

1923

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

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

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APPOINTMENT OF COMMISSIONERS
JUNE 1944 - JULY 1945

785017

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

13

C.A. Section

12 is for your information & comment please.
It is assumed you are already familiar with
this matter as the file is not explicit.

Shorden ^{capt}
Office of CFS.

21 Oct 44

COS: *(faint handwritten text)*
This is a summary of information received from the various
sources with reference to the activities of the various
and include the various units which have been active
since the summer and sent to COS.
The latter groups are intended for further investigation.

John Dore
23/10

23 OCT. 1944

31

CSO For info please see files 29 & 30

CSO ^{confirmed}
PA @ 24/7

4514

1926

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

785017

HEADQUARTERS ALLIED COMMISSION
APO 394
ECONOMIC SECTION

Ref. W/12.05

23 July 1945

SUBJECT : appointment of General Infante

JUL 23 1945

TO : Rear Admiral Ellery H. Stone
Chief Commissioner
Allied Commission

1. I have checked with Brigadier Anderson, who concurs that Economic Section sees no objection to the appointment of General Infante as suggested.

2. It is possible, however, that Colonel Marshall may have already taken some action in this connection.

(sgd) E B. McKinley

E. B. MCKINLEY
Brigadier General, U.S.A.
Acting Vice President

Copy: For Comm.

See Mb 34513

(E. B. McKinley)

PA 25/7

1927

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

29

COPY

21 July 1945

MEMORANDUM TO: Brigadier General Edward B. McKinley, U.S. Army
Acting Vice President, Economic Section

General Infante has been well known to me personally for many years as a man of the highest integrity.

With reference to the attached, I strongly recommend that Colonel Marshall be advised to appoint him as Commissario for the purpose of liquidating the state of affairs of this company in order to derequisition it and return it to the owners and thus to the control of the Italian Government should there be any question of Fascist profits involved.

If you concur, I shall write Colonel Marshall to this effect.

Will you kindly treat this matter as urgent.

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

4512

See File
Lu M 31

[Handwritten signature]

1928

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

2615

28

REGIONAL COMMISSIONER LOMBARDIA REGION

1413

071730

ROUTINE

IN CLEAR BY ANY MEANS PD

SUBJECT IS YOUR ORDER APPOINTING GENERAL BIFFI AS COMMISSIONER
FOR AIR MINISTRY IN NORTHERN ITALY PD

PAREN TO REGIONAL COMMISSIONER LOMBARDIA REGION FROM HQ ALCON
CITE ACERC PAREN

AIR FORCES SUBCOMMISSION ADVISES THAT SQUADRON LEADER DIAMANT
IS CHARGED BY THEM WITH THE DUTIES YOU HAVE ENUMERATED AND
DESIRE THAT BIFFI WORK UNDER HIS DIRECTION PD DIAMANT IS BEING
INSTRUCTED TO SEE YOU PD PLEASE ADVISE OF ULTIMATE ARRANGEMENT

Copy to: AIR FORCE S/C.

Executive Commissioner

343

/S/ NORMAN E FUSKE.

4511

9/7

1929

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

785017

2615

27

Ref : 9/1.1/CA

16 June 1945

JUN 16 1945

Your Excellency,

26

I have your letter No. 818 of 9 June 1945 with regard to the Commissioner appointed in Turin for the Grande Magistero Mauriziano.

I have passed your views to the Director of the Education Sub-Commission, and he will communicate with the Regional Commissioner with whom the responsibility in this matter rests.

Yours very truly,

ELDERY W. STONE

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

His Excellency Manlio Brocchi
The Minister,
Secretary of State
Italian Government
ROME.

Copy to : Education S/C.

PA

8

PA

1930

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

785017

2615

26

Translation

The Minister Secretary of State
 Emilio Brosio
 818

Rome, 9 June 1945

12 JUN 1945

Dear Admiral,

I have been told that a man who does not have all the requisites necessary for such a charge has been appointed to replace the commissioner appointed in Turin for the Grande Magistero Maurizioano.

Besides, the appointment has been made without the knowledge of the central authorities of the Grande Magistero which thus finds itself divided in two. The above mentioned authorities therefore suggest that it would be advisable to put back in this post the former director general of the Ordine Maurizioano, Cav. Gr. Gr. Domenico Lanza (Turin - via Pastrengo, 15) formerly dismissed by the republican fascists.

Knowing Mr. LANZA - he never belonged to the fascist party, his probity is above suspicion and his attitude of opposition never changed - I am most happy to submit his candidature to you, asking you to see whether it would be possible for him to be given back his charge.

I remain,

Yours sincerely,

E. M. Brosio

Admiral Elmer Stone

Rome

e.c.

See 27
EC DIST - 12 June 45.

ACTION: CA Lca (2)

INFO: CHIEF COMMR.

EXEC COMMR.

