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1 of 2

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JULY 4

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10000/124/29
1 of 2

DEFASCISTISATION
JULY 44 – APR. 45

PERS-5

1745

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DS/3.A/CA 10 April 45

SUBJECT : Defascism - North Italy.

TO : See Distribution

1. - EPURATION OF FASCISTS FROM STATE ADMINISTRATION AND STATAL AND PARASTAL CONCERNS :-

1 Epuration will play an even more important role in the North than in areas already liberated. A quick and effective epuration may be decisive in securing a peaceful administration.

At the same time, this does not mean that there will be wholesale dismissals, any plan for such would not only disorganize the administration but might work grave injustices. (e.g. it is believed from reliable sources that the Judges of Piemonte, Lombardia and Venezia have refused to take the oath of allegiance to the Fascist Republican Government).

2 Epuration will therefore be conducted on the following plan:-

a) On first entry epuration will be carried out in accordance with Executive Memorandum 67 (of which a revised edition has been issued).

b) This will be followed by the setting up of Italian Provincial Epuration Commissions under the terms of GO 35. In provinces not yet liberated as of this date, GO 35 may be posted at any time after entry at the discretion of SCAO Army or IV Corps, or the Regional Commissioner, without reference to Headquarters Allied Commission. This discretion may be delegated to Provincial Commissioners.
However, as the General Order sets up rigorous time limits, it should not be posted until suitable persons to sit on the Commissions have in fact been selected.
Supplies of GO 35, together with Administrative Instructions and books printed in Italian for the use of the Italian Commissions, have been distributed.
An amending GO 35(a) has been signed. It effects payments to be made to suspended personnel and provides for the dismissal rather than suspension of temporary employees (avventizi). Copies of GO 35(a) will be distributed as soon as possible, but the operation of GO 35 will not be held up by non arrival of copies of GO 35 (a).

c) The foregoing will be followed up by the implementation under the usual procedure of MBL 159 and amending Decrees in AMG Territory.
When these Decrees are implemented it is the duty of the Government to appoint three delegates in each province to collect evidence, make investigations on behalf of the High Commissioner, and set up Provincial Commissions. Every assistance should be given to these Delegates.
However, it is not necessary to suspend the Commissions set up under (b)

3387

Declassified E.O. 12356 Section 3.3/NND No. 785220

TO : See Distribution

1. - EPURATION OF FASCISTS FROM STATE ADMINISTRATION AND CIVIL AND PENAL CONDEMNS :-

1 Epuration will play an even more important role in the North than in areas already liberated. A quick and effective epuration may be decisive in securing a peaceful administration.

At the same time, this does not mean that there will be wholesale dismissals, any plan for such would not only disorganize the administration but might work grave injustices. (e.g. it is believed from reliable sources that the Judges of Piemonte, Lombardia and Venezia have refused to take the oath of allegiance to the Fascist Republican Government).

2 Epuration will therefore be conducted on the following plan:-

a) On first entry epuration will be carried out in accordance with Executive Memorandum 67 (of which a revised edition has been issued).

b) This will be followed by the setting up of Italian Provincial Epuration Commissions under the terms of GO 35. In provinces not yet liberated as of this date, GO 35 may be posted at any time after entry at the discretion of SCAO Army or IV Corps, or the Regional Commissioner, without reference to Headquarters Allied Commission. This discretion may be delegated to Provincial Commissioners.
However, as the General Order sets up rigorous time limits, it should not be posted until suitable persons to sit on the Commissions have in fact been selected.
Supplies of GO 35, together with Administrative Instructions and books printed in Italian for the use of the Italian Commissions, have been distributed.
An amending GO 35(c) has been signed. It effects payments to be made to suspended personnel and provides for the dismissal rather than suspension of temporary employees (avventizi). Copies of GO 35(c) will be distributed as soon as possible, but the operation of GO 35 will not be held up by non arrival of copies of GO 35 (c).

c) The foregoing will be followed up by the implementation under the usual procedure of DML 159 and amending Decrees in AMG Territory.
When these Decrees are implemented it is the duty of the Government to appoint three delegates in each province to collect evidence, make investigations on behalf of the High Commissioner, and set up Provincial Commissions. Every assistance should be given to these Delegates.
However, it is not necessary to suspend the Commissions set up under (b) above until the Government Commissions are actually nominated and ready to commence work.

3 It very well may be that the Allis and Partisans will themselves have carried out an epuration of the administration before the arrival of the Allies and have placed new personnel in the places of those dismissed. This will render the task of epuration that much easier.

3387

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If such is found to be the case it will be advisable to remove these people from office. There would be no objection to the same individuals being appointed by AMG if considered suitable but it must be fully realised by the Italians that AMG is the appointing authority, and not CLN or any other body.

4 In other cases it may be found that there has been a mass spuration and the vacant offices have not been filled. In this case, personnel will be recruited locally, or replacements must be requested from Headquarters Allied Commission. The former is to be preferred, as the number of minor officials who can be supplied by the Italian Government is not large, and some delay in their arrival is to be anticipated. If an acute shortage of personnel makes it absolutely necessary, minor officials may have to be temporarily reinstated although they have previously been removed. Opportunity should be taken of assuring the local populace of an immediate investigation of any persons thus reinstated in accordance with the procedure outlined in para 2 above.

B - EPURATION OF BUSINESS CONCERNS :-

5 Paragraph "A" above does not deal with the epuration of business concerns which are not statal or para-statal.

In the cases of business concerns which:-

a) owing to their importance it is desired to operate but have ceased to operate or operate effectively as the Fascist heads have fled; or
b) are operating under Fascist heads and it is desired to continue operation and remove the Fascist heads;
c) have become ineffective as the Fascist heads have fled and the management has been "socialised" in the hands of the workers.

use should be made of the power to appoint a Receiver and Manager (see Directive AFW/183/1 dated 17 March 1945).

C - PUNISHMENT OF FASCIST CRIMINALS AND COLLABORATORS :-

6 It is not legal for AMG to set up special Allied Courts to deal with Fascist criminals or collaborators with the Fascist Republican Government or Germans. AMG Courts are confined to trying offences against proclamations and General, Regional, or Provincial Orders or, in exceptional circumstances (see Article 14 of Consolidated Instructions for Allied Military Courts), offences against Italian Law.

Officers are also reminded that AMG Courts may not try enemy Prisoners of War or War Criminals.

7 On the other hand, it may be anticipated that local CLNs may have set up local but illegal Courts to try such criminals and collaborators. It will be the duty of AMG to do all in their power to suppress these Courts and, to assist in this difficult but essential duty, the following plan has been agreed with the Italian Government.

a) A Decree will shortly be passed and will provide for the setting-up of Special Popular Courts to deal with those who collaborated with the Germans since 26 September 1943.
Briefly, the scheme of this Decree is that, in each Province the CLN will select 200 names from proved anti-Fascists, from which the President

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some delay in their arrival is to be anticipated. If an acute shortage of personnel makes it absolutely necessary, minor officials may have to be temporarily reinstated although they have previously been removed. Opportunity should be taken of assuring the local populace of an immediate investigation of any persons thus reinstated in accordance with the procedure outlined in para 2 above.

B - EXPULSION OF BUSINESS CONCERNS :-

5 Paragraph "A" above does not deal with the expurgation of business concerns which are not statal or para-statal.

In the cases of business concerns which:-

a) owing to their importance it is desired to operate but have ceased to operate or operate effectively as the Fascist heads have fled; or
b) are operating under Fascist heads and it is desired to continue operation and remove the Fascist heads;
c) have become ineffective as the Fascist heads have fled and the management has been "socialised" in the hands of the workers.

use should be made of the power to appoint a Receiver and Manager (see Directive AG/4103/L dated 17 March 1945).

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Briefly, the scheme of this Decree is that, in each Province the CLN will select 200 names from proved anti-Fascists, from which the President of the Tribunal will select a panel of 50 names. From this panel 4 lay assessors will be selected in turn and will form a Court presided over by a Judge appointed by the President of the Tribunals for the trial of these offenders. This Decree, which also provides for very quick procedure, will be published in a special issue of the Official Gazette and will bear its own endorsement by AC implementing the Decree in AMG Territory. This Decree will be put into operation immediately. If a Prefect has been appointed it will be implemented in the normal way by handing the Official Gazette to him. If there is no Prefect, SCAOs or Regional Commissioners are advised to issue a short order bringing the Decree into operation.

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A special advice to the Court Officials and CLN might also be a wise precaution.
It may be of interest to note that this Decree is based on the one now operating in France where it has proved to be a considerable success.

b) The Italian Government have already published a decree (No 65 of 1 Feb 45) setting up special Military Courts to deal with both military and civilian offenders expeditiously. This decree will be implemented in AMG territory in accordance with the usual procedure.

8 Provided that any illegal courts desist from their activities on the entry of the Allies, it is NOT imperative that the persons constituting such courts should be apprehended. It is a matter for discretion in each case, e.g. on the one hand members of the CLN may have constituted a Court in good faith under a mistaken view of their rights, on the other hand a regime of revenge and murder may have been set up under the guise of a Court of Justice.

D - IMPRISONMENT OF FASCISTS AND COLLABORATORS:-

9 As formerly, this will continue to be a normal function of FSS/CIC and only under the powers conferred on them in para 10 of Executive Memorandum 67 will AMG officers arrest and intern Fascists who are not charged with a specific offence.

10 It may be anticipated that in a large number of cases there will have been wholesale arrests and imprisonments by Partisans and or CLN before the arrival of the Allies. Unless prison congestion becomes intolerable it will probably be in the best interests of all concerned to leave such persons in prison until a more settled state is reached and their individual cases can be investigated by the appropriate authority. In retaining such prisoners, AMG officers must be satisfied that (a) the prison officials can provide an effective guard, and (b) the prisoners are being properly cared for and fed, and are not the subject of malpractices by prison guards, Partisans or others.

BY COMMAND OF THE CHIEF COMMISSIONER :

G.R. Upjohn

G.R. UPJOHN Brig,
VP CA Section

3886

DISTRIBUTION :-

RC Umbria-Marche Reg.	CA Sec	Air S/C
RC Toscana Region	Econ Sec	Army S/C
RC Emilia Region	Loc Govt S/C	Naval S/C
RC Liguria Region	Legal S/C	Comms S/C
RC Piemonte Region	Educ S/C	Trans S/C
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RC Venezia Region	Pub Works S/C	
SCAO 5 Army	Finance S/C	
SCAO 8 Army	Agriculture S/C	

Declassified E.O. 12356 Section 3.3/NND No. 763220

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BY COMMAND OF THE CHIEF COMMISSIONER :

G.R. Lyttelton

G.R. LYTTELTON Brig,
VP CA Section

3886

DISTRIBUTION :-

RC Umbria-Marche Reg.	CA Sec	Air S/C
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RC Piemonte Region	Educ S/C	Trans S/C
RC Lombardia Region	Commerce S/C	FRB
RC Venezia Region	Pub Works S/C	
SCAC 5 Army	Finance S/C	
SCAC 8 Army	Agriculture S/C	

Scale of Distribution :- R. HQs (4)
P. HQs (2)
S/Cs (2)

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

22 Mar 45

Ref : DF/5.15/CA

SUBJECT : Defascism.

TO : See Distribution

Enclosed are translations of DL's 44 and 56, amending DL's 159, 257 and 285 of 1944, for your information.

E.R. URJOHN Brig
VP CA Section.

DISTRIBUTION:

VP CA Sec	Econ Sec (2)	Pol Sec (2)
Educ S/C (2)	Agri S/C (2)	Air S/C (2)
Local Govt S/C (2)	Commerce S/C (2)	Army S/C (2)
Legal S/C (2)	Finance S/C (2)	NavalS/C (2)
Pub Saf S/C (2)	Pub Works S/C (2)	CommsS/C (2)
File CAS	Transpt S/C (2)	FRB

All Regional Headquarters (4)
All Provincial Commissioners (2)

3885

DL 44 of 23 Feb 45

DLL 56 of 12 Mar 45

RULES OF PROCEDURE

ADDITIONAL AND AMENDING

The Italian versions of these decrees are the only authoritative texts. These versions are not a literal translation; their object is to inform officers conveniently of the provisions contained in the Decrees.

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

	DL 44	DL 56
Pay of Suspensees	Art 1	2
Time limits	" 2-7	1
Appeals	" 8	
Future Liberation	" 9	
Pensions	" 10-11	

DL 44

PAY OF SUSPENSEES

1 Employees suspended from office in accordance with the last para of Art 22 of DL 159 of 1944 shall in addition to their salary be paid the family or high cost of living allowance at present authorised as well as the temporary increase granted by DL 18/B of 1943 - as increased by DL 328 of 1944.

TIME LIMITS

2 Epuration proceedings before a Commission of first instance against any employee suspended from office before this decree came into force shall if the employee belongs to a central State Department be completed within four months and in all other cases within five months from the date on which the proceedings commenced as laid down by art 25 of DL 285 of 1944.

But this provision shall not affect the time limits relating to officials of the first four grades which shall remain unchanged.

3 The time limit for the commencement of the epuration proceeding against prisoners or internees, including those interned or imprisoned in Italy and against persons shewn as missing and against persons resident outside the national territory, shall be three months commencing from the date of the cessation of hostilities or if such be earlier, from the day on which they resume service with the Department employing them; or, if they are employed outside the national territory, from the day on which they resume duty in such territory.

3884

4 The time limit for the commencement of epuration proceedings against civilian employees in military service shall be three months from the date of their discharge or being granted indefinite leave.

Epuration proceedings in progress against any person called or recalled to arms shall be suspended until such person is discharged or given indefinite leave.

Declassified E.O. 12356 Section 3.3/NND No. 785220

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Epuration proceedings in progress against any person called or recalled to arms shall be suspended until such person is discharged or given indefinite leave.

5 For the purposes of the second para, of Art 25 of DL 159 of 1944, the epuration proceeding before any Commission of first instance shall be deemed to terminate when the decision is filed in the Secretariat of the said Commission.

6 The second paragraph of Art 1 of DL 257 of 1944 is amended to read as follows "In cases such as are referred to in the preceding paragraph, Commissions shall file their decisions in the Secretariat of their Commission within thirty days from the day on which the person was referred to trial; the period for lodging an appeal to the central Commission established by Art 20 of DL 159 of 1944 shall for the High Commissioner be ten and for the person concerned three days from the communication to them respectively of the said decision. The said appeals shall be dealt with by the Central Commission with absolute priority".

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7 The time limits within which proceedings of first instance must be completed may, when the exceptional complexity of any case requires it, be extended by a maximum of thirty days.

The extension shall be granted on the request of the President of the Epuration Commission to the authority which was responsible for nominating the particular Commission concerned.

APPEALS

8 Whenever notice of any decision of a Commission of first instance is served outside the Province in which such Commission sits, the person concerned may in addition to the method of filing prescribed by Art 9 of DL 285 of 1944 file his appeal to the Central Commission at the Prefecture or at the office of the Sindaco of the Province or Commune in which the said notice was served on him or at the local CCRR station.

Any appeal so filed shall be forwarded immediately to the Secretariat of the Commission of first instance for transmission to the Central Commission.

FUTURE LIBERATION

9 The following paragraph shall be added to Art 26 of DL 285 of 1944.

"If the discovery of any such evidence results from the restoration of normal communications with any colony or dominion, it may be ordered, in the manner directed by the preceding paragraph, that the period within which the person concerned may be referred to epuration shall commence from the day of the cessation of the state of war".

PENSIONS

10 In the event of any retirement under Art 2 of DL 257 of 1944 being ordered while epuration proceedings are in progress, the High Commissioner for Sanctions against Fascism may within thirty days from receiving notice of any such order, request the appropriate Commission of first instance or the Central Commission to continue the proceedings to decide whether the right to pension or to any increase of pension granted by Art 3 of the said decree shall be forfeited.

In the absence of any such request (within the said time limit) or on an express refusal by the High Commissioner to make any such request the said proceeding shall cease and be of no effect.

11 The economic benefits granted to irremovable personnel by Art 3 of DL 257 of 1944 and Art 9 of DL 2 of 1945 shall as from the dates of their respective retirements be extended to regular Magistrates of Military Courts and to Councillors of the National Research Council retired under DL 257 of 1944.

The time limit contained in the second paragraph of the aforesaid Art 9 shall commence from the day on which this decree comes into force.

12 The present decree shall come into force the day after its publication in the Official Gazette of the Kingdom (9 Mar 1945)

DL 56

TIME LIMITS

1 The time limits for the initiation of epuration proceedings under para 1 of Art 25 of DL 159 of 1944 as extended by Art 6 of DL 2 of 1945 are further extended by

(i) 30 days for civilian employees of any Ministry;
(ii) 60 days for civilian employees of any central Department of State other than a Ministry;
(iii) 60 days for members of the armed forces employed in any central Department

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outside the Province in which such Commission sits, the person concerned may in addition to the method of filing prescribed by Art 9 of DL 285 of 1944 file his appeal to the Central Commission at the Prefecture or at the office of the Sindaco of the Province or Commune in which the said notice was served on him or at the local CCRR station.

Any appeal so filed shall be forwarded immediately to the Secretariat of the Commission of First Instance for transmission to the Central Commission.

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(i) 30 days for civilian employees of any Ministry;
(ii) 60 days for civilian employees of any central Department of State other than a Ministry;
(iii) 60 days for members of the armed forces employed in any central Department of State.

PAY

2 Notwithstanding Art 362 of RD 827 of 23 May 1924, provincial offices of the Treasury, while waiting for the proper changes to be made in the account books, may as a matter of course order the payment of any remuneration owing to employees suspended under the last paragraph of Art 22 of DL 159 of 1944.

3 The present decree shall become effective on the day of its publication in the Official Gazette of the Kingdom (16 Mar 1945).

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DLL 44 of 23 FEB 45

DLL 56 of 12 MAR 45

RULES OF PROCEDURE

ADDITIONAL AND AMENDING

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RULES OF PROCEDURE

ADDITIONAL AND AMENDING

Declassified E.O. 12356 Section 3.3/NND No. 745020

Cl. Sec 22 Mar 45

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

21 Mar 45.

Ref: DF/5.15/CA.

SUBJECT: Defascism.

TO: See Distribution.

Reference our DF/5.15/CA dated 22 Mar 45.

You will note the various extensions of time limits, particularly that contained in Art. 1 of D L 56 which extends the time limit of persons epuratable centrally by at least 30 days and in certain cases to 60.

For the Chief Commissioner:

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

DISTRIBUTION:

VP CA Section	Econ Sec	Pol Sec
Educ S/C	Agri S/C	Air S/C
Local Govt S/C	Commerce S/C	Army S/C
Legal S/C	Finance S/C	Naval S/C
Pub Safety	Pub Works S/C	Comms S/C
File CAS	Transport S/C	P R B

3882

"LA VOCE REPUBBLICANA " - 18th Feb.'45.

"Defascistization" and Responsibilities.

Bonomi's speech at the sitting of the Central Defascistization Appeal Commission has brought forward officially the question of responsibility in the upper ranks during the events which occurred immediately after 8th Sept. 1943.

Bonomi has said that these events offered high rankers "the possibility of declaring themselves with dignity and firmness - with courage if necessary - repugnant to collaboration with a self-styled Government supported by enemy bayonets."

We would add that the said events also offered them the opportunity of demonstrating, especially before the lower ranks, that they (the higher ranks) felt an equal sense of responsibility and capability.

In very many cases, in fact, the behaviour of superiors has influenced notably, by virtue of example and more especially by action, the attitude of lower rankers. This is still another reason why, while top rankers should be severely hit at, a more benevolent treatment should be given the lower categories.

This is particularly true in regard to the Armed Forces, where obedience and discipline are stronger, where the example of superiors is more greatly felt and where, sometimes, a misunderstood sense of discipline has caused unreasonable measures to be taken under the menace of reprisals.

We take the case of the Navy in Rome. The announcement of the Armistice came as a "blow on the head" to the mass of Officers present in the Capital. No disbandonment occurred up to the morning of the 13th Sept. as they were all at the Ministry around their Superior Officers awaiting definite orders. These came - or rather they did not - in the ambiguous pronouncement of Sub-Chief of Staff for the Navy, Vice-Admiral Luigi SANSONETTI. In a melodramatic tone he stated that it was impossible not to collaborate passively with the Germans, and added that dissenters, or rebels, could hand in their papers. As if to avoid the obligations and responsibilities of uniform and rank, thus easily a piece of paper and a request to resign were sufficient.

3381

Declassified E.O. 12356 Section 3.3/NND No. 788120

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3381

This unhappy decision was enough to cause the first doubts, the first breaking up and bewilderment, aggravated by the dangerous situation created for all Officers in Rome due to the handing over of a list of their names to the Germans.

Because a "necessarily courageous" attitude was not adopted, on 14th Sept. Navy Chiefs handed over lists to the Germans giving names and addresses of all Officers holding appointments in Rome. Moreover, Officers attached to operational Departments - those most sought after - were invited to sign a statement in duplicate in which they gave their word of honour not to leave Town. This statement also contained addresses and

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'phone numbers. To make doubly sure, those who signed were warned that, in the event of word being broken (or non-compliance), the Germans would take severe measures of reprisal against the Officers who remained.

An act of supreme baseness which allowed the heavily gold-braided top rankers, having paid their tribute to the "Masters", to live in peace at others' expense.

The evil-doing of these few did not stop here -saving their own skins by selling their companions - because further and more up-to-date lists were given to the Germans on 30th Sept., 4th Dec. 1943 and on 10th Jan. and 3rd Feb. 1944.

Every presentation of a new list of names caused spineless Officers to join the Republican Navy. It is in the light of this true state of affairs that those who collaborated with the Fascist "Republican" should be judged.

While the greatest responsibility rests with those of higher or lesser rank who, denouncing their companious had not the courage to avoid collaboration, should he judged for their treason - and it was treason - by the Military Penal Code for acts committed in supplying useful information to the enemy.

Senior Rear-Admiral Angelo PARONA, Capt. Paolo MELODIA, Commanders Vittorio CHINIGO' and Bruno DE MORATTI Lt.Col. (Naval Engs.) Costantino MODESTI , Lt.Car. Antonio DI DOMENICO, C.R.E.M. Captains Antonio ATTINA' and Saverio RAGNO, S/Lt. Giorgio VIANELLO - have they given an account of their behaviour?

Some of these still enjoy their old or greater privileges, quietly holding their Naval appointments, while the colleagues they denounced and persecuted are either kept out or are up North.

3380

Declassified E.O. 12356 Section 3.3/NND No. 763520

"Masters", to live in peace at others' expense.

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Some of these still enjoy their old or greater privileges, quietly holding their Naval appointments, while the colleagues they denounced and persecuted are either kept out or are up North.

3389

DG/P.

Free (Rush) translation by P/O. D.R.S. GREEN, Wrtr. (Sp.)

Declassified E.O. 12356 Section 3.3/NND No. 785220

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DF/3.32/CA

1 Feb 45

SUBJECT : Defascism - GC 35

TO : See Distribution

Attached are summaries of three directives which the PC for Defascism has issued on the subject of epuration which are issued for the information of Regional and Provincial Officers and Sub-Comms so that they can ensure that epuration, for which they are responsible in AMG territory, proceeds along the correct lines.

BY COMMAND OF THE CHIEF COMMISSIONER

G.R. UPJOHN Brig
VP CA Section
DCOS AC

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CA Section	Public Works S/C	Transportation S/C
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Scale of Distribution
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3879

Declassified E.O. 12356 Section 3.3/NND No. 785020

1765

"APPENDIX I" to DF/3.32/Ch of 1 Feb 45

Circular 1 of 20 Aug. From the HC to 1. Ministers
2. Members of judging Commissions

Explains and expounds difficulties and apparent inconsistencies in the text of IL 159. References commencing A are to Articles of IL 159 those beginning S are to the corresponding Sections of GO 35.

1 A 12 (2) and A 15 - S 2(b). Two degrees of improper preferment are recognised. The first includes the more gross cases of favouritism, where the preference is personal and with no shadow of justification, and the second where there may be colourable justification and there is a preference rather because of membership of a group than of the individual as such.

2 A 13-S 2(c) is intended to cover every form of bias incompetence and corruption and several examples are given.

3 A 14-S 2(d) is intended to apply to those who were in fact "squadristi", "antemarcia" etc, and not to those to whom such titles were awarded as honorary distinctions because they were notable athletes, sculptors, etc; but if an honorary title was solicited, this exception does not apply. Nor is the article intended to apply to persons who were transferred to the Militia "en bloc" because the unit to which they belonged was so transferred, except where the transfer was in accord with a request made by them.

4 A 16-S 6(b) The expression "distinguished" is defined as having accomplished something particularly notable and useful. The test is suggested of whether the man is of an honest type, who has done what he did in good faith and is sincere in his beliefs and not a mere time-server who will serve whomever may have a present advantage.

A caution is sounded against accepting too easily the claims of self styled "patriots" and of being too easily satisfied by claims that acts of little true importance should excuse persons from punishment for a long fascist past.

A similar caution is sounded against accepting too readily the excuses of unscrupulous persons.

5 A 17-S 2(e) does not deal with collaboration with the Germans, that can only be dealt with under Art 5; but if such collaboration imports also collaboration with the Republican Government, Art 17 will apply.

3878

Collaboration does not include such cases as a civil servant remaining at his post and carrying on with his job, the continuation of administration is a necessity of modern life. If universal dismissal had been intended, a simple clause dismissing all civil servants would have sufficed. Collaborators are those who have actively assisted the Republican Government, e.g. by the transfer of persons or property to the north or by propaganda.

The pledging of allegiance refers to the oath of fidelity and loyalty.

Three grades of extenuating circumstances are recognised.

a) Actual imprisonment, violence etc so that it might be fairly assumed that there was coercion and the man not a free agent. In such cases no punishment at all should be awarded as no fascism is proved, but the contrary;

Declassified E.O. 12356 Section 3.3/NND No. 785120

Explains and expounds difficulties and apparent inconsistencies in the text of IL 159. References commencing A are to Articles of IL 159 those beginning S are to the corresponding Sections of CC 95.

1 A 12 (2) and A 15 - S 2(b). Two degrees of improper preferment are recognised. The first includes the more gross cases of favouritism, where the preference is personal and with no shadow of justification, and the second where there may be colourable justification and there is a preference rather because of membership of a group than of the individual as such.

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The pledging of allegiance refers to the oath of fidelity and loyalty.

