (pending proceedings) shall be revoked by the service concerned; in all other cases suspension may be

revoked by the service concerned or by the bodies set up by art 10 even if proceedings have been commenced.

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

#### ART 44

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

#### ART 45

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

#### Part II

#### ART 46

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

- 1) if the person concerned has been sentenced for a (fascist) crime under part 1 of RIL 159 of 27 Jul 44, even if such sentences do not include disqualification from holding public office;
- 2) if property belonging to such person has been forfeited under art 9 of said decree;
- 3) if such person has been subjected to any sanction under the first para of art 1 or the 1st and 2nd paras of art 3 of RIL 149 of 26 Apr 43;
- 4) if such person has held any of the following (fascist) offices, secretary or



1487

785017

the revision of the registers which are still applicable shall be dealt with by the new bodies set out in art 10 hereof even if the appeal was already pending before the Central Commission.

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

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

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

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

ART 14

Names of persons to be subjected to execution proceedings must be sent in before 31 March 1945 except in the case of persons in the territory (in which case proceedings must be commenced) within three months from the day on which said territory is handed back to the administration of the Italian Government. *Not within limits which applied before this decree came into force*

ART 15

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

3280

Part II

ART 16

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

- 1) if the person concerned has been sentenced for a (fascist) crime under part 1 of D.L. 159 of 27 Jul 44, even if such sentences do not include disqualification from holding public office;
- 2) if property belonging to such person has been forfeited under art 9 of said decree;
- 3) if such person has been subjected to any sanction under the first para of art 1 or the 1st and 2nd paras of art 3 of D.L. 449 of 26 Apr 45;
- 4) if such person has held any of the following: fascist offices, secretary or vice secretary of the party, member of the Central Council, member of the National Directorate, Inspector of the party, Federal secretary, fascist deputy, national councillor or senator who has been removed from such office.



ART 17

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

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

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

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

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

ART 18

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

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

ART 19

An employee discharged in consequence of dissolution of his agreements under art 16 of the present decree, shall be entitled to receive the compensation referred to in the third and fourth paras of art 10 of the RIL No 1825 of 13 Nov 1924, converted into law No 562 of 18 March and any other compensation provided by law his contract of employment.

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

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

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

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

ART 20



1489

785017

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

which shall be final and which shall be requested within sixty days from the day on which this decree comes into force, shall be given by a provincial commission appointed by the President of the Province after consultation with the Provincial Council and shall consist of a President nominated by the Provincial Delegation of the High Commissioner for Northern Rhodesia and of four members, two of whom shall be nominated by the "Counseil del Lavoro" and two by the association of employers. The Commission authorized (to decide the cases) shall be first having jurisdiction in the place in which the employee works.

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

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

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

ART 18

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

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

ART 19

An employee discharged in consequence of dissolution of his agreement under art 16 of the present Decree, shall be entitled to receive the compensation referred to in the third and fourth paras of art 10 of the D.L. No. 182 of 11 Nov 1934, converted into law No 562 of 18 March and any other compensation provided by his contract of employment.

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

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

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

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

ART 20

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



but women

[illegible]

hold on

52 45 41

St. Vincent-Gatta, assigned whether A had any objection to the Italian Government commencing to operate under N. 159 in North Italy and if not, whether it would take the necessary steps to bring that and later operations down into force.

Lt. Col. WARR replied that these decrees have already been implemented in the  
 north and no further formal stop was necessary. If the Italian Government  
 wanted to start operating the regional Commissions would be notified. A  
 copy of this letter to them would be sent to the Irish Commissioner.

sig. 100-112376 pointed out that on 25 and on 26 Commissions were still in operation and enquired whether they could access five functioning. Col. Miller said that he saw no reason for their ceasing work at the moment. They were only conducting the investigatory phase and entering suspensions. The Italian organization would be some time before it got into its stride and considerable time would elapse before they could complete their first investigations. It seemed much better that the G. 35 Commission should continue with the work already in hand and that the M. 159 Commissions should examine their work by dealing with persons already suspended. Then the M. 159 Commissions had heard all the names of persons that had been suspended and how caught up with the G. 35 Commissions, that would appear to be the time to stop G. 35 Commissions. AC proposed to follow that course.

15. Col. WHEAT then referred to the recently passed decree, asked what the position of the German men and was informed that it had been agreed by the Council of Ministers and was expected to be published in the Gazette of the 14 Nov 45. He then said that he had one or two points under consideration and that since it had not yet reached any decision as to whether or not it is desired to make any representation, perhaps Big. 15000-1-17 would like to know what those points were. He might be able to clear the points and when that there was no reason for any Allied concern. Big. 15000-1-17 said he would be interested to hear what the points were and Lt. Col. WHEAT continued that the first point concerned Education. No school teacher and probably few professors were Grade 7 or higher. It would appear, therefore, that, generally speaking, no teachers could be operated. The Allies could hardly be expected to join with Germany in the project that school masters who had been privy to the war would teach fascist ideology should continue to instruct the youth of the country in its most receptive years. The conversation and teaching by schoolmasters who had fascist ideals was a far more potent influence than many of the fascist textbooks which had been expurgated. In one school alone it had been necessary to expurgate 15 out of 12 teachers.

[illegible]

11b. Col. WITT pointed out that this would mean those who were known to have been actively fascist but that it would hardly apply to many who were not "politically



785017

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

...enquired whether he had any objection to the Italian Government commencing to operate under the 150 in North Italy and if not, whether it would take the necessary steps to bring that and later operation down into force.

LT. COL. WHEE replied that those decrees have already been implemented in the North and no further formal step was necessary. If the Italian Government wished to start operating the regional commissions would be notified. A copy of the letter to them would be sent to the High Commission.

24. INTERVIEW. pointed out that GO 25 and GO 46 commissions were still in operation and enquired whether they could come from functioning. Col. VILHEIM said that he saw no reason for their coming out at the moment. They were only conducting the investigatory phase and ordering suspensions. The Italian organization would be some time before it got into its stride and considerable time would elapse before they could complete their first investigations. It seemed much better that the GO 35 Commission should continue with the work already in hand and that the GO 159 Commissions should commence their work by dealing with persons already suspended. When the GO 159 Commissions had heard all the cases of persons that had been suspended and had "caught up" with the GO 25 Commissions, that would appear to be the time to stop GO 25 Commissions. AG proposed to follow that course.

14. Col. ALLEN then referred to the recently passed Ordinance, under which the position of the Director was laid out and informed that it had been passed by the Council of Ministers and was expected to be published in the Gazette of the 14 Nov 45. He then said that A had one or two points under consideration and that while it had not yet reached any decision as to whether or not it should be added to the Ordinance, perhaps Sig. FERNANDEZ would like to know what these points were. He might be able to clear the points and show that there was no reason for any Allied concern. Sig. FERNANDEZ said he would be interested to hear what his points were and Lt. Col. ALLEN continued that his first point concerned education. No school teacher and probably few professors were Grade 7 or higher. It would appear, therefore, that, generally speaking, no teachers could be expected. The Allies could hardly be expected to deal with incompetency. The prospect that school masters who had been revolutionaries and teaching Fascist ideology should continue to instruct the youth of the country in the next receptive years. The conversation and teaching by schoolmasters who had Fascist ideals was a far more potent influence than many of the Fascist textbooks which had been expurgated. In the school alone it had been necessary to suppress 15 out of 17 books.

SEN. FRANKLIN DUNN said that he agreed with the views expressed but pointed out that though opposition was, in normal cases, limited to officials of Grade 7 and up, while employees of lower grades might be operated if they had also a pension plan and he thought that teachers could be operated under this provision.

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

14. Col. Hill then referred to the fact that all minor incidents had been abated with the exception of reduction in grade and asked whether this was intentional or it occurred accidentally. Mr. HENRY HILL replied that it had been explained usually as an internal administrative measure to enable the Director



785017

170

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

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

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

Lt. Col. WHITE then referred to the clause of the decree which stated that all de facto suspensions were revoked from the date of the decree coming into force and that this expression appeared to be wide enough to include all suspensions which had been made in the North under GO 25. If this meant that the whole of the work of the Allied Commission in purging the North of fascists would appear to be annulled at one stroke. Further, it had been agreed with the Italian Government that persons suspended by AMG should remain suspended until their cases had been considered under AM 159.

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

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

Lt. Col. WHITE concluded by re-drawing attention to the fact that the consideration of the decree by AM had not yet been concluded and that the conversation was purely exploratory. If he desired to make any representation that **3273** be the subject of a more formal communication. Sig. FANTUCCI-OLIVA said that the decree would shortly be going before the Council who might make amendments. That decision might also be the opportunity of considering any further alterations which might be desirable.



1493

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

785017

169

1005-90

Ref: DF/LA/OA

10 November 1945

NOV 13 1945

My dear Mr. Prime Minister,

I hope it will be possible for you to let me have a reply at an early date to my letter DF/LA/OA of 6 October 1945 dealing with the action which your Government has been taking to dissolve or separate the fascist organisations referred to in that letter.