4569

PA
13/6

1931

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

26/5/45

HEADQUARTERS ALLIED COMMISSION
APO 394
PUBLIC RELATIONS BRANCH

GMB/uew

206/218

22 May 1945

MAY 20 1945

SUBJECT: Appointment of Commissioners for the Newspapers of the
"Ente Stampa"

TO : Col. A. C. Bowman, RC, Emilia Region
Col. C. Poletti, RC, Lombardia Region
Brig. D. K. Dunlop, RC, Venezia Region

1. The Under-Secretary of Press recently approached us with a proposal to issue a decree appointing commissioners for the temporary management of certain newspapers formerly belonging to the parastatal fascist newspaper organization "Ente Stampa".

2. We advised them against issuing the decree because (1) in order to go into effect it would have to be implemented by AMG and (2) probably for most of the papers listed the Committee of National Liberation with the confirmation of AMG already has appointed commissioners for the papers listed. We proposed instead that their list of candidates for these positions should be submitted to the Regional Commissioners for their consideration in the event commissioners have not already been appointed.

3. The list of candidates submitted by the Under-Secretary of Press is attached hereto for your consideration. If you wish to appoint any of them will you please inform us and we will make arrangements for them to come north.

G. STERANT BROWN
Director,
Public Relations Branch

Info copy to : Chief Commissioner
Executive Commissioner

(Handwritten signature)
(L. H. (G. M.))

(Handwritten signature)
4508
m2/5

(24)

- Dr. Alberto DE MONTE,
- Dr. Mario Bertoli,
- Dr. Giuseppe Oriandi,
- Dr. Luigi Battaglia,
- Dr. Raimondo Tulli,
- Dr. Renato Lefevre,
- Dr. Achille Ragnasco,

of the Undersecretariat for Press for
"La Vedetta Fascista", Vicenza.
of the Undersecretariat for Press for
"La Provincia" of Como.
of the Undersecretariat for Press for
"Il Popolo del Friuli" of Udine.
of the Undersecretariat for Press for
"La Gazzetta dell'Emilia" of Modena.
of the Undersecretariat for Press for
"Il Veneto" of Padua.
of the Undersecretariat for Press for
"L'Arena" of Verona.
of the Undersecretariat for Press for
"Il Solco Fascista" of Reggio Emilia.

1933

785017

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

23

Ref/2645/23/308.

Tel : 735

22 December 1944

SUBJECT : Appointment of Commissioners.

TO : Civil Affairs Section.

- 21
- 22
1. Attached letter from the PM dated 19 December 44 replies to your DF/5.1/CA dated 16 November 44.
 2. Your reply should again be prepared for Signature by the Chief Commissioner.

Chief Staff Officer
To the Chief of Staff.

2506

PA 22/12

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1934

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

Translation

22

n. 19915/11139/1.26

The President of the Council of Ministers

Rome, 19 December 1944

My dear Admiral,

In your letter of 16 November D.F. /5-1/C.A., about the new text of the regulation for the appointment of governmental commissioners to some private enterprises, you explained your point of view about the redaction of the regulation in article n. 5, about the faculty of the Government to declare the removal of the already appointed commissioner, should the conditions which motivated his appointment disappear.

A propos of this, I want to explain that, with the regulation in question, we want to avoid that by exercising the right to appoint new commissioners, right given by art. 8, by interposing some persons, it should be possible to put the management of the enterprises concerned in the hands of those who were expelled by the appointment of the commissioner.

After your observation, the first para. of the mentioned article has been modified as follows:

'The appointment of the commissioners or syndicators must be revoked, independently from the delay fixed for the duration, as from articles 2 and 6, when, according to the governmental authority, the conditions which had determined it should have ceased'.

In this way, the Governmental Authority can verify in each case whether the conditions which justified the appointment of the commissioner have really disappeared, or whether the presence of willing persons isn't meant to protect the continuation of the previous situation. But, once this verification has been made, there is a legal obligation of revoking the appointment of the commissioner, when the governmental Authority cannot prove that the conditions which justify the appointment are still existing. Legal appeal can therefore be made against the decisions of the Government, according to our code.

Consideration is therefore taken both of the interest of the enterprises to go back to a normal administration, and of that of the Public Administration to avoid fictitious changes meant to give back the management of the enterprises to the old fascist managers.

After these explanation, I hope you will give your adhesion to the further course of these regulations.

Truly yours,

s/ Ivanoe Bonomi

4565

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

trans. e.o.

1935

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

785017

2615

21

Ref DT/5.1/CA

16 November 1944

17 NOV Recd

My dear Mr Prime Minister:

The revised draft of the decree dealing with the appointment of Commissarii has been considered. Apart from what appear to be typographical errors to which I will refer later I have only one comment and that is on Art 9. 16

I am sure that you will agree that where it is clear that the reason for the appointment of a Commissario has ceased there should be an absolute right to have him removed. In the first line of Art 9 "deve essere" has been altered to "puo' essere" and in the third line a discretion has been left in the Governmental authority. The question to be decided is one of fact, the appropriate body to determine the fact would appear to be judicial and the order should follow that finding as a matter of course. I shall be glad to hear from you that amendments to effect this will be made.