Three grades of extenuating circumstances are recognised.

a) actual imprisonment, violence etc so that it might be fairly assumed that there was coercion and the man not a free agent. In such cases no punishment at all should be awarded as no fascism is proved, but the contrary;

b) actual threats of arrest, reprisals or other coercive measures. The degree of excuse would vary according to the seriousness of the threat both as to the type of danger threatened and the reasonableness of the fear that the threat would actually be carried out;

c) threats merely of dismissal, in which case the degree of excuse would vary with the degree of want in which the employee and his family might find themselves. Here follows a large number of paragraphs dealing with details of administration. They refer to Arts 18-22 of IL 159 and are of no interest to AMG commissions.

Declassified E.O. 12356 Section 3.3/NND No. 785220

"APPENDIX II" to DF/3.32/C. of 1 Feb 45

Circular No 2 of 6 Sep. From the Asst HC to 1. Ministers
2. Members of Judging Commissions

While the first circular dealt with the letter of the law, this deals more with its spirit. The general intention is to remove prominent fascists quickly (so that those left may again feel secure in their posts and the purged offices may commence to reconstruct on a stable foundation) and at the same time to cause as little bitterness as possible.

1 The law is political; undue severity will be harmful; the spirit should prevail over the letter. The aim is not to punish (punishment is dealt with by Part I of DL 159) but to remove the corrupt and to re-build an honest serious and diligent service. The expression "unworthy to serve the state" occurs more than once and is the test to be applied.

2 The persons to be removed are those who are corrupt and intolerant. Two classes are distinguished, those who regard an office as a mean of enrichment and who buy and sell (whether or not for money) favours and take improper profits or other advantages and corrupt and bribe. The second class are those who have been intolerant or repressive or violent, those who have shown extreme partisanship and have coerced or curbed the liberty of others. Persons of both such classes should be removed even though their fascism is not obvious.

3 Other cases should be treated more tolerantly; the object is to set up a clean and honest administration. The argument that all fascists are tainted and should be removed is not accepted. Those who were conscientious and honest are still such and may be worthy of retention. A converted fascist need not necessarily be removed if the conversion is honest and not pretended.

4 The types of ex-fascists to be leniently dealt with are discussed. Squadristi, antemarcia etc who are still of low grade. A man who joined the party in its early days and is still of low grade cannot have been a very ardent fascist. Cases of persons in receipt of small salaries should be carefully considered especially where dismissal will condemn them and their families to complete destitution. It is considered better that a few undesirables should escape their deserts rather than many should suffer more than is deserved. The ex-fascist is not to be removed merely as such, but only if took part in the corruptness of the fascist regime.

5 A further test is the conduct of the individual after the 8 Sep 43. Those who then voluntarily associated themselves with and assisted the Republican Govt must be dismissed, but those who only did so under direct pressure or because of the economic necessity of retaining their appointments, may be awarded lesser punishment.

3877

6 Suspension prior to trial shall not influence the hearing; suspensions are frequently ordered on evidence available at the time, which may later prove false or capable of explanation. Cases of persons suspended should be given priority of hearing.

7 The HC will not hesitate to suggest in suitable cases that no punishment is deserved and will just as readily appeal against decisions of Epuration Commissions which do not observe, to the prejudice of the accused, the spirit of the above instructions.

8 Commissions are urged to work expeditiously to reduce as quickly as possible that unsettled period when people do not know what fate awaits them and departments

Declassified E.O. 12356 Section 3.3/NND No. 785220

that those left may again feel secure in their posts and the purge strikes may commence to reconstruct on a stable foundation) and at the same time to cause as little bitterness as possible.

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8 Commissions are urged to work expeditiously to reduce as quickly as possible that unsettled period when people do not know what fate awaits them and departments what staff they will be retaining. While they should temper justice with mercy; by an exercise of sound judicial and political understanding they will assist in the rebirth of their Country.

Declassified E.O. 12356 Section 3.3/NND No. 785220

Circular No 3 of 26 Oct. From the ..MC to Members of Judging Commissions.
(This was originally circulated as No 4 of 24 Oct.)

1 Disciplinary sanctions of lesser importance include deprivation of pension and loss of rank or seniority, but, they should not be imposed without regard to the effect they will have. The intention is to build up the service. It will generally be inadvisable to order the reduction of allowances and salaries. This but aggravates economic conditions and causes discontent and does not assist to "clear" the service. For the same reason a temporary suspension is undesirable and delays the service from returning to normal. (Suspension should only be ordered when ultimate dismissal appears probable).

Censure is generally the most appropriate lesser sanction.

2 In many cases the pension may be the only source of income. It is inadvisable to create a desperate situation by ordering forfeiture of a pension; which also affects adversely those not guilty of the acts complained of. Such decisions will not assist to restore the country. Deprivation of pension is justified in cases where there has been improper enrichment and in the more serious cases of collaboration with the Republican Govt. In other cases the economic result on the family must be considered, where there are no other means it is generally inadvisable.

3 In considering cases of "consistent apology for fascism" A 12(1)-C 2(c) of GO 35 the place or manner in which the apology is made is not to be given weight whether it be in the Chamber of the Senate or in private conversation, whether by book or a writing never intended to be published. The offence consists of the course of conduct, not in one ill considered episode.

4 Collaboration A 17-S 2(a) includes not only intentional and continued support or assistance of the Republican Govt; but also single acts which are or are calculated to be of assistance to that govt whether the advantage is material or is only intended to influence the attitude or conduct of others towards it.

The office or position of the "offender" is therefore of importance in determining the degree of seriousness with which the offence should be regarded.

5 Claims under A 16 & 17 - GO 2(c) and 3(b) that previous conduct should be excused or a less severe sanction applied, on the ground that persons who were apparently collaborating with the Republican Govt have in fact been sabotaging that effort, need particularly careful investigation not only as to the authenticity of the documents relied upon but also as to the antecedents and reliability of the persons making the statements. Many such documents purporting to be made by individuals, partisan bodies and other associations have been shewn to be quite worthless. The only body authorised to issue such statements is the Ministerial Committee and only documents issued by that body should be accepted in evidence.

6 Personnel removed from office by ..MG are regarded as suspended, the hearing of their cases should be expedited (and they are entitled to ask that this should be done) so that it may quickly be decided whether they are to be dismissed or re-employed; many have already been out of work for a considerable time. Until such decision has been reached they shall receive (and from the date of actual suspension) salary without allowances on the same scale as those suspended under Art 22 of AL 159 are entitled to receive.

3876

7 A suspended official who is "acquitted" shall not be reinstated in his employment until the time for appeal against the decision has lapsed. (In ..GO territory an "acquitted" officer who was suspended by ..MG will not unless ..MG approves be reinstated in the same appointment but if the approval is not forthcoming he may be employed in an equivalent job elsewhere).

All officials are warned against doing any act or saying anything which might

Declassified E.O. 12356 Section 3.3/NND No. 785220

1770

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3 In considering cases of "consistent apology for fascism" A. 12(1)-S 2(A) of SO 25 the place or manner in which the apology is made is not to be given weight whether it be in the Chamber of the Senate or in private conversation, whether by book or a writing never intended to be published. The offence consists of the course of conduct, not in the (il) considered episode.

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All officials are warned against doing any act or saying anything which might prejudice the trial of any matter sub-judice. Any interference or attempted interference with a trial will be reported to the CC.

Declassified E.O. 12356 Section 3.3/NND No. 785220

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

LF/5.13/CA. 27 Jan 45

SUBJECT : Defascism - Amendments to Decree's Nos III 199 - 257 - 285

TO : See Distribution

Reference this office LF/5.13/CA of 14 Jan.

Please destroy the copy of IL 2 of 1945 sent under cover of this office LF/5.13/CA. of 14 Jan and substitute the attached. The letter itself should however be retained.

BY COMMAND OF THE CHIEF COMMISSIONER:

G.T. WIJOHN Brig.
V/ C. Section
LCOS 40

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3875

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DE/.15/CA 14 Jan 45

SUBJECT : Defascism - Amendments to Decree's Nos DL 159 - 257 - 285

TO : See Distribution

The enclosed decree is almost purely administrative; it affects certain minor amendments to the principal decrees, fills in certain gaps in the rules of procedure. None of which seem to be of any great importance except the extension of time.

All cases of time limits for the first four grades have been extended by 30 days to the end of January.

Art 6 extends the ordinary time limits by 3 months except for civil servants of the central government, in which case it is one month only.

Art 1 varies slightly the set up of the High Commission.
Art 2 varies slightly certain less important fascist crimes.
Art 3 directs the method of appointment of the Chairmen of certain Commissions.
Art 4 permits lesser punishment than dismissal in certain cases.
Art 5 provides for the Central Commission sitting in four divisions.
Art 6 extends the time limit for the commencement of proceedings under DL 159 by 3 months (except for civil servants of the central Govt, in which case the extension is 1 month only)
Art 7 extends the time limit for conclusion of proceedings against the first four grades by 30 days to 29 Jan.
Art 8 extends the time limit for compulsory retirement of the first four grades by 30 days to 29 Jan.
Art 9 varies slightly details as to pensions of persons compulsorily retired.
Art 10 adds Avvocati dello Stato to those entitled to the advantages of being classed as irremovable.
Art 11 varies the date from which the time limits in certain cases shall run.
Art 12 varies slightly the responsibility for preparing cases to go before provincial commissions.
Art 13 requires those responsible for keeping professional registers to notify epuration commissions if they have in their possession sufficient evidence to justify proceedings.
Art 14 requires return of papers to the High Commission at the end of proceedings.
Art 15 date of commencement.- day of publication: except Art 7 - 30 Dec.

BY COMMAND OF THE CHIEF COMMISSIONER.

3874

G.R. UPJOHN Brig
VF C.A. Section
DCOS AC

DISTRIBUTION : -

RC Tuscan Region
RC Emilia Region
RC Sicilia Region
RC Sardinia Region
Commerce S/C
Public Works S/C

Declassified E.O. 12356 Section 3.3/NND No. 785120

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Art 14 requires return of papers to the High Commission at the end of proceedings.
Art 15 date of commencement.-day of publication: except Art 7 - 30 Dec.

BY COMMAND OF THE ALLIED COMMISSION:

3874

G.R. UPJOHN Brig
VT C. Section
PCOS AC

DISTRIBUTION : -

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RC Sicilia Region
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RC Southern Region
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Econ Section
Polit Section
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Legal S/
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Army S/C
Naval S/C
Communications S/C
Transportation S/C
Educ S/C

Scale of Distribution
Regions 4 (incl Rome as Division); Provinces 2; Sub Comms 2.

Ltr 5

Declassified E.O. 12356 Section 3.3/NND No. 783220

I 7 7 4

D E F A S C I S M

Decree amending Decrees Nos DLL 159, 257 & 285

The Italian version of this decree is the only authoritative text. The version herein 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.

Amendments to DL 159	Arts 1-5 & 14
Amendments to DL 257	" 6-11
Amendments to DL 285	" 12-14
Commencement	" 15

AMENDMENTS TO DL 159

1 Art 40 of DLL 159 of 27 July 1944 shall be replaced by the following:-

"To provide for the operation of this decree a High Commission for sanctions against fascism is hereby created.

The High Commissioner shall be appointed by Resolution of the Council of Ministers; while so employed/ he shall rank as a judicial magistrate of the first grade.

He shall be assisted by an Assistant Commissioner and by a Deputy Assistant Commissioner in each of the four branches of his jurisdiction.

Whenever the office of the High Commissioner shall be vacant or he shall be absent or unable to carry out his duties the said functions shall be exercised by a Board consisting of the four Assistant High Commissioners under the presidency of the President of the Council of Ministers.

The Assistant High Commissioner and the Deputy Assistant High Commissioner shall be appointed by the President of the Council of Ministers; while so employed they shall rank respectively as magistrates of the third and fourth grades.

Sufficient magistrates and officials as requested by name shall be assigned to the office of the High Commissioner and judicial police including Carabinieri, Public Security, Officers and Finance Guards shall be placed at his disposal. The Secretariat shall be under the control of a Secretary General and persons not belonging to the Civil Service may be employed therein.

The High Commissioner and his subordinate officers may call upon the judicial police for assistance and the latter will carry out their orders".

2 The first para of Art 6 of DL 159 of 27 Jul 44 shall be replaced by the following:-

"Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts of particular gravity which, while not constituting offences, are contrary to the rules of moral rectitude or political probity, shall be subject to the loss of suffrage rights, active or passive, for a period not exceeding 10 years, or temporarily disqualification from holding public office or to loss of political rights for a period of not more than 10 years. 3873

Any person who has held a leading position in the fascist party shall be subject to loss of suffrage rights. The leading positions to which this shall apply will be notified by decree of the President of the Council of Ministers".

3 Magistrates directed to preside over the Provincial Commissions referred to in Art 8 of DLL 159 of 27 July 1944 shall be appointed by the President of the Council of Ministers after consultation with the Minister of Pardon and Justice

Declassified E.O. 12356 Section 3.3/NND No. 788120

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The High Commissioner shall be appointed by resolution of the Council of Ministers; while so employed/he shall rank as a judicial magistrate of the first grade.

He shall be assisted by an Assistant Commissioner and by a Deputy Assistant Commissioner in each of the four branches of his jurisdiction.

Whenever the office of the High Commissioner shall be vacant or he shall be absent or unable to carry out his duties the said functions shall be exercised by a Board consisting of the four Assistant High Commissioners under the presidency of the President of the Council of Ministers.

The Assistant High Commissioner and the Deputy Assistant High Commissioner shall be appointed by the President of the Council of Ministers; while so employed they shall rank respectively as magistrates of the third and fourth grades.

Sufficient magistrates and officials as regulated by rank shall be assigned to the office of the High Commissioner and judicial police including Carabinieri, Public Security, Officers and Finance Guards shall be placed at his disposal.

The Secretariat shall be under the control of a Secretary General and persons not belonging to the Civil Service may be employed therein.

The High Commissioner and his subordinate officers may call upon the judicial police for assistance and the latter will carry out their orders".

2 The first para of Art 3 of DL 159 of 27 Jul 44 shall be replaced by the following:-

"Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts of particular gravity which, while not constituting offences, are contrary to the rules of moral rectitude or political probity, shall be subject to the loss of suffrage rights, active or passive, for a period not exceeding 10 years, or temporarily disqualification from holding public office or to loss of political rights for a period of not more than 10 years.

Any person who has held a leading position in the fascist party shall be subject to loss of suffrage rights. The leading positions to which this shall apply will be notified by decree of the President of the Council of Ministers".

3 Magistrates directed to preside over the Provincial Commissions referred to in Art 6 of DLL 159 of 27 July 1944 shall be appointed by the President of the Council of Ministers after consultation with the Minister of Pardon and Justice and the High Commissioner for Sanctions against Fascism.

4 The following paragraph shall be added to Art 14 of DLL 159 of 27 Jul 44:-

"Lesser disciplinary penalties may also be awarded to fascist apologists under Art 12 (1) when the offence has not been sufficiently serious to render the guilty person unworthy of serving the State".

5 The Central Commission referred to in Art 20 of DLL 159 of 27 Jul 44 shall consist of four divisions, each of which shall consist of a Divisional President, two retired or serving judicial or administrative magistrates, two officials of the Central Administration and two members designated by the High Commissioner for Sanctions against Fascism.

The President of the Central Commission shall provide for the allocation of work among the various divisions and may preside over the meetings of any of them.

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Declassified E.O. 12356 Section 3.3/NND No. 785020

AMENDMENTS TO DL 257

6 Without prejudice to the continued application of the first paragraph of Art 1 of DLL 257 of 11 Oct 44, the time limit contained in the first paragraph of Art 2 of DLL 159 of 27 July 1944 shall be extended by three months for the territories restored to Italian Administration prior to the date of this decree. But in the case of officials of the State Central Administration the extension shall be for one month only.

7 The time limit laid down by the last para of Art 1 of DLL 257 of 11 Oct 44 for announcing decisions of the Epuration Commission may be extended to 60 days.

8 The time limit laid down by the 2nd para of Art 2 of DLL 257 of 11 Oct 44 is extended to 90 days.

9 The personnel referred to by the last para of Art 3 of DLL 257 of 11 Oct 44 may in lieu of the increase of pensionable service under the 1st para of Art 3, request the application of the law of 23 May 1940 No 587, according to the last part of the said article.

Any such request must be made within 15 days from the communication of the decree of retirement.

10 The advantages of an irremovable st tus granted by Art 3 of DLL 257 of 11 Oct 44 and by Art 9 of the present decree shall be applied also to retired State Attorneys in accordance with the afore-mentioned decree No 257.

11 Where a case was referred to any Epuration Commission prior to DLL 257 coming into effect the time limit for the announcing of the finding under the 2nd para of Art 1 of DLL 257 of 11 Oct 44, shall run from the date the decree came into force.

AMENDMENTS TO DL 285

12 Art 17 of DLL 285 of 27 Oct 44 shall be modified to read as follows:-

"In every province the Prefect, together with three delegates of the High Commissioner for sanctions against fascism, shall be responsible for preparing for trial the cases against employees which are to be referred to an Epuration Commission".

13 The following para shall be added to the 2nd para of Art 20 of DLL 285 of 27 Oct 44:-

"Whenever any agency charged with keeping any register considers that it has sufficient evidence to justify epuration proceedings against any person on the register it shall immediately denounce them to the appropriate Commission which shall, before commencing any proceeding, notify the High Commissioner thereof. The High Commissioner may, if he so wishes, initiate such proceedings himself".

14 The notification of its finding by the Epuration Commission of first instance to the High Commissioner for Sanctions against Fascism, in accordance with Art of DLL 159 of 27 July 1944, shall be accompanied by all the papers and documents of the trial to which the decision refers. 3872

COMMENCEMENT

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

The provision of Art 7 shall be effective as from 30 December 1944.

Declassified E.O. 12356 Section 3.3/NND No. 785120

for announcing decisions of the Epuration Commission may be extended to 60 days.

8 The time limits laid down by the 2nd part of Art 2 of DLL 257 of 11 Oct 44 is extended to 90 days.

9 The personnel referred to by the last part of Art 3 of DLL 257 of 11 Oct 44 may in lieu of the increase of pensionable service under the 1st part of Art 3, request the application of the law of 23 May 1940 No 507, according to the last part of the said article.

Any such request must be made within 15 days from the communication of the decree of retirement.

10 The advantages of an irremovable st tus created by Art 3 of DLL 257 of 11 Oct 44 and by Art 9 of the present decree shall be applied also to retired State Attorneys in accordance with the afore-mentioned decree No 257.

11 Where a case was referred to any Epuration Commission prior to DLL 257 coming into effect the time limit for the announcing of the finding under the 2nd part of Art 1 of DLL 257 of 11 Oct 44, shall run from the date the decree came into force.

AMENDMENTS TO DL 285

12 Art 17 of DLL 285 of 27 Oct 44 shall be modified to read as follows:-

"In every province the Prefect, together with three delegates of the High Commissioner for sanctions against Fascism, shall be responsible for preparing for trial the cases against employees which are to be referred to an Epuration Commission".

13 The following part shall be added to the 2nd part of Art 20 of DLL 285 of 27 Oct 44:-

"Whenever any agency charged with keeping any register considers that it has sufficient evidence to justify epuration proceedings against any person on the register it shall immediately denounce them to the appropriate Commission which shall, before commencing any proceeding, notify the High Commissioner thereof. The High Commissioner may, if he so wishes, initiate such proceedings himself".

14 The modification of its finding by the Epuration Commission of first instance to the High Commissioner for Sanctions against Fascism, in accordance with Art of DLL 159 of 27 July 1944, shall be accompanied by all the papers and documents of the trial to which the decision refers.

3872

COMMENCEMENT

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

The provision of Art 7 shall be effective as from 30 December 1944.

26 Jan 45

Declassified E.O. 12356 Section 3.3/NND No. 785420

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Declassified E.O. 12356 Section 3.3/NND No. 785030

Naval 9c

Notes of a Meeting
of
Sub-Comen Representatives

20 Jan 45

DF/3.10/Ca

1 Attention was drawn to the new Decree No 2 of 1945 which extended the time for the completion of proceedings of the first four areas to 29 Jan and for the initiation of proceedings in other cases of persons ejectable entirely by one month to the 29 Feb 45 for those ejectable provincially by three months to the 29 Apr.

Brig. U JOHN stated that it did not seem likely that matters could be finished within the time limits in the new decree and that further extensions might be needed.

Sub-Commissions should however make an effort, to get proceedings finished within these new time limits.

2 Brig. U JOHN referred to SCOCIBANCO's report on the whole six months and informed Sub-Commissions that the report was interesting and was available for perusal but was too long to make copies of.

IRB undertook to condense and issue it in the weekly bulletin. The report contains certain statistics which had been extracted and circulated for information so that Sub-Commissions could see how the High Commissioner's etc of their respective Ministries. Sub-Commissions pointed out a number of inconsistencies as spread to their returns. He also referred to the directives which had been sent by the H C to Ejecting Commissions, which on the whole appeared excellent. A consensation was being prepared and would be circulated.

3 Sub-Commissions were informed that the new A/HC who had replaced SCOCIBANCO was a Mr GREEN and that an interview with him had taken place. A proposal which had been put forward by him was to set up sections of ministerial commissions to sit provincially particularly to deal with employees engaged in the transport, communications and educational services. To effect this it might be necessary to amend Article 23 of EL 159 so that time limits should run in each territory.

4 It was agreed that it was undesirable to put GO 35 into operation in any area to which EL 159 had been extended.

Objection should not be made to actions taken by the H C except in consultation with C. Section. Where ejection was proposed against a man who had done good work for the war effort, the appropriate action was to request that his case be taken into consideration under Article 16 of EL 159.

3871

5 Most Sub-Commissions had found that they could only get the information required by the fortnightly return from their Ministry and not from the Ejection Commission. The original instruction had been that Ejection Commissions should

AMENDMENTS TO DL 257

6 Without prejudice to the continued application of the first paragraph of Art 1 of DLL 257 of 11 Oct 44, the time limit contained in the first paragraph of Art 25 of DLL 159 of 27 July 1944 shall be extended by three months for the territories restored to Italian Administration prior to the date of this decree. But in the case of officials of the State Central Administration the extension shall be for one month only.

7 The time limit laid down by the last para of Art 1 of DLL 257 of 11 Oct 44 for announcing decisions of the Epuration Commission may be extended to 60 days.

8 The time limit laid down by the 2nd para of Art 2 of DLL 257 of 11 Oct 44 is extended to 90 days.

9 The personnel referred to by the last para of Art 3 of DLL 257 of 11 Oct 44 may in lieu of the increase of pensionable service under the 1st para of Art 3, request the application of the law of 23 May 1940 No 587, according to the last part of the said article.

Any such request must be made within 15 days from the communication of the decree of reviroment.

10 The advantages of an irremovable status granted by Art 3 of DLL 257 of 11 Oct 44 and by Art 9 of the present decree shall be applied also to retired State Attorneys in accordance with the afore-mentioned decree No 257.

11 Where a case was referred to any Epuration Commission prior to DLL 257 coming into effect the time limit for the announcing of the finding under the 2nd para of Art 1 of DLL 257 of 11 Oct 44, shall run from the date the decree came into force.

AMENDMENTS TO DL 285

12 Art 17 of DLL 285 of 27 Oct 44 shall be modified to read as follows:-

"In every province the Prefect, together with three delegates of the High Commissioner for sanctions against Fascism, shall be responsible for preparing for trial the cases against employees which are to be referred to an Epuration Commission".

13 The following para shall be added to the 2nd para of Art 20 of DLL 285 of 27 Oct 44:-

"Whenever any agency charged with keeping any register considers that it has sufficient evidence to justify epuration proceedings against any person on the register it shall immediately denounce them to the appropriate Commission which shall, before commencing any proceeding, notify the High Commissioner thereof. The High Commissioner may, if he so wishes, initiate such proceedings himself".

14 The notification of its finding by the Epuration Commission of first instance to the High Commissioner for Sanctions against Fascism, in accordance with Art 3872 of DLL 159 of 27 July 1944, shall be accompanied by all the papers and documents of the trial to which the decision refers.

COMMENCEMENT

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

The provision of Art 7 shall be effective as from 30 December 1944.

Declassified E.O. 12356 Section 3.3/NND No. 785220

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for announcing decisions of the Epuration Commissions may be [illegible]

6 The time limit laid down by the 2nd para of Art 2 of DLL 257 of 11 Oct 44 is extended to 90 days.

9 The personnel referred to by the last para of Art 3 of DLL 257 of 11 Oct 44 may in lieu of the increase of pensionable service under the 1st para of Art 3, request the application of the law of 23 May 1940 No 587, according to the last part of the said article.

Any such request must be made within 15 days from the communication of the decree of retirement.

10 The advantages of an irremovable st tus granted by Art 3 of DLL 257 of 11 Oct 44 and by Art 9 of the present decree shall be applied also to retired State Attorneys in accordance with the afore-mentioned decree No 257.

11 Where a case was referred to any Epuration Commission prior to DLL 257 coming into effect the time limit for the announcing of the finding under the 2nd para of Art 1 of DLL 257 of 11 Oct 44, shall run from the date the decree came into force.

AMENDMENTS TO DL 285

12 Art 17 of DLL 285 of 27 Oct 44 shall be modified to read as follows:-

"In every province the Prefect, together with three delegates of the High Commissioner for sanctions against Fascism, shall be responsible for preparing for trial the cases against employees which are to be referred to an Epuration Commission".

13 The following para shall be added to the 2nd para of Art 20 of DLL 285 of 27 Oct 44:-

"Whenever any agency charged with keeping any register considers that it has sufficient evidence to justify epuration proceedings against any person on the register it shall immediately denounce them to the appropriate Commission which shall, before commencing any proceeding, notify the High Commissioner thereof. The High Commissioner may, if he so wishes, initiate such proceedings himself".

14 The notification of its finding by the Epuration Commission of first instance to the High Commissioner for Sanctions against Fascism, in accordance with [illegible] of DLL 159 of 27 July 1944, shall be accompanied by all the papers and documents of the trial to which the decision refers. 3872

COMMENCEMENT

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

The provision of Art 7 shall be effective as from 30 December 1944.