Yours very truly,

15K  
[s] Ellery W. Stone

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

Professor Ferruccio Parri  
The President of the Council of Ministers  
Italian Government  
Rome

cc K C.C. ✓  
E.C.

3276

208  
19/11



785017

NOV 10 1945

the draft decree on liquidation puts an end to the present system of epuration but does not affect the treatment of fascist crimes or the recovery of improper fascist profits.

All discharges or retirements already effected will stand but from the passing of the decrees onwards; generally speaking the only persons liable to be expatriated will be officials of Grade 7 standing and upwards.

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

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

been discussed, action under the proposed decree in Italian administered territory may be taken against any official in the first 7 Grades before the 31 Mar 46 and within 3 months of restoration to Italian administration so far as the remainder of Italy is concerned. So far as South Italy is concerned, expatriation is therefore re-opened but presumably only so far as a relatively few particular persons are concerned.

this is not iniquitable; they were only following a then permitted morality and many of them have so long been public servants that they would be quite unfitted to earn their living in other spheres

As regards professions; As regards professions;



but does not affect the treatment of fascist crimes or the recovery of improper fascist profits.

Very largely it makes use of the existing epuration machinery but DL 159, where it is inconsistent with the New Decree, is over-riden.

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

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

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

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

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

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

action under the proposed decree in Italian administered territory <sup>3275</sup> taken against any official in the first 7 grades before the 31 Mar 46 and within 3 months of restoration to Italian administration so far as the remainder of Italy is concerned.

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

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

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

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

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



167  
Improper fascist profiles or have been realized under 12, 13, or have held certain  
principal fascist activities, are terminated and their employees are subject to  
penalties if they continue to employ them. Persons so dismissed are entitled  
to certain payment in compensation.

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

On Section  
40 Nov 45

*[Signature]*  
S.M. SMITH, Lt Col.

3274

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

785017

1490



1497

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

785017

EC. Personal

See marked  
Is - pp 455.

Can we see  
new operation  
decree - pls?

This is urgent

$\frac{6}{11}$

Seen by E.C.  
6/11

WJ  
cc



The Council of Ministers.

Giornale del Mattino reports that the Council approved a draft decree, proposed by the Minister of the Treasury, which will be examined by the Consultative Assembly, concerning the regulation of payments connected with imports from and exports to Allied countries. In connection with the decisions of the Interministerial Price Committee the Council also approved a draft legislative decree, proposed by the Minister of Posts and Telegraphs, increasing the rate of subscriptions for listeners to wireless broadcasts to 420 lire as from 1st January 1946. On the proposal of the Minister of Food an important draft legislative decree was approved governing the formation and subsidizing of food organizations, even in cooperative form, for the purpose of supplying food to State employees and the staff of public bodies and for the mass food supply of urban centres. This measure, on which the opinion of the Consultative Assembly will be urgently requested, aims at fulfilling the pledge undertaken by the State, in view principally of the difficulties created by the winter, to improve the food supply conditions of its employees and the working classes, by granting subsidies for the expense of organization and equipment, advances to facilitate the creation of the circulating capital, and facilities for financing .... The Council finally discussed the guiding principles of the Standing Rules of the Consultative Assembly.

The Referendum.

In a leading article in Italia Nuova Arturo Pettoni writes: "Our State is founded on the 'Statuto' and the plebiscites; in fact, with the formation of the Kingdom of Italy, the Fundamental Law of the State, promulgated on March 4th, 1848, becomes plebiscitary. It seems, therefore, impossible to deny that the Kingdom of Italy was ratified by plebiscites as well as the 'Statuto' and that this constituted the real system of its creation; how, then, can one claim to omit having recourse to the same procedure, if a legal pronouncement on the form of the State is desired?.... Let us allow the citizen to follow freely the guidance of one or other of the Parties, inspired exclusively by its political and social programme, and without having to worry himself about whether his candidate has Monarchist or Republican ideas. Let us, in short, let him choose directly, without having to delegate his right to choose to somebody else, the institutional forms he prefers."

Eputation.

Avanti's leading article replies to the criticisms levelled by "Italia Nuova" (see yesterday's Headlines) against Nenni's new draft law on eputation. Avanti begins by saying that "yesterday's newspaper headlines, with the sole exception of 'Italia' (so-called) Nuova", were almost unanimous in admitting that the law on eputation proposed by Nenni and approved by the Council of Ministers is an act of pacification that will lessen tension. The truth is that the old law on eputation was applied generically to 1,400,000 employees of the State and local bodies, while the new law applies to less than 50,000 officials of the first seven XXIX grades of the administrative structure. The truth is that the eputation of the albi, which number 20, has been entrusted, with a calm gesture of confidence, to the organizations of the professions, arts and crafts. The truth is that the extension of eputation to private employment is limited to a few thousand persons definitely described as



785017

with the decisions of the Interministerial Price Committee the Council also approved a draft legislative decree, proposed by the Minister of Posts and Telegraphs, increasing the rate of subscriptions for listeners to wireless broadcasts to 420 lire as from 1st January 1946. On the proposal of the Minister of Food an important draft legislative decree was approved governing the formation and subsidizing of food organizations, even in cooperative form, for the purpose of supplying food to State employees and the staff of public bodies and for the mass food supply of urban centres. This measure, on which the opinion of the Consultative Assembly will be urgently requested, aims at fulfilling the pledge undertaken by the State, in view principally of the difficulties created by the winter, to improve the food supply conditions of its employees and the working classes, by granting subsidies for the expense of organization and equipment, advances to facilitate the creation of the circulating capital, and facilities for financing .... The Council finally discussed the guiding principles of the Standing Order of the Consultative Assembly.

#### The Referendum.

In a leading article in Italia Nuova Arturo Pettoni writes: "Our State is founded on the 'Statuto' and the plebiscites; in fact, with the formation of the Kingdom of Italy, the Fundamental Law of the State, promulgated on March 4th, 1848, becomes plebiscitary. It seems, therefore, impossible to deny that the Kingdom of Italy was ratified by plebiscites as well as the 'Statuto' and that this constituted the real system of its creation; now, then, can one claim to omit having recourse to the same procedure, if a legal pronouncement on the form of the State is desired?.... Let us allow the citizen to follow freely the guidance of one or other of the Parties, inspired exclusively by its political and social programme, and without having to worry himself about whether his candidate has Monarchist or Republican ideas. Let us, in short, let him choose directly, without having to delegate his right to choose to somebody else, the institutional forms he prefers."

#### Epurazione.

Avanti's leading article replies to the criticisms levelled by "Italia Nuova" (see yesterday's Headlines) against Nenni's new draft law on epuration. Avanti begins by saying that "yesterday's newspaper headlines, with the sole exception of 'Italia' (so-called) Nuova", were almost unanimous in admitting that the law on epuration proposed by Nenni and approved by the Council of Ministers is an act of pacification that will lessen tension. The truth is that the old law on epuration was applied generically to 1,400,000 employees of the State and local bodies, while the new law applies to less than 50,000 officials of the first seven XXIX grades of the administrative structure. The truth is that the epuration of the albi, which number 20, has been entrusted, with a calm gesture of confidence, to the organizations of the professions, arts and crafts. The truth is that the extension of epuration to private employment is limited to a few thousand persons definitely described as Fascist managers. The truth is that, far from wanting to have Italy at his mercy, the High Commissioner, who is getting ready to disappear the moment his task is completed, wanted to give each individual administration the right, or obligation, to put its own house in order. All the same we agree that the law leaves in the hands of the administration concerned, of the Government, and ultimately of the High Commissioner's office, two weapons

3273



1500

785017

of considerable importance, namely that of eliminating from the administration the employees of any grade and function whatsoever whose conduct is found to have afforded proofs of serious Fascist partisanship or who have effectively been of service to the Nazis, and that of putting the civilian and military employees of the State on the retired list."

Risorgimento Liberale publishes an interview with Brosio who said: "Taken as a whole the decree aims at introducing greater leniency into the epuration proceedings, especially in the case of public officials of the lower grades. The discussion of the decree centred chiefly round the following three points: (1) In spite of my energetic insistence the Council of Ministers did not consider it necessary to submit the draft decree to the Consultative Assembly for its opinion; (2) by means of a separate decree, but simultaneous with that on epuration, the time-limit for the retirement of high grade officials, which had already expired in February 1945, was reopened, and extended to the fifth grade .... It is certainly not a good legislative principle to provide, by means of General regulations, for possible exceptional cases. Who is going to prevent a new Government from discovering fresh mistakes and fixing fresh time-limits? At a certain point the necessity for certainty that a law is going to remain unchanged can even be greater than the need for total justice; (3) finally the regulations for the epuration of the private firms were approved, the discussion centring round the principle and political unsuitability. Undoubtedly to admit of inability, on political grounds, to earn one's bread in private firms, is extremely serious and has no recent precedents in the history of civilized peoples.... It must not be forgotten that Italy has an extreme need to make use of, and not to send away, her managers and technicians."