The typographical errors to which I referred are

- a) In Art 6 para 5 :- should not the reference be to Para 1 of Art 27
- b) In Art 6 para 1 :- i) should not "illimitate" read "limitate" ?
ii) has not "o in accomandita per azioni" been omitted in error ?

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Commodore, USNR
Chief Commissioner

Noted 01

7/12

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

PA 86 7/12

PA 86 7/12

1936

785017

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

20

URGENT.

Ref: 2615/20/008.

13 November 1944.

SUBJECT: Governmental Commissioners to Private Enterprises.

TO : DORS, CA Sec.

I am directed to say that the reply to the Prime Minister's letter of 8 November is now overdue. If it is not ready for submission this evening, an interim reply should be sent today.

BT/JG.

Chief Staff Officer,
To the Chief of Staff.

Copy to: SO to OC.

MA 15/11
BU 15/11
15/11
15/11

1937

785017

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

HEAD-QUARTERS ALLIED COMMISSION
APO 324
Office of the Chief of Staff
and Headquarters of the Commission

Ext: 300.

9th November 1944.

2418
4406/cos.

SUBJECT: Governmental Commissioners to Private Enterprises.

20 1 U.S.O.S.;
Civil Affairs Section, U.S.

1. I am directed to forward you the original and translation of a letter from Prime Minister De Gaulle to the /Chief Commissioner, together with the original and translation of the regulations in regard to the appointment of Governmental Commissioners to private enterprises.

2. I am directed to draw your attention to the last paragraph of the Prime Minister's letter and to ask you to treat the matter as urgent, and submit a reply for the /Chief Commissioner's signature as early as possible.

Chief Staff Officer,
To the Chief of Staff.

Inclos: as stated above.

Copy to: Major (wyle).

See 20

B U 13/362

Healed
J.

10/11

785017

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

Translation

The President of the Council
of Ministers
n. 1674/11.00/4.1.20

Rome, 8 November 1941

My dear Admiral,

the Council of Ministers deemed it advisable to examine again the regulations about the appointment of governmental commissioners to private enterprises; my letter of October 19th, n. 14790/11.00 was on this subject.

As you can see from the new text which I communicate to you, the changes (which are all underlined) are mainly changes of form and aim at better defining the powers of the governmental authority. Art. 1 explains that the commissioners must be chosen among persons who can be trusted worthily to fulfil their functions, not only because of their professional preparation, but also because of their political proceedings; the same article says that it is possible to appoint several commissioners or vice-commissioners for the same enterprise; this will be necessary for the more important enterprises.

The appointment of the syndic, in the case of the enterprises which have suspended their activity is not obligatory anymore; art. 3 & 6 have therefore been altered.

In art. 5 (III art.) it is clearly said that the legal proceedings, there foreseen, initiated by the tribunal, do not suspend the administrative regulation; this corresponds to the principle of our legal organization.

Likewise, art. 8 explains who was already contained in the preceding article, is that the appointment of new managers by the assembly does not imply also the removal of the commissioner; this can only be decided by the Government which must judge in each case whether the reasons which caused the appointment of the commissioner have really disappeared. A purely mechanical application of the law might be dangerous for the fascists could go on controlling the enterprise through some of their representatives; if the substitution of the commissioner implied the removal of the commissioner, without the Government judging whether the substitution is effective or fictitious, the regulation would be no good. Therefore, art. 9 has also been defined; however, estimate will always be contrasted.

785017

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

the appointment of the syndic, in the case of the enterprises which have suspended their activity is not obligatory any more; art. 3 & 6 have therefore been altered.

In art. 5 (III para.) it is clearly said that the legal proceedings, there foreseen, initiated by the treasury, do not suspend the administrative regulation; this corresponds to the principle of our legal organization.

Likewise, art. 6 explains what was already contained in the preceding article, ie that the appointment of new managers by the assembly does not imply ipso jure the removal of the commissioner; this can only be decided by the government which must judge in each case whether the reasons which caused the appointment of the commissioner have really disappeared. A purely mechanical application of the law might be dangerous for the fascists could go on controlling the enterprise through some of their representatives; if the substitution of the controlled managers implied the removal of the commissioner, without the government judging whether the substitution is effective or fictitious, the regulation would be no good. Therefore, art. 5 has also been defined: however, estimates will always be controllable by the law, every time that it will be illegitimate.

The new wording gives full guarantee of justice to those concerned, and helps the government to unmask any stratagem.

The only substantial innovation in the text of the regulation paragraphe art. 10, the state is directly, even considerably interested in the companies mentioned. We cannot neglect the hypothesis when the management is such as to be prejudicial to the interests of the state, which would have to submit without protest. The Council of Ministers emphasized this hypothesis, as a condition for the application of the regulation.