26 Jan 45

Declassified E.O. 12356 Section 3.3/NND No. 781220

1781

Declassified E.O. 12356 Section 3.3/NND No. 785020

Date Rec'd 2 Jan 45

AMENDMENTS

Nos. DEL 152, 237 & 285

1782

Declassified E.O. 12356 Section 3.3/NND No. 785020

26 Jan 45

ARMED FORCES

HOs Bill. 152, 257 & 285

Ga. Sec

1783

Declassified E.O. 12356 Section 3.3/NND No. 785020

Naval Sc

Notes of a Meeting
of
Sub-Comcn Representatives

20 Jan 45

EF/3.10/CA

1 Attention was drawn to the new Decree No 2 of 1945 which extended the time for the completion of proceedings of the first four grades to 29 Jan and for the initiation of proceedings in other cases of persons epurtable centrally by one month to the 29 Feb 45 for those epurtable provincially by three months to the 29 Apr.

Brig. U JOHN stated that it did not seem likely that matters could be finished within the time limits in the new Decree and that further extensions might be needed.

Sub-Commissions should however make an effort, to get proceedings finished within these new time limits.

2 Brig. UJOHN referred to SCOCIMINFO's report on the whole six months and informed Sub-Commissions that the report was interesting and was available for perusal but was too long to make copies of.

PRB undertook to condense and issue it in the Weekly Bulletin. The report contains certain statistics which had been extracted and circulated for information so that Sub-Commissions could see that the High Commissioner was in of their respective Ministries. Sub-Commissions pointed out a number of inconsistencies compared to their returns. He also referred to the directives which had been sent by the H C to Epurating Commissions, which on the whole appeared excellent. A consensation was being prepared and would be circulated.

3 Sub-Commissions were informed that the new A/HC who had replaced SCOCIMINFO was a E CHIECO and that an interview with him had taken place. A proposal which had been put forward by him was to set up sections of ministerial commissions to sit provincially particularly to deal with employees engaged in the transport, communications and auxiliary services. To effect this it might be necessary to amend Article 25 of ML 159 so that time limits should run in ... territory.

4 It was agreed that it was undesirable to put GO 39 into operation in any area to which ML 159 has been extended.

Objection should not be made to actions taken by the H C except in consultation with G. Section. Where epuration was proposed against a man who had done good work for the war effort, the appropriate action was to request that his case might be taken into consideration under Article 16 of ML 159.

3871

5 Most Sub-Commissions had found that they could only get the information required by the fortnightly return from their Ministry and not from the Epuration Commission. The original instruction had been that Epuration Commissions should

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provide the information. Sub-Commissions should not arrange for the personal branch of the Ministry concerned to provide this information. A directive to this effect has been issued.

7 List "A", Executive Memorandum No 67 was under revision. It was noted that it contained no reference at all to senior personnel of services for which certain Sub-Commissions were responsible. Sub-Commissions should consider whether any appointments should be included. It was intended that the list should be exclusive and apply only to the senior appointments which it was essential should be non-fascist. Any amendments proposed should be submitted within 5 days.

8 The following points by Sub-Commissions were raised:-

a) The proposed re-employment by the Italian Government of persons suspended by AMG. In some districts some persons have now been suspended for over a year and the Italian Government has desired to re-employ them. And though it was considered desirable that such persons should appear before an epuration commission before they were re-employed. This was a matter of high policy which would have to be decided at a higher level.

b) Public Safety was instructed to see that its returns included figures as to the senior grades of CC AR officers. Prison personnel should be aggregated with the Min. of Justice's figures. Col WHITE to coordinate between Public Safety and Land Forces Sub-Commissions.

c) It was suggested that a provincial commission was sitting in Naples and dealing with University professors contrary to the wishes of the Minister of Education. Education was instructed to make further enquiries.

d) There was no objection to Finance Sub-Commission continuing to handle the figures relating to Insurance Companies.

e) A further supply of revised pro forma was required.

DISTRIBUTION: -

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File G.S	Transpt S/C	FRO

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DF/CA/CA 19 Jan 45

SUBJECT : Defascism - Fortnightly Return

TO : See Distribution

Reference DF/CA/AS of 5 Sep 44.

1 As a result of the manner in which the internal administrative details of Epuration Sub-Commissions has developed the original instruction that Defascising returns should be compiled by the Epurating Sub-Commissions themselves is no longer either practicable or convenient. Sub-Comsns will therefore arrange that these returns will in future be compiled by the personnel branch of Ministries.

2 They will explain to Ministries that col c and d of the form relate only to action within the Ministry. Under Art 2 of DL 285 each Minister is charged with the duty of forwarding to the HC a list of employees liable to epuration together with the evidence against them. This requires methodical enquiry by the Minister into the record of every employee. In col c and d should be recorded the progress which the Minister makes in this investigation. That, for instance, he has examined the records of 250 employees and has referred 50 of such cases to the Epuration Commission (or High Commissioner). The Minister does not comply with Art 2 if he merely deals with persons denounced to him. It is obvious that when the Minister has investigated the record of every one of his employees the figure in col c will then agree with that in col b.

3 The next two columns e and f refer only to the proceedings of the Epuration Commission which they report to the personnel branch of the Ministry after every session. The Ministry should therefore have no difficulty in saying for instance that the total number of cases heard is 30 and that dismissal was recommended in 20 cases.

4 Similarly in the case of bodies other than Ministries, but the returns will in such cases be compiled by the appropriate personnel branch and the above instruction will be read as if references to Ministry and Minister related to the concern itself and the appropriate responsible officer.

S.H. WHITE Lt Col 3370
for VP CA Section

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		Transportation S/C

Declassified E.O. 12356 Section 3.3/NND No. 785220

Reference DF/CA/AS of 5 Sep 44.

1 As a result of the manner in which the internal administrative details of Epuration Sub-Commissions has developed the original instruction that Defascising returns should be compiled by the Epurating Sub-Commissions themselves is no longer either practicable or convenient. Sub-Comsns will therefore arrange that these returns will in future be compiled by the personnel branch of Ministries.

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3 The next two columns e and f refer only to the proceedings of the Epuration Commission which they report to the personnel branch of the Ministry after every session. The Ministry should therefore have no difficulty in saying for instance that the total number of cases heard is 30 and that dismissal was recommended in 20 cases.

4 Similarly in the case of bodies other than Ministries, but the returns will in such cases be compiled by the appropriate personnel branch and the above instruction will be read as if references to Ministry and Minister related to the concern itself and the appropriate responsible officer.

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S.H. WHITE Lt Col
for VP CA Section

DISTRIBUTION:

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1784

Declassified E.O. 12356 Section 3.3/NND No. 785120

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DS/7.13/CA 14 Jan 45

SUBJECT : Defascism - Amendments to Decree's Nos DL 159 - 257 - 285

TO : See Distribution

The enclosed decree is almost purely administrative; it affects certain minor amendments to the principal decrees, fills in certain gaps in the rules of procedure. None of which seem to be of any great importance except the extension of time.

All cases of time limits for the first four grades have been extended by 30 days to the end of January.

Art 6 extends the ordinary time limits by 3 months except for civil servants of the central government, in which case it is one month only.

Art 1 varies slightly the set up of the High Commission.
Art 2 varies slightly certain less important fascist crimes.
Art 3 directs the method of appointment of the Chairmen of certain Commissions.
Art 4 permits lesser punishment than dismissal in certain cases.
Art 5 provides for the Central Commission sitting in four divisions.
Art 6 extends the time limit for the commencement of proceedings under DL 159 by 3 months (except for civil servants of the central Govt, in which case the extension is 1 month only)
Art 7 extends the time limit for conclusion of proceedings against the first four grades by 30 days to 29 Jan.
Art 8 extends the time limit for compulsory retirement of the first four grades by 30 days to 29 Jan.
Art 9 varies slightly details as to pensions of persons compulsorily retired.
Art 10 adds Avvocati dello Stato to those entitled to the advantages of being classed as irremovable.
Art 11 varies the date from which the time limits in certain cases shall run.
Art 12 varies slightly the responsibility for preparing cases to go before provincial commissions.
Art 13 requires those responsible for keeping professional registers to notify epuration commissions if they have in their possession sufficient evidence to justify proceedings.
Art 14 requires return of papers to the High Commission at the end of proceedings.
Art 15 date of commencement.-day of publication: except Art 7 - 30 Dec.

BY COMMAND OF THE SUPREME COMMISSION:

3369

G.R. URJONI Brig
VP C. Section
DCOS AC

DISTRIBUTION : -

RC Tuscan Region
RC Emilia Region
RC Ligurian Region
RC Sardinia Region
Commerce S/C
Public Works S/C
Finance S/C

Declassified E.O. 12356 Section 3.3/NND No. 785120

amendments to the principal decree, [illegible]
None of which seem to be of any great importance except the extension of time.
All cases of time limits for the first four grades have been extended by 30 days to the end of January.

Art 6 extends the ordinary time limits by 3 months - except for civil servants of the central government, in which case it is one month only.

Art 1 varies slightly the set up of the High Commission.
Art 2 varies slightly certain less important fascist crimes.
Art 3 directs the method of appointment of the Chairman of certain Commissions.
Art 4 permits lesser punishment than dismissal in certain cases.
Art 5 provides for the Central Commission sitting in four divisions.
Art 6 extends the time limit for the commencement of proceedings under DL 159 by 3 months (except for civil servants of the central Govt, in which case the extension is 1 month only)
Art 7 extends the time limit for conclusion of proceedings against the first four grades by 30 days to 29 Jan.
Art 8 extends the time limit for compulsory retirement of the first four grades by 30 days to 29 Jan.
Art 9 varies slightly details as to pensions of persons compulsorily retired.
Art 10 adds Avvocati dello Stato to those entitled to the advantages of being classed as irremovable.
Art 11 varies the date from which the time limits in certain cases shall run.
Art 12 varies slightly the responsibility for forwarding cases to go before provincial commissions.
Art 13 requires those responsible for keeping professional registers to notify epuration commissions if they have in their possession sufficient evidence to justify proceedings.
Art 14 requires return of proofs to the High Commission at the end of proceedings.
Art 15 date of commencement - day of publication: except Art 7 - 30 Dec.

BY COMMAND OF THE CHIEF COMMISSIONER:

3869

G.R. URQUHART Brig
VP C.A. Section
MCOS AC

DISTRIBUTION : -

RC Tuscana Region
RC Emilia Region
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RC Venezia Region
SCAO LMC 8 Army
SCAO LMC 5 Army
PRO
Public Safety S/C
RC Sicilia Region
RC Sardinia Region
RC Southern Region
RC Lazio Region
RC Abruzzi-Marche Reg.
C.A. Section
Econ Section
Polit Section
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Communications S/C
Transportation S/C
Educ S/C

Scale of Distribution
Regions 4 (incl Hqrs of Division); Provinces 2; Sub Comms 2.

Declassified E.O. 12356 Section 3.3/NND No. 785120

1789

Declassified E.O. 12356 Section 3.3/NND No. 785220

L E G I S L A T I O N

Decree amending Decrees Nos LLL 159, 257 & 285

1 Art. 40 of LLL 159 of 27 July 1944 shall be replaced by the following:-

"To provide for the operation of this decree a High Commission for sanctions against fascism is hereby created. The High Commissioner shall be appointed by resolution of the Council of Ministers and for the duration of his office shall rank as a judicial magistrate of the first grade.

He shall be assisted by an Assistant Commissioner and by a Deputy Assistant Commissioner in each branch of his jurisdiction. The Assistant High Commissioner or, in his absence, the Deputy Assistant High Commissioner may, in his own branch, act for the High Commissioner for sanctions against fascism, should the latter be prevented from acting.

The Assistant High Commissioner and the Deputy Assistant High Commissioner shall be nominated by the High Commissioner and appointed by the President of the Council of Ministers and for the duration of their office shall rank respectively as magistrates of the third and fourth grades.

Sufficient magistrates and officials, to be requested by name, shall be assigned to the office of the High Commissioner; a group of judicial police composed of Carabinieri, Public Security Officers and Finance Guards shall be placed at the disposal of the Commission. Persons not belonging to the Civil Service may be employed in the Secretariat.

The High Commissioner and his subordinate officers may call upon the judicial police for assistance and the latter will carry out their orders".

2 The first part of Art. 2 of LLL 159 of 27 July 1944 shall be replaced by the following:-

"Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts of particular gravity which, while not constituting offences, are contrary to the rules of moral rectitude or of political probity, shall be subject to the loss of suffrage rights, active or passive, for a period not exceeding 10 years, or temporarily disqualification from holding public office or to loss of political rights for a period of not more than 10 years.

Any person who has held a leading position in the fascist party shall be subject to loss of suffrage rights. The leading positions to which this shall apply will be notified by decree of the President of the Council of Ministers".

3 Magistrates directed to preside over the Provincial Commissions referred to in Art. 3 of LLL 159 of 27 July 1944 shall be appointed by the President of the Council of Ministers after consultation with the Minister of Person and Justice and the High Commissioner for Sanctions against Fascism.

3368

4 The following paragraph shall be added to Art. 14 of LLL 159 of 27 Jul 44:-

"Lesser disciplinary penalties may also be awarded to fascist apologists under Art. 12 (1) when the offence has not been sufficiently serious to render the guilty person unworthy of serving the State".

5 The Central Commission referred to in Art. 20 of LLL 159 of 27 Jul 44 shall consist of four divisions, each of which shall consist of a Divisional President, two retired or serving judicial or administrative magistrates, two officials of the Central Administration and two members designated by the High Commissioner for Sanctions against Fascism.

Commissioner in each branch of his jurisdiction. The Assistant High Commissioner or, in his absence, the Deputy Assistant High Commissioner may, in his own branch, act for the High Commissioner for Sanctions against Fascism, should the latter be prevented from acting.

The Assistant High Commissioner and the Deputy Assistant High Commissioner shall be nominated by the High Commissioner and appointed by the President of the Council of Ministers and for the duration of their office shall rank respectively as magistrates of the third and fourth grades.

Sufficient magistrates and officials, to be requested by name, shall be assigned to the office of the High Commissioner; a group of judicial police composed of Carabinieri, Public Security Officers and Finance Guards shall be placed at the disposal of the Commission. Persons not belonging to the Civil Service may be employed in the Secretariat.

The High Commissioner and his subordinate officers may call upon the judicial police for assistance and the latter will carry out their orders".

2 The first para. of art. 3 of LLL 159 of 27 July 1944 shall be replaced by the following:-

"Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts of particular gravity which, while not constituting offences, are contrary to the rules of moral rectitude or of political probity, shall be subject to the loss of suffrage rights, active or passive, for a period not exceeding 10 years, or temporarily disqualification from holding public office or to loss of political rights for a period of not more than 10 years.

Any person who has held a leading position in the fascist party shall be subject to loss of suffrage rights. The leading positions to which this shall apply will be notified by decree of the President of the Council of Ministers".

3 Magistrates directed to preside over the Provincial Commissions referred to in Art. 3 of LLL 159 of 27 July 1944 shall be appointed by the President of the Council of Ministers after consultation with the Minister of Pardon and Justice and the High Commissioner for Sanctions against Fascism.

3868

4 The following paragraph shall be added to Art. 14 of LLL 159 of 27 Jul 44:-

"Lesser disciplinary penalties may also be exercised to fascist apologists under Art. 12 (1) when the offence has not been sufficiently serious to render the guilty person unworthy of serving the State".

5 The Central Commission referred to in Art. 20 of LLL 159 of 27 Jul 44 shall consist of four divisions, each of which shall consist of a Divisional President, two retired or serving judicial or administrative magistrates, two officials of the Central Administration and two members designated by the High Commissioner for Sanctions against Fascism.

The President of the Central Commission shall provide for the allocation of work among the various divisions and may preside over the meetings of any of them.

6 Without prejudice to the continued application of the first paragraph of Art. 1 of LLL 257 of 11 Oct 44, the time limit contained in the first paragraph of Art. 25 of LLL 159 of 27 July 1944 shall be extended by three months for the territories restored to Italian Administration prior to the date of this decree. But in the case of officials of the State Central Administration the extension shall be for one month only.

Declassified E.O. 12356 Section 3.3/NND No. 785220

7 The time limit laid down by the last part of Art. 1 of LLL 257 of 11 Oct 44 for announcing decisions of the Epuration Commission may be extended to 60 days.

8 The time limit laid down by the 2nd part of Art. 2 of LLL 257 of 11 Oct 44 is extended to 90 days.

9 The personnel referred to by the last part of Art. 3 of LLL 257 of 11 Oct 44 may in lieu of the increase of pensionable service under the 1st para of Art. 3, request the application of the law of 23 May 1940 No 587, according to the last part of the said article.

Any such request must be made within 15 days from the communication of the decree of retirement.

10 The advantages of an irremovable status granted by Art. 3 of LLL 257 of 11 Oct 44 and by Art. 9 of the present decree shall be applied also to retired State Attorneys in accordance with the afore-mentioned decree No 257.

11 Where a case was referred to any Epuration Commission prior to LLL 257 coming into effect the time limit for the announcing of the finding under the 2nd para of Art. 1 of LLL 257 of 11 Oct 44, shall run from the date the decree came into force.

12 Art. 17 of LLL 265 of 27 Oct 44 shall be modified to read as follows:-

"In every province the Prefect, together with three delegates of the High Commissioner for sanctions against fascism, shall be responsible for preparing for trial the cases against employees which are to be referred to an Epuration Commission".

13 The following part shall be added to the 2nd part of Art. 20 of LLL 265 of 27 Oct 44:-

"Whenever any agency charged with keeping any register considers that it has sufficient evidence to justify epuration proceedings against any person on the register it shall immediately consume them to the appropriate Commission which shall, before commencing any proceeding, notify the High Commissioner thereof. The High Commissioner may, if he so wishes, initiate such proceedings himself."

14 The notification of its finding by the Epuration Commission of first instance to the High Commissioner for Sanctions against Fascism, in accordance with Art. 20 of LLL 159 of 27 July 1944, shall be accompanied by all the papers and documents of the trial to which the decision refers.

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

The provision of Art. 7 shall be effective as from 30 December 1944.

14 Jan 45

Declassified E.O. 12356 Section 3.3/NND No. 785020

Any such request must be made [illegible] the decree of retirement.

10 The advantages of an irremovable status granted by Art. 3 of DLL 257 of 11 Oct 44 and by Art. 9 of the present decree shall be applied also to retired State Attorneys in accordance with the afore-mentioned decree No 257.

11 Where a case was referred to any Epuration Commission prior to DLL 257 coming into effect the time limit for the transacting of the finding under the 2nd para of Art. 1 of DLL 257 of 11 Oct 44, shall run from the date the decree came into force.

12 Art. 17 of DLL 285 of 27 Oct 44 shall be modified to read as follows:-
"In every province the Prefect, together with three delegates of the High Commissioner for sanctions against Fascism, shall be responsible for preparing for trial the cases against employees which are to be referred to an Epuration Commission".

13 The following para shall be added to the 2nd para of Art. 20 of DLL 285 of 27 Oct 44:-
"Whenever any agency charged with keeping any register considers that it has sufficient evidence to justify epuration proceedings against any person on the register it shall immediately denounce that to the Epuration Commission which shall, before commencing any proceeding, notify the High Commissioner thereof. The High Commissioner may, if he so wishes, initiate such proceedings himself."

14 The notification of its finding by the Epuration Commission of first instance to the High Commissioner for sanctions against Fascism, in accordance with Art. 20 of DLL 159 of 27 July 1944, shall be accompanied by all the papers and documents of the trial to which the decision refers.

15 The present decree shall become effective on the day of its publication in the Official Gazette of the Kingdom.
The provision of Art. 7 shall be effective as from 30 December 1944.

14 Jan 45

Declassified E.O. 12356 Section 3.3/NND No. 785120

1 2 3 3

AMENDING DECREES

NOS. DLL 158, 257 & 285

The Italian version of this decree is the only authoritative text. The version herein 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.

Declassified E.O. 12356 Section 3.3/NND No. 785220

1794

Declassified E.O. 12356 Section 3.3/NND No. 765220

AWARDING BODIES

NOs ALL 153, 257 & 255

The Italian version of this decree is the only authoritative text. The version herein 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.

CA Sec 15 Jan 45

Naval S/C

1795

Declassified E.O. 12356 Section 3.3/NND No. 785030

3867

Declassified E.O. 12356 Section 3.3/NND No. 785020

1796

ALLIED COMMISSION
A.C. 304
CIVIL AFFAIRS SECTION

6 Dec 44

Ref : VT/ C/CA

SUBJECT : Defascism Returns.

TO : See Distribution.

1 CA Sec is receiving Defascism reports direct from some of the Ministries. Ministerial Commissions should report to the Sub-Comsns (on the Italian Form). CA Sec requires one return only (on the English form) which return will be an aggregate of all the returns received by the S/C.

2 S/Cs will please check that they receive all the reports that they should and submit the aggregated return when all are in.

C.H. WHITE Lt Col,
for VT CA Section.

DISTRIBUTION :-

VT CA Sec
Educ S/C
Local Govt S/C
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Sub Staf S/C
File CAS

Econ Sec
Agri S/C
Commerce S/C
Finance S/C
Pub Works S/C
Transpt S/C

Pol Sec
Air S/C
Army S/C
Naval S/C
Comms S/C
PRB

3366

5614

1797

Declassified E.O. 12356 Section 3.3/NND No. 785020

Naval S/C

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

10 Feb 45

DE/3.11/CA

SUBJECT : Provincial Epuration

TO : HCs Toscana, Abruzzi-Marche, Lazio-Umbria Regions
(scale RHQ 4; EHQ 2)

1 From enquiries received, it is apparent that there is no clear conception of what is included in "Provincial" Epuration for which Regional and Provincial officers in AMG territory are responsible.

2 The procedure as to epuration is laid down in DL 159 as amended or added to by DL 257, 285, 420 all of 1944 and DL 2 of 1945, all of which have been extended to AMG territory. The officials and bodies appointed as laid down in those decrees are responsible for carrying out epuration in accordance with those laws and with the directives issued from time to time by the HC. . But of these officials those working in AMG territory have a dual responsibility. Just as a Prefect or Questore is responsible to AMG for carrying out Italian law in his jurisdiction, so are epuration officers responsible to AMG for carrying out the law as to epuration.

3 It must be constantly borne in mind that Italian legislation sets up two forms of Epuration Commissions (a) Central (b) Provincial. The broad distinction as to who is epuratable by a Central and who by a Provincial Commission is not always easy but the broad distinction is, that the cases of all Government servants (however low in grade and wherever employed) are decided centrally as are the cases of employees of all concerns of national, as opposed to only local, importance. The only persons whose cases are decided by a provincial commission (in the strict sense) are employees of concerns of purely local interest. It should be noted that the distinction rests upon the standing of the employing body and has nothing to do with the location of the place of employment or where the employee resides. In case of doubt the view of the responsible Italian official should be accepted.

3865

4. It is the responsibility of AMG officers to see that the provincial commissions tackle the epuration of the purely local concerns. His first problem is, that in many cases the commissions do not yet exist. Where this is the case he will see that the investigatory spade work nevertheless goes on and that cases are prepared so that there shall be no delay on that score when the commission is appointed.

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1798

Declassified E.O. 12356 Section 3.3/NND No. 785020

5 The principal cause of the delay in appointing provincial commissions is the requirement that a judge shall sit on all commissions, nearly 150 commissions (mostly central) have already been appointed and so many magistrates have been withdrawn from normal work that the administration of justice is being interfered with, so a halt has had to be called. Nearly 100 more commissions are required to meet central and provincial requirements. It is hoped that the appointment of commissions will soon be resumed.

6 It should be noted that in addition to Provincial Commissions properly so called, Central Commissions have the power to sit in divisions which may sit provincially, (but still as part of the central machine). They have jurisdiction over one or more provinces for the purpose of dealing more conveniently with the epuration of government departments which have in that area a large number of employees in scattered offices. This power is intended to exercise especially for the transportation, communication and education services. Where such divisions sit in AMG territory AMG is responsible for seeing that they do their jobs.

7 The HC is represented at the Provincial level by a Delegate who in addition to other duties is a liaison officer to keep the HC informed on local conditions. AMG officers can properly make representations to him as to the need for the appointment of commissions, the rate at which work is being done or the fact that certain persons have not been dealt with. The delegate is also responsible for supervising the work of the local commissions and for conducting local investigations. He stands to the work of epuration in the same position as the Prefect does to the work of Local Government. So that his functions may be understood, a summary of the Instructions under which he works is attached. Close liaison should be maintained with him.

BY COMMAND OF THE CHIEF COMMISSIONER :

G.R. URJOHN Brig
VP CA Section,
DCOS AC.

DISTRIBUTION (for information) :

RC Emilia Region
RC Piemonte Region
RC Liguria Region
RC Lombardia Region
RC Venezia Region
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SCAO AMG 8 Army
SCAO AMG 5 Army
PRB

RC Sicilia Region
RC Sardegna Region
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Educ S/C
Communications S/C

Econ Section
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Commerce S/C
Finance S/C
Public Works S/C
Transptn. S/C
Air S/C
Land Forces
Naval S/C

Circular No 4 of 7 Jan 45 from the Assistant High Commissioner

PROVINCIAL EPURATION

1 The HC will be represented in all provinces by a Delegate responsible for conducting preliminary investigations and preparing cases for submission to epuration commissions. The Delegate should, where possible, have his office in the prefecture and work in close collaboration with the Prefect.

He will examine registers and lists of employees and the information available as to such employees with which the responsible heads of all services are responsible for supplying him.

2 The evidence collected will
a) if it concerns persons epurable centrally, be submitted to the HC (unless there is a division of an appropriate central epuration commission sitting provincially, then it will be sent to that commission).
b) If the evidence refers to persons epurable provincially it will be forwarded to the appropriate provincial commission; but if a provincial commission has not been established, it will be retained for transmission when the commission has been set up.

3 The Delegate may recommend suspension; if the Prefect does not agree he will inform the Delegate who will then refer the matter to the HC (in AMG territory to the appropriate AMG officer).

4 The Delegate shall be responsible for such degree of supervision over the work of commissions as may be necessary to prevent interference, pressure or favour. If any such is attempted it will be reported to the HC (in AMG territory to the appropriate AMG officer).

5 The Delgate will scrutinise decisions of Commissions sitting provincially and forward them to the HC with his comments. The period within which an appeal must be lodged will commence on the date on which the HC receives the decision concerned; but the Delegate will nevertheless give notice of appeal in all cases where he is of opinion that an appeal should be lodged, leaving the HC to withdraw the appeal if, in his opinion, it is not justified.