In his editorial in Voce Repubblicana Pacciardi shows, by statistics, that only very small proportions of the staffs of the four Ministries he cites and of the Council of State have so far been purged in epuration proceedings, and considers that it is monstrous that after two years the epuration of the administration of the old Fascist State is contemplated. He then criticizes the proceedings of what he calls "the mock High Court of Justice, whose President has had Fascist antecedents, though of a mild nature." The day before yesterday this High Court had to try "together with other scandalous profiteers of the Fascist regime, Senator Pietro Badoglio (see yesterday's Headlines). It appears that not all the members of the Court knew this. The 'rapporteurs' had not been appointed. We hope that at least the office of the High (they are all high!) Commissioner for Epuration, which ought to function as a kind of Public Prosecutory knew of it! Our attention had been called to this exceptional judgment. His case was mysteriously put off. Why? It is whispered (the customary excuse) that it was due to Allied intervention. But Menni is a member of the Government, and if there was any intervention of this nature, he ought to know of it. Thus he would avoid putting off to-day, for the High Court to try, persons who are untouchable and regularly acquitted, thereby greatly diminishing his personal prestige and the authority of the Commissionership over which he presides. But we very much have our doubts about any Allied intervention. The truth is, (and we can always see this for ourselves every time we are obliged to concern ourselves with some important scandal), that a thousand influences are mobilized and that, in a Government of this kind, all intentions are powerless against visible and invisible opposition .... The principle that inspires the new epuration law seems fair to us, but we are very sceptical about its application, since it is entrusted to the organs concerned."

Tempe reports that Bonomi states that the new epuration law "constitutes a grave error". He recalls that the Council of Ministers

272

164



785017

said: "Taken as a whole the decree aims at introducing greater leniency into the epuration proceedings, especially in the case of public officials of the lower grades. The discussion of the decree centred chiefly round the following three points: (1) In spite of my energetic insistence the Council of Ministers did not consider it necessary to submit the draft decree to the Consultative Assembly for its opinion; (2) by means of a separate decree, but simultaneous with that on epuration, the time-limit for the retirement of high grade officials, which had already expired in February 1945, was reopened, and extended to the fifth grade .... It is certainly not a good legislative principle to provide, by means of general regulations, for possible exceptional cases. Who is going to prevent a new Government from discovering fresh mistakes and fixing fresh time-limits? At a certain point the necessity for certainty that a law is going to remain unchanged can even be greater than the need for total justice; (3) finally the regulations for the epuration of the private firms were approved, the discussion centring round the principle and political unsuitability. Undoubtedly to admit of inability, on political grounds, to earn one's bread in private firms, is extremely serious and has no recent precedents in the history of civilized peoples.... It must not be forgotten that Italy has an extreme need to make use of, and not to send away, her managers and technicians."

In his editorial in *Voce Repubblicana* Pacciardi shows, by statistics, that only very small proportions of the staffs of the four Ministries he cites and of the Council of State have so far been purged in epuration proceedings, and considers that it is monstrous that after two years the epuration of the administration of the old Fascist State is contemplated. He then criticizes the proceedings of what he calls "the mock High Court of Justice, whose President has had Fascist antecedents, though of a mild nature." The day before yesterday this High Court had to try "together with other scandalous profiteers of the Fascist regime, Senator Pietro Badoglio (see yesterday's Headlines). It appears that not all the members of the Court knew this. The 'rapporteurs' had not been appointed. We hope that at least the office of the High (they are all high!) Commissioner for Epuration, which ought to function as a kind of Public Prosecution, knew of it! Our attention had been called to this exceptional judgment."

His case was mysteriously put off. Why? It is whispered (the customary excuse) that it was due to Allied intervention. But Nenni is a member of the Government, and if there was any intervention of this nature, he ought to know of it. Thus he would avoid putting off to-day, for the High Court to try, persons who are untouchable and regularly acquitted, thereby greatly diminishing his personal prestige and the authority of the Commissionship over which he presides. But we very much have our doubts about any Allied intervention. The truth is, (and we can always see this for ourselves every time we are obliged to concern ourselves with some important scoundrel), that a thousand influences are mobilized and that, in a Government of this kind, all intentions are powerless against visible and invisible opposition .... The principle that inspires the new epuration law seems fair to us, but we are very sceptical about its application, since it is entrusted to the organs concerned."

*Tempo* reports that Bonomi states that the new epuration law "constitutes a grave error". He recalls that the Council of Ministers presided over by him, solemnly proclaimed, at its meeting of November 4th 1944, that the purge whereby 1,400 of the officials of the State administrations were eliminated, was the final one. "Now", he added, "Nenni's law reopens this matter, causing a veritable panic among the officials who are already working unwillingly in consequence of their economic situation."

3272



Translation

Tempo, November 14th, 1945

A letter from the On. Bonomi

My dear Editor,

As your paper published some of my words to a group of journalists who mentioned them with incorrect data and figures, kindly allow me to explain my way of thinking.

It is a fact that, preoccupied by the damages caused to the State administration by the uncertainty in which epuration had thrown all the personnel, my first ministry decided to take steps to hasten epuration and give full peace of mind to those who were not to be epurated. The L.D. dated October 11th, 1944, n. 206, discussed by the representatives of the six parties, intended in fact - and the statements which were then made prove it without any possible doubt, - to give back stability and peace of mind to the officials of the first four degrees who deserved to keep their posts. In this way, we intended to reorganize the highest ranks of the administration, intending, (as I see with pleasure that it is now being done) to act less severely in the case of inferior ranks.

The law of October 11th 1944 gave to the President of the Council the special power of discharging civil and military dependents of the State, even when unremovable, belonging to the first four ranks of the State personnel. I made use of this power within the prescribed lapse of time, January 30th of this year, with the help of the ministers, part of whom are still entrusted with the fate of the country today. In this way, nearly one third of the officials of the first four ranks, present in the liberated provinces, were discharged.

It may be that the enforcement of this regulation wasn't perfect, just as the new epuration of the first five ranks which has just been ordered by the new law is sure not to be perfect (Vice President Brosio said so in an interview which corresponds to my way of thinking). In this case, however, there will never be a truce and discharging is to be an endless stillicide.

I want to add that my judgement is only inspired by the following consideration: to upset the trust of the officials in the pledge of the Government not to re-start the epuration which had already been carried out in the higher ranks is most prejudicial, particularly at a time when the reconstruction of the country requires the peaceful and trustful activity of all those who have been kept in the service of the State.

Thank you for the hospitality which I feel sure you will give to this letter.

Ivanoe Bonomi

In an article called 'Epurating agony', Tempo wrote on March 1945 :

"In commercial slang there is one phrase which is worth gold: 'curse a few people only, but at once'. Businessmen are realistic and practical and know that long things 'become snakes'; a bankruptcy procedure destroys the few assets that could be saved; that a lawsuit that has been won is always lost, and an agreement of some kind always to be preferred as long as it is cash down. This is the voice of good sense. We were really ingenious when we asked for the same system to be followed in matters of epuration. We hoped that



785017

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

It is a fact that, preoccupied by the damages caused to the State administration by the uncertainty in which epuration had thrown all the personnel, my first ministry decided to take steps to hasten epuration and give full peace of mind to those who were not to be epurated. The L.D. dated October 11th, 1944, n. 236, discussed by the representatives of the six parties, intended in fact - and the statements which were then made prove it without any possible doubt, - to give back stability and peace of mind to the officials of the first four degrees who deserved to keep their posts. In this way, we intended to reorganize the highest ranks of the administration, intending, (as I see with pleasure that it is now being done) to act less severely in the case of inferior ranks.

The law of October 11th 1944 gave to the President of the Council the special power of discharging civil and military dependents of the State, even when unremovable, belonging to the first four ranks of the State personnel. I made use of this power within the prescribed lapse of time, January 30th of this year, with the help of the ministers, part of whom are still entrusted with the fate of the country today. In this way, nearly one third of the officials of the first four ranks, present in the liberated provinces, were discharged.

It may be that the enforcement of this regulation wasn't perfect, just as the new epuration of the first five ranks which has just been ordered by the new law is sure not to be perfect (Vice President Grosso said so in an interview which corresponded to my way of thinking). In this case, however, there will never be a truce and discharging is to be an endless stillicide.

I want to add that my judgement is only inspired by the following consideration: to upset the trust of the officials in the pledge of the Government not to re-start the epuration which had already been carried out in the higher ranks is most prejudicial, particularly at a time when the reconstruction of the country requires the peaceful and trustful activity of all those who have been kept in the service of the State.

Thank you for the hospitality which I feel sure you will give to this letter.