I shall be most grateful if you will send me without delay your approval of these regulations, and I remain,

Yours sincerely,

/s/ I. Bonomi

Admiral Albery M. Stone

Chief Commissioner of the Allied Commission

R O M E

TRANS. L.J.

1940

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

19

by the authority delegated to us;

considering the law-decree of the 12th June 1944, n. 191;

Considering the deliberation of the Council of Ministers;

On the proposal of the President of the Council of Ministers, Prime Minister, Secretary of State, in agreement with the Ministers of Justice, Finance, Treasury, Public Works, Communications, Industry, Commerce and Work;

AS HAS BEEN DECIDED AND IS TRANSMITTED WHAT FOLLOWS:

Art. 1

The governmental authority has the faculty to entrust to a Commissioner the management of private enterprises which are trustees of public services, or which exercise an activity acknowledged to be of public interest, when one of the following cases occurs:

- 1) Should their work be made impossible by their managers or their titles, absence, due to the present circumstances;
- 2) Should they, for whatever motive, have suspended their activity the resumption of which would be deemed useful.
- 3) In case they couldn't be trusted to work efficaciously to the urgent reconstruction of the nation because of the fascist proceedings of the greatest part of their titularies or managers, and because of the unlawful speculations linked to their political activity.

The Commissioner must be chosen among men whose aptitude for the functions they will have to exercise is guaranteed by their political and professional proceedings, and by their reputation.

When it deems it advisable, the governmental authority can appoint several commissioners, or vice commissioners.

Art. 2

The Commissioner foreseen by the preceding article is appointed by a decree of the President of the Council of Ministers, the competent Minister having been consulted; the duration of the management is fixed in the decree appointing the Commissioner, and cannot last more than six months after

functions linked to their political activity.
The Commissioner must be chosen among men whose aptitude for the functions they will have to exercise is guaranteed by their political and professional proceedings, and by their reputation.

When it seems it advisable, the governmental authority can appoint several commissioners, or vice commissioners.

Art. 2

The Commissioner foreseen by the preceding article is appointed by a decree of the President of the Council of Ministers, the competent Minister having been consulted; the duration of the management is fixed in the decree appointing the Commissioner, and cannot last more than six months after the cessation of the state of war.

The decree is published in the *Gazzetta Ufficiale del Regno*, and a copy of it is deposited in the chancery of the Tribunal in the jurisdiction of which is the principal seat of the enterprise is. In the case of enterprises which are not constituted in society, and which also include real estate, the decrees appointing the Commissioner is transcribed, (by care of the Commissioner), by the competent hypothecary office.

Art. 3

In the case foreseen by n.2 of art. 1, the appointment of the Commissioner can take place only if the enterprises there mentioned, having been required to resume their activity, shouldn't have complied with the request within the time limit.

Art. 4

The Governmental Commissioner represents and manages the enterprise, and in the case of commercial societies, he fulfils the functions of the ordinary administrative organs. The regulations of articles 2630 and following of the civil code are to be enforced.

The management of the Commissioner is submitted to the control of the Minister designated in the appointment decree.

The board of syndics go on exercising their functions during the time the Commissioner is in charge of the management.

The Minister appointed for surveillance can substitute part of the existing syndics or all of them.

The Commissioner's act mustn't go beyond the ordinary management, except in a case of necessity, and after having received the authorization of the Minister mentioned in the former paragraph.

16
Should the enterprises foreseen by the present decree be epurated, the regulations of n. II of the legislative decree of the Lieutenant, 27 May 1944, n. 198, emanation of the Ministry of Justice, are applicable by analogy. Epuration concerns all those who belong to the above mentioned enterprises.

Art. 5

The Commissioner takes possession of the property forming the patrimony of the enterprise, after an inventory has been drawn up in the presence of the titular of the enterprise or of his representative.

Should the titular of the enterprise or his representative be absent, the inventory is drawn up by a notary in the presence of two witnesses.

Should the titular of the enterprise and the Governmental Commissioner disagree about the property forming the patrimony of the enterprise, the Minister mentioned in the former article decides, unless the titular initiates legal proceedings in the competent legal court. This action is not suspensive.

The opinion of a Commission instituted at the Presidency of the Council or Ministers and composed of two Counsellors of State, of whom one must be a President, of a magistrate whose rank mustn't be inferior to the fifth and of two members respectively appointed by the Minister of Public Works, and by the Minister of Industry, Commerce and Work, is heard before the Minister takes a decision.

Art. 6

Should it be advisable to control the resuming of the activity of the enterprise varied as from art. 3, in cases of lesser gravity, as from the hypothesis of art. 1. n. 3, it is possible to appoint a syndic, following the regulations of art. 2.

The syndic is entitled to control the activity of the enterprise, to see the books, the acts and the correspondence, and make any verification he wants.