6 With the appointment of Delegates in the capitals of all provinces local epuration may be said to have begun. If epuration is to be effective it is necessary that the Delegate should be able to rely on the collaboration of the Prefects and Sindaci and on the assistance of the democratic parties and of the public. The Prefect will be responsible for replacing Sindaci whose co-operation in epuration cannot be relied upon. (In AMG territory it will be a good ground for asking AMG to change a Sindaco).

7 It is intended that party and public cooperation shall be channelled through the local CLNs. The public must become accustomed to the idea of public responsibility, it may be educated by means of meetings, articles in the press and public notices. All information received from the public must be signed. No attention will be paid to anonymous denunciations or intrigue. 3864

8 Judging Commissions will be presided over by a magistrate and composed of persons who have little or no connection with the locality but local citizens who are esteemed locally because of their honesty and who can be relied upon for justice and impartiality and who are not corruptible by favours or bribes may be appointed. Delegates and Prefects of the community will forward the names of any such persons they wish appointed to the HC.

9 The chief of justice Provincial Epuration Commissions appointed by the

Declassified E.O. 12356 Section 3.3/NND No. 788120

are responsible for supplying him.

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7 It is intended that party and public cooperation shall be channelled through the local NCLs. The public must become accustomed to the idea of public responsibility. It may be educated by means of meetings, articles in the press and public notices. All information received from the public must be signed. No attention will be paid to anonymous denunciations or intrigue.

3864

8 Judging Commissions will be presided over by a magistrate and composed of persons who have little or no connection with the locality but local citizens who are esteemed locally because of their honesty and who can be relied upon for justice and impartiality and who are not corruptible by favours or bribes may be appointed. Delegates and Prefects of the community will forward the names of any such persons they wish appointed to the HC.

9 The object of having Provincial Epuration Commissions appointed by the President of the Council of Ministers is to increase their prestige and authority All previously appointed Provincial Commissions are dissolved but work already done will be examined and utilised if it complies with the law and the co-ordinating regulations.

10 The Delegate, though nominally the representative of the AMG for Epuration, will also supervise work for the other three branches of Sanctions against Fascism.

1800

Declassified E.O. 12356 Section 3.3/NND No. 788220

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DE/3.32/CA

1 Feb 45

SUBJECT : Defascism - GO 35

TO : See Distribution

Attached are summaries of three directives which the HC for Defascism has issued on the subject of evacuation which are issued for the information of Regional and Provincial Officers and Sub-Comsns so that they can ensure that evacuation, for which they are responsible in AMG territory, proceeds along the correct lines.

BY COMMAND OF THE CHIEF COMMISSIONER

G.R. URQUHART Brig
VH CA Section
DCOS AC

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Scale of Distribution
Regions 4 (incl Heads of Division); Provinces 2; Sub Comsns 2.

Copies for info : RC Southern Region
RC Sicilia Region
RC Sardegna Region

3863

Declassified E.O. 12356 Section 3.3/NND No. 785220

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BY COMMAND OF THE CHIEF COMMISSIONER

G.R. UZUCHN Brig
VP CA Section
DCOS AC

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Communications S/C
Transportation S/C
Educ S/C

Scale of Distribution
Regions 4 (incl Heads of Division); Provinces 2; Sub Comsns 2.

Copies for info : RC Southern Region
RC Sicilia Region
RC Sardegna Region

3863

File
RC

Declassified E.O. 12356 Section 3.3/NND No. 785220

1803

"APPENDIX I" to DF/S.32/CA of 1 Feb 45

Circular 1 of 20 Aug. From the HC to 1. Ministers
2. Members of judging Commissions

Expleins and expounds difficulties and apparent inconsistencies in the text of IL 159. References commencing A are to Articles of IL 159 those beginning S are to the corresponding Sections of GO 35.

1 A 12 (2) and A 15 - S 2(b). Two degrees of improper preferment are recognised. The First includes the more gross cases of favouritism, where the preference is personal and with no shadow of justification, and the second where there may be colourable justification and there is a preference rather because of membership of a group than of the individual as such.

2 A 13-S 2(c) is intended to cover every form of bias incompetence and corruption and several examples are given.

3 A 14-S 2(d) is intended to apply to those who were in fact "squadristi", "antemarcia" etc, and not to those to whom such titles were awarded as honorary distinctions because they were notable athletes, sculptors, etc; but if an honorary title was solicited, this exception does not apply. Nor is the article intended to apply to persons who were transferred to the Militia "en bloc" because the unit to which they belonged was so transferred, except where the transfer was in accord with a request made by them.

4 A 16-S 6(b) The expression "distinguished" is defined as having accomplished something particularly notable and useful. The test is suggested of whether the man is of an honest type, who has done what he did in good faith and is sincere in his beliefs and not a mere time-server who will serve whomever may have a present advantage.

A caution is sounded against accepting too easily the claims of self styled "patriots" and of being too easily satisfied by claims that acts of little true importance should excuse persons from punishment for a long fascist past.
A similar caution is sounded against accepting too readily the excuses of unscrupulous persons.

5 A 17-S 2(e) does not deal with collaboration with the Germans, that can only be dealt with under Art 5; but if such collaboration imports also collaboration with the Republican Government, Art 17 will apply.

Collaboration does not include such cases as a civil servant remaining at his post and carrying on with his job; the continuation of administration is a necessity of modern life. If universal dismissal had been intended, a simple clause dismissing all civil servants would have sufficed. Collaborators are those who have actively assistend the Republican Government, e.g. by the transfer of persons or property to the north or by propaganda.

The pledging of allegiance refers to the oath of fidelity and loyalty.

Three grades of extenuating circumstances are recognised.

a) actual imprisonment, violence etc so that it might be fairly assumed that there was coercion and the man not a free agent. In such cases no punishment at all should be awarded as no fascism is proved, but the contrary;
b) actual threats of arrest, reprisals or other coercive measures. The degree

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Declassified E.O. 12356 Section 3.3/NND No. 788220

Explains and expounds difficulties and apparent inconsistencies in the text of IL 159. References commencing A are to Articles of IL 159 those beginning S are to the corresponding Sections of CC 55.

1 A 12 (2) and A 15 - S 2(b). Two degrees of improper preferment are recognised. The first includes the more gross cases of favouritism, where the preference is personal and with no shadow of justification, and the second where there may be colourable justification and there is a preference rather because of membership of a group than of the individual as such.

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3862

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Three grades of extenuating circumstances are recognised.

a) actual imprisonment, violence etc so that it might be fairly assumed that there was coercion and the man not a free agent. In such cases no punishment at all should be awarded as no fascism is proved, but the contrary;

b) actual threats of threat, reprisals or other coercive measures. The degree of excuse would vary according to the seriousness of the threat both as to the type of danger threatened and the reasonableness of the fear that the threat would actually be carried out;

c) threats merely of dismissal, in which case the degree of excuse would vary with the degree of want in which the employee and his family might find themselves. Here follows a large number of paragraphs dealing with details of administration. They refer to Arts 18-22 of IL 159 and are of no interest to AMG commissions.

Declassified E.O. 12356 Section 3.3/NND No. 785220

"APPENDIX II" to DS/S.32/C. of 1 Feb 45

Circular No 2 of 8 Sep. From the Asst HC to 1. Ministers
2. Members of Judging Commissions

While the first circular dealt with the letter of the law, this deals more with its spirit. The general intention is to remove prominent fascists quickly (so that those left may again feel secure in their posts and the purged offices may commence to reconstruct on a stable foundation) and at the same time to cause as little bitterness as possible.

1 The law is political; undue severity will be harmful; the spirit should prevail over the letter. The aim is not to punish (punishment is dealt with by Part I of BL 159) but to remove the corrupt and to re-build an honest serious and diligent service. The expression "unworthy to serve the state" occurs more than once and is the test to be applied.

2 The persons to be removed are those who are corrupt and intolerant. Two classes are distinguished, those who regard an office as a mean of enrichment and who buy and sell (whether or not for money) favours and take improper profits or other advantages and corrupt and bribe. The second class are those who have been intolerant or repressive or violent, those who have shown extreme partisanship and have coerced or curbed the liberty of others. Persons of both such classes should be removed even though their fascism is not obvious.

3 Other cases should be treated more tolerantly; the object is to set up a clean and honest administration. The argument that all fascists are tainted and should be removed is not accepted. Those who were conscientious and honest are still such and may be worthy of retention. A converted fascist need not necessarily be removed if the convertion is honest and not pretended.

4 The types of ex-fascists to be leniently dealt with are discussed. Squadristi, autocrats etc who are still of low grade. A man who joined the Party in its early days and is still of low grade cannot have been a very ardent fascist. Cases of persons in receipt of small salaries should be carefully considered especially where dismissal will condemn them and their families to complete destitution. It is considered better that a few undesirables should escape their deserts rather than many should suffer more than is deserved. The ex-fascist is not to be removed merely as such, but only if took part in the corruptness of the fascist regime.

5 A further test is the conduct of the individual after the 8 Sep 43. Those who then voluntarily associated themselves with and assisted the Republican Govt must be dismissed, but those who only did so under direct pressure or because of the economic necessity of retaining their appointments, may be awarded lesser punishment.

3861

6 Suspension prior to trial shall not influence the hearing; suspensions are frequently ordered on evidence available at the time, which may later prove false or capable of explanation. Cases of persons suspended should be given priority of hearing.

7 The HC will not hesitate to suggest in suitable cases that no punishment is deserved and will just as readily appeal against decisions of Epuration Commissions which do not observe, to the prejudice of the accused, the spirit of the above instructions.

8 Commissions are urged to work expeditiously to reduce as quickly as possible that unsettled period when people do not know what fate awaits them and departments what staff they will be retaining. While they should temper justice with mercy; by an exercise of sound judicial and political understanding they will assist in the rebirth of their Country.

Declassified E.O. 12356 Section 3.3/NND No. 785220

Part I of SH [illegible]

diligent service. The expression "unworthy to serve the state" occurs once and is the test to be applied.

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3861

6 Suspension prior to trial shall not influence the hearing; suspensions are frequently ordered on evidence available at the time, which may later prove false or capable of explanation. Cases of persons suspended should be given priority of hearing.

7 The AC will not hesitate to suggest in suitable cases that no punishment is deserved and will just as readily appeal against decisions of Epuration Commissions which do not observe, to the prejudice of the accused, the spirit of the above instructions.

8 Commissions are urged to work expeditiously to reduce as quickly as possible that unsettled period when people do not know what fate awaits them and departments what staff they will be retaining. While they should temper justice with mercy; by an exercise of sound judicial and political understanding they will assist in the rebirth of their Country.

Declassified E.O. 12356 Section 3.3/NND No. 765220

Circular No 3 of 26 Oct. From the ANC to Members of Judging Commissions. (This was originally circulated as No 4 of 24 Oct.)

1 Disciplinary sanctions of lesser importance include deprivation of pension and loss of rank or seniority; but, they should not be imposed without regard to the effect they will have. The intention is to build up the service. It will generally be inadvisable to order the reduction of allowances and salaries. This but aggravates economic conditions and causes discontent and does not assist to "cleanse" the service. For the same reason a temporary suspension is undesirable and delays the service from returning to normal. (Suspension should only be ordered when ultimate dismissal appears probable).

Censure is generally the most appropriate lesser sanction.

2 In many cases the pension may be the only source of income. It is inadvisable to create a desperate situation by ordering forfeiture of a pension; which also affects adversely those not guilty of the acts complained of. Such decisions will not assist to restore the country. Deprivation of pension is justified in cases where there has been improper enrichment and in the more serious cases of collaboration with the Republican Govt. In other cases the economic result on the family must be considered, where there are no other means it is generally inadvisable.

3 In considering cases of "consistent apology for fascism" A. 12(1)-S 2(e) of GO 35 the place or manner in which the apology is made is not to be given weight whether it be in the Chamber of the Senate or in private conversation, whether by book or a writing never intended to be published. The offence consists of the course of conduct, not in one ill considered episode.

4 Collaboration A. 17-S 2(e) includes not only intentional and continued support or assistance of the Republican Govt; but also single acts which are or are calculated to be of assistance to that Govt whether the advantage is material or is only intended to influence the attitude or conduct of others towards it.

The office or position of the "offender" is therefore of importance in determining the degree of seriousness with which the offence should be regarded.

5 Claims under A. 16 & 17 - SS 2(e) and 3(b) that previous conduct should be excused or a less severe sanction applied, on the ground that persons who were apparently collaborating with the Republican Govt have in fact been sabotaging that effort, need particularly careful investigation not only as to the authenticity of the documents relied upon but also as to the antecedents and reliability of the persons making the statements. Many such documents purporting to be made by individuals, partisan bodies and other associations have been shewn to be quite worthless. The only body authorised to issue such statements is the Ministerial Committee and only documents issued by that body should be accepted in evidence.

6 Personnel removed from office by ANC are regarded as suspended, the 3360 of their cases should be expedited (and they are entitled to ask that this should be done) so that it may quickly be decided whether they are to be dismissed or re-employed; many have already been out of work for a considerable time. Until such decision has been reached they shall receive (and from the date of actual suspension) salary without allowances on the same scale as those suspended under Art 22 of IL 159 are entitled to receive.

7 A suspended official who is "acquitted" shall not be reinstated in his employment until the time for appeal against the decision has lapsed. (In ANC territory an "acquitted" officer who was suspended by ANC will not unless ANC approves be reinstated in the same appointment but if the approval is not forthcoming he may be employed in an equivalent job elsewhere).

8 All officials are neither to assist doing any act or saying anything which might

Declassified E.O. 12356 Section 3.3/NND No. 780020

ultimate dismissal appeals probable).

Censure is generally the most appropriate lesser sanction.

2 In many cases the pension may be the only source of income. It is undesirable to create a desperate situation by ordering forfeiture of a pension, which also affects adversely those not guilty of the acts complained of. Such decisions will not assist to restore the country. Deprivation of pension is justified in cases where there has been improper enrichment and in the more serious cases of collaboration with the Republican Govt. In other cases the economic result on the family must be considered, where there are no other means it is generally indefensible.

3 In considering cases of "consistent apology for fascism" .. 12(1)-s 2(r) of CO 25 the place or manner in which the apology is made is not to be given weight whether it be in the Chamber of the Senate or in private conversation, whether by book or a writing never intended to be published. The offence consists of the course of conduct, not in one ill considered episode.

4 Collaboration .. 17-s 2(e) includes not only intentional and continued support or assistance of the Republican Govt: but also single acts which are or are calculated to be of assistance to that Govt whether the advantage is material or is only intended to influence the attitude or conduct of others towards it.

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5 Claims under .. 16 & 17 - 25 2(e) and 3(b) that previous conduct should be excused or a less severe sanction applied, on the ground that persons who were apparently collaborating with the Republican Govt have in fact been sabotaging that effort, need particularly careful investigation not only as to the authenticity of the documents relied upon but also as to the antecedents and reliability of the persons making the statements. Many such documents purporting to be made by individuals, partisan bodies and other associations have been shewn to be quite worthless. The only body authorised to issue such statements is the Ministerial Committee and only documents issued by that body should be accepted in evidence.

6 Personnel removed from office by .MG are regarded as suspended, the 3360 of their cases should be expedited (and they are entitled to ask that this should be done) so that it may quickly be decided whether they are to be dismissed or reemployed; many have already been out of work for a considerable time. Until such decision has been reached they shall receive (our from the date of actual suspension) salary without allowances on the same scale as those suspended under art 22 of AL 159 are entitled to receive.

7 A suspended official who is "acquitted" shall not be reinstated in his employment until the time for appeal against the decision has lapsed. (In .MG territory an "acquitted" officer who was suspended by .MG will not unless .MG approve be reinstated in the same appointment but if the approval is not forthcoming he may be employed in an equivalent job elsewhere).

All officials are warned against doing any act or saying anything which might prejudice the trial of any matter sub-judice. Any interference or attempted interference with a trial will be reported to the HC.

Declassified E.O. 12356 Section 3.3/NND No. 785220

Naval S/C

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DF/2B/CA

Tel: 489081
Ext 469

SUBJECT: Defascism.

27 Nov 44.

TO: RC Toscanna Region,
RC Lazio-Umbria Region,
RC Abruzzi-Marche Region,
RC Piemonte Region
SCAO 5 Army
RC Liguria Region,
RC Lombardia Region,
RC Venezia Region,
RC Emilia Region,
SCAO 8 Army.

1 Much difficulty has been occasioned in some provinces in the matter of epuration of officials through an improper understanding of the relative responsibilities and procedures of AMG and Italian Government officials. This Memo is intended to clarify the position.

2 On first entry into a territory, AMG officers will put Exec Memo 67 into operation and in doing so it is important that lists A and B should be used together, that is to say that an official in list A should only be suspended if he is also within a description in list B and vice versa. AMG officers will be careful to refrain from a wholesale sacking of officials for administrative chaos would only result. They must only worry about major offices as appearing in list A and neglect the fascist character of minor officials.

3 Thereafter in AMG territory two phases may be distinguished.
a) Where there is no immediate probability of DLL 159 being implemented.
b) Where conditions have been so far restored that DLL 159 can be implemented.
In no case will AMG set up methods of epuration except as described in this Memo. See 313/167/CA of 4 Aug 44.

4 In the former case defascism by AMG under General Order 35 (which will shortly be circulated) may be authorised by HQ AC. 3859

5 Where DLL 159 is in force (*) the responsibility is that of the Italian Government working through the machinery set up by that decree. This is that the cases of :
a) Government servants and employees of concerns of national importance though they may work in the provinces will be dealt with by Epuration Commissions sitting in Rome. The AC bodies responsible for ensuring the efficient working of these Commissions are the appropriate Sub-Comsns of this HQ.
AMG officers in the field therefore can only influence the actual

1809
Declassified E.O. 12356 Section 3.3/NND No. 788120

SUBJECT: Defascism. 27 Nov 44.

TO: RC Toscanne Region, RC Liguria Region,
RC Lazio-Umbria Region, RC Lombardie Region.
RC Abruzzi-Marche Region, RC Venezia Region,
RC Piemonte Region RC Emilia Region.
SCAO 5 Army SCAO 8 Army.

1 Much difficulty has been occasioned in some provinces in the matter of epuretion of officials through an improper understanding of the relative responsibilities and procedures of AMG and Italian Government officials. This Memo is intended to clarify the position.

2 On first entry into a territory, AMG officers will put Exec Memo 67 into operation and in doing so it is important that lists A and B should be used together, that is to say that an official in list A should only be suspended if he is also within a description in list B and vice versa. AMG officers will be careful to refrain from a wholesale sacking of officials for administrative chaos would only result. They must only worry about major offices as appearing in list A and neglect the fascist character of minor officials.

3 Thereafter in AMG territory two phases may be distinguished.
a) Where there is no immediate probability of DLL 159 being implemented.
b) Where conditions have been so far restored that DLL 159 can be implemented.
In no case will AMG set up methods of epuration except as described in this Memo. See 313/167/CA of 6 Aug 44.

4 In the former case defascism by AMG under General Order 95 (which will shortly be circulated) may be authorised by HQ AC. 3859

5 Where DLL 159 is in force (*) the responsibility is that of the Italian Government working through the machinery set up by that decree. This is that the cases of :
a) Government servants and employees of concerns of national importance though they may work in the provinces will be dealt with by Epuration Commissions sitting in Rome. The AC bodies responsible for ensuring the efficient working of these Commissions are the appropriate Sub-Comsns of this HQ.
AMG officers in the field therefore can only influence the actual process of defascising through the Sub-Comsns concerned which they must keep informed on local conditions and requirements.

Declassified E.O. 12356 Section 3.3/NND No. 785420

Though they have no direct local responsibility for defascising these classes of employees this does not mean that they cannot, for good reasons, suspend persons (including fascists) but it does mean that they will not occupy themselves with any general removal of fascists from office.

b) Employees of entirely local concerns such as the ECA, Hospitals and local public utility undertakings will be dealt with by Provincial Epuration Commissions appointed by the central Govt. but sitting locally. The AC officers responsible for seeing that these Commissions work efficiently and rapidly is the RO through his appropriate PCOs.. He is also responsible for keeping HQ AC informed on local conditions and progress.

HQ AC will be his channel of communication for any representations he may wish to make with regard to the appointment of personnel of Provincial Commissions.

6 6 It must be realised that where AMG officers act they will only suspend. Dismissal will in all cases by dealt with by the Italian Government under DLL 159.

7 Though the responsibility for dismissal is that of the Italian Govt, AMG officers have an over-riding duty to see that essential services are not disorganised either by wholesale dismissals or by dismissals of key employees, where no substitute is available. This does not mean that every proposal of the Commission requires prior approval by an AMG officer but the AMG officers must arrange to be kept in the picture and be prepared to interfere if disorganisation is seriously threatened.

BY COMMAND OF THE CHIEF COMMISSIONER

C.R. UPJOHN, Brig,
VP CA Sec,
DCOS AC

Copy to: ROs, Sardegna, Sicilia and Southern Regions.

DISTRIBUTION: Region HQ (4) Provinces (2)

* This decree has been implemented as follows:

In Regions :	In the Provinces of:
Lazio-Umbria	Terni, Perugia, Ascoli;
Abruzzi-Marche	Macerata, Ancona, Pesaro;
Toscana	Grosseto, Siena, Abrezzo, Livorno, Pisa, Florence, Lucca, Pistoia;
Southern	Napoli.

14 DIC. 1944

DISTRIBUTION FOR INFO :

Declassified E.O. 12356 Section 3.3/NND No. 785120

He is also responsible [illegible]
and progress.

HQ AC will be his channel of communication for any representations he may wish to make with regard to the appointment of personnel of Provincial Commissions.

6 6 It must be realised that where ANG officers act they will only suspend. Dismissal will in all cases by dealt with by the Italian Government under DLL 159.

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BY COMMAND OF THE CHIEF COMMISSIONER

for C.R. UejOHN, Brig,
VP CA Sec,
DCOS AC

Copy to: RCs, Sardegna, Sicilia and Southern Regions.

DISTRIBUTION: Region HQ (4) Provinces (8)

* This decree has been implemented as follows:

In Regions :
Lazio-Umbria
Abruzzi-Marche
Toscana

In the Provinces of:
Terni, Perugia, Ascoli;
Macerata, Ancona, Pesaro;
Grosseto, Siena, Abrezzo, Livorno, Pisa, Florence, Lucca, Pistoia;

Southern

Napoli.

14 DIC. 1944

DISTRIBUTION FOR INFO :

Educ S/C
Legal S/C
Local Govt S/C
Public Wor S/C
Econ Sec

Agri S/C
Commerce S/C
Finance S/C
Pub Works S/C
Transport. S/C

Pol Sec
Air S/C
Army S/C
Naval S/C
Comm S/C
PSB

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LIST 'A'

Category 1.

x 1. Ministers.

x 2. Undersecretaries of State.

x 3. Chiefs of Cabinet and Private Secretaries of Ministers.

4. National Councillors of the Chamber of Fasci and of Corporations.

5. Chief of the police attached to the Government.

6. Prefects in charge of provinces and assigned to the Ministry.

7. Presidents, Judges, procurators of the republic and Assistant Procurators of the republic at the special tribunals.

8. Secretary General, vice-secretary general, administrative secretary and vice-secretary, members of the National Directory, inspectors general, vice-inspectors general and respective private secretaries of the fascist national party.

9. Federal Secretaries, administrative federal secretaries, federal inspectors, members of federal directory, zone inspectors of the fascist national party.

10. Directors and vice-directors of GIL.

11. Directors and vice-directors of the Opera Balilla.

12. Directors and vice-directors of the Opera Nazionale Dopolavoro.

13. Political secretaries of all communes.

x 14. Governor and vice-governor of Rome.

15. President (preside) of the province and vice-president(vice-preside).

16. Mayors (podesta) of cities with a population of more than 50,000 inhabitants.

17. Officers of any rank in the militia including those "fuori ruolo".(unassigned) and those who hold a civilian authority only.

18. Ambassadors and consuls of the republican government.

19. Inspectors general of public safety.

20. Presidents and directors of the national council of corporations. 3858

21. All members of the National republican guard composed of volunteers with duties pertaining to public safety.

Category 2.

x 1. President of the Court of Cassation.

x 2. Procurator General of the Court of Cassation.

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5. Chief of the police attached to the Government.

6. Prefects in charge of provinces and assigned to the Ministry.

7. Presidents, judges, procurators of the republic and assistant Procurators of the republic at the special tribunals.

8. Secretary general, vice-secretary general, administrative secretary and vice-secretary, members of the National Directory, inspectors general, vice-inspectors general and respective private secretaries of the fascist national party.

9. Federal Secretaries, administrative federal secretaries, federal inspectors, members of federal directory, zone inspectors of the fascist national party.

10. Directors and vice-directors of GIL.

11. Directors and vice-directors of the Opere Balilla.

12. Directors and vice-directors of the Opere Nazionale Dopolavoro.

13. Political secretaries of all communes.

x 14. Governor and vice-governor of Rome.

15. President (presido) of the province and vice-president(vice-preside).

16. Mayors (podesta) of cities with a population of more than 50,000 inhabitants.

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18. Ambassadors and consuls of the republican government.

19. Inspectors general of public safety.

20. Presidents and directors of the national council of corporations. 3858

21. All members of the National republican guard composed of volunteers with duties pertaining to public safety.

Category 2.

x 1. President of the Court of Cassation.

x 2. Procurator General of the Court of Cassation.

x 3. President of the Court of Accounts.

x 4. President of the Council of the State.

x 5. Advocate general of the treasury (Avvocato generale erariale).

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6. Principals (rettori) of universities.

x 7. Directors general of all ministries.

x 8. Personal heads of all ministries.

9. Mayors (podesta) of all communes with a population of less than 50,000 inhabitants.

10. Members of the fascist directory (direttorio dei fasci) of all communes.

11. Presidents and directors of the Provincial council of corporations.

12. Presidents and provincial and communal directors of the Opera Nazionale Balilla, Dopolavoro and GIL.

Category 3

1. Vice-Prefects and chiefs of cabinet of prefects.

2. Procurators of the republic.

x 3. Advocates General of Cassation.

4. Presidents and secretaries of provincial sindicates of all professions and callings.

5. University professors who do not hold regular appointment (non di ruolo) but merely "charged" (incaricati) with instruction.

6. Provincial Superintendents of Studies (Provveditore agli Studi).

7. Intendants of Finance.

x Officials marked with an asterisk will be dealt with by HQ ACC.

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LIST "B"

A. A person who had the title or qualification of "Sansepolcrista", squadrista", "antemarcia", "marcia su Roma", or "sciarpa littoria".