3271

Luca Bonomi

In an article called 'Epurating agony', Tempo wrote on March 1945 :

"In commercial slang there is one phrase which is worth gold: 'curse a few people only, but at once'. Businessmen are realistic and practical and know that long things 'become snakes'; a bankruptcy procedure destroys the few assets that could be saved; that a lawsuit that has been won is always lost, and an agreement of some kind always to be preferred as long as it is cash down. This is the voice of good sense. We were really ingenious when we asked for the same system to be followed in matters of epuration. We hoped that after so many years of imperial dotage, good sense would prevail.

Six months later, in the article 'Senseless Italians', Il Tempo wrote on September 12th, 1949: 'The motor of epuration functions with difficulty. It strikes a few times and comes to a standstill, just as it happens with a motor which is out of order. Nor has the situation improved since Menni, who, we might say, identified himself with epuration, took the wheel; this proves that something is wrong, not with the man, but with the institute'.



The letter which the On. Bonomi sent us brings to an end the epuration of the bureaucracy of the first four degrees. As it had been fixed, by L.D. dated October 21th, 1944, it was brought to an end as prescribed, before January 1th, and one third of the officials were dismissed. That is enough. Now can a state which is constantly asking and unmaking laws be trusted?

The Bonomi Ministry kept its word. Now, let the Minister for Epuration keep his word, and not only that which he gave in the Milan Unghithater, about the date of the Constituent, but also the other one, less solemnly given to the country on August 29rd. He then announced that epuration would be brought to an end within three months. Well, let people work day and night, mobilize ordinary and special epurators, organize squads of Stalinovist epurators, but let this matter be settled once and for all on midnight of November 29rd, as it was decided. And establish that from November 21th on, whoever dares to speak the word epuration is to be condemned.

For over two years, the life of the country has been brought to a standstill on this absurd position. Besides the fact that the new time limit proposed by Bonomi (March 31st) is absurd, because a country which is already so completely disorganized cannot be kept mortifyingly waiting for another five months, who tells us that having obtained a first delay, Bonomi won't ask for a second a third and more postponements.

More delays and more reopening of concluded cases. Very justly, Vice-President Brosio expressed his disagreement for various reasons, but, above all, Brosio refuses to admit that for political motives, people be prevented from making a living in private concerns. In many parts of Italy, this poor and unfortunate Italy, there is a common saying among the people: "Take the life of those who take your bread away from you."

3273



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

(161)

Ref:

1005/45

23 October, 1945.

SUBJECT: Dr. Lodovico MORONI.

TO : Commissioner,  
Allied Military Government,  
NAPLES.

1. I should be glad if you would make enquiries regarding a Dr. Lodovico MORONI who is alleged to have been Governor of Augusta in Sicily and as such to have been taken prisoner by US forces in 1943. He was subsequently liberated by the US authorities and moved to Naples in 1944. On 12 April 1945 it alleged that he was imprisoned by the Italian authorities and sent to Poggioreale prison where he still awaits trial. The causes of his imprisonment are unknown but it is presumed to be connected with espionage.

2. I should be glad to know if the allegations described above are true and I should be grateful for any information as to the reason for his incarceration.

M. S. LUSH

Brigadier,  
Executive Commissioner.

MSL/JB.

Copy to: Mr. Herron, I.G.O.R., ROME.

3263



1508

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

785017

160

15 October 1945

TO : C.S.O. - C.A. Section

Herewith the F.O. reply to the Egyptian  
legislation question about which I saw you the other  
day. Entries 153 and 155 refer.

S. H. WHITTS  
Captain

TO : Economic Section

We have taken a copy of the letter of 13 Oct 45.

The letter is very "diplomatic", it merely  
deprecates "unnecessary intervention". It does not go  
directly to the point as to our being kept informed, but  
the implication is that we must we cannot intervene unless  
we know what is going on. This letter impliedly supports our view  
that the letter should be sent. We have minuted you on our  
file hereon.

S. H. WHITTS  
Lt. Col.

3268  
19/10

19/10



1507

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

785017

SECRET

159

37/212/45

Chief Commissioner, A.

With reference to Mr. Key's letter of September 17th and your reply of September 20th, the Foreign Office concurs with the views of the State Department as expressed in Mr. Key's letter, and with the suggestion set forth therein for the form of approach to Professor Parri.

The Foreign Office feel that, quite apart from the legal aspects of the question involved in the interpretation of the MacMillan aid-memoire, it is desirable to avoid unnecessary intervention in the question of the purge of Acadists.

/s/ Hopkinson  
Political Advisor (AR).

9.x.45

Copy to: Executive Commissioner,  
Civil Affairs Section,  
Political Advisor (A)

3267

3267



1508

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

785017

CIVIL AFFAIRS SECTION

1 PER - OFFICE MEMO

TO: Executive Commissioner. ✓

OCT 11 1945

- 1 With reference to the Chief Commissioner's point about Defascizing and the abolition of the High Court of Justice, which he raised at his meeting yesterday.
- 2 He may wish to know prior to his next meeting what is the present position:

A copy of the draft decree abolishing the High Court has been sent to this Headquarters and is at present being examined by the Legal S/C. We have no objection in principle to the abolition of the High Court. It was a court specially instituted. The Special Courts of Assize were introduced later to deal with matters of the same nature. It is true that personnel of the High Court were selected from persons of higher standing but that is off-set by the fact that there is an appeal to a higher court from the Special Courts of Assize.

There is a further decree being drafted which will affect the present operation procedure and Menni has already promised to send a copy of this decree in draft to this Headquarters.

We are thus being kept informed of all the changes which are proposed in the matter of operation which is now approaching its closing phase.

Tel. Ext. 525  
11 Oct 45.

*McLan Bujadice*  
M. Gann, Brig.,  
VP, CA Section.

(Capt. Raymond) *CRS* 11/10

*See 32657*  
*PA*  
*15/10*



Ref DE/1A/CA

6 October 1945

My dear Mr. Prime Minister:

I have to refer to Sig. Bonomi's letter 10815/1/7 of 7 Oct 44 with regard to the position of certain fascist organisations, some of which were to be abolished, some were to be re-organised, some were to continue but their staff were to be separated. Particulars of these 27 bodies were contained in a memorandum of the Minister of Justice dated 22 Jun 44 and the proposals are referred to in detail in Sig. Bonomi's letter to which reference is made above and he there promised that a further communication would be made to this Commission in due course.

The matter has been left in abeyance because it was recognised that a considerable time would be necessary to complete whatever had to be done whether it was re-organisation or separation. It is felt however that this Commission should now receive particulars as to how these Societies have been dealt with.

Would you be good enough therefore to supply this Commission with a short summary of the position of these 27 organisations dividing them into four groups.

- a) Group I - Bodies to be abolished.  
Please supply a list of the bodies and against each a reference to the decree abolishing the same.
- b) Group II - Bodies to be re-organised.  
Please supply a list of the bodies and against each a reference to the decree re-organising or re-constituting the same.
- c) Group III - Bodies to be separated.  
Please supply a list showing whether separation is complete or the date it is expected to be finished.
- d) Group IV - Bodies as to which no action is contemplated.  
Please supply a list of these bodies.

Yours very truly

Professor Ferruccio FARINI  
The President of the Council of Ministers  
Italian Government  
R O M E

15/10/45  
HILARY W. 326  
Rear Admiral, USNR  
Chief Commissioner



1005  
**SECRET** *Mo*

**OUTGOING MESSAGE  
HEADQUARTERS ALLIED COMMISSION**

**TO: AFHQ, SACMED**

**REF. NO: 6121**

**DATE: 26 SEPTEMBER 1945**

**PRECEDENCE: ROUTINE**

**USE ONE TIME PAD PD SECRET PD**

SEP 27 1945

FURTHER MY FOUR FIVE FIVE FOUR OF THREE ONE AUGUST YOUR FOX FOUR ZERO FIVE TWO EIGHT  
OF TWO SEPTEMBER PD BADOGLIO WAS FORMALLY SERVED YESTERDAY FOR THE FIRST TIME WITH  
SUMMONS FROM THE HIGH COURT OF JUSTICE IN PURGATION PROCEEDINGS AGAINST HIM AS SENATOR  
PD IN ACCORDANCE WITH USUAL PROCEDURE HE WAS OFFERED OPPORTUNITY TO REVIEW THE  
CHARGES FILED BY THE HIGH COMMISSARIAT AND TO ENTER HIS DEFENSE WITHIN FIFTEEN DAYS PD  
BADOGLIO HAS SENT TO ME A COPY OF HIS ANSWER DATED TODAY CMA <sup>SO FAR</sup> NOT MADE PUBLIC CMA  
WHICH READS AS FOLLOWS COLON