The syndic exercises his activity under the surveillance of the Minister designated by the appointment decree.

The appointment decree is published in the Gazzetta Ufficiale del Regno, and a copy of it is deposited in the Chancery of the Tribunal in the jurisdiction of which is the principal seat of the enterprise.

The second paragraph of art. 2 is to be applied for the duration of the powers of the syndic.

The regulations of the preceding paragraphs apply to the syndic foreseen by art. 3.

Should it be advisable to control the resumption of the activity of the enterprise waived as from art. 3, in cases of lesser gravity, as from the hypothesis of art. 1, n. 3, it is possible to appoint a syndic, following the regulations of art. 2.

The syndic is entitled to control the activity of the enterprise, to see the books, the acts and the correspondence, and make any verification he wants.

The syndic exercises his activity under the surveillance of the Minister designated by the appointment decree.

The appointment decree is published in the *Gazzetta Ufficiale del Regno*, and a copy of it is deposited in the Chancery of the Tribunal in the jurisdiction of which is the principal seat of the enterprise.

The second paragraph of art. 1 is to be applied for the duration of the powers of the syndic.

The regulations of the preceding paragraphs apply to the syndic foreseen by art. 3.

Art. 7

The commissioners of the enterprises foreseen by art. 1, who should already be exercising their functions when the present decree will be enforced, will be submitted to the regulations about the management by a commissioner, according to the present decree.

The President of the Council of Ministers appoints by a decree, the Minister under whose surveillance the commissioners will be placed, according to the preceding articles.

Art. 8

In the case of joint-stock companies or companies with unlimited responsibility in partnerships, foreseen by art. 1, n. 3, the partners can ask the Commissioner to call the assembly to appoint new managers, the regulations of art. 2 of civil code are to be applied.

The managers who are being substituted are not entitled to the indemnity fixed by art. 2901 of the civil code.

The new managers fulfil their functions only after the revocation of the Commissioner, as from the following article.

Art. 9

The appointment of the Commissioners or of the syndics can be revoked independently from the term fixed for its duration as from art. 2 & 6, when the Governmental authority judges that the conditions which determined it have ceased to exist.

The revocation takes place automatically, or on the request of the titularies or managers of the enterprise.

Art. 10

The management of the companies in which the state has taken a shareholder's or a patrimonial participation, and of those to which the state has given important loans or guaranteed their pledges to the shareholders or to other persons, as well as of the companies or enterprises situated on property belonging to the state, can be entrusted to a Commissioner in one of the conditions mentioned by art. 1, or when the interests of the state are being wronged.

In the cases foreseen by the preceding paragraph, the Commissioner is appointed by the Ministers who administer the participations of the state or who have given the loan or the guarantee, or who administer the property received by grant, together with the Minister in charge of the property public interests connected with the activity of the company.

Except for what is fixed by the second paragraph, the regulations of the preceding articles apply to the appointment and revocation of the Commissioners, to the management of the companies, and to the convocation of the assembly of the shareholders for the appointment of new managers.

Art. 11

The Commissioners to the credit institutes and to the institutes subject to a control as from the R. Law-decree 12 March 1936, n. 379 and subsequent modifications, appointed in accordance with the legislative decree of the Lieutenant, 12 September 1940, n. 222, are submitted to the regulations about the management by a Commissioner as from the present decree.

The regulations of art. 8 & 9 are likewise applied to the enterprises and institutes mentioned in the first paragraph.

Art. 12

In the cases foreseen by the articles 10 & 11, syndics can be appointed with the functions and powers fixed by art. 4.

The appointment of the syndics is made by the Ministers who are concerned.

Art. 11

The commissioners to the credit institutes and to the institutes subject to a control as from the R. law-decrees 12 March 1936, n. 372 and subsequent modifications, appointed in accordance with the legislative decree of the Lieutenant, 12 September 1944, n. 222, are submitted to the regulations about the management by a commissioner as from the present decree.

The regulations of art. 8 & 9 are likewise applied to the enterprises and institutes mentioned in the first paragraph.

Art. 12

In the cases foreseen by the articles 10 & 11, syndics can be appointed with the functions and powers fixed by art. 5.

The appointment of the syndics is made by the ministers who are empowered to appoint the commissioner.

Art. 13

The present decree is to be enforced on the day of its publication in the Gazzetta Ufficiale of the Kingdom.

We order those it concerns to respect the present decree and to see that it is obeyed as a state law.

4498

TRANS. L.O.

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1945

1946

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

Ref: A/CC 250-2

17 September 1944

From: Acting Chief Commissioner

To: VP Administrative Section

Please examine attached letter from President of the Council of Ministers and prepare suitable reply.

1 Incl:

Ltr from Bonomi, undated, no
ref number - Answer to our
A/CC 250 of 28 Aug and A/CC 250-2
4 Sept, drafted by Admin Sec.