B. A person who was, during the fascist regime, a member of the Central Government, a member of the Grand Council, a member of the Academy of Italy, or a member of the Special Court for the Defence of the State.

C. A person who was a president, vice-president or executive secretary of a corporation confederation, federation, or syndical union.

D. A person who was a member of the fascist party and who was nominated as a senator on or after 3 January 1925 and who subsequent to such nomination obtained any office or post in any administration or undertaking included in Art.IV.

E. A person who was a national secretary or national vice-secretary of the fascist party, or a member of the national directory, or a national inspector.

F. A person who was nominated as a senator before 3 January 1925 and who, after that date, joined the fascist party and subsequently obtained any office or post included in List "A".

G. A person who was a fascist member of parliament or who was a national Councillor.

H. A person who was a secretary federal, a federal vice-secretary or an administrative vice-secretary.

I. A person who was a member of the federal Directory or of the Directory of a fascio di combattimento or a fiduciario riunito of a chief centre of a province.

J. A person who was a federal inspector or a zone inspector.

K. A person who was a president or a member of the Corte Centrale of the federal descciplinary commission of the fascist party.

L. A person who was, during the fascist regime, a president or a vice-president or consultore or rector of a provincial administration.

M. A person who was, during the fascist regime, a mayor, vice mayor or a governmental or prefectural commissioner of a chief centre of a province.

N. A person who was during the fascist regime, mayor of a comune which had, at the date of the last census, a population of more than 50,000.

O. A person who was a political secretary.

3857

P. A person who was a provincial fiduciario of the female fasci.

Q. A person who was, during the fascist regime, a president, a vice-president, a director or a manager of a Statal, parastatal or public service organization.

R. A person who was, during the fascist regime, a political radio commentator.

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C. A person who was a president, vice-president or executive secretary of a corporation confederation, federation, or syndical union.

D. A person who was a member of the fascist party and who was nominated as a senator on or after 3 January 1925 and who subsequent to such nomination obtained any office or post in any administration or undertaking included in Art.IV.

E. A person who was a national secretary or national vice-secretary of the fascist party, or a member of the national directory, or a national inspector.

F. A person who was nominated as a senator before 3 January 1925 and who, after that date, joined the fascist party and subsequently obtained any office or post included in List "A".

G. A person who was a fascist member of parliament or who was a national Counsellor.

H. A person who was a secretary federal, a federal vice-secretary or an administrative vice-secretary.

I. A person who was a member of the federal Directory or of the Directory of a fascio di combattimento or a fiduciario rionale of a chief centre of a province.

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L. A person who was, during the fascist regime, a president or a vice-president or consultore or rector of a provincial administration.

M. A person who was, during the fascist regime, a mayor, vice mayor or a governmental or prefectural commissioner of a chief centre of a province.

N. A person who was during the fascist regime, mayor of a comune which had, at the date of the last census, a population of more than 50,000.

O. A person who was a political secretary.

3857

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Q. A person who was, during the fascist regime, a president, a vice-president, a director or a manager of a Statal, parastatal or public service organization.

R. A person who was, during the fascist regime, a political radio commentator.

S. A person who was, during the fascist regime, a director or chief editor of a newspaper or a political magazine.

T. A person who was, a professional journalist or publicist and who, after 3 January 1925, exalted the ideas and political aims of fascism.

U. A person who was a member of the Milizia Volontaria Sicurezza Nazionale in permanent active service, and who was not a person referred to in any other paragraph of this article and who, while such a member was :

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(1) a member of the Milizia Centurese or the Milizia Costiere, or
(2) a member of the Milizia Forestale who had been an official or employee of the former forest administration before the creation of the Milizia Forestale, and

V. A person who has been decorated by the German Government for special political services rendered to the Nazi Party.

NOTE. For the purpose of this guide, the terms "fascism", "fascist party" and "fascist regime" include their equivalents as set up by Mussolini after the Armistice.

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1819

R E S T R I C T E D

HEADQUARTERS ALLIED COMMISSION
APO 394
OFFICE OF CHIEF OF STAFF

RAE/DF/2.A/AS. 28 November 1944.

SUBJECT : Epuration in occupied territory.

TO : Regional Commissioner, Lazio-Umbria, Abruzzi Marche, Toscana, Emilia, Liguria, Piemonte, Lombardia and Venezia Regions.

1. In view of the strong anti-fascist feeling which is likely to prevail in Northern Italy you may find it necessary to ensure and to satisfy the public that Epuration and the removal from office of suspected persons are proceeding as quickly as possible.

2. Epuration is being undertaken by the Italian Government under D.L.L. 159 and subsequent decrees. Moreover in June 1944 an agreement was made between the Italian Government and AC that AC would leave this work to the Government and would not operate an independent scheme of their own. However, the Italian Government has experienced many delays in working their scheme in Southern Italy and you may find it desirable in the North to ensure more rapid progress. With this end in view General Order No. 35 has been prepared which provides for the suspension of fascists through Provincial Commissions.

This Order follows the lines of the Italian Government Scheme and does not therefore infringe the spirit of the June agreement. Moreover the Italian Government has been informed of and has welcomed the Order. It is, however, important that the Order if put into operation should be enforced in its entirety so as to ensure uniformity throughout all Regions. The Order will be put into operation at the discretion of Regional Commissioners but such discretion will not be exercised without the previous consent of HQ AC.

3. The Order is in no way intended to prevent the suspension or dismissal of any person from office by a member of the Allied Military Government as heretofore. No system of epuration, however, will be employed by any Regional or Provincial Commissioner or any other member of the Allied Military Government except under Executive Memoranda No. 67 and 75 and/or this General Order.

4. It is important that the work under the Order should be done by the Italians themselves, but great care must be taken that the Epuration proceedings shall not become the basis of vindictive or unfair action by any Commission or persons connected with it. These proceedings must not be allowed to become witch hunts. Close supervision will be necessary particularly in the initial stages.

3955

It is very important that Commissions concentrate on the officials of high grades. Experience so far under the Italian Government Scheme has shown that the tendency is to pursue the small men occupying low grade and unimportant posts, and to pass over the more important officials.

Article 7 of the Order is designed to meet this problem but Provincial Commissioners must ensure that even within categories Immediate and Routine the officials and employees are considered in order of importance.

It is normally desirable for school personnel to be epurated as

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Toscana, Emilia, Liguria, Piemonte, Lombardia and Venezia Regions.

1. In view of the strong anti-fascist feeling which is likely to prevail in Northern Italy you may find it necessary to ensure and to satisfy the public that Epuration and the removal from office of suspected persons are proceeding as quickly as possible.

2. Epuration is being undertaken by the Italian Government under D.L.L. 159 and subsequent decrees. Moreover in June 1944 an agreement was made between the Italian Government and AC that AC would leave this work to the Government and would not operate an independent scheme of their own. However, the Italian Government has experienced many delays in working their scheme in Southern Italy and you may find it desirable in the North to ensure more rapid progress. With this end in view General Order No. 35 has been prepared which provides for the suspension of fascists through Provincial Commissions.

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4. It is important that the work under the Order should be done by the Italians themselves, but great care must be taken that the Epuration proceedings shall not become the basis of vindictive or unfair action by any Commission or persons connected with it. These proceedings must not be allowed to become witch hunts. Close supervision will be necessary particularly in the initial stages.

3956

It is very important that Commissions concentrate on the officials of high grades. Experience so far under the Italian Government Scheme has shown that the tendency is to pursue the small men occupying low grade and unimportant posts, and to pass over the more important officials.

Article V of the Order is designed to meet this problem but Provincial Commissioners must ensure that even within categories Immediate and Routine the officials and employees are considered in order of importance.

It is normally desirable for school personnel to be epurated as quickly as possible. Regional Commissioners will, therefore, if so advised by the Regional Educational Officer, make an order for one section of Provincial Commissions to devote themselves to these officials.

In no circumstances will any attempt be made to commence Epuration proceedings against persons in category Postponed without the previous consent of HQ AC.

5. Generally, it is not to be expected that Commissions will be set up in Army Areas unless they become static and the particular SCAO shall so approve.

6. In some Provinces it may not be possible to find locally enough commissioners or commission staffs with the requisite qualifications. While it is preferable to employ local personnel this is not obligatory and any Italian may be appointed even though he resides in another province or region, provided he

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possesses the requisite qualifications.

7. Hasty suspensions of persons in important positions in administrations or undertakings performing services essential to the Allied Forces may easily cause disruption of this work unless acceptable substitutes are immediately available. The civil administration and the judiciary may suffer likewise from such action. Therefore, particular care must be taken to avoid any such disruptions. Your attention is drawn to par. 17 of the Administrative Instructions in this respect.

8. In appointing Commissions only 5 or 3 members should be appointed for each Commission or for each Section when it is contemplated that a Commission will sit in Sections. Where vacancies occur they should not be filled unless it is necessary to do so.

9. Commissions when appointed must proceed speedily with their work and if any member thereof is not performing satisfactory service such member should be removed.

10. When the Order is to become operative in a certain locality the Provincial Commissioner should see that the Order and the separate order fixing the commencement date are posted together a sufficient time in advance of the commencement date and at the requisite places to give the public and all persons concerned reasonable advance notice. A suggested form of Provincial Order is attached.

11. The contents of this communication should be made available to officers of Allied Military Government who will perform services in connection with these Commissions, but NOT to the Italians.

12. Attached hereto are copies, in English and Italian, of General Order No. 35 and the Administrative Instructions. The Administrative Instructions which cover details of procedure, are for the use of members of the Commissions as well as members of the Allied Military Government. They are not in any way secret, but it is not thought necessary that they should be publicly posted.

By Command of Commodore STONE:

M. S. LUSH,
Brigadier,
Chief of Staff.

COPIES TO :- CA Sec, Econ Sec, Polit Sec, Loc Govt S/C, Legal Sec, Educ S/C, Commerce S/C, Public Works S/C, Finance S/C, Agric S/C, Air S/C, Army S/C, Naval S/C, Communications S/C, Transportation S/C

SCAO 5 Army SCAO 8 Army

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your attention is drawn to para 17 of the Administrative Instructions in this respect.

8. In appointing Commissions only 5 or 3 members should be appointed for each Commission or for each Section when it is contemplated that a Commission will sit in Sections. Where vacancies occur they should not be filled unless it is necessary to do so.

9. Commissions when appointed must proceed speedily with their work and if any member thereof is not performing satisfactory service such member should be removed.

10. When the Order is to become operative in a certain locality the Provincial Commissioner should see that the Order and the separate order fixing the commencement date are posted together a sufficient time in advance of the commencement date and at the requisite places to give the public and all persons concerned reasonable advance notice. A suggested form of Provincial Order is attached.

11. The contents of this communication should be made available to officers of Allied Military Government who will perform services in connection with these Commissions, but NOT to the Italians.

12. Attached hereto are copies, in English and Italian, of General Order No. 35 and the Administrative Instructions. The Administrative Instructions which cover details of procedure, are for the use of members of the Commissions as well as members of the Allied Military Government. They are not in any way secret, but it is not thought necessary that they should be publicly posted.

By Command of Commodore STONE:

M. S. LUSH,
Brigadier,
Chief of Staff.

COPIES TO :- CA Sec, Econ Sec, Polit Sec, Loc Govt S/C, Legal Sec, Educ S/C, Commerce S/C, Public Works S/C, Finance S/C, Agric S/C, Air S/C, Army S/C, Naval S/C, Communications S/C, Transportation S/C

SCAO 5 Army SCAO 8 Army

NOTE : Italian copies are in the press and will be forwarded later under separate cover.

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ORDER FIXING DATE OF COMMENCEMENT OF GENERAL ORDER No. _____

Provincial }
Order No. }

I, ..., Provincial Commissioner for the Province of ..... do hereby order and direct that General Order No. 35 shall commence and become operative in the Province/Locality of ..... beginning as of 0001 hours on the ..... day of..... 1944.

Dated :

Signed :

.....
(Provincial Commissioner)

3855

Declassified E.O. 12356 Section 3.3/NND No. 775220

ORDER FIXING DATE OF COMMENCEMENT OF GENERAL ORDER No. _____

Provincial
Order No.

I, ..., Provincial Commissioner for the Province of ..... do hereby order and direct that General Order No. 35 shall commence and become operative in the Province/Locality of ..... beginning as of 0001 hours on the ..... day of..... 1944.

Dated :

Signed :

.....
(Provincial Commissioner)

3855

Declassified E.O. 12356 Section 3.3/NND No. 785426

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ORDER AS TO THE SUSPENSION OF FASCIST OFFICIALS AND EMPLOYEES

1 PERSONS TO WHOM THIS ORDER APPLIES.
Officials and employees of the following bodies shall be subject to proceedings under this Order:-
a) Civil State administrations, even if autonomous
b) Local authorities and other public bodies and institutions
c) Special concerns operating under public authorities or bodies and private concerns recognised by the State as controlling public utility undertakings or concerns having nation wide interests.

2 CATEGORIES OF PERSONS.
The following persons shall be suspended from service:-
a) Any person who has shown that he is unworthy of serving the State either by having participated actively in the political life of Fascism or by having shown himself a consistent apologist of Fascism and particularly if he has so acted when holding high office.
b) Any person who has obtained an appointment or promotion through favouritism of the party or of Fascist officials of high rank.
c) Any person who has been guilty of fascist vice or corrupt practices.
d) Any person who has held the position of squadrista, or sansepolcrista, or antemarcia, or marcia su Roma, or Scierpa Littoria, or who has been an officer of the fascist militia.
e) Any person who after the 8th September 1943 moved to North Italy with or has pledged allegience to or has in any way collaborated with the Republican fascist government.

3 APPOINTMENTS OF COMMISSIONS.
a) Not later than 3 days after the coming into operation of this Order in any locality the Provincial Commissioner shall appoint a Commission of Italian citizens of integrity and non fascist antecedents to carry out the provisions of this order within the locality and shall give public notice of the appointment of the Commission and the address of its office.
b) Each Commission shall consist of a President who shall be designated by the Provincial Commissioner and of such other members as the Provincial Commissioner may appoint. A Commission may sit in separate sections.
c) Any persons appointed to the Commission whether as President or member thereof may at any time be removed by the Provincial Commissioner.

4 NOTIFICATION OF ORDER.
a) Not later than 7 days after the coming into operation of this Order the Head of each administration and undertaking included in Article I of this Order and carrying on business in a locality to which this Order applies shall post at the place or places of business one or more copies of this Order and shall give notice to all officials and employees of that administration or undertaking employed in that locality that
i) this Order has come into operation in that locality, and
ii) the particular administration or undertaking is included in Articles of this Order. Provided that the omission by the head of such administration or undertaking to give such notice shall not afford a defence to a person charged with noncompliance with the provisions of

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or concerns having nation wide interests.

2 DISQUALIFICATION OF PERSONS.

The following persons shall be suspended from service:-

a) Any person who has shown that he is unworthy of serving the State either by having participated actively in the political life of fascism or by having shown himself a consistent apologist of fascism and particularly if he has so acted when holding high office.

b) Any person who has obtained an appointment or promotion through favouritism of the party or of fascist officials of high rank.

c) Any person who has been guilty of fascist bias or corrupt practices.

d) Any person who has held the position of squadrista, or sansepolcrista, or centurione, or marcia su Roma, or Milizia Littorio, or who has been an officer of the fascist militia.

e) Any person who after the 8th September 1943 moved to North Italy with or has pledged allegiance to or has in any way collaborated with the Republican fascist government.

3 APPOINTMENTS OF COMMISSIONS.

a) Not later than 5 days after the coming into operation of this Order in any locality the Provincial Commissioner shall appoint a Commission of Italian citizens of integrity and non fascist antecedents to carry out the provisions of this order within the locality and shall give public notice of the appointment of the Commission and the address of its office.

b) Each Commission shall consist of a President who shall be designated by the Provincial Commissioner and of such other members as the Provincial Commissioner may appoint. A Commission may sit in separate sections.

c) Any persons appointed to the Commission whether as President or member thereof may at any time be removed by the Provincial Commissioner.

4 NOTIFICATION OF ORDER.

a) Not later than 7 days after the coming into operation of this Order the Head of each administration and undertaking included in Article I of this Order and carrying on business in a locality to which this Order applies shall post at the place or places of business one or more copies of this Order and shall give notice to all officials and employees of that administration or undertaking employed in that locality that

i) this Order has come into operation in that locality, and

ii) the particular administration or undertaking is included in ArticleI of this Order. Provided that the omission by the head of such administration or undertaking to give such notice shall not afford a defence to a person charged with noncompliance with the provisions of Article V of this Order.

b) Whenever this Order shall come into operation in any locality the Prefect shall cause a copy thereof to be posted in every commune of such locality.

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5 LODGEMENT OF SCHEDL PERSONNEL.

a) All persons to whom this Order applies are divided into three categories as follows:-

i) Category Immediate, consisting of;
Civil Service Officials down to Grade VI
Officials and employees in the Head Office of any administration or undertaking who occupy positions as Directors, Managers, Works

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Managers, Technical Heads or Senior Technicians.
Officials and employees in a Branch Office of any administration or undertaking who occupy positions as Managers or Senior Technicians.

ii) Category Routine, consisting of:
Civil Service Officials of Grade VII to IX (incl).
Officials and employees employed in the Head Office of an Administration or undertaking who occupy positions as Assistant or Deputy Manager, or Assistant or Deputy Works Manager, Heads of Departments or Senior Foreman.
Officials and employees employed in the Branch office of any administration or undertaking who occupy positions as Deputy/Assistant Manager, or as Works Manager or Assistant Works Manager, or as Heads of Department or Senior Foreman.
Such persons being officials or employees of Grades X to XII inclusive who are employed under the Ministry of Education and are dependent from Provveditori agli Studi as may be ordered by or on behalf of the Regional Commissioner of the Allied Military Government to complete, sign and lodge schede personali.

iii) Category Postponed, consisting of:
All other officials and employees.

b) Within 14 days from the date of the coming into operation of this Order each person to whom this Order applies and who is a person included in Category Immediate or Category Routine as above defined shall complete sign and lodge with the head of his administration or undertaking a Schede Personale in the prescribed form. The head of such administration or undertaking shall arrange the Schede Personale so received by him into the said two categories, and within 16 days from the coming into operation of this Order shall lodge the same so arranged with the office of the Commission together with a Schede Personale duly completed and signed by himself.

c) Within 16 days from the date of the coming into operation of this Order the head of each administration or undertaking will sign and deposit with the Commission a list of all persons being officials or employees in his administration or undertaking who come within the said two categories and a certificate that a Schede Personale has been completed and lodged in respect of each such official or employee or a statement to account for the absence thereof.

d) Persons to whom this Order applies who are included in category Postponed are not required to complete sign or lodge a Schede Personale nor do they otherwise become liable to the terms of this Order without further order made by or on behalf of the Allied Military Government.

6 REVIEW OF SCHEDE PERSONALI.
The Commission shall thereupon review such Schede Personali together with such other evidence as may be brought before it and shall determine which persons it considers to be liable to suspension in accordance with the provisions of this Order and shall serve.

a) Upon each of such persons a notice of proposed suspension and
b) Upon the employer of each of such persons a copy of such notice.

7 OBJECTION TO NOTICES OF PROPOSED SUSPENSION.
Where a notice of proposed suspension is served on any person, such person may within 10 days lodge at the office of the Commission an objection thereto which shall be in writing and may be accompanied by such statement and documents as it is desired to bring before the Commission.

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officials and employees employed in the branch office of any administration or undertaking who occupy positions as Deputy/Assistant Manager, or as Works Manager or Assistant Works Manager, or as Heads of Department or Senior Foremen.

Such persons being officials or employees of Grades X to XII inclusive who are employed under the Ministry of Education and are dependent from Provveditori agli Studi as may be ordered by or on behalf of the Regional Commissioner of the Allied Military Government to complete, sign and lodge schede personali.

iii) Category postponed, consisting of:
all other officials and employees.

b) Within 14 days from the date of the coming into operation of this Order each person to whom this Order applies and who is a person included in Category Immediate or Category Routine as above defined shall complete sign and lodge with the head of his administration or undertaking a Schede Personale in the prescribed form. The head of such administration or undertaking shall arrange the Schede Personale so received by him into the said two categories, and within 16 days from the coming into operation of this Order shall lodge the same so arranged with the office of the Commission together with a Schede Personale duly completed and signed by himself.

c) Within 16 days from the date of the coming into operation of this Order the head of each administration or undertaking will sign and deposit with the Commission a list of all persons being officials or employees in his administration or undertaking who come within the said two categories and a certificate that a Schede Personale has been completed and lodged in respect of each such official or employee or a statement to account for the absence thereof.

d) Persons to whom this Order applies who are included in Category Postponed are not required to complete sign or lodge a Schede Personale nor do they otherwise become liable to the terms of this Order without further order made by or on behalf of the Allied Military Government.

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a) Upon each of such persons a notice of proposed suspension and
b) Upon the employer of each of such persons a copy of such notice.

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Where a notice of proposed suspension is served on any person, such person may within 10 days lodge at the office of the Commission an objection thereto which shall be in writing and may be accompanied by such statement and documents as it is desired to bring before the Commission.

8 PROCEEDINGS ON OBJECTIONS.

a) The Commission shall consider the objection and shall, unless it is of opinion that the objection is frivolous, proceed to investigate and hear the objection in accordance with the rules provided therefore. At such hearing the person by whom the objection was lodged shall have the right to appear in person or by an advocate and to show cause why he should not be suspended.

b) At such proceeding the Commission shall take into account among other matters:-

i) That any person who has after the 8th September 1943 distinguished himself in the struggle against the Germans may be excused from suspension, and

ii) that any person mentioned in Article II (d) hereof may be excused from suspension if he has not in fact been guilty of any fascist partisanship or improper conduct.

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9 DECISIONS OF COMMISSION.

a) At the expiration of 10 days from the service of a notice of proposed suspension the Commission shall in every case in which no objection has been lodged make a suspension order against the person named in the notice.

b) In every case in which an objection has been lodged the Commission shall after the consideration and where necessary the hearing of the objection either

i) sustain the objection and order that the notice of proposed suspension be cancelled, or

ii) dismiss the objection and make a suspension order against the person by whom the objection was lodged.

Copies of the order will in every case be served upon the person in respect of whom the order is made and on his employer.

10 EFFECT OF A SUSPENSION ORDER

a) A suspension order made against any person suspends that person from the date of the order from any office or employment with any administration or undertaking mentioned in Article I of this Order.

b) NO person who has been suspended as the result of a suspension order may subject to Article 12 of this Order be employed or re-employed thereafter by the same or by any other administration or undertaking included in Article 1 of this Order without further order of the Commission.

11 SALARY OF PERSONS SUSPENDED.

Any person against whom a suspension order is made shall during the period of his suspension receive for his support his basic salary without any further allowance.

12 NO APPEAL FROM DECISIONS OF COMMISSIONS.

a) NO act notice or order done, issued or made by a Commission in pursuance or in consequence of this Order shall be open to appeal and all such acts notices and orders shall be final and binding unless and until a Commission appointed under MLL 159 for the purging of the administrations shall otherwise direct.

b) Nothing in this order and no act decision notice or order done taken issued or made in pursuance or consequence thereof may be used to influence, prejudice, limit or in any way bind the conduct of any Commission set up under MLL 159 in the consideration of the cases heard by that Commission.

13 MISCELLANEOUS PROVISIONS.

a) At the hearing of an objection the Commission shall:

i) have power to administer oathe

ii) exercise the powers conferred on a Court of law by Articles 333, 342 and 343 of the Italian Code of Penal Procedure to the extent necessary for the purpose of this Order.

iii) have power to make such rules and orders and do all such acts as shall be necessary for the purpose of this Order.

b) NO stamp duty of any kind shall be payable upon any Scheda Personale, objection notice, order or other document used or required for the purposes of this Order.

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14 OFFENCES.

Any person who

a) being required under the provisions of this Order to complete, sign, and lodge a scheda Personale fails either to complete or to sign or to lodge such Scheda Personale;

b) in any Scheda Personale, objection or other document makes any false statement knowing the same to be false;

c) Gives false evidence before a Commission;

d) receives a bribe in connection with any matter covered

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whom the objection was lodged.

Notice of the order will in every case be served upon the person in respect of whom the order is made and on his employer.

16 EFFECT OF A SUSPENSION ORDER

a) A suspension order made against any person suspends that person from the date of the order from any office or employment with any administration or undertaking mentioned in Article I of this Order.

b) NO person who has been suspended as the result of a suspension order may subject to Article 12 of this Order be employed or re-employed thereafter by the same or by any other administration or undertaking included in Article 1 of this Order without further order of the Commission.

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Any person against whom a suspension order is made shall during the period of his suspension receive for his support his basic salary without any further allowance.

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b) Nothing in this Order and no act decision notice or order done taken issued or made in pursuance or consequence thereof may be used to influence, prejudice, limit or in any way bind the conduct of any Commission set up under ILL 159 in the consideration of the case heard by that Commission.

13 MISCELLANEOUS PROVISIONS.

a) At the hearing of an objection the Commission shall:

i) have power to administer oaths

ii) exercise the powers conferred on a Court of law by Articles 333, 342 and 343 of the Italian Code of Penal Procedure to the extent necessary for the purpose of this Order.

iii) have power to make such rules and orders and do all such acts as shall be necessary for the purpose of this Order.

b) NO stamp duty of any kind shall be payable upon any Scheda Personale, objection notice, order or other document used or required for the purposes of this Order.

3353

14 OFFENCES.

Any person who

a) being required under the provisions of this Order to complete, sign, and lodge a Scheda Personale fails either to complete or to sign or to lodge such Scheda Personale;

b) in any Scheda Personale, objection or other document makes any false statement knowing the same to be false;

c) Gives false evidence before a Commission;

d) offers, seeks, gives or receives a bribe in connection with any matter covered by this Order

shall be guilty of an offence and upon conviction by an Allied Military Court may be punished by imprisonment or fine or both as such Court may determine.

15 SAVING OF THE POWERS OF THE ALLIED MILITARY GOVERNMENT

Nothing in this Order shall derogate from or affect the powers of the Allied Military Government in this territory and those powers may at all times be exercised as if this Order had not been made.

16 EXTENT OF ORDER AND EFFECTIVE DATE.

This Order shall come into operation in a Province or part thereof within the Military Government Territory on the date fixed therefor in a separate order of the Provincial Commissioner of such Province.