PAREN TO AFHQ CMA SACMED FROM HQ ALCON FROM ADMIRAL STONE CITE ACSCC PAREN

QUOTE TO THE PRESIDENT OF THE HIGH COURT OF JUSTICE PD I REFER TO YOUR COMMUNICATION  
NUMBER TWELVE SLANT TWO FOUR NINE OF THE TWENTY FIFTH PD PARA MY CONDUCT AS SENATOR  
OF THE KINGDOM IS RECORDED IN THE MINUTES COMPILED BY THE SECRETARIAT OF THE SENATE  
FOR EVERY MEETING CMA AND I THEREFORE CONSIDER ANY EXPLANATION IN THIS REGARD TO  
BE SUPERFLUOUS PD PARA BUT I CANNOT HIDE HOW PAINFULLY SURPRISED I HAVE BEEN BY  
THE DENUNCIATION OF THE HIGH COMMISSARIAT PD EVIDENTLY IT HAS BEEN FORGOTTEN THAT  
THE PERSON WHO OVERTHREW FASCISM CMA WHO UNDERTOOK THE TREMENDOUS RESPONSIBILITY  
OF CONCLUDING THE ARMISTICE CMA WHO DECLARED WAR ON GERMANY CMA WHO WAS ITALYS  
LEADER FOR TEN MONTHS UNTIL THE LIBERATION OF ROME CMA WAS I PD PARA IF ITALY

PAGE 1 OF 2 PAGES

**SECRET**

3262

*148*

(CSO)



SECRET

PAGE 2 OF 2 PAGES

6121

20 SEPTEMBER 1945

DOES NOT FIND HIMSELF IN THE SAME CONDITION TODAY AS GERMANI CMA AS THE SUPREME  
ALLIED COMMANDS CAN CERTIFY CMA SHE OWES IT TO ME PD PARA ALLOW ME CMA MR  
PRESIDENT CMA TO THANK YOU FOR ALLOWING ME TO ENTER THE FILMS CONCERNING ME IN  
THE CHANCELLERY OF THE HIGH COURT CMA BUT I SHALL NOT EXAMINE ANY FILES CMA NOR  
WILL I SAY A WORD IN MY DEFENSE PD PARA I REM YOU CMA MR PRESIDENT CMA NOT TO  
GIVE A WRONG INTERPRETATION TO THIS COURSE I HAVE CHOSEN CMA WHICH IS NOT DICTATED  
BY ANY LACK OF RESPECT FOR THE ITALIAN MAGISTRACY CMA BUT ONLY BY THE FROUD FEELINGS  
OF MY CONSCIENCE PD UNQUOTE PARA  
FROM THE FOREGOING IT SEEMS CLEAR THAT BADOLIO WILL NOT ASK FOR A STATEMENT FROM  
THE ALLIES OF HIS SERVICE IN THE ALLIED CAUSE

DISTRIBUTION:

US AMBASSADOR  
BR AMBASSADOR  
US POLAD AC  
BR POLAD AC  
CA SECTION  
EXEC COMB  
CC

Chief Commissioner

222

ELIZABETH W. STONE  
Rear Admiral, USN  
Chief Commissioner

SECRET

3263



1512

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

785017

145

Ref: 1005/145/EC.

24 September 1945.

SUBJECT: Epuration.

TO : H. L. d'A. Hopkinson Esq., O.M.C.,  
Deputy British High Commissioner,  
British Embassy,  
84, Via Venti Settembre,  
Rome.

134.

The Chief Commissioner presents his compliments and would be grateful if you could inform him as to whether the Foreign Office have yet expressed their views on the draft letter to Professor Parri which he forwarded you with his letter of the 7th September 45.

For your information the Allied Commission has been told by the American Embassy that in the view of the Department of State the Italian Government should not be required to submit legislation on epuration to the Allied Commission for prior approval.

R. T. 1005

✓  
Brigadier,  
Executive Commissioner.

3262

3/10

Noted



HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
REGION LOMBARDIA  
APO 394

Office of Regional Commissioner.

21 September 1945.

Subject : Epuration of Catholic  
University, Milan.

SEP 24 1945

To : VP, CA Section,  
HQ. - Allied Commission.

Dear Brigadier, *Car*,

I have just received your letter (ED/7K/5.2/AC dated 17 Sep 45) regarding the Epuration of the Catholic University. Since I have only very recently taken over the duties of Regional Commissioner, the matter is largely new to me (Col. Poletti, as you may know, was dealing with it personally), but on considering it carefully, I find myself somewhat embarrassed by the situation which I have inherited.

In your letter you instruct me to return Father GEMELLI to his previous post as Rector of the Catholic University, on the basis of a recommendation by the internal Commission of Epuration of the University, and a subsequent approval of this recommendation by the Vatican and ultimately by your HQ. From my own knowledge, however, I should have said that Father GEMELLI was a very doubtful person to be retained as Rector, and this view of mine is only strengthened by the statement made to me by the Regional Education Officer, Major Vesselo, whom I have naturally consulted. Major Vesselo informs me that when the question was referred, as all such questions are officially referred in the normal way of business, to the Regional Security Office, the latter expressed itself rigorously in principle against GEMELLI's statements, which can be documented, and the strong feelings he has roused against himself in many sections of the population. I have in fact seen a confidential letter sent by ~~MONTELLI~~ the President of the CLNAI, to Col. Poletti, in which he declares GEMELLI to be "tre volte epurabile". In the face of this, my fear is that if we put GEMELLI back we may stir up an outburst of popular feeling; particularly as we have already had a case in some ways similar at the University of Milan. In the case of the University of Milan, the trouble could not have been foreseen, as the person in question was elected by a great majority of the Professors, and there had been no denunciations against him previous to the elections; but that seems to me to make it all the more



21 September 1945.

Subject : Epuration of Catholic  
University, Milan.

To : VP, CA Section,  
HQ. - Allied Commission.

SEP 24 1945

Dear Brigadier, *Carr*

I have just received your letter (LD/7K/5.2/AC dated 17 Sep 45) regarding the Epuration of the Catholic University. Since I have only very recently taken over the duties of Regional Commissioner, the matter is largely new to me (Col. Poletti, as you may know, was dealing with it personally), but on considering it carefully, I find myself somewhat embarrassed by the situation which I have inherited.

In your letter you instruct me to return Father GEMELLI to his previous post as Rector of the Catholic University, on the basis of a recommendation by the internal Commission of Epuration of the University, and a subsequent approval of this recommendation by the Vatican and ultimately by your HQ. From my own knowledge, however, I should have said that Father GEMELLI was a very doubtful person to be retained as Rector, and this view of mine is only strengthened by the statement made to me by the Regional Education Officer, Major Vesselo, whom I have naturally consulted. Major Vesselo informs me that when the question was referred, as all such questions are officially referred in the normal way of business, to the Regional Security Office, the latter expressed itself rigorously in principle against GEMELLI's retention. The reasons are GEMELLI's many pro-fascist public statements, which can be documented, and the strong feelings he has roused against himself in many sections of the population. I have in fact seen a confidential letter sent by ~~Major Vesselo~~ the President of the CLNAI, to Col. Poletti, in which he declares GEMELLI to be "the volte epurabile". In the face of this, my fear is that if we put GEMELLI back we may stir up an outburst of popular feeling; particularly as we have already had a case in some ways similar at the University of Milan. In the case of the University of Milan, the trouble could not have been foreseen, as the person in question was elected by a great majority of the Professors, and there had been no denunciations against him previous to the elections; but that seems to me to make it all the more desirable that we avoid a recurrence when the case is foreseeable, where an I.M.G. order is involved (not an election), and where it concerns a man so much in the public eye as GEMELLI. I am afraid that the public protests, which I regard as inevitable, would not be limited to Milan or Lombardia.

*B. J. Carr*

*See memo 11/17*



1513

785017

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

143

Mejor Vesselo has made it quite clear to me that the question has been discussed in detail over a long period (both here and in Rome), and that your letter is the last link at the end of a chain. However, while not wishing to return over ground already traversed, I feel at the same time that I should be lacking in my duty if I did not at least put on record my personal feeling concerning the possibly grave consequences of our rein-statement of GEMELLI.

Since the matter of GEMELLI must in any case be handled ultimately by the Ministry of Public Instruction under D.L.L. 159, my own suggestion is that it be held in suspense for the time being and left simply for the Minister's decision at the proper time. The chief objection to this procedure from the side of the Vatican, as I understand it, is that it will delay reopening of the University. This need not, however, be a real difficulty, as I am fully prepared to give instructions immediately for all necessary steps to be taken to get the University functioning again - under, temporarily, the Pro-Rector. This would mean suspending all those Professors recommended for suspension by the Epuration Commission, getting the rest to elect Deans of Faculties, and so declaring the University fully at liberty to carry on.

I realize that if the Vatican authorities wish to insist on our carrying out our agreement with them to the letter, they are strictly able to do so; but I would urge you to request them to consent to this compromise, for the sake of all parties concerned including themselves, since they would also be open to attack from the Press.