E. W. S.

17 Sept 1620

FILES A-6

1947

785017

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

TRANSLATION

THE PRESIDENT OF THE
COUNCIL OF MINISTERS

141 149 1450
141 149 1450
141 149 1450

Now,

Dear Admiral Stone,

I answer your letters of August 28th and September 14th.

The Counsellor of State Correntino, Chief of the Study and Legislation Office of the Presidency of the Council, after contacting the legal sub-commission, has already had a conversation with Colonel Aze of the Administrative Sub-Commission. Observations having been made about the measure concerning the management by commissioners of the private enterprises, grants of public services, or acknowledged to be of general interest, the text of this measure has been modified accordingly, as can be seen from the copy enclosed with this letter. For clarity's sake, the modifications have been underlined.

After an observation made by Col. Aze, the societies which receive financial help, participation or guarantee from the State, or which are grantees of public property, have been included in this measure (art. 1). It is therefore unnecessary to provide another decree for these societies.

The measure, as expressed by the present text, will be submitted to the approval of the next Council of Ministers.

As for the other measure concerning the management by commissioners of the printing firms and of the information agencies, it is not meant to give to the Secretary of State for Press and Information the task of directing politically the publication of books and magazines; it only aims at achieving an able management of such enterprises as have been accused of being pro-fascist or pro-Italian, after September 8th especially.

The measure, as expressed by the recent text, will be submitted to the approval of the next Council of Ministers.

As for the other measure concerning the management by commissioners of the printing firms and of the information agencies, it is not meant to give to the Secretary of State for Press and Information the task of directing politically the publication of books and magazines; it only aims at achieving an able management of such enterprises as have been engaged in being pro-fascist or pro-German, after September 5th especially.

Following your observation, the text of the decree has been modified in the following sense: that the vigilance of the administrative should be exercised over the administrative management of the enterprise.

As for the observations made after your letter, during the interview between Col. Lita and the Controller of State Printing, about the revocation of the commissioners and the limitations of the operation, I beg you to note that the observations in question, might be made in an executive measure which will have to be taken at the earliest possible time, as the measure in question has already been signed by the Lieutenant

I shall gladly bear your opinion on the scheme I am sending. 1496

Sincerely Yours,

/s/ J. Bonomi

Admiral Harry J. Stone
Chief Commissioner
Allied Control Commission

A O M S

Trans. E.O.

FILES 10

1949

785017

TRANSLATION

UMBERTO OF SAVOIA
Prince of Piedmont
Lieutenant General of the Kingdom

By the authority entrusted to us;
Considering our law-decrees of June 29th, 1934, n. 1311;
Considering the deliberation of the Council of Ministers;
On the proposal of the President of the Council of Ministers, Prime Minister
Secretary of State, together with the Ministers of Justice, Finance, Treasury,
Public Works, Communications, and Industry, Commerce and Works;

WE HAVE SANCTIONED AND WE PROMULGATE THAT FOLLOWS:

Art. 1

Faculty is given to the Governmental authority to entrust a Commissioner
with the management of private enterprises which are grantees of public services
or of property belonging to the State, or which have an activity of general
interest, also of the activities which have financial help or share or guarantee
participation from the State, when one of the following conditions occurs:

- 1) That their functioning should be impeded by the absence of their
managers or titularies, absence caused by the present circumstances;
- 2) That they should have suspended their activity, for any motive whatever,
and reduced it in a way that could be prejudicial to the full co-operation
that the State expects from private enterprises.
- 3) That they could not be called upon to work effectively for the national
reconstruction, because of the fascist tendencies of their titularies or man-
agers, or because of unlawful speculations connected with their political acti-
vity.

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that they could not be relied upon to work effectively for the national reconstruction, because of the fascist precedents of their titular or managers, or because of unbridled speculations connected with their political activity.

The Commissioner must be chosen among persons who professional precedents and the preparation of whom should be a sure guarantee of their ability to perform the functions they are expected to perform.

Art. 2

The Commissioner mentioned in the preceding article is appointed by a decree of the President of the Council of Ministers, after consulting the competent Minister; the decree of nomination contains the duration of the term which cannot last longer than six months after the expiration of the month of war.

The decrees published in the 'Gazette officielle' of the Kingdom and a copy of it is consigned to the chamber of the Tribunal in the jurisdiction of which in the main seat of the enterprise. When the enterprise is not housed in a society, and when they own real estate, the decrees of nomination of the Commissioner has to be registered by the competent by notary office.

Art. 3

In the case foreseen by 2-2 of art. 1, the nomination of the Commissioner can be made only after the said enterprise should have been asked to resume their activity under the temporary surveillance of a syndicate, and should not have complied with the request in time.

Art. 4

The Governmental Commissioner undertakes to represent and manage the enterprise, and in the case of commercial societies, he takes the place of the ordinary administrative organs. The articles 2095 and following of the civil code apply to this.