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Declassified E.O. 12356 Section 3.3/NND No. 787220

GENERAL ORDER No 95

AS

to the

SUSPENSION

OF

FASCIST OFFICIALS AND EMPLOYEES

WHEREAS it is the policy of the Allied Military Government that persons who were fascists and occupied prominent or representative positions during the fascist regime or have since 8th Sep 43 collaborated with the Republican Fascist Government shall be removed from office

AND WHEREAS the Italian Government has undertaken such removal and has enacted DLL No 159 of 27 July 44 and further implementing decrees for that purpose

AND WHEREAS it is the intention of the Allied Military Government that without prejudice to the operation of the said decrees the suspension from office of all persons affected shall become effective forthwith.

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to the

SUSPENSION

OF

FASCIST OFFICIALS AND EMPLOYEES

WHEREAS it is the policy of the Allied Military Government that persons who were fascists and occupied prominent or representative positions during the fascist regime or have since 8th Sep 43 collaborated with the Republican Fascist Government shall be removed from office

AND WHEREAS the Italian Government has undertaken such removal and has enacted HLL No 159 of 27 July 44 and further implementing decrees for that purpose

AND WHEREAS it is the intention of the Allied Military Government that without prejudice to the operation of the said decrees the suspension from office of all persons affected shall become effective forthwith,

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OFFICE OF THE CHIEF OF STAFF
APO 394

ADMINISTRATIVE INSTRUCTIONS PURSUANT TO GENERAL ORDER No. 35.

1. While many fascists who occupied prominent positions during the fascist regime have been removed, many others may be still remaining in positions described in General Order No. 35. That Order sets out the plan for suspending the remaining persons of this general category. However, that Order in no way prevents the suspension or dismissal of any person by a member of the Allied Military Government as heretofore.

2. The General Order is to be administered by separate commissions composed of Italians, who will be appointed by Provincial Commissioners. They will be chosen primarily on the ground that they are clear of all fascist taint, and they will also be men of good character, standing and ability. They need not be residents of the locality for which the particular Commission is appointed.

3. Each Commission will require an adequate staff and the Provincial Commissioner must see that an adequate but not excessive staff is secured. The members of the staff must be free of fascist taint.

4. The salaries of members of a Commission and their staff shall unless otherwise ordered by the Allied Military Government be paid out of the funds of the Prefetture and shall be as follows :-

The President of each Commission shall be paid the salary with allowances of an Italian judicial official of the 4th grade.

Other members of each Commission shall be paid the salary with allowances of an Itaialian judicial official of 5th grade.

Members of Staffs shall be paid a salary with allowances not exceeding that of an employee of the Italian Government performing comparable work.

5. A Commission, if it thinks fit, may sit in separate sections and each of such sections will have powers of the Commission itself. The President of a Commission will, if so ordered by the Regional Commissioner, allot one or more of such sections to the investigation of officials or employees employed by any particular Ministry or administration or undertaking and especially officials or employees of the Ministry of Education. The President of each Commission will appoint one member of the Commission to be Deputy President and one or more members as Vice Presidents. The Deputy President shall preside over the Commission in the absence of the President and the Deputy President or a Vice-President shall preside over a separate section. The appointment of a Deputy President and Vice-President shall be subject to the approval of the Provincial Commissioner. Any vacancy occurring will be filled, if necessary, in the same manner as the original appointments.

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6. Normally the Commission or a Section thereof should sit as a body of not more than 5 nor less than 3.

7. The absence of a member of the Commission from any sitting shall not invalidate the proceedings of the Commission provided that the number sitting is not reduced below 3.

8. Proceedings under Article VI of the General Order shall be in private. The

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2. The General Order is to be administered by separate Commissions for Italians, who will be appointed by Provincial Commissioners. They will be chosen primarily on the ground that they are clear of all fascist taint, and they will also be men of good character, standing and ability. They need not be residents of the locality for which the particular Commission is appointed.

3. Each Commission will require an adequate staff and the Provincial Commissioner must see that an adequate but not excessive staff is secured. The members of the staff must be free of fascist taint.

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Other members of each Commission shall be paid the salary with allowances of an Italialian judicial official of 5th grade.

Members of Staffs shall be paid a salary with allowances not exceeding that of an employee of the Italian Government performing comparable work.

5. A Commission, if it thinks fit, may sit in separate sections and each of such sections will have powers of the Commission itself. The President of a Commission will, if so ordered by the Regional Commissioner, allot one or more of such sections to the investigation of officials or employees employed by any particular Ministry or administration or undertaking and especially officials or employees of the Ministry of Education. The President of each Commission will appoint one member of the Commission to be Deputy President and one or more members as Vice President. The Deputy President shall preside over the Commission in the absence of the President and the Deputy President or a Vice-President shall preside over a separate section. The appointment of a Deputy President and Vice-President shall be subject to the approval of the Provincial Commissioner. Any vacancy occurring will be filled, if necessary, in the same manner as the original appointments.

6. Normally the Commission or a Section thereof should sit as a body of not more than 5 nor less than 3.

7. The absence of a member of the Commission from any sitting shall not invalidate the proceedings of the Commission provided that the number sitting is not reduced below 3.

8. Procedure under Article VI of the General Order shall be in private. The Commissions will base its decision in each case on a fair review of the facts appearing from the Scheda Personale and from other evidence in the possession of the Commission.

9. In every case in which the Commission decides that a Notice of proposed suspension shall be served, the Commission shall decide and shall state in the notice the grounds of such proposed suspension.

These grounds shall be stated in sufficient detail to enable the person affected to prepare his objection thereto.

10. Unless otherwise directed by the Provincial Commissioner or some other officer delegated by him, every hearing of an objection by a Commission shall be open to the public.

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11. On the hearing of an objection both oral and documentary evidence shall be admitted save that the Commission shall never at any time or at any stage of any proceedings under the General Order receive in evidence or take cognizance of anonymous communications.

Where the person objecting wishes to give evidence in person he shall be permitted to do so, and he and the Commission may call such other relevant evidence as they think fit.

All questions to the person lodging the objection and to other witnesses giving evidence before the Commission will be put only through the President of the Commission or Section.

12. The Commission will NOT appoint any person to carry out functions analogous to a "Pubblico Ministero".

13. Any person may denounce another to whom the General Order applies. The denunciation must be in writing and sworn to before it can can be received by the Commission. Hearing on a denunciation shall be had as in any other case.

14. If a person has previously been dismissed or suspended from employment in an administration or undertaking by the Allied Military Govorrment on the sole ground that he had fascist connections, such person may lodge at the office of the Commission appointed for the locality a Scheda Personale duly completed and signed by him. With the approval of the Provincial Commissioner, the Commission may proceed with the case by hearing on the papers filed by such person as on an objection. In the event of the Commission finding that he is in fact not objectionable as a fascist and would not have been suspended on such grounds alone if he had still been employed at the time of the commencement of the General Order, the Commission may, with the consent of the Provincial Commissioner,order that he be restored to the position originally held by him or to such other position for which he may have applied or may later apply, and with the consent of the Provincial Commissioner may ordere that he be paid the whole or some part of such salary as he would have been entitled to receive had he remained in office.

15. If a person lodging a Scheda Personale under the requirements of the General Order has been appointed to a position by Allied Military Government the particulnr Commission shall not proceed with the case or enter an order of suspension of such person without the consent of the appropriate Provincial Commissioner.

16. As to persons included in categories Immediate and Routine, the General Order applies without distinction of grade, rank or salary. Nevertheless Commissions will initially concentrate on officials and employees occupying the more important positions in those categories.

In reviewing Schede Personali, serving notices of proposed suspensions, hearing objections thereto, and making orders thereon Commissions will, save in exceptional cases, complete all proceedings in respect of persons in category Immediate before commencing proceedings in respect of persons in category Routine.

17. If a suspension order is made against a person whom the Provincial Commissioner considers to be engaged in essential work and to be irreplaceable, the Provincial Commissioner may require the Commission to order the reinstatement of such employee until a suitable replacement is obtained.

18. The Commission shall have power, from time to time and at any time,

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Declassified E.O. 12356 Section 3.3/NND No. 783420

12. The Commission will NOT appoint any person to carry out functions analogous to a "Pubblico Ministero".

13. Any person may denounce another to whom the General Order applies. The denunciation must be in writing and sworn to before it can can be received by the Commission. Hearing on a denunciation shall be had as in any other case.

14. If a person has previously been dismissed or suspended from employment in an administration or undertaking by the Allied Military Government on the sole ground that he had fascist connections, such person may lodge at the office of the Commission appointed for the locality a Scheda Personale duly completed and signed by him. With the approval of the Provincial Commissioner, the Commission may proceed with the case by hearing on the papers filed by such person as on an objection. In the event of the Commission finding that he is in fact not objectionable as a fascist and would not have been suspended on such grounds alone if he had still been employed at the time of the commencement of the General Order, the Commission may, with the consent of the Provincial Commissioner,order that he be restored to the position originally held by him or to such other position for which he may have applied or may later apply, and with the consent of the Provincial Commissioner may order that he be paid the whole or some part of such salary as he would have been entitled to receive had he remained in office.

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17. If a suspension order is made against a person whom the Provincial Commissioner considers to be engaged in essential work and to be irreplaceable, the Provincial Commissioner may require the Commission to order the reinstatement of such employee until a suitable replacement is obtained.

18. The Commission shall have power, from time to time and at any time,

a. to make rules, for the regulation of its proceedings provided they are not inconsistent with the General Order or these instructions.

b. to amend or revoke such rules, and to make rules in place thereof; and

c. to publish such rules as for the time being are in force, the contents of which shall be available for inspection by the public.

All such rules or amendments shall be subject to the approval of the Provincial Commissioner.

19. While certain specific times are prescribed in the General Order for things to be done, a Commission has the right to extend the time whenever in its

Declassified E.O. 12356 Section 3.3/NND No. 763220

judgment it is necessary to do so. However, such extensions of time should not be given as a regular course as it is highly important that this work should proceed as rapidly as possible.

20. Each Commission must keep full and accurate records and shall keep all "Schede Personali", objections, denunciations, notices, statements and documents lodged at its office and copies of all notices and orders served and made by it in such manner that they can easily be found, and shall dispose of all such records in such manner as the Provincial Commissioner shall direct. All such records shall at all times be open for the inspection of the Provincial Commissioner.

21. Copies of forms required for the full purposes of the General Order are attached and will be used by all Commissions without substantial change.

a. SCHEDA PERSONALE

b. NOTICE OF PROPOSED SUSPENSION

c. NOTICE OF HEARING

d. SUSPENSION ORDER

e. ORDER SUSTAINING OBJECTION

f. CERTIFICATE OF SERVICE.

For the Supreme Allied Commander and Military Governor:

ELLERY W. STONE,
Commodore, USNR,
Chief Civil Affairs Officer.

November 1944.

Declassified E.O. 12356 Section 3.3/NND No. 785220

FORM No.35 (a)

COMMISSION FOR EPURATION,_____

SCHEDA PERSONALE
(To be completed personally by the party concerned in accordance with provisions of General Order No.).

1. Surname .....Name.....Paternity.....
Maternity..... Place and date of birth .....
.....Place of residence.....
Profession .....Present condition .....

2. Date and place of entering the fascist party.....
Sansepolcrista?..... Squadrista?..... Fascista? Ante Marcia?.....
Marcia su Roma?..... Sciarpa Littoria?.....

3. Have you been a member of the Fascist Government?..... of the Grand Fascist Council?..... of the special Tribunali for the defense of the State?.....

4. Have you been a member of the Accademia d'Italia and in what status?.....
.....

5. Have you been President, Vice President or Managing Secretary of any corporation, confederation, federation, or syndicate union ?.....

6. Have you been National Secretary or Vice Secretary, a member of the National Directory, or a national inspector of the fascist party ?.....

7. If you have been a member of the Senate of the Kingdom give the date of your appointment to Senator and the date on which you took the oath, setting out in full your functions, duties, or public offices administrative or commercial.....
.....

8. Have you been a fascist deputy or a national counsellor and for what legislature or period ?.....

9. Have you been federal secretary or a vice secretary, administrative, federal vice secretary, a member of the federal directory or federal inspector or zone inspector, a "fiduciario" of the sectional fascist group in the Capital of a province (when, where and for how long)?.....3350
.....

10. Have you occupied any of the following positions in the fascist party?
a. A position of authority in the CIL ?.....
b. A position of authority in the GUF ?.....
c. Any other office in the Party ?.....

11. Have you been President, vice president or Rector (Governor) of a Province (when, where and for how long) ?

Declassified E.O. 12356 Section 3.3/NND No. 785220

Protection .....

2. Date and place of entering the fascist party.....

Sansepolcrista?..... Squadrista?..... Fascista? Ante Marcia?.....

Marcia su Roma?..... Sciarpa Littoria?.....

3. Have you been a member of the Fascist Government?..... of the Grand Fascist Council?..... of the special Tribunali for the defense of the State?.....

4. Have you been a member of the Accademia d'Italia and in what status?.....
.....

5. Have you been President, Vice President or Managing Secretary of any corporation, confederation, federation, or syndicate union ?.....

6. Have you been National Secretary or Vice Secretary, a member of the National Directory, or a national inspector of the fascist party ?.....

7. If you have been a member of the Senate of the Kingdom give the date of your appointment to Senator and the date on which you took the oath, setting out in full your functions, duties, or public offices administrative or commercial.....
.....

8. Have you been a fascist deputy or a national counsellor and for what legislature or period ?.....

9. Have you been federal secretary or a vice secretary, administrative, federal vice secretary, a member of the federal directory or federal inspector or zone inspector, a "fiduciario" of the sectional fascist group in the Capital of a province (when, where and for how long)?..... 3850
.....

10. Have you occupied any of the following positions in the fascist party?
a. A position of authority in the CIL ?.....
b. A position of authority in the CUF ?.....
c. Any other office in the Party ?.....

11. Have you been President, vice president or Rector (Governor) of a Province (when, where and for how long) ?.....
.....

12. Have you been Podesta', vice-Podesta', Consultore, Commissario by royal appointment or by appointment by Prefetto, of any Capital of a Province (when, where and for how long)?.....
.....

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13. Have you been President or a member of the Central Court or of the federal commission for Fascist party discipline (when, where and for how long)?....
.....

14. Have you been Podesta', Commissario by royal appointment or by appointment of the Prefect, of any commune with a population of more than 50,000 inhabitants (according to the last census)?.....

15. Have you been a fascist political secretary (when, where and for how long)?
.....

16. Have you been Provincial fiduciaria of women fascists (when, where and for how long)?.....

17. Set out below any other offices national, provincial, or communal, governmental, or para-statal held by you since 1921.....
.....
.....
.....
.....

18. Have you been a director or chief editor of any political periodicals or daily papers? (which ones, where and when)?.....
.....
.....
.....

19. Have you been a professional journalist, political writer and what has been your journalistic activity since 3rd January 1925 ?.....
.....
.....

20. Have you ever made a radio political broadcast? .....

21. Set out your chief sources of income during the fascist regime.
.....
.....
.....
.....

22. Have you done military service ?.....
a. In what arm ?.....
b. When?.....
c. What was your last rank?.....
d. Where did you do your service?.....
e. Were you a volunteer in the Spanish Civil War ? .....
f. Were you a volunteer in the East African Campaign?.....
North African Campaign?..... Russian Campaign ?.....
g. Have you enjoyed any exemption from military service?.....
For what reasons ?.....

23. Have you been a member of the permanent service of the fascist militia and in what branch and for how long ? .....

24. Have you received any German decoration of honor and what was the circumstance for which you were decorated?

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16. Have you been Provincial fiduciaria of women fascists (when, where and for how long)?.....

17. Set out below any other offices national, provincial, or communal, governmental, or para-statal held by you since 1921.....
.....
.....
.....
.....

18. Have you been a director or chief editor of any political periodicals or daily papers? (which ones, where and when)?.....
.....
.....
.....

19. Have you been a professional journalist, political writer and what has been your journalistic activity since 3rd January 1925 ?.....
.....
.....
.....

20. Have you ever made a radio political broadcast? .....

21. Set out your chief sources of income during the fascist regime.
.....
.....
.....
.....

22. Have you done military service ?.....
a. In what arm ?.....
b. When?.....
c. What was your last rank?.....
d. Where did you do your service?.....
e. Were you a volunteer in the Spanish Civil War ? .....
f. Were you a volunteer in the East African Campaign?.....
North African Campaign?..... Russian Campaign ?.....
g. Have you enjoyed any exemption from military service?.....
For what reasons ?.....

23. Have you been a member of the permanent service of the fascist militia and in what branch and for how long ? .....

24. Have you received any German decoration of honor and what was the circumstance for which you were decorated?.....
.....Date.....

25. Where were you and how were you employed on 8 September 1943?.....
.....

26. Where have you been and how have you been employed since 8 September 1943?.
.....

I declare that all that I have stated above is the truth

Date .....
Signature of person making declaration.....

Declassified E.O. 12356 Section 3.3/NND No. 785020

Form No. 35(*)

COMMISSION FOR EPURATION .....

NOTICE OF PROPOSED SUSPENSION

TO .....
(Name)

.....
(Address)

1. TAKE NOTICE that the Commission for Epuration has under consideration the PROPOSAL that you be SUSPENDED from the office or employment which you now hold with .....
(name of employing administration or undertaking)

2. AND FURTHER TAKE NOTICE that the grounds upon which the Commission is considering this proposal are :-

3. AND FURTHER TAKE NOTICE that you have the right within 10 days of the service upon you of this notice to put forward an objection in writing which should state the reasons why you consider that such proposal should not be put into effect. You may attach to your objection any documents you wish.

4. AND FURTHER TAKE NOTICE that unless you put forward such objection within such time and lodge the same with this office at .....
....., this Commission will proceed forthwith to make against you an order suspending you from your said office or employment.

Date :

Signed :

(Secretary of the Commission)

Copy to:_____
(employing administration or undertaking)

1842

Declassified E.O. 12356 Section 3.3/NND No. 781220

TO .....
(Name)

.....
(Address)

1. TAKE NOTICE that the Commission for Epuration has under consideration the PROPOSAL that you be SUSPENDED from the office or employment which you now hold with .....
(name of employing administration or undertaking)

2. AND FURTHER TAKE NOTICE that the grounds upon which the Commission is considering this proposal are :-

3. AND FURTHER TAKE NOTICE that you have the right within 10 days of the service upon you of this notice to put forward an objection in writing which should state the reasons why you consider that such proposal should not be put into effect. You may attach to your objection any documents you wish.

4. AND FURTHER TAKE NOTICE that unless you put forward such objection within such time and lodge the same with this office at .....
....., this Commission will proceed forthwith to make against you an order suspending you from your said office or employment.

Date :

Signed :

(Secretary of the Commission)

Copy to: _____
(employing administration or undertaking)

_____
(address)

1843

Declassified E.O. 12356 Section 3.3/NND No. 785220

Form No. 35 c

COMMISSION FOR THE EPURATION .....

NOTICE OF HEARING

TO .....
(name)

.....
(address)

1. You are hereby notified that the hearing of your case will take place at the office of the Commission, Via .....
on the ..... day of ..... 1944 at ..... hours.

2. You are at liberty to appear at the said hearing with or without an attorney and to be heard by the Commission. At the said hearing you may call such witnesses and produce such documents as are relevant to the case as you may desire.

3. In default of appearance by you, the Commission will proceed to consider your objection in your absence.

Date : .....

Signed .....

.....
(Secretary of the Commission)

Declassified E.O. 12356 Section 3.3/NND No. 785120

Form No. 35 d.

COMMISSION FOR EDUCATION FOR .....

SUSPENSION ORDER

TO .....
(person suspended)

of .....
(private address)

1. TAKE NOTICE that with effect from the date of this Order you are SUSPENDED from your office or employment as ..... (state nature of ..... with or under ..... (state name of employing administration or undertaking) .....

2. The reasons for making this order are that .....
.....
.....
.....
.....
.....

Dated the _____ day of _____ 194__.

3349

.....
President of the Commission

Declassified E.O. 12356 Section 3.3/NND No. 780020

SUSPENSION ORDER

TO .....
(person suspended)

of .....
(private address)

1. TAKE NOTICE that with effect from the date of this Order you are SUSPENDED from your office or employment as ..... (state nature of employment) with or under ..... (state name of employing administration or undertaking)

2. The reasons for making this order are that .....

.....

.....

.....

.....

Dated the _____ day of _____ 194__.

3949

.....
President of the Commission

Copy to .....
(employing administration or undertaking)

.....
(address)

Declassified E.O. 12356 Section 3.3/NND No. 788020

FORM No. 35(e)

COMMISSION FOR EPURATION .....

ORDER SUSTAINING OBJECTION

The Commission for the Epuration above mentioned.....
having considered the objection entered by .....
(objector)

O R D E R S

that the notice of proposed suspension served against him and
dated ..... shall be cancelled and
that no action shall be taken in respect of the office or employment
held by the said .....
(name) (address)
With or under _____
(state name of employing administration or undertaking)
Date :
Signed:

.....
(President of the Commission)

Copy to: _____
(employing administrationor undertaking)

_____
(address)

Declassified E.O. 12356 Section 3.3/NND No. 788220

Form No. 35 f

COMMISSION FOR EPURATION FOR .....

Certificate of service.

I, ...
(name)

of .....
(address)

hereby declare

(1) that on the ___ day of _____ 194__ I did serve

a Notice of Proposed Suspension
a Notice of Hearing
a Suspension Order
an Order sustaining objection

of which a copy is attached

hereto on .....
(name of person affected)

of .....

by (handing it to him personally
(leaving it at .....

and

(ii) that on the ____ day of _____ 1944 I did also serve a copy

of the same document on .....
(employing administration or undertaking)

by (handing it to .....
(leaving it at .....

3848

Dated the _____ day of _____ 1944.

Declassified E.O. 12356 Section 3.3/NND No. 781120

I, ...
(name)

of .....
(address)

hereby declare

(1) that on the ____ day of _____ 194__ I did serve

a Notice of Proposed Suspension
a Notice of Hearing
a Suspension Order
an Order sustaining objection

} of which a copy is attached

hereto on .....
(Name of person affected)

of .....

by (handing it to him personally
(leaving it at .....

and

(ii) that on the ____ day of _____ 1944 I did also serve a copy of the same document on .....
(employing administration or undertaking)

by (handing it to .....
(leaving it at .....

3348

Dated the _____ day of _____ 1944.

.....
(signature of servor)

.....
Office held by servor: employee of
Commission : RP CC etc)

1849

Declassified E.O. 12356 Section 3.3/NND No. 785430

Navy S/C

HEAD QUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DF/5.2/CA.

21 Nov 44

SUBJECT : Rules of Procedure for Defascism Proceedings.

TO : See Distribution.

1 Enclosed is a copy of the Rules of Procedure for Defascism Proceedings. Some of the rules modify DLL 159. Attention is drawn to some of the provisions. Except where inconsistent with the wording of the Rule they apply to both Ministerial and Provincial Commissions.

a) Persons who have been given honorary Fascist titles e.g. squadrists or Marcia su Roma for non fascist reasons are not defascistable - RP 8
i.e. The mere holding of a fascist title does not alone justify dismissal much less suspension.

b) Public Utility concerns operating in one province only will be defascised provincially. RP 13

c) Provincial Commissions are no longer appointed by the Prefect. All appointments will in future be made by the ACC. RP 15
A commission may be appointed to deal with more than one province
Special arrangements are made for Rome.
It is understood that the ACC will confirm appointments already made by Prefects except where he considers an appointment unsuitable.

d) Commencement of Proceedings. RP 25
It should be noted that proceedings against all persons who have already been suspended without having been given particulars of a charge under DLL 159 are deemed to commence on the 25 Nov.
The time limits of Art 25 of DLL 159 then begin to run. This Art will apply to practically all persons already dismissed by ACC.
Appropriate steps should be taken to see that they realise this and that their cases are dealt with within the prescribed time limit.

e) Persons retired since July 43 may be deprived of pension rights. RP 27

f) All persons whose dismissal is ordered shall be immediately suspended but will remain suspended during an appeal, should they wish to make one. RP 29

g) This Decree came into force on 7 Nov and is about to be extended to Regional and AMG territory. RP 30

2 It is not only the duty of ACC officers to make themselves acquainted with these Decrees (159 -257 -287), translations of all of which have been circulated, but to see that they are brought to the notice of and followed by the Italian Officials and Commissions responsible for defascising. These should also have received, be acquainted with and be carrying out the High Commissioner's directive No 4 dated 24 Oct which was circulated under our DF/5.10 of 3 Nov 44 or HC/AF/CA of 15 Nov 44.

3847

BY COMMAND OF THE CHIEF COMMISSIONER:

S R Lyquetin

Declassified E.O. 12356 Section 3.3/NND No. 785220

1 Enclosed is a copy of the Rules of Procedure for Defascistization Proceedings. Some of the rules modify DLL 159. Attention is drawn to some of the provisions. Except where inconsistent with the wording of the rule they apply to both Ministerial and Provincial Commissions.

a) Persons who have been given honorary Fascist titles e.g. squadrista or Marcia su Roma for non fascist reasons are not defascicable - i.e. The mere holding of a fascist title does not alone justify dismissal such less suspension. RP 8

b) Public Utility concerns operating in one province only will be defascised provincially. RP 13

c) Provincial Commissions are no longer appointed by the Prefect. All appointments will in future be made by the HCI. A commission may be appointed to deal with more than one province Special arrangements are made for Rome. RP 15
It is understood that the HCI will confirm appointments already made by Prefects except where he considers an appointment unsuitable. RP 25

d) Commencement of Proceedings.
It should be noted that proceedings against all persons who have already been suspended without having been given particulars of a charge under DLL 159 are deemed to commence on the 25 Nov.
The time limits of Art 25 of DLL 159 then begin to run. This Art will apply to practically all persons already dismissed by AMG. Appropriate steps should be taken to see that they realise this and that their cases are dealt with within the prescribed time limit.

e) Persons retired since July 43 may be deprived of pension rights. RP 27

f) All persons whose dismissal is ordered shall be immediately suspended and will remain suspended during an appeal, should they wish to make one. RP 29

g) The Decree came into force on 7 Nov and is about to be extended to Reggio di Calabria Territory. RP 30

2 It is not only the duty of Mil officers to make themselves acquainted with these Decrees (159 -257 -285), translations of all of which have been circulated, but to see that they are brought to the notice of and followed by the Italian Officials and Commissions responsible for defascising. These should also have received, be acquainted with and be carrying out the High Commissioner's directive No 4 dated 24 Oct which was circulated under our DF/5.10 of 3 Nov 44 or DF/CB CA of 15 Nov 44. 3847

BY COMMAND OF THE CHIEF COMMISSIONER

G.R. Lygo
G.R. Lygo, Brig,
for CA Sec PCOG MG.