Yours, sincerely,  
*William Brewster*

Copy to :-  
Executive Commissioner.



785017

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

the same time that I should be lacking in my duty if I did not at least put on record my personal feeling concerning the possibly grave consequences of our rein-statement of GAMBELLI.

Since the matter of GAMBELLI must in any case be handled ultimately by the Ministry of Public Instruction under D.L.L. 159, my own suggestion is that it be held in suspense for the time being and left simply for the Minister's decision at the proper time. The chief objection to this procedure from the side of the Vatican, as I understand it, is that it will delay reopening of the University. This need not, however, be a real difficulty, as I am fully prepared to give instructions immediately for all necessary steps to be taken to get the University functioning again - under, temporarily, the Pro-Rector. This would mean suspending all those Professors recommended for suspension by the Epuration Commission, getting the rest to elect Deans or Faculties, and so declaring the University fully at liberty to carry on.

I realize that if the Vatican authorities wish to insist on our carrying out our agreement with them to the letter, they are strictly able to do so; but I would urge you to request them to consent to this compromise, for the sake of all parties concerned including themselves, since they would also be open to attack from the Press.

Yours sincerely,

*Carlo Hanke*

Copy to :-  
Executive Commissioner.



1517

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

785017

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

143A

C.S.O.

SEE FORM 143B

Revision to be cleared by both P.D. acts.

175/2115

Note. Telephoned C.A.S.

Wait for views of Br. Phil.

24/9.

152  
3256



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

785017

1  
 E.C.  
 Plo <sup>revise</sup> draft letter  
 to Paris as per  
 last part of  
 Embassy letter,  
 according to the  
 Term "Instructions  
 of Surrender" -  
 Outmoded since

2  
 The Brindisi  
 protocol of 9/11/73  
 Plo return  
 original letter  
 from Embassy  
 for CC files

3258

SAC-FOWC

3257



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

1005 u

EC

20 September 1945

Dear Mr. Key:

Thank you for your letter of 17 September 1945,  
which gives the State Department's view that the Italian  
Government should not be required to submit legislation  
on epuration to the Allied Commission for prior approval.

Sincerely yours,

/s/ Ellery W. Stone

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

Mr. David McK. Key,  
Charge d'Affaires a.i.  
American Embassy,  
Rome.

DISTRIBUTION:

EXEC. COMM.             
CA SEC.  
POL. ADVSR. (A)  
POL. ADVSR. (B)  
CC

3256

(As Received)



1520

785017

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

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY  
Rome, September 17, 1945

My dear Admiral Stone,

I refer to your letter of September 7, 1945, to the Ambassador enclosing a draft letter to the Prime Minister with respect to Signor Nenni's interpretation of the responsibility of the High Commissioner for the Punishment of Fascist Crimes to submit epuration legislation to the Allied Commission in the light of the MacMillan Aide Memoire of February 24, 1945. It is my understanding that you did not intend to address Professor Perri on this subject until after Brigadier Carr had received confirmation of Signor Nenni's views as expressed in the first paragraph of the draft letter. Meanwhile the Embassy has received the views of the United States Government with respect to the position of the Allied Commission as outlined in the draft letter, which I hasten to transmit to you.

In the view of the Department of State the Italian Government should not be required to submit legislation on epuration to the Allied Commission for prior approval. It is considered that the Italian Government is implementing Article 30 of the Instrument of Surrender which relates to defascistization and, as long as it carries out its obligations in this respect, no useful purpose would be served by the Allied Commission exercising direct control over details of this delicate task. In addition to the belief that such control would be contrary to general policy towards Italy and the spirit of existing directives, it is felt that to insist on the Italian Government submitting its epuration legislation to the Allied Commission for approval is to risk accusations of interference in Italian internal politics and unnecessary responsibility for methods of epuration.

With respect to your draft letter to Professor Perri, the Embassy has been instructed to suggest that the Allied Governments are following with interest the implementation of Article 30 of the Instrument of Surrender, that they wish to be kept fully informed through the Allied Commission of all action taken by the Italian Government in this respect, and that finally the right is reserved to intervene if it is apparent that the Government is not properly carrying out its obligations.

Sincerely yours,

/s/ David McK. Key  
Charge d'Affaires

Rear Admiral Ellery W. Stone,  
Chief Commissioner,  
Allied Commission,  
Rome.

3255  
SEE FILE  
FILED A-B



1521

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

785017

1005  
**SECRET**

*Ex bonum*  
136

F44222  
SEP 181737A

F/8165  
SEP190900A  
ROUTINE

*From:* AFHQ, SIGNED SACRED CITE FHCBI  
*To:* ACTION AL COM

SEP 20 1945

124

**SECRET.**

For Admiral STONE. See your cable 4370 of 28 August.

1. This headquarters has no objection to the trial of General CARBONE by the Italian military tribunal.

2. However you should inform the Italian Government that no material embarrassing to either the British or United States Governments should be made public. If such material is necessary for the trial steps should be taken to preserve the secrecy as was done in the ROATTA trial.

LIST

- ACTION: SO to Chief Commissioner 2
- INFO: Ex Commissioner 2
- US Ambassador
- Br Ambassador
- POLAD (A)
- POLAD (B)
- CA Sec
- File

*See 1134*

**SECRET**

HEADQUARTERS  
10 SEP 325  
A. H. C.

*(Not Kennedy)*

1522

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

785017

6008

Exec Commr.

137

18 September 1945.

SEP 19 1945

Dear Mr. Key:

Thank you for your letter of 17 September 1945 which conveyed the State Department's views with respect to Marshal Badoglio's request to the Commission and to the British Embassy for intercession with the High Court of Justice regarding the Court's present consideration of his expatriation from the Senate.

Sincerely yours,

/s/ Ellery W. Stone

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

Mr. David M.K. Key,  
Charge d'affaires a.i.  
American Embassy,  
Rome.

3253

(CSO) 008 PA 20/9



1523

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

THE FOREIGN SERVICE  
OF THE  
UNITED STATES OF AMERICA

AMERICAN EMBASSY  
Rome, September 17, 1945

Dear Admiral Stone,

SEP 19 1945

The Embassy has received the views of the Department of State with respect to Marshal Badoglio's request to you and to the British Embassy for intercession with the High Court of Justice with respect to its present consideration of his expatriation from the Senate. The Department is of the opinion that the United States Government, on the basis of Marshal Badoglio's present alarm, should not intercede on his behalf and it has furthermore expressed approval of the position taken by you in your telegram 4554, August 31, to AFHQ with respect to your decision that you did not propose to take any action on the basis of Badoglio's approach to you. The Department furthermore is of the opinion that no statement along the lines suggested by AFHQ in its cable no. F40528, September 2, to you is necessary.

Sincerely yours,

/s/ David McK. Key  
Charge d'Affaires a.i.

Rear Admiral Ellery W. Stone,  
Chief Commissioner  
Allied Commission,  
Rome.

CC DIST:

Exec. Commr.  
Polad (B)  
G-5

136  
137

2253

1324

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

785017

1005 40  
**SECRET**

F 42812  
SEP 121527B

F/7419  
SEP 123030B

ROUTINE

FROM: AFHQ SIGNER SACRED CITY JNGRO  
TO: ALIGH

SEP 13 1945

**SECRET.**

Reference our F 40528.

Request your views earliest.

LIST

ACTION: GO to Chief Commissioner  
INFO: US Embassy  
Brit "  
Exec Commissioner 2  
POLAD (A)  
POLAD (B)  
CA Sec.  
File



**SECRET**

3252  
14/9

(Ans Renshaw)

1525

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

785017

100548

EC

7 September 1945

SEP 10 1945

Dear Mr. Kirk:

The attached draft letter to the Prime Minister is forwarded so that you can request the State Department's views.

Nenni is being requested to state his position in writing.

Sincerely,

13/ Ellery W. Stone

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

The Hon. Alexander Kirk  
The American Ambassador  
119 Via Vittorio Veneto  
Rome

Copies to:

EXEC COMAR

C.A. SEC.

(ON FILE DF/2A/CA)

SEE FILE

3253  
3251  
10/9

(Mrs. Renslow)



7 September 1945

Dear Mr. Hopkinson:

The attached draft letter to the Prime Minister is forwarded so that you can request the views of the Foreign Office.

Nenni is being requested to state his position in writing.

Sincerely,

/s/ Ellery W. Stone

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

Mr. H. L. d'A. Hopkinson  
Deputy British High Commissioner  
British Embassy  
84, Via Venti Settembre  
Rome

1 Incl.

COPIES TO:

EXEC COMAR  
C.A. SEC.