The management of the Commissioner is submitted to the surveillance of the Minister designated in the decree of nomination. The syndicates to on

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performing their functions even during the management of the Commissioner. The Minister designated for overseeing can substitute the already existing bodies wholly or in part.

The acts of the Commissioner cannot go beyond normal administration, except in case of necessity, and having been previously authorized by the Minister mentioned in the former paragraph.

When separation must be made in the enterprises mentioned by the present Decree, the rules of title II of the legislative decree of the Lieutenant, July 27th 1944, n. 139 on sanctions against fascists are to be applied by analogy. The separation is limited to the staff personnel having managing functions only.

Art. 5

The Commissioner takes possession of the property constituting the enterprise, after having an inventory made in the presence of the titular of the enterprise or of a representative of him.

Should the titular or his representative be absent, the inventory is made by a notary, in the presence of two witnesses.

Should the titular of the enterprise and the governmental Commissioner disagree about the property constituting the enterprise, the Minister mentioned in the preceding article will decide, ex officio if the person it concerns has not taken legal action with competent territorial authorities.

Before the decision of the Minister is consulted a commission instituted by the Presidency of the Council of Ministers and composed of two Counsellors of State, among whom a President, of a ministerial degree cannot be inferior to the fifth, and of four members designated respectively by the Ministers of Finance, Treasury, Public Works, and Industry Commerce and Post.

Art. 6

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of state, to one whom a president, of a minister whose grade cannot be inferior to the fifth, and of four members designated respectively by the ministers of finance, treasury, public works, and industry commerce and art.

Art. 6

Should the hypothesis of art. 3 art. 1 occur, it is possible to appoint a syndic as foreseen in art. 2.

The syndic can control the activity of the enterprise, see the books, document, and correspondence, and make every verification whatever.

The syndic performs his functions under the surveillance of the minister mentioned in the decree of nomination.

The decree of nomination is published in the 'Gazette officielle' of the Kingdom and a copy is deposited in the chancery of the tribunal in the jurisdiction of which is the principal seat of the enterprise.

For the duration of the functions of the syndic is applied the first paragraph of art. 2.

The dispositions of the preceding paragraphs are also to be applied to the syndic mentioned in art. 3.

Art. 7

The commissioners of the enterprises foreseen by art. 1, which will already be working when this decree will be enforced, are subject to the regulations on commissarial management, as expressed in the present decree.

The president of the Council of Ministers appoints by a decree the Minister who will have to oversee the commissioners, according to the preceding articles.

Art. 8

The appointment of the commissioners and syndics must be revoked independently of the term fixed for the duration of art. 2 art. 3, when the conditions which had determined it cease to exist.

The revocation takes place automatically or on request of the titular ^{the} for

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OR MANAGERS OF ENTERPRISES.

In the case foreseen by art. 1, n. 2, in the case of shareholders companies, joint-stock companies, and limited companies the partners can request the convocation of a meeting to appoint new managers; the dispositions of art. 2367 civil code are to be applied. The managers who have been discharged are not entitled to the compensation established by art. 2368 civil code.

Art. 9

The Government can issue regulations which will complete the provisions decreed and the legislative decrees of September 8th, 1944 on the management of the companies in publishing firms and information or distribution agencies.

The present decree will be enforced on the day of its publication in the Gazzetta Ufficiale of the Kingdom.

We demand that the present decree shall be observed, and that people will be made to observe it as a state law.

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EWB/ejp

A/CC 250-2

4 September 1944

My dear Mr. Prime Minister:

On the 29 August 44 Dr Sorrentino discussed with Lt Col Thackrah of the Legal Sub-Commission two draft decrees relating to the appointment of commissaries.

One decree was identical with a draft which was handed to me and on which I wrote you on the 28 August under reference number A/CC 250 and is the draft secondly mentioned in such letter. I have not yet received from you the names of representatives to discuss this draft with Brigadier Upjohn.

The second decree discussed by Dr Sorrentino was a short decree extending the provisions of DLL 739 of 21 August 43 to companies financed or guaranteed by the State or in which the State is a shareholder.

The terms of this last draft decree seem to me to be very wide indeed but I suggest that this draft could be considered by your representatives and Brigadier Upjohn when they are considering the terms of the other draft.

I think you will agree that it would be better if any drafts dealing with this matter are sent by you to me direct and not to one of the Sub-Commissions as it is an unnecessary duplication and overlap will thereby be prevented.

Yours very truly,

See 9

ELLERY W. STONE
Captain, USAR
Acting Chief Commissioner

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

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4 Sep 1944

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WWS/a/p

A/CC 250

28 August 1944

My dear Mr. Prime Minister:

I refer to the proposed draft decrees which have been handed to me (i) empowering the President of the Council to appoint commissioners for the temporary management of editorial firms and (ii) empowering the President of the Council of Ministers to appoint a Commissioner of Administration of private enterprises in certain cases which are set out in Art 1 of the draft.