DISTRIBUTION :-

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Polit Sec
Local Govt S/C
Legal S/C
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Commerce S/C
Public Works S/C
Finance S/C
Agric S/C
Air S/C
Army S/C
Naval S/C
Communications S/C
Transportation S/C
SCAO 5 Army
SCAO 8 Army

RC Sicilia Region (11)
RC Sardegna Region (8)
RC Southern Region (15)
RC Lazio Region (9)
RC Abruzzi-Marche Region (12)
RC Toscana Region (11)
RC Emilia Region (10)
RC Liguria Region (6)
RC Lombardia Region (11)
RC Piemonte Region (9)
RC Venezia Region (16)

Declassified E.O. 12356 Section 3.3/NND No. 785220

DLL 258 of 23 OCT 44

RULES OF PROCEDURE

for

EPERATION

under

Part II of DLL 159

3846

Declassified E.O. 12356 Section 3.3/NND No. 785020

RULES OF PROCEDURE

for

EPIRATION

under

Part II of DLL 159

3846

CA Sec 21 Nov 44

Declassified E.O. 12356 Section 3.3/NND No. 785120

1854

DLL 255 of 23 Oct 44

RULES OF PROCEDURE

for epuration proceedings under Part II of DLL 159

The Italian version of this decree is the only authoritative text. The version below 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. The brackets indicate additions to the original text made to clarify the meaning.

Preparation for trial and trial	Arts.1- 8,11,25
Appeals and Execution of sentence	" 9-12,26,29
Provincial Proceedings	" 13-17
Professions Arts and Trades	" 18-24
Miscellaneous	" 25-30

INITIATION AND PREPARATION OF PROCEEDINGS

1 Except as provided in Art 2 hereof proceedings for epuration under Pt II of DLL 159 shall be initiated by the High Commissioner for Defascism (HC).

2 The Bodies referred to in Art 11 of DLL 159 shall send to the HC a list of their employees within the provisions of Arts 14 and 17 of that decree and such evidence as is in their possession concerning employees to whom the provisions of Arts 12 and 13 of the said decree are considered to apply.

When, however, any such Body is of opinion that it has sufficient evidence to justify epuration proceedings against an employee, it may file a charge with the appropriate hearing Commission; which, before entering the case, shall send to the HC a list of the names of the persons accused.

The HC may, if he so desire, reserve to himself the initiation of any such proceeding.

The HC shall commence epuration proceedings before the (appropriate) Commission of first instance against those who, on the evidence received by him from Bodies or Commissions or obtained in answer to enquiries of his own office, he is of opinion should be dismissed or receive some other punishment authorized by Part II of the said decree.

3045

DISCOVERY

3 Every Body shall supply to the HC all information and documents he may demand.

Where political or military secrets are involved, prior authorization shall be obtained from the President of the Council of Ministers, (PCM) who

Declassified E.O. 12356 Section 3.3/NND No. 785220

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

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Preparation for trial and trial	Arts.1- 8,11,25
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Provincial Proceedings	" 13-17
Professions Arts and Trades	" 18-24
Miscellaneous	" 25-30

INITIATION AND PREPARATION OF PROCEEDINGS

1 Except as provided in Art 2 hereof proceedings for epuration under Pt II of LLL 159 shall be initiated by the High Commissioner for Defascism (HC).

2 The Bodies referred to in Art 11 of LLL 159 shall send to the HC a list of their employees within the provisions of Arts 14 and 17 of that decree and such evidence as is in their possession concerning employees to whom the provisions of Arts 12 and 13 of the said decree are considered to apply.

When, however, any such Body is of opinion that it has sufficient evidence to justify epuration proceedings against an employee, it may file a charge with the appropriate hearing Commission; which, before entering the case, shall send to the HC a list of the names of the persons accused.

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3845

DISCOVERY

3 Every Body shall supply to the HC all information and documents he may demand.

Where political or military secrets are involved, prior authorization shall be obtained from the President of the Council of Ministers, (PCM) who may lay down the formalities to be observed during the examination and transmission of such documents.

DEFENCE

4 The Commission of first instance, on receiving with the relative documents a request for the commencement of proceeding, shall cause the person concerned to be informed of the charges against him and invite him to submit his defence within a stated time limit which in any case shall not be less than ten days.

During such period the person concerned shall have the right to consult (relevant) records in the Secretariat of the Commission.

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5 The defence shall be filed with the Secretariat of the Commission.

An employee living in a commune other than that in which the Commission is located may file his defence through the head of the office in which he works.

The head of the office will without delay forward the same to the Secretariat of the Commission.

FINDING AND SENTENCE

6 The Commission of first instance having made such further enquiries under Art 19 of DLL 159 as it may deem necessary in view of the evidence before it and the defence of the person concerned and shall pronounce its finding supported by short reasons for the same.

7 In cases under Art 14 of DLL 159, where there is no evidence of fascist partisan ship or improper conduct the spuration Commission may instead of dismissal, award such lesser punishment as is allowed by the said article.

8 No penalty shall be imposed when a title mentioned in Art 14 of DLL 159 has been awarded as a mere honour and the person concerned did not participate in the events for which the title was first awarded.

Similarly those who became officers in the MVSN as a result of a collective draft into the Militia of units which existed in other Government services shall not be penalised unless the person concerned made a specific request for such transfer.

Nevertheless dismissal or any other penalty authorised by Art 14 of the above-mentioned decree may be ordered in the cases of who have exploited such titles or their position in the militia in order to obtain for themselves any particular advantage which, generally speaking, other persons similarly situated could not obtain.

APPEALS

9 Any appeal by the person concerned or by the EC against a decision of the Commission of first instance shall be filed at the Secretariat of the said Commission and shall be forwarded by the latter, together with the relevant records, to the Central Commission.

An employee living in a commune other than the one in which the Commission of first instance is located may present his appeal to the head of his office who shall without delay forward the same to the Secretariat of the (appropriate) Commission of first instance for further action as above.

EXECUTION OF SENTENCE

10 The finding of an epuration Commission shall be communicated, by the appropriate Secretariat, to the body employing the person concerned which shall issue such order as may be necessary to carry out the finding.

SUSPENSIONS BEFORE OR DURING PROCEEDINGS

11 Whenever the EC is of opinion that an employee against whom epuration proceeding has been commenced should be suspended, he shall make to the appropriate Minister or Prefect a recommendation to that effect supported

Declassified E.O. 12356 Section 3.3/NND No. 785220

6 The Commission of first instance having made such further enquiries under Art 13 of DLL 159 as it may deem necessary in view of the evidence before it and the defence of the person concerned and shall pronounce its finding supported by short reasons for the same.

7 In cases under Art 14 of DLL 159, where there is no evidence of fascist partisan ship or improper conduct the epuration Commission may instead of dismissal, award such lesser punishment as is allowed by the said article.

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Similarly those who became officers in the MVSN as a result of a collective draft into the Militia of units which existed in other Government services shall not be penalised unless the person concerned made a specific request for such transfer.

Nevertheless dismissal or any other penalty authorised by Art 14 of the above-mentioned decree may be ordered in the cases of who have exploited such titles or their position in the militia in order to obtain for themselves any particular advantage which, generally speaking, other persons similarly situated could not obtain.

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An employee living in a commune other than the one in which the Commission of first instance is located may present his appeal to the head of his office who shall without delay forward the same to the Secretariat of the (appropriate) Commission of first instance for further action as above.

EXECUTION OF SENTENCE

10 The finding of an epuration Commission shall be communicated, by the appropriate Secretariat, to the body employing the person concerned which shall issue such order as may be necessary to carry out the finding.

SUSPENSIONS BEFORE OR DURING PROCEEDINGS

11 Whenever the EC is of opinion that an employee against whom epuration proceeding has been commenced should be suspended, he shall make to the appropriate Minister or Prefect a recommendation to that effect supported by his reasons. The latter shall then take action in accordance with Art 22 of DLL 159.

Any Minister or Prefect who does not desire to accept the EC's recommendation shall at once notify the latter and refer the matter to the President of the Council of Ministers (PCM) for decision.

Declassified E.O. 12356 Section 3.3/NND No. 785720

Should the circumstances, which caused any suspension to be ordered, cease to exist the order of suspension may, with the approval of the HC at any time and even during actual epuration proceedings, be revoked by the authority which made it. If the HC should withhold his consent, the said authority may submit the matter to the PCC for decision.

PROCEEDINGS ON APPEAL

12 The Central Epuration Commission shall have the same powers as were given to a Commission of first instance by Art 19 of DLL 159.

Now evidence may be presented to the Central Commission either by the person concerned or by the HC.

The Central Commission even if there is no request by the HC, may award a severer penalty than that given by the Commission of first instance.

EPURATION OF PROVINCIAL NON STATAL BODIES.

13 Private public utility undertakings having their offices and operating in one province only will be epurated by a Commission established under Art 18, para 3 of DLL 159.

The Prefect shall issue such orders as may be necessary to carry out the findings in respect of such personnel.

14 In the case of any special concerns operating under a public authority or other public body an official of the undertaking concerned or of the managing administration or other public authority or body may be appointed as second member of the epuration commission.

Except as provided in the preceding para where a single commission deals with more than one undertaking, the competent authority may select the second member from the staff of any of the undertakings concerned.

The provisions set out in the first para of this article shall apply also to undertakings which are of general importance to the Bodies controlling them.

REGIONAL COMMISSIONS.

15 In derogation from the provision contained in Art 18, para 3 of DLL 159, the Epuration Commissions for Bodies referred to in that para or in Art 13 hereof shall be appointed by the PCC, after consultation with the competent Minister and with the HC; the provisions of the preceding article as to the composition of Commissions referred to therein shall apply to these Commissions. The President of the Commission shall in every case be a judicial or administrative magistrate, active or retired.

Such a Commission may be given jurisdiction over more than one province.

The Commission for the Commune of Rome and for undertakings operating under it shall be appointed by the Minister for the Interior; the second member shall be selected from among the staff of the Commune or the Ministry.

The Commissions for the epuration of private public utility undertakings and of concerns of national importance shall be appointed by the competent authority, as laid down in DLL 159, and also by the PCC.

16 Sub-Commissions with jurisdiction over one or more provinces may be appointed in the manner set out in Art 18, para 1, to deal with Government departments which have [illegible]

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Declassified E.O. 12356 Section 3.3/NND No. 785820

12 The Central Epuration Commission shall have the same powers as were given to a Commission of first instance by Art 19 of DLL 159.

New evidence may be presented to the Central Commission either by the person concerned or by the HC.

The Central Commission even if there is no request by the HC, may award a severer penalty than that given by the Commission of first instance.

EPURATION OF PROVINCIAL NON STATAL BODIES.

13 Private public utility undertakings having their offices and operating in one province only will be epurated by a Commission established under Art 18, para 3 of DLL 159.

The Prefect shall issue such orders as may be necessary to carry out the findings in respect of such personnel.

14 In the case of any special concerns operating under a public authority or other public body an official of the undertaking concerned or of the managing administrator or other public authority or body may be appointed as second member of the epuration commission.

Except as provided in the preceding para where a single commission deals with more than one undertaking, the competent authority may select the second member from the staff of any of the undertakings concerned.

The provisions set out in the first para of this article shall apply also to undertakings which are of general importance to the Bodies controlling them.

PROVINCIAL COMMISSIONS.

15 In derogation from the provision contained in Art 18, para 3 of DLL 159, the Epuration Commissions for Bodies referred to in that para or in Art 13 hereof shall be appointed by the PCM, after consultation with the competent Minister and with the HC; the provisions of the preceding article as to the composition of Commissions referred to therein shall apply to these Commissions. The President of the Commission shall in every case be a judicial or administrative magistrate, active or retired.

Such a Commission may be given jurisdiction over more than one province.

The Commission for the Commune of Rome and for undertakings operating under it shall be appointed by the Minister for the Interior; the second member shall be selected from among the staff of the Commune or the Ministry.

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The Commissions for the epuration of private public utility undertakings and of concerns of national importance shall be appointed by the competent authority, as laid down in DLL 159, and also by the PCM.

16 Sub-Commissions with jurisdiction over one or more provinces may be appointed in the manner set out in Art 18, para 1, to deal with Government departments which have a large staff in scattered offices.

A Commission may establish its seat in any provincial town.

17 In every province the Prefect and the representative of the HC shall jointly be responsible for preparing the cases against employees to be brought before an epuration Commission.

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EPURATION OF PROFESSIONS ETC. (TREBUNALS)

18 Central Commissions established by Art 23, para 3 of LLL 159, shall be composed of a President; two judicial or administrative magistrates (active or retired); four members selected from persons practising a profession, art or trade by the appropriate Minister, after the consultation with the authority, if any in Rome responsible for keeping the register (of that profession etc) and of two other members designated by the HC.

In appointing any such Commission the appropriate Minister or a body authorised by him, need not appoint persons to represent an authority responsible for keeping a register if in fact such authority does not exist.

19 The Commissions responsible for reviewing the entries on any register referred to in Art 23 of LLL 159 shall apply Arts 12 (1), 13 and 14 of the said decree (to persons on such registers).

The name of any person whose behaviourhas compromised the decorum and dignity of his profession or who has in any way shown himself unworthy to practice his profession, art or trade, shall be struck off the register.

In other cases a temporary suspension from practice of the profession, art or trade may be ordered in lieu of removal from the register.

Persons whose names are included on any (professional etc) register shall be entitled to the benefit of the provisions of Art 16 of the said decree. Where the practice of a profession is permitted under any special Government authorization or license the removal of any name from a register shall be deemed to revoke such government authorization or licence.

EPURATION OF PROFESSIONS (PROCEEDINGS).

20 A Commission responsible for reviewing any register shall have the powers of an Epuration Commission under Art 19 of LLL 159.

Proceedings before any such Commissions shall be commenced by a request of the HC. The Bodies charged with keeping the registers shall send to the HC the documents in their possession and any denunciations received by them.

In any case of particular gravity a Commission may, during the proceedings for review suspend the person concerned from his profession, art or trade until the proceeding is concluded.

21 Appeals against the decisions of a Commission for the revision of any register shall be filed in the Secretariat of such Commission and shall be sent by that Commission to the Central Commission together with (all relevant) documents.

EPURATION OF PROFESSIONS (SENTENCE).

22 When the time limit for any appeal has expired without an appeal having been filed the finding of any Commission responsible for reviewing any register (or where there has been an appeal) the finding of the Central Commission shall be communicated by the Secretariat to the Body responsible for keeping such register who will put the said finding into effect.

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responsible for keeping a register if in fact such authority does not exist.

19 The Commissions responsible for reviewing the entries on any register referred to in Art 23 of LLL 159 shall apply Arts 12 (1), 13 and 14 of the said decree (to persons on such registers).

The name of any person whose behaviour has compromised the decorum and dignity of his profession or who has in any way shown himself unworthy to practice his profession, art or trade, shall be struck off the register.

In other cases a temporary suspension from practice of the profession, art or trade may be ordered in lieu of removal from the register.

Persons whose names are included on any (professional etc) register shall be entitled to the benefit of the provisions of Art 16 of the said decree. Where the practice of a profession is permitted under any special Government authorization or license the removal of any name from a register shall be deemed to revoke such government authorization or license.

EPURATION OF PROFESSIONS (PROCEEDINGS).

20 A Commission responsible for reviewing any register shall have the powers of an Epuration Commission under Art 19 of LLL 159.

Proceedings before any such Commissions shall be commenced by a request of the HC. The bodies charged with keeping the registers shall send to the HC the documents in their possession and any denunciations received by them.

In any case of particular gravity a Commission may, during the proceedings for review suspend the person concerned from his profession, art or trade until the proceeding is concluded.

21 Appeals against the decisions of a Commission for the revision of any register shall be filed in the Secretariat of such Commission and shall be sent by that Commission to the Central Commission together with (all relevant) documents.

EPURATION OF PROFESSIONS (SENTENCE).

22 When the time limit for any appeal has expired without an appeal having been filed the finding of any Commission responsible for reviewing any register (or where there has been an appeal) the finding of the Central Commission shall be communicated by the Secretariat to the Body responsible for keeping such register who will put the said finding into effect.

EPURATION OF PROFESSIONS (ADMINISTRATIVE)

23 The last para of Art 18 of LLL 159 shall apply to a Commission responsible for reviewing any register.

Where one Body is responsible for keeping more than one professional register, the appropriate Minister may, if the large number of entries makes it desirable, form separate Commissions for reviewing the entries in the several registers.

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24 Where two or more registers are kept in neighbouring offices and the small number of entries in each register makes it desirable, the appropriate Minister may order that the review of such registers under Art 29 of DLL 159 be undertaken by one Commission.

COMMENCEMENT OF PROCEEDINGS.

25 A proceeding for epuration shall for the purpose of the time limits contained in Art 25 of DLL 159 be deemed to be commenced on the date on which, the charges against a person are communicated to him.

Provided that when an employee has been suspended before such communication the proceedings shall be deemed to have commenced either on the day on which he is suspended or where this was prior to the day on which this decree came into force, the proceedings shall, irrespective of the date on which the charges were communicated, be deemed to have commenced on the (23 Nov).

FUTURE LIBERATION OF TERRITORY (EVIDENCE).

26 When, after the liberation of territories not yet liberated, important evidence, which could not previously have been discovered, is discovered against any person who may be liable to epuration proceedings, the PCM may by decree order that the time limit, contained in Art 25, para 1 of DLL 159, shall in the case of such persons commence from the date mentioned in the para 3 of that article.

RECENT RETIREMENTS.

27 In more serious cases such as those to which para 2 of Art 22 of DLL 159 refer, any person who has been retired after 25 July 43 may be subjected to epuration proceedings, to determine whether or not any pension right shall be forfeited. Any such proceeding shall be carried out in the manner and within the time limits (which otherwise apply).

REVIEW FOR ERROR.

28 The review of any decision under Art 44, para 2 of DLL 159, shall be originated by an application of the person concerned. Such application shall be lodged with the Secretariat of the competent Epuration Commission or with the Body to which the employee belonged, within 90 days from the date this decree came into force.

Any such review shall be carried on in accordance with the rules contained in DLL 159.

SUSPENSION AFTER FINDING.

3843

29 Any (unsuspended) employee whose dismissal from office is ordered by a Commission of first instance, shall immediately be suspended under the last part of Art 22 of DLL 159 (pending the decision becoming final).

COMMENCEMENT

30 This decree shall come into force on the day of its publication in

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which, the charges against a person are communicated to him.

Provided that when an employee has been suspended before such communication the proceedings shall be deemed to have commenced either on the day on which he is suspended or where this was prior to the day on which this decree came into force, the proceedings shall, irrespective of the date on which the charges were communicated, be deemed to have commenced on the (23 Nov).

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RECENT RETIREMENTS.

27 In more serious cases such as those to which para 2 of Art 22 of LLL 159 refer, any person who has been retired after 25 July 43 may be subjected to epuration proceedings, to determine whether or not any pension right shall be forfeited. Any such proceeding shall be carried out in the manner and within the time limits (which otherwise apply).

REVIEW FOR ERROR.

28 The review of any decision under Art 24, para 2 of LLL 159, shall be originated by an application of the person concerned. Such application shall be lodged with the Secretariat of the competent Epuration Commission or with the Body to which the employee belonged, within 90 days from the date this decree comes into force.

Any such review shall be carried on in accordance with the rules contained in LLL 159.

SUSPENSION AFTER FINDING.

3843

29 Any (unsuspended) employee whose dismissal from office is ordered by a Commission of first instance, shall immediately be suspended under the last para of Art 22 of LLL 159 (is pending the decision becoming final).

COMMENCEMENT

30 This decree shall come into force on the day of its publication in the Gazette (7 Nov 44).

SCALE OF ISSUE - Sub Commrs (2)
Regions (3)
Provinces (2)
ECOs (2)

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DLL 258 OF 29 OCT 44

RULES OF PROCEDURE

for

EPIRATION

under

Part II of DLL 159

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Ch. Sec. 21 Nov 44

1864

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RULES OF PROCEDURE

for

EPURATION

under

Part II of DLL 159

3842

CA Sec 21 Nov 44

1863

Declassified E.O. 12356 Section 3.3/NND No. 785220

DLL 255 of 23 Oct 44

RULES OF PROCEDURE

for epuration proceedings under Part II of DLL 159

The Italian version of this decree is the only authoritative text. The version below 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. The brackets indicate additions to the original text made to clarify the meaning.

Preperation for trial and trial	Arts.1- 6,11,25
Appeals and Execution of sentence	" 7-12,28,29
Provincial Proceedings	" 13-17
Professions Arts and Trades	" 18-24
Miscellaneous	" 25-30

INITIATION AND PREPARATION OF PROCEEDINGS

1 Except as provided in Art 2 hereof proceedings for epuration under Pt II of DLL 159 shall be initiated by the High Commissioner for Defascism (HC).

2 The Bodies referred to in Art 11 of DLL 159 shall send to the HC a list of their employees within the provisions of Arts 14 and 17 of that decree and such evidence as is in their possession concerning employees to whom the provisions of Arts 12 and 13 of the said decree are considered to apply.

When, however, any such Body is of opinion that it has sufficient evidence to justify epuration proceedings against an employee, it may file a charge with the appropriate hearing Commission; which, before entering the case, shall send to the HC a list of the names of the persons accused.

The HC may, if he so desire, reserve to himself the initiation of any such proceeding.

The HC shall commence epuration proceedings before the (appropriate) Commission of first instance against those who, on the evidence received by him from Bodies or Commissions or obtained in answer to enquiries of his own office, he is of opinion should be dismissed or receive some other punishment authorized by Part II of the said decree.

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DISCOVERY

3 Every Body shall supply to the HC all information and documents he may demand.

Where political or military secrets are involved, prior authorization shall be obtained from the President of the Council of Ministers, (PCM) who may lay down the formalities to be observed during the examination and transmission of such documents.

Declassified E.O. 12356 Section 3.3/NND No. 788220

The version here [illegible] provisions contained in the decree, officers conveniently of the Italian text for all points of detail or matters of procedure or dispute. The brackets indicate additions to the original text made to clarify the meaning.

Preparation for trial and trial	Arts.1- 8,11,25
Appeals and Execution of sentence	" 9-12,20,29
Provincial Proceedings	" 13-17
Professions Arts and Trades	" 18-24
Miscellaneous	" 25-30

INITIATION AND PREPARATION OF PROCEEDINGS

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When, however, any such body is of opinion that it has sufficient evidence to justify epuration proceedings against an employee, it may file a charge with the appropriate hearing Commission, which, before entering the case, shall send to the HC a list of the names of the persons accused.

The HC may, if he so desire, reserve to himself the initiation of any such proceeding.

The HC shall commence epuration proceedings before the (appropriate) Commission of first instance against those who, on the evidence received by him from Bodies or Commissions or obtained in answer to enquiries of his own office, he is of opinion should be dismissed or receive some other punishment authorized by part II of the said decree.

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Where political or military secrets are involved, prior authorization shall be obtained from the President of the Council of Ministers, (PCM) who may lay down the formalities to be observed during the examination and transmission of such documents.

DEFENCE

4 The Commission of first instance, on receiving with the relative documents a request for the commencement of proceeding, shall cause the person concerned to be informed of the charges against him and invite him to submit his defence within a stated time limit which in any case shall not be less than ten days.

During such period the person concerned shall have the right to consult (relevant) records in the Secretariat of the Commission.

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5 The defence shall be filed with the Secretariat of the Commission.

An employee living in a commune other than that in which the Commission is located may file his defence through the head of the office in which he works.

The head of the office will without delay forward the same to the Secretariat of the Commission.

FINDING AND SENTENCE

6 The Commission of first instance having made such further enquiries under Art 19 of DLL 159 as it may deem necessary in view of the evidence before it and the defence of the person concerned and shall pronounce its finding supported by short reasons for the same.

7 In cases under Art 14 of DLL 159, where there is no evidence of fascist partisan ship or improper conduct the epuration Commission may instead of dismissal, award such lesser punishment as is allowed by the said article.

8 No penalty shall be imposed when a title mentioned in Art 14 of DLL 159 has been awarded as a mere honour and the person concerned did not participate in the events for which the title was first awarded.

Similarly those who became officers in the MVSN as a result of a collective draft into the Militia of units which existed in other Government services shall not be penalised unless the person concerned made a specific request for such transfer.

Nevertheless dismissal or any other penalty authorised by Art 14 of the above-mentioned decree may be ordered in the cases of who have exploited such titles or their position in the militia in order to obtain for themselves any particular advantage which, generally speaking, other persons similarly situated could not obtain.

APPEALS

9 Any appeal by the person concerned or by the HC against a decision of the Commission of first instance shall be filed at the Secretariat of the said Commission and shall be forwarded by the latter, together with the relevant records, to the Central Commission.

An employee living in a commune other than the one in which the Commission of first instance is located may present his appeal to the head of his office who shall without delay forward the same to the Secretariat of the (appropriate) Commission of first instance for further action as above.

EXECUTION OF SENTENCE

10 The finding of an epuration Commission shall be communicated, by the appropriate Secretariat, to the body employing the person concerned which shall issue such order as may be necessary to carry out the finding.

SUSPENSIONS BEFORE OR DURING PROCEEDINGS

11 Whenever the HC is of opinion that an employee against whom epuration proceeding has been commenced should be suspended, he shall make to the appropriate Minister or Prefect a recommendation to that effect supported

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finding supported by short reasons for the same.

7 In cases under Art 14 of DLL 159, where there is no evidence of fascist partisan ship or improper conduct the epuration Commission may instead of dismissal, award such lesser punishment as is allowed by the said article.

8 No penalty shall be imposed when a title mentioned in Art 14 of DLL 159 has been awarded as a mere honour and the person concerned did not participate in the events for which the title was first awarded.

Similarly those who became officers in the MVSN as a result of a collective draft into the Militia of units which existed in other Government services shall not be penalised unless the person concerned made a specific request for such transfer.

Nevertheless dismissal or any other penalty authorised by Art 14 of the above-mentioned decree may be ordered in the cases of who have exploited such titles or their position in the militia in order to obtain for themselves any particular advantage which, generally speaking, other persons similarly situated could not obtain.