3250

1527

785017

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

DRAFT

HEADQUARTERS ALLIED COMMISSION  
AFC 394  
CIVIL AFFAIRS SECTION

Ref IT/2.A/CA

3 Sep 45

SFP 10 1945

My dear Mr. Prime Minister:

At a recent meeting between Brig CARR, the Vice President of the Civil Affairs Section, and Sig. NEMMI, the High Commissioner for Refascism, Sig. NEMMI was understood to say that Mr. Harold MACMILLAN's Aide-Memoire of the 24 Feb 1945 relieved the High Commission from any obligation to consult this Commission on its proposals for Epuration or to submit pending legislation on this subject to this commission prior to its final approval.

In the view of this Commission, the whole of Mr. MACMILLAN's Aide-Memoire is controlled by the limiting words "in the matter of day to day administration" which appear in the first paragraph thereof. Refascism is a very special subject of particular importance and interest to the Allies which is specifically dealt with in the Armistice Terms (Art 30).

This Commission is of opinion, first that a specific provision in the Armistice Terms is not over-ridden by a memoire as to the spirit in which the terms in general will be interpreted and secondly that the Aide-Memoire cannot apply to Refascism as that is not a "matter of day to day administration".

I shall be glad to hear that you agree with my views.

Yours very truly

ELDERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

My dear Mr. Prime Minister:

SEP 10 1945

At a recent meeting between ERIC CARP, the Vice President of the Civil Affairs Section, and SIG. MENZI, the High Commissioner for Refascism, SIG. MENZI was understood to say that Mr. Harold MACMILLAN's Aide-Memoire of the 24 Feb 1945 relieved the High Commission from any obligation to consult this Commission on its proposals for Expiration or to submit pending legislation on this subject to this commission prior to its final approval.

In the view of this Commission, the whole of Mr. MACMILLAN's Aide-Memoire is controlled by the limiting words "in the matter of day to day administration" which appear in the first paragraph thereof. Refascism is a very special subject of particular importance and interest to the Allies which is specifically dealt with in the Armistice Terms (Art 30).

This Commission is of opinion, first that a specific provision in the Armistice Terms is not over-ridden by a memoire as to the spirit in which the terms in general will be interpreted and secondly that the Aide-Memoire <sup>3243</sup> cannot apply to Refascism as that is not a "matter of day to day administration".

I shall be glad to hear that you agree with my views.

Yours very truly

ALLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

(ORIGINAL DRAFT ON)  
FILE DF-2A/C-A

10/4



1529

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

785017

CIVIL AFFAIRS SECTION

SECRET

130

Ref. line 4554 of 119

TO: Executive Commissioner.

SEP 4 1945

127.

- 1 Reference para 5. The following observations are made for your information.
- 2 There are also certain consequential results of removal from Senatorship:

Under IL 364: His accounts may be investigated and any increase in his estate since the advent of fascism (or the appointment in a Senatorship had that been later) may be declared forfeit if he cannot show that it accrued legally. (i.e. only corruptly gained money is forfeit.)

Under DL 472: (Only received in this office on 30 Aug 45.) A Senator deprived of office may not hold the position of director, manager or receiver of a company whose share capital exceeds 5 million lire, (or of an insurance company whose capital exceeds 1 million lire.) This does not affect his shareholding or rights to receive the dividend or profits.

Neither of these are, technically speaking, punishments. Under the first his accounts become liable to investigation but there is no further result unless corruption is proved.

As regards the second, the policy is that those who have showed themselves subservient or venal shall not be entrusted with the management of considerable concerns but they do not lose their property rights.

- 3 I have also heard that dismissal as a Senator deprives the individual of the right to vote but I am trying to obtain confirmation of this.

3 Sep 45.

check with  
cda  
Nor aff 15  
Affid before 1925

MC 3248  
L. CAR,  
Brigadier,  
VP CA Section.

see M131  
8/9

1530

785017

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

1005

Ex Comm

129

F40528  
SEP 021545B

**SECRET**

F/6281  
SEP 031000B  
ROUTINE

From: AFHQ SIGNED SIGNED CITE FROM  
to: ALCOM ROOM

SEP 3 1945

127

SECRET.

Reference your 454 August 31.

View G5 Section not yet agreed by other sections with reference para 4 your signal is that if statement is requested for use before secret jury we cannot refuse it.

Statement should be prepared by ALCOM and carefully worded to contain only firm facts and submitted to AFHQ for review. No indication of preparation of statement to be given to any persons except those directly interested in ALCOM and AFHQ.

Statement not to be released to person before high court without approval of AFHQ. Your views which presume will include those your political advisors on above desired.

DEPT

ACTION: SO to Chief Commissioner  
INFO: Chief Commissioner  
US Embassy  
RE Embassy  
Ex Commissioner 2  
POLAD(A)  
POLAD(B)  
CA Sec  
File

127

3247

Bo with original file  
Rab 3/4

(M/C Note: Believe reference 454 should read 4554)

(No Kensler)

**SECRET**

1005  
SECRET

AFHQ

4554

31 AUG 45

PRIORITY

AUG 31 1945

SECRET PD

PARA ONE PD PLEASE SEE BRITISH EMBASSY'S SIGNAL THREE NINE FIVE DATED TWO NINE AUGUST TO FOREIGN OFFICE CMA COPY TO BRITISH RESMIN PD THE CASES <sup>OF</sup> SEVENTY SEVEN SENATORS INCLUDING MARSHAL BADOGLIO HAVE BEEN REFERRED TO THE HIGH COURT OF JUSTICE FOR CONSIDERATION AS TO WHETHER THEY SHOULD BE DEPORTED AS SENATORS PD ACTION TAKEN IS IN ACCORDANCE WITH ITALIAN DECREES ONE FIVE NINE AND ONE NINE EIGHT PD BADOGLIO HAS PERSONALLY REQUESTED ME TO SEE IF HIS NAME CAN BE DELETED FROM THE LIST BECAUSE OF HIS SERVICE TO THE ALLIED CAUSE PD MY POLITICAL ADVISERS JOIN ME IN BELIEVING THAT SUCH AN INTERVENTION NOT WARRANTED PD

PAREN TO AFHQ FOR SACRED CMA BRITISH RESMIN AND UNCLE SUGAR POLAD FROM HQ ALCOM FROM ADMIRAL STONE PAREN

PARA TWO PD LUGOTENENTE SENT FOR ME YESTERDAY AND STATED HE WAS UNDER CONSIDERABLE PRESSURE TO REQUEST PRIME MINISTER EITHER DIRECTLY OR THROUGH ME TO REMOVE BADOGLIO APOSTROPHE SUGAR NAME AND OTHERS FROM THE LIST IN VIEW OF HIS SERVICE TO THE ALLIED CAUSE PD HE STATED THAT HIS OWN VIEW WAS THAT THE ACTION TAKEN WAS ENTIRELY LEGAL AND THAT NEITHER HE NOR I COULD INTERVENE PD

Chief Commissioner

222

ELLERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

SECRET

3248  
F. 129



1532

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

**SECRET**

Hq ALCOM. Outgoing Message 4554. 31 Aug 45. continued:

HE EXPRESSED THE PERSONAL VIEW THAT BADOGLIO WAS ENTITLED TO PUT UP THE STRONGEST CASE POSSIBLE OF HIS SERVICE TO THE ALLIED CAUSE CMA WHICH UNDER ITALIAN LAW WILL BE GIVEN FORMAL WEIGHT BY THE HIGH COURT CMA BUT FELT BADOGLIO WAS ILL ADVISED TO SEEK TO HAVE HIS CASE QUASHED PD

PARA THREE PD HEARINGS OF THE HIGH COURT ARE HELD IN SECRET PD

PARA FOUR PD BADOGLIO MAY ASK FOR A STATEMENT FROM THE ALLIES OF HIS SERVICE IN THE ALLIED CAUSE BEGINNING WITH THE ARMISTICE NEGOTIATIONS CMA THE SIGNING OF THE ARMISTICE CMA THE DECLARATION OF WAR AGAINST GERMANY AND THE CONDUCT OF HIS GOVERNMENT IN SUPPORT OF THE ALLIED CAUSE PD

PARA FIVE PD SINCE BADOGLIO WAS APPOINTED A SENATOR IN ONE NINE ONE NINE CMA IT IS UNDERSTOOD THE MAXIMUM PUNISHMENT UNDER EXISTING PROCEDURE WOULD BE DISMISSAL AS A SENATOR PD

PARA SIX PD THE FOREGOING IS FOR INFORMATION CMA AS I PROPOSE TO TAKE NO ACTION UNLESS OTHERWISE INSTRUCTED PD

CC DISTRIBUTION:

U.S. Embassy  
British Embassy  
Chief Commissioner  
Political Advr (A)  
Political Advr (B)  
Executive Commr  
Civil Affairs Section

3245

**SECRET**

1533

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

785017

SECRET

To: AFHQ

4370

28 AUG 45

PRIORITY

SECRET PD

AUG 28 1945

SUBJECT IS ITALIAN INQUIRY INTO THE DEFENSE OF ROME AGAINST THE GERMANS IN SEPTEMBER ONE NINE FOUR THREE PD YOUR FOX NINE FOUR THREE SEVEN FIVE OF TEN SEPTEMBER AND MY SUGAR THREE THREE SIX OF ONE NINE SEPTEMBER ONE NINE FOUR FOUR REFER PD