I am agreeable in principle to the first above mentioned decree, but I feel that the decree should make it plain that the Under Secretary for Press and Information (mentioned in Art 2) will not exercise any political pressure or political pre-publication censorship in the Commissioners' or their Editors' matters in relation to the books and papers published by the firms except of course to prevent the publication of fascist or Nazi views.

With regard to the secondly above mentioned decree, I again agree in principle but I feel that the circumstances in which commissioners can be appointed (see Art I) are wider than can reasonably be required by the Executive and that a detailed revision of the decree is required in this regard and also in respect of certain more detailed and technical matters with which I need not trouble you in this letter.

I suggest therefore that the persons responsible for the promotion of this decree should meet my representatives to discuss this draft in detail and if you will let me know their names, I will ask Brigadier Upjohn of the Administrative Section to arrange a meeting with them.

Yours very truly,

28 Aug 1700
HB
APK.

MILLY W. STONE
Captain, USNR
Acting Chief Commissioner

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

c.c. Administrative Section.

FILES A-B

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TRANSMISSION

APPOINTMENT OF COMMISSIONERS FOR THE MANAGEMENT
OF PRINTING PRESS AND PUBLISHED THE PROCLAMATION AND THE HANDBOOK

HERZOG OF SAVOIA
Prince of Aosta,
Lieutenant-General of the Realm

By virtue of the authority delegated to us:

In view of Royal Decree-law of the Lieutenantcy of the Realm
25 June 1944, No. 151;
In view of Royal Decree-law 30 October 1943, No. 278;
In view of Royal Decree-law 29 May 1944, No. 141;
In view of the deliberation of the Council of Ministers;
Upon the proposal of the President of the Council of Ministers,
Prime Minister, Secretary of State;

We have sanctioned and promulgated what follows:

Art. 1

The President of the Council is given the power to appoint
Commissioners for the temporary management of editorial firms (book and
newspaper) which during the war, and especially after 8 September 1943,
published books, newspapers, pamphlets, and printed material favorable to
Fascism and to the Germans.

Art. 2

The provisions of articles 2, 4, and 5 of the Lieutenantcy
legislative decree apply.
Supervision over the commissary administrations is exercised
by the Undersecretary of State for the Press and Information.

Art. 3

The present Decree comes into force on the day following its
publication in the Official Gazette of the Realm.
a order whenever it may concern to observe the present Decree
and to see that it is observe as a law of the State.

Given at

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8/25
UPJOHN DRAFTING LETTER
APPROVING - E.W.S. *EW*

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Trans - Sgt. Shon/1410/lws

1957

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NOMINA DI COMMISSARI STRAORDINARI PER LA GESTIONE DI IMPRESE
EDITORIALI CHE FAVORIRONO I FASCISTI E I NAZISTI

UMBERTO DI SAVOIA
Principe di Piemonte
Luogotenente Generale del Regno

In virtù dell'autorità a Noi delegata;
Visto il R. decreto-legge Luogotenenziale 25 giugno
1944, n.151;
Visto il R. decreto-legge 30 ottobre 1943, n.2/B;
Visto il R. decreto-legge 29 maggio 1944, n.141;
Vista la deliberazione del Consiglio dei Ministri;
Sulla proposta del Presidente del Consiglio dei Ministri,
Primo Ministro, Segretario di Stato;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

E' data facoltà al Presidente del Consiglio di nominare
Commissari per la temporanea gestione delle imprese editoriali
(librarie e giornalistiche) che, durante la guerra, e special-
mente dopo l'8 settembre 1943, hanno pubblicato libri, giornali,
opuscoli e stampati favorevoli al fascismo ed ai tedeschi.

Art. 2

Si applicano le disposizioni degli artt. 2,4 e 5 del
decreto legislativo luogotenenziale

La vigilanza sulle gestioni commissariali è esercitata dal
Sottosegretario di Stato per le Stampa e le Informazioni.

Art. 3

Il presente decreto entra in vigore nel giorno successivo
a quello della sua pubblicazione nella Gazzetta Ufficiale del
Regno.

Ordiniamo, a chiunque spetti, di osservare il presente
decreto e di farlo osservare come legge dello Stato.

Dato a

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EWS/hjp

COPY

Acting Chief Commissioner

Col Upjohn, Acting Head, Administrative Section

18 Aug 4

The decree referred to in the draft decree, which I gave you yesterday, is attached hereto and was intended to be adopted simultaneously with the other.

Can you advise if the attached decree has been discussed with you? If not, it should also be reviewed. May I have a report from you as quickly as possible, please.

ELMER W. STONE
Captain, USNR
Acting Chief Commissioner

See ④

SG 860

Hq A.G.C. - Secy Gen
DISPATCHED
Date-Time 18 AUG 1965
Via <u>Reg</u>
Initials <u>D.R.R.</u>

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