PAREN TO AFHQ FROM HQ ALCOM FROM ADMIRAL STONE CITE AGSCC PAREN

PARA ONE PD GOVERNMENT HAS ISSUED A STATEMENT IN ITALIAN PAPERS THIS MORNING STATING THAT WHILE IT DOES NOT CONSIDER THE TIME HAS ARRIVED <sup>FOR</sup> PUBLICATION OF THE RESULTS OF THE INQUIRY CONDUCTED BY THE MILITARY COMMISSION APPOINTED FOR THAT PURPOSE CMA IT DOES FEEL REQUIRED TO STATE THAT THE REPORT OF THE COMMISSION WAS EXTREMELY CRITICAL OF THE CONDUCT OF GENERAL CARBONE AS A SOLDIER AND THAT CARBONE HAS BEEN DENOUNCED TO THE MILITARY TRIBUNAL UNDER THE MILITARY CODE PD

PARA TWO PD I AM LIKELY TO BE ASKED IF THE ALLIES WOULD OBJECT TO AN EARLY TRIAL PD I BELIEVE GEORGE TWO REPORTS AT AFHQ WILL INDICATE WHETHER DISCLOSURES OF CONDUCT OF KING AND BADOLIO AT THAT TIME WOULD HAVE DISTURBING POLITICAL EFFECT PD

PARA THREE PD WOULD POINT OUT THAT WE DID NOT OBJECT TO TRIALS OF GENERALS DEL TETTO AND PENTIMALLI IN CONNECTION WITH THE DEFENSE OF NAPLES PD

PARA FOUR PD MAY I HAVE INSTRUCTIONS QUERY

From Chief Commissioner  
222

ELDERY W. STONE  
Rear Admiral, USNR  
Chief Commissioner

DISTRIBUTION:  
Executive Comm.  
U.S. Ambassador 3242  
British Ambassador  
Political Advisor (A)  
Political Advisor (B)  
~~Mr. Downey~~  
CA Section

SECRET

(Has Kessler)

(Ex C has seen)

125  
FOLIO

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

1005  
HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/4092/2/L.

ES/pa.  
27 Aug 45.

SUBJECT : Cases of Lt. Commander Pietro MANCINI and  
Capo di Provincia BRANDIMARTE.  
TO : Regional Commissioner (Attn: RLO), PIEMONTE Region  
" " " " LOMBARDIA Region.

1. Enclosed herewith is a copy of the reply of the  
Minister to this Sub-Commission's AC/4092/2/L of 25 Aug 45  
copy of which was forwarded to you for information.

2. You will note that the Minister has agreed to the  
suggestion offered by this Sub-Commission and is instructing  
the Procuratore Generale of Turin to transfer the above two  
cases from Piemonte to Milan.

3. Would you please see to it that the instructions  
of the Minister be carried out without delay.

By command of Rear Admiral STONE :

G. G. Hannaford  
G. G. HANNAFORD,  
Lt. Colonel,  
Officer i/c Italian Branch,  
for Chief Legal Advisor.

Incl.

Copy to: Executive Commissioner

3243

Rmk

PA 28/8



C O P I A

(122)

MINISTERO DI GRAZIA E GIUSTIZIA  
Gabinetto di S.E. il Ministro

N°00/4131

Roma 25 agosto 1945

ALLA COMMISSIONE ALLEATA  
Sottocommissione Legale  
R O M A

OGGETTO : Processi del Ten. di Vascello Pietro MANCINI e del  
Capo di Provincia Pietro BRANDIMARTE.

(121)  
Con riferimento al foglio AG/4092/L del 25 corrente, si concorda sull'opportunità che i processi a carico di Pietro Mancini e di Pietro Brandimarte siano deferiti ad altra giurisdizione ai sensi dell'Art.55 G.P.

In proposito si osserva che la sede giudiziaria di Milano appare più conveniente che quella di Torino per tutti e due i processi.

Si assicura pertanto che questo Ministero inviterà il Procuratore Generale di Torino ad avvalersi dell'Art. 55 G.P.P. per il trasferimento dei processi in oggetto all'autorità giudiziaria di Milano, secondo il vostro suggerimento.

IL CAPO DI GABINETTO  
( F.ma illeggibile)

3242

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

(121)

AC/4092/2/L.

GGH/pa.  
25 Aug 45.

AUG 28 1945

SUBJECT : Cases of Lt. Commander Pietro MANCINI and  
Capo di Provincia Pietro BRANDIMARTE.

TO : The Minister of Pardon and Justice.

1. The Chief Commissioner has forwarded to this Sub-Commission for appropriate action the attached petitions on behalf of two members of the Fascist Republican Forces.

2. You will see that in both cases these officers are detained in Piemonte and concern is expressed lest their trial should take place in an atmosphere which would make the administration of fair and impartial justice almost impossible.

3. This Sub-Commission feels that the point of view of both petitioners in these cases is based on reasonable ground. This sentiment has been further strengthened this morning when it was reported from Milan that a defence witness appearing before the Extraordinary Court of Assize of Savona was beaten into insensibility by the mob in order to prevent him testifying in favour of the accused.

4. Under Art. 55 of the CPP the Procuratore Generale has the power to transfer the jurisdiction over cases from one Court to another whenever the judicial authorities are convinced that the state of local public opinion is such as to prevent proper justice being administered.

5. It is therefore proposed to request the Procuratore Generale of the Court of Cassation in Milan to give the necessary instructions for the transfer of the trial of BRANDIMARTE from the Court of Torino to that of Milan and to have MANCINI tried in Torino instead of in Aosta.

6. As it is not certain whether these cases will be heard before or after the restoration of the territory concerned to the Italian authorities this Sub-Commission will be glad to tell the Procuratore Generale that this action is being taken with the Minister's full concurrence.

1537

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

785017

(120)

7. Will you please let me know whether in fact the Minister concurs. Could this matter be treated as urgent please.

Incls.

G. G. HANNAFORD,  
Lt. Colonel,  
Officer i/c Italian Branch,  
for Chief Legal Advisor.

Copy to : RLO Piemonte Region  
RLO Lombardia "

3243



1538

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

785017

Translation

Reg. 93

To Admiral Stone - Rome

AUG 24 1945

The writer is the eightyyears old mother of the ex Lieutenant General of the V.S.N. Militia, former Chief of Province, retired, now a political prisoner in the Turin prison, and waiting for his trial.

In 1922, my son was chief of squad in Turin, and took action against elements which were then deemed to be antinational and communist; as he was in command the acts of his dependents were ascribed to him.

After this date he no longer had any political activity; his activities were purely military.

During the republican period, he was appointed 'Capo di Provincia', but he didn't accept this charge nor any other ones. He was therefore discharged and retired to private life. He never participated in any action against the partisans nor did he collaborate with the Germans.

He has a Distinguished Service Medal (silver) - 1915-18 war - a medal 'al valore civile' and two Distinguished Service Crosses.

Last May, while in Brescia, surrendered to the Allied Authorities, and Major RAFFA, of the operation office of the Allied Command, dealt with his case; while the Major was away, the Turin Questura took him and put him in jail.

I have been told that in Turin, the population, excited by an infamous press campaign, is ferociously against my son, and asks for his death; that to please the mob, people try to make him responsible for the murder of a partisan, one Costa, called Red Devil, who was killed by a squad of soldiers of the Black Brigade, a short time after my son had left the U.D.A. office where he had gone to pick up a pass for his car, and where Costa was detained.

He will be tried in September by the Corte d'assisi straordinaria; but such is the hate of the population that lawyers and witnesses in his favour refuse to intervene by fear of serious reprisals. Will it be possible for Justice to fulfil its task serenely amidst such hostility? My son can only be charged with facts which go back to 1922, when, being a soldier, he obeyed superior orders; why shouldn't he have a lawyer and witnesses in his favour, when every citizen is entitled to them?

I appeal to the high sense of justice of Your Excellency, asking for your interest in the case and for the necessary action to be taken.

3233

I don't want to influence or hamper justice, but I beg in Justice's very name, for the trial to take place in another city or that my son be placed under the protection of the Allied.

EC DIST - 24 AUG 45

(2604/45)

ACTION: CASUE (LOCAL 26)

INFO: CHIEF COMR

EXEC COMR

PA

(HAG KENSLEY) Dink

BO

27/8

1539  
Declassified E.O. 12356 Section 3.3/NND No. 785017

- 2 -

I trust you won't reject the request of a poor mother so old and so sorely tried; you shall have her blessings and those of the two children who hope that their father be given a fair trial.

Rome, 23 August 1945

s. Angela Albonetti, widow Brandimarte

piazza S. Paolo alla Regola, n. 34

trans. e/c.

3238