APPEALS

9 Any appeal by the person concerned or by the HC against a decision of the Commission of first instance shall be filed at the Secretariat of the said Commission and shall be forwarded by the latter, together with the relevant records, to the Central Commission.

An employee living in a commune other than the one in which the Commission of first instance is located may present his appeal to the head of his office who shall without delay forward the same to the Secretariat of the (appropriate) Commission of first instance for further action as above.

EXECUTION OF SENTENCE

10 The finding of an epuration Commission shall be communicated, by the appropriate Secretariat, to the body employing the person concerned which shall issue such order as may be necessary to carry out the finding.

SUSPENSIONS BEFORE OR DURING PROCEEDINGS

11 Whenever the HC is of opinion that an employee against whom epuration proceeding has been commenced should be suspended, he shall make to the appropriate Minister or Prefect a recommendation to that effect supported by his reasons. The latter shall then take action in accordance with Art 22 of DLL 159.

Any Minister or Prefect who does not desire to accept the HC's recommendation shall at once notify the latter and refer the matter to the President of the Council of Ministers (PCM) for decision.

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EPURATION OF PROFESSIONS ETC. (TRIBUNALS)

18 Central Commissions established by Art 23, para 3 of MLL 159, shall be composed of a President, two judicial or administrative magistrates (active or retired); four members selected from persons practising a profession, art or trade by the appropriate Minister, after the consultation with the authority, if any in Rome responsible for keeping the register (of that profession etc) and of two other members designated by the HC.

In appointing any such Commission the appropriate Minister or a body authorised by him, need not appoint persons to represent an authority responsible for keeping a register if in fact such authority does not exist.

19 The Commissions responsible for reviewing the entries on any register referred to in Art 23 of MLL 159 shall apply Arts 12 (1), 13 and 14 of the said decree (to persons on such registers).

The name of any person whose behaviourhas compromised the decorum and dignity of his profession or who has in any way shown himself unworthy to practice his profession, art or trade, shall be struck off the register.

In other cases a temporary suspension from practice of the profession, art or trade may be ordered in lieu of removal from the register.

Persons whose names are included on any (professional etc) register shall be entitled to the benefit of the provisions of Art 16 of the said decree. Where the practice of a profession is permitted under any special Government authorization or license the removal of any name from a register shall be deemed to revoke such government authorization or license.

EPURATION OF PROFESSIONS (PROCEEDINGS).

20 A Commission responsible for reviewing any register shall have the powers of an Epuration Commission under Art 19 of MLL 159.

Proceedings before any such Commissions shall be commenced by a request of the HC. The Bodies charged with keeping the registers shall send to the HC the documents in their possession and any denunciations received by them.

In any case of particular gravity a Commission may, during the proceedings for review suspend the person concerned from his profession, art or trade until the proceeding is concluded.

21 Appeals against the decisions of a Commission for the revision of any register shall be filed in the Secretariat of such Commission and shall be sent by that Commission to the Central Commission together with (all relevant) documents.

EPURATION OF PROFESSIONS (SENTENCE). 3840

22 When the time limit for any appeal has expired without an appeal having been filed the finding of any Commission responsible for reviewing any register (or where there has been an appeal) the finding of the Central Commission shall be communicated by the Secretariat to the Body responsible for keeping such register who will put the said finding into effect.

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the HC.

In appointing any such Commission the appropriate Minister or a body authorised by him, need not appoint persons to represent an authority responsible for keeping a register if in fact such authority does not exist.

19 The Commissions responsible for reviewing the entries on any register referred to in Art 23 of LLL 159 shall apply Arts 12 (1), 13 and 14 of the said decree (to persons on such registers).

The name of any person whose behaviourhas compromised the decorum and dignity of his profession or who has in any way shown himself unworthy to practice his profession, art or trade, shall be struck off the register.

In other cases a temporary suspension from practice of the profession, art or trade may be ordered in lieu of removal from the register.

Persons whose names are included on any (professional etc) register shall be entitled to the benefit of the provisions of Art 16 of the said decree. Where the practice of a profession is permitted under any special Government authorization or license the removal of any name from a register shall be deemed to revoke such government authorization or license.

EPURATION OF PROFESSIONS (PROCEEDINGS).

20 A Commission responsible for reviewing any register shall have the powers of an Epuration Commission under Art 19 of LLL 159.

Proceedings before any such Commissions shall be commenced by a request of the HC. The Bodies charged with keeping the registers shall send to the HC the documents in their possession and any denunciations received by them.

In any case of particular gravity a Commission may, during the proceedings for review suspend the person concerned from his profession, art or trade until the proceeding is concluded.

21 Appeals against the decisions of a Commission for the revision of any register shall be filed in the Secretariat of such Commission and shall be sent by that Commission to the Central Commission together with (all relevant) documents.

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EPURATION OF PROFESSIONS (SENTENCE).

22 When the time limit for any appeal has expired without an appeal having been filed the finding of any Commission responsible for reviewing any register (or where there has been an appeal) the finding of the Central Commission shall be communicated by the Secretariat to the Body responsible for keeping such register who will put the said finding into effect.

EPURATION OF PROFESSIONS (ADMINISTRATIVE)

23 The last para of Art 18 of LLL 159 shall apply to a Commission responsible for reviewing any register.

Where one Body is responsible for keeping more than one professional register, the appropriate Minister may, if the large number of entries makes it desirable, form separate Commissions for reviewing the entries in the several registers.

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24 Where two or more registers are kept in neighbouring offices and the small number of entries in each register makes it desirable, the appropriate Minister may order that the review of such registers under Art 23 of ZLL 159 be undertaken by one Commission.

COMMENCEMENT OF PROCEEDINGS.

25 A proceeding for epuration shall for the purpose of the time limits contained in Art 25 of ZLL 159 be deemed to be commenced on the date on which, the charges against a person are communicated to him.

Provided that when an employee has been suspended before such communication the proceedings shall be deemed to have commenced either on the day on which he is suspended or where this was prior to the day on which this decree came into force, the proceedings shall, irrespective of the date on which the charges were communicated, be deemed to have commenced on the (23 Nov).

FUTURE LIBERATION OF TERRITORY (EVIDENCE).

26 When, after the liberation of territories not yet liberated, important evidence, which could not previously have been discovered, is discovered against any person who may be liable to epuration proceedings, the PCM may by decree order that the time limit, contained in Art 25, para 1 of ZLL 159, shall in the case of such persons commence from the date mentioned in the para 3 of that article.

RECENT RETIREMENTS.

27 In more serious cases such as those to which para 2 of Art 22 of ZLL 159 refer, any person who has been retired after 25 July 43 may be subjected to epuration proceedings, to determine whether or not any pension right shall be forfeited. Any such proceeding shall be carried out in the manner and within the time limits (which otherwise apply).

REVIEW FOR ERROR.

28 The review of any decision under Art 44, para 2 of ZLL 159, shall be originated by an application of the person concerned. Such application shall be lodged with the Secretariat of the competent Epuration Commission or with the Body to which the employee belonged, within 90 days from the date this decree comes into force.

Any such review shall be carried on in accordance with the rules contained in ZLL 159.

SUSPENSION AFTER FINDING.

3339

29 Any (unsuspended) employee whose dismissal from office is ordered by a Commission of first instance, shall immediately be suspended under the last para of Art 22 of ZLL 159 (ie pending the decision becoming final).

COMMENCEMENT

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contained in Art 25 of DLL 159 be deemed to be commenced on the date on which the charges against a person are communicated to him.

Provided that when an employee has been suspended before such communication the proceedings shall be deemed to have commenced either on the day on which he is suspended or where this was prior to the day on which this decree came into force, the proceedings shall, irrespective of the date on which the charges were communicated, be deemed to have commenced on the (23 Nov).

FUTURE LIBERATION OF TERRITORY (EVIDENCE).

26 When, after the liberation of territories not yet liberated, important evidence, which could not previously have been discovered, is discovered against any person who may be liable to epuration proceedings, the RCM may by decree order that the time limit, contained in Art 25, para 1 of DLL 159, shall in the case of such persons commence from the date mentioned in the para 3 of that article.

RECENT RETIREMENTS.

27 In more serious cases such as those to which para 2 of Art 22 of DLL 159 refer, any person who has been retired after 25 July 43 may be subjected to epuration proceedings, to determine whether or not any pension right shall be forfeited. Any such proceeding shall be carried out in the manner and within the time limits (which otherwise apply).

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3839

29 Any (unsuspended) employee whose dismissal from office is ordered by a Commission of first instance, shall immediately be suspended under the last para of Art 22 of DLL 159 (ie pending the decision becoming final).

COMMENCEMENT

30 This decree shall come into force on the day of its publication in the Gazette (7 Nov 44).

SCALE OF ISSUE - Sub Comsns (2)
Regions (3)
Provinces (2)
SCMOs (2)

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Defascism

Notes of a Meeting
of
Sub-Comen Representatives

2 Dec 44

1 REPORTS ON PROGRESS.

a) Public Safety - going well. It is just as well that it should be going somewhat slowly. It would only create further difficulties if a large number of officers were quickly removed before others were available to replace them satisfactorily. Several cases have occurred in which Senior Officers had been dismissed on account of alleged fascist offences and had later been cleared and re-instated. It was most undesirable that senior officers should be dealt with in this way. Could not some form of house arrest be arranged ? Public Safety would make enquiry as to by whom these threats were ordered and the VF would take the matter up with SCOCCIMARO.

b) Legal - on the whole not completely satisfied with progress. The Commission is dealing with cases fairly speedily but some of the decisions are not satisfactory and are likely to be appealed against.

c) Navy - epuration of the senior officials is concluded. It was not found necessary to dismiss any persons.

d) Transport - Fairly well. Most of the senior officials had been dealt with but there had been rather too free suspension of lower grades and efficiency was threatened.

e) Education - Progress was not very satisfactory. The President of the Commission appeared to be constructive, and to be deliberately too slow and meticulous. No decisions had yet been made. It was proposed to recommend that a new President should be appointed; this would be the fifth.

f) Local Government - Progress might be said to be fair to good. One difficulty had been disclosed, namely that the Epuration Commission claimed that employees not on the roll were not epurtable by them but by such other service, if any, to which they might belong. This did not give rise to any difficulty except where a Prefetto Aggiunto did not belong to any other service. By whom should he be epurated? Gen RICCHE Prefect of Ancona was proposed to be epurated by the Army. It was possible that the Local Provincial Commissioner might object to this epuration on the grounds of loss of efficiency as there had been so many changes in this appointment.

g) Army - Almost complete. Working very well.

h) Public Relations - so far as the number of officials dealt with has increased from 0 to 12, epuration might be said to be going better. There was no great trust in the Commission and practical concerns had not even commenced to be dealt with. The registration of journalists as a pre-requisite of their practising their profession was a remnant

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of fascist ideology and it was questionable whether this should, as a matter of policy, be allowed to continue. If it were abolished, there would be no method of epuration.

i) Finance - Very satisfactory. Down to Grade 4, but lower grades were not proceeding very satisfactorily only two cases had not been finished; it was possible that in these two cases extra time might have to be asked for. The IGF has not been touched, this delay apparently was due to a controversy which has occurred between SCOCCIMARO and SOLARI.

k) Communications - There are only 3 officers in the senior grades. Two have been dismissed. The third is Pellegrini. The VP could impress on SCOCCIMARO the importance of proceeding with this case at once. AC had committments to General NICHOLSON. Reference was also made to a refusal of the High Commissioner to place certain favourable evidence before an Epuration Commission. The VP could take this matter up.

2 GENERAL

a) Sub-Comms were advised to ensure that Ministerial Commissions with which they deal are aware of all directives and decrees with which they should conf. It is found as a matter of experience that they sometimes do not get to know of these for some weeks. It is also essential that Provincial representatives should be kept informed by Sub-Comms with which they work of such directives and decrees so that they could see that matters were properly dealt with in the Provinces.

b) It was pointed out that anonymous complaints should not be acted upon.

c) It was also pointed out that when a person has been epurated and acquitted, fresh proceedings could not be commenced because new evidence had been discovered. Attention was drawn to the case of SALIARA in which this had been done. The VP would take the matter up with SCOCCIMARO.

d) A letter DF/2.3/Ca dated 27 Nov 44 was issued to all Sub-Comms. Further copies could be supplied on request.

e) It was decided that where Fascist had done work of special assistance to the Allies, the Sub-Comms concerned might forward particulars to C. Section for transmission through the High Commissioner to the Epuration Committee concerned.

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DE/2B/CA

Tel: 489081
Ext 469

SUBJECT: Defascism.

27 Nov 44.

TO: RC Toscano Region,
RC Lazio-Umbria Region,
RC Abruzzi-Marche Region,
RC Piemonte Region
SCAO 5 Army
RC Liguria Region,
RC Lombardia Region,
RC Venezia Region,
RC Emilia Region,
SCAO 8 Army.

1 Much difficulty has been occasioned in some provinces in the matter of epuration of officials through an improper understanding of the relative responsibilities and procedures of AMG and Italian Government officials. This Memo is intended to clarify the position.

2 On first entry into a territory, AMG officers will put Exec Memo 67 into operation and in doing so it is important that lists A and B should be used together, that is to say that an official in list A should only be suspended if he is also within a description in list B and vice versa. AMG officers will be careful to refrain from a wholesale sacking of officials for administrative chaos would only result. They must only worry about major offices as appearing in list A and neglect the fascist character of minor officials.

3 Thereafter in AMG territory two phases may be distinguished.
a) Where there is no immediate probability of DLL 159 being implemented.
b) Where conditions have been so far restored that DLL 159 can be implemented.
In no case will AMG set up methods of epuration except as described in this Memo. See 313/167/CA of 4 Aug 44.

4 In the former case defascism by AMG under General Order 35 (which will shortly be circulated) may be authorised by HQ AC.

5 Where DLL 159 is in force (*) the responsibility is that of the Italian Government working through the machinery set up by that decree. This is that the cases of :
a) Government servants and employees of concerns of national importance though they may work in the provinces will be dealt with by Epuration Commissions sitting in Rome. The AC bodies responsible for ensuring the efficient working of these Commissions are the appropriate Sub-Comens of this HQ.
AMG officers in the field therefore can only influence the actual process of defascising through the Sub-Comens concerned which they must keep informed on local conditions and requirements.

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Declassified E.O. 12356 Section 3.3/NND No. 785420

Though they have no direct local responsibility for defascising these classes of employees this does not mean that they cannot, for good reasons, suspend persons (including fascists) but it does mean that they will not occupy themselves with any general removal of fascists from office.

b) Employees of entirely local concerns such as the ECA, Hospitals and local public utility undertakings will be dealt with by Provincial Epuration Commissions appointed by the central Govt. but sitting locally. The AC officers responsible for seeing that these Commissions work efficiently and rapidly is the AC through his appropriate PCs.. He is also responsible for keeping HQ AC informed on local conditions and progress.

HQ AC will be his channel of communication for any representations he may wish to make with regard to the appointment of personnel of Provincial Commissions.

6 6 It must be realised that where AMG officers act they will only suspend. Dismissal will in all cases by dealt with by the Italian Government under DLL 159.

7 Though the responsibility for dismissal is that of the Italian Govt, AMG officers have an over-riding duty to see that essential services are not disorganised either by wholesale dismissals or by dismissals of key employees, where no substitute is available. This does not mean that every proposal of the Commission requires prior approval by an AMG officer but the AMG officers must arrange to be kept in the picture and be prepared to interfere if disorganisation is seriously threatened.

BY COMMAND OF THE CHIEF COMMISSIONER

for G.R. UPJOHN, Brig,
VP C/ Sec,
DCOS AC

Copy to: RCs, Sardegna, Sicilia and Southern Regions.

DISTRIBUTION: Region HQ (4) Provinces (2,

* This decree has been implemented as follows:

In Regions.:	In the Provinces of:
Lazio-Umbria	Terni, Perugia, Ascoli;
Abruzzi-Marche	Ancona, Pesaro;
Toscana	Grossato, Siena, Abrezzo, Livorno, Pisa, Florence, Lucca, Pistoia;
Southern	Napoli.

Declassified E.O. 12356 Section 3.3/NND No. 781220

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DF/2B/CA

Tel: 489081
Ext 469

SUBJECT: Defascism.

27 Nov 44.

TO: RC Toscanne Region,
RC Lazio-Umbria Region,
RC Abruzzi-Marche Region,
RC Piemonte Region
SCAO 5 Army
RC Liguria Region,
RC Lombardie Region,
RC Venezia Region,
RC Emilia Region.
SCAO 8 Army.

1 Much difficulty has been occasioned in some provinces in the matter of epuration of officials through an improper understanding of the relative responsibilities and procedures of AMG and Italian Government officials. This Memo is intended to clarify the position.

2 On first entry into a territory, AMG officers will put Exec Memo 67 into operation and in doing so it is important that lists A and B should be used together, that is to say that an official in list A should only be suspended if he is also within a description in list B and vice versa. AMG officers will be careful to refrain from a wholesale sacking of officials for administrative chaos would only result. They must only worry about major offices as appearing in list A and neglect the fascist character of minor officials.

3 Thereafter in AMG territory two phases may be distinguished.
a) Where there is no immediate probability of DLL 159 being implemented.
b) Where conditions have been so far restored that DLL 159 can be implemented.
In no case will AMG set up methods of epuration except as described in this Memo. See 313/167/G1 of 4 Aug 44.

4 In the former case defascism by AMG under General Order 35 (which will shortly be circulated) may be authorised by HQ AC.

5 Where DLL 159 is in force (*) the responsibility is that of the Italian Government working through the machinery set up by that decree. This is the case of :
a) Government servants and employees of concerns of national importance though they may work in the provinces will be dealt with by Epuration Commissions sitting in Rome. The AC bodies responsible for ensuring the efficient working of these Commissions are the appropriate Sub-Comsns of this HQ.
AMG officers in the field therefore can only influence the actual process of defascising through the Sub-Comsns concerned which they must keep informed on local conditions and requirements.

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Declassified E.O. 12356 Section 3.3/NND No. 785220

Though they have no direct local responsibility for defascising these classes of employees this does not mean that they cannot, for good reasons, suspend persons (including fascists) but it does mean that they will not occupy themselves with any general removal of fascists from office.

b) Employees of entirely local concerns such as the ECA, Hospitals and local public utility undertakings will be dealt with by Provincial Epuration Commissions appointed by the central Govt. but sitting locally. The AC officers responsible for seeing that these Commissions work efficiently and rapidly is the RC through his appropriate PCs..
He is also responsible for keeping HQ AC informed on local conditions and progress.
HQ AC will be his channel of communication for any representations he may wish to make with regard to the appointment of personnel of Provincial Commissions.

6 6 It must be realised that where AMG officers act they will only suspend. Dismissal will in all cases by dealt with by the Italian Government under DLL 159.

7 Though the responsibility for dismissal is that of the Italian Govt, AMG officers have an over-riding duty to see that essential services are not disorganised either by wholesale dismissals or by dismissals of key employees where no substitute is available. This does not mean that every proposal of the Commission requires prior approval by an AMG officer but the AMG officers must arrange to be kept in the picture and be prepared to interfere if disorganisation is seriously threatened.

BY COMMAND OF THE CHIEF COMMISSIONER

for G.R. HEPBURN, Brig,
VP CA Sec,
DCOS AC

Copy to: ROs, Sardegna, Sicilia and Southern Regions.

DISTRIBUTION: Region HQ (4) Provinces (2,

* This decree has been implemented as follows:

In Regions :	In the Provinces of:
Lazio-Umbria	Terni, Perugia, Ascoli;
Abruzzi-Marche	Macerata, Ancona, Pesaro;
Toscana	Grosseto, Siena, Abrezzo, Livorno, Pisa, Florence, Lucca, Pistoia;
Southern	Napoli.

Declassified E.O. 12356 Section 3.3/NND No. 785220

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DF/2B/CA

Tel: 489081
Ext 469

SUBJECT: Defascism.

27 Nov 44.

TO: RC Toscanna Region,
RC Lazio-Umbria Region,
RC Abruzzi-Marche Region,
RC Piemonte Region
SCAO 5 Army
RC Liguria Region,
RC Lombardia Region,
RC Venezia Region,
RC Emilia Region,
SCAO 8 Army.

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3 Thereafter in AMG territory two phases may be distinguished.
a) Where there is no immediate probability of DLL 159 being implemented..
b) Where conditions have been so far restored that DLL 159 can be implemented.
In no case will AMG set up methods of epuration except as described in this Memo. See 313/167/CA of 4 Aug 44.

4 In the former case defascism by AMG under General Order 35 (which will shortly be circulated) may be authorised by HQ AC.

5 Where DLL 159 is in force (*) the responsibility is that of the Italian Government working through the machinery set up by that decree. This includes the cases of : 3335

a) Government servants and employees of concerns of national importance though they may work in the provinces will be dealt with by Epuration Commissions sitting in Rome. The AC bodies responsible for ensuring the efficient working of these Commissions are the appropriate Sub-Comsns of this HQ.
AMG officers in the field therefore can only influence the actual process of defascising through the Sub-Comsns concerned which they must keep informed on local conditions and requirements.

Declassified E.O. 12356 Section 3.3/NND No. 785220

Though they have no direct local responsibility for defascising these classes of employees this does not mean that they cannot, for good reasons, suspend persons (including fascists) but it does mean that they will not occupy themselves with any general removal of fascists from office.

b) Employees of entirely local concerns such as the ECA, Hospitals and local public utility undertakings will be dealt with by Provincial Epuration Commissions appointed by the central Govt. but sitting locally. The AC officers responsible for seeing that these Commissions work efficiently and rapidly is the PC through his appropriate PCs.. He is also responsible for keeping HQ AC informed on local conditions and progress.

HQ AC will be his channel of communication for any representations he may wish to make with regard to the appointment of personnel of Provincial Commissions.

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BY COMMAND OF THE CHIEF COMMISSIONER

/s/ C.R. UPJOHN, Brig,
VP CA Sec,
DCOS AC

Copy to: RCs, Sardegna, Sicilia and Southern Regions.

DISTRIBUTION: Region HQ (4) Provinces (2)

* This decree has been implemented as follows:

In Regions :	In the Provinces of:
Lazio-Umbria	Terni, Perugia, Ascoli;
Abruzzi-Marche	Macerata, Ancona, Pesaro;
Toscana	Grosseto, Siena, Abrezzo, Livorno, Pisa, Florence, Lucca, Pistoia;
Southern	Napoli.

Declassified E.O. 12356 Section 3.3/NND No. 785220

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DF/2B/CA

Tel: 489081
Ext 469

27 Nov 44.

SUBJECT: Defascism.

TO: RC Toscanne Region,
RC Lazio-Umbria Region,
RC Abruzzi-Marche Region,
RC Piemonte Region
SCAO 5 Army
RC Liguria Region,
RC Lombardie Region,
RC Venezia Region,
RC Emilia Region,
SCAO 8 Army.

1 Much difficulty has been occasioned in some provinces in the matter of epuration of officials through an improper understanding of the relative responsibilities and procedures of AMG and Italian Government officials. This Memo is intended to clarify the position.

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b) Where conditions have been so far restored that DLL 159 can be implemented.
In no case will AMG set up methods of epuration except as described in this Memo. See 315/167/CA of 4 Aug 44.

4 In the former case defascism by AMG under General Order 35 (which will shortly be circulated) may be authorised by HQ AC.

5 Where DLL 159 is in force (*) the responsibility is that of the Italian Government working through the machinery set up by that decree. This is the case of :
a) Government servants and employees of concerns of national importance though they may work in the provinces will be dealt with by Epuration Commissions sitting in Rome. The AC bodies responsible for ensuring the efficient working of these Commissions are the appropriate Sub-Comsns of this HQ.
AMG officers in the field therefore can only influence the actual process of defascising through the Sub-Comsns concerned which they

3334

Declassified E.O. 12356 Section 3.3/NND No. 788220

DF/23/CA

Tel: 489061
Ext 469

27 Nov 44.

SUBJECT: Defascism.

TO: RC Toscanne Region,
RC Lazio-Umbria Region,
RC Abruzzi-Marche Region,
RC Piemonte Region
SCAO 5 Army
RC Liguria Region,
RC Lombardia Region,
RC Venezia Region,
RC Emilia Region,
SCAO 8 Army.

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AMG officers in the field therefore can only influence the actual process of defascising through the Sub-Comsns concerned which they must keep informed on local conditions and requirements.

3634

Declassified E.O. 12356 Section 3.3/NND No. 785120

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He is also responsible for keeping HQ AC informed on local conditions and progress.

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BY COMMAND OF THE CHIEF COMMISSIONER

for G.R. UPJOHN, Brig,
VP CA Sec,
DCOS AC

Copy to: RCs, Sardegna, Sicilia and Southern Regions.

DISTRIBUTION: Region HQ (4) Provinces (2)

* This decree has been implemented as follows:

In Regions :	In the Provinces of:
Lazio-Umbria	Terni, Perugia, Ascoli;
Abruzzi-Marche	Macerata, Ancona, Pesaro;
Toscana	Grosseto, Siena, Abrezzo, Livorno, Pisa, Florence, Lucca, Pistoia;
Southern	Napoli.

14 DIC 1944

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1884

b) Employees of entirely local concerns such as the Bar, hairdressers, local public utility undertakings will be dealt with by Provincial Epuration Commissions appointed by the central Govt. but sitting locally. The AC officers responsible for seeing that these Commissions work efficiently and rapidly is the RC through his appropriate PCS..

He is also responsible for keeping HQ AC informed on local conditions and progress.

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BY COMMAND OF THE CHIEF COMMISSIONER

for G.R. UPJOHN, Brig,
VP CA Sec,
DCOS AC

Copy to: RCs, Sardegna, Sicilia and Southern Regions.

DISTRIBUTION: Region HQ (4) Provinces (2)

* This decree has been implemented as follows:

In Regions :	In the Provinces of:
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Toscana	Grosseto, Siena, Abrezzo, Livorno, Pisa, Florence, Lucca, Pistoia;
Southern	Napoli.

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1886

~~HEADQUARTERS ALLIED COMMISSION~~
APO 394
CIVIL AFFAIRS SECTION

DF/2../C.

2 Dec 44

SUBJECT : Removal of employees of Fascist Republican Government.

TO : See Distribution.

1 In the advance through areas recently in German occupation, AMG and CA officers will have before them the problem of cleansing various Government services.

2 It has sometimes been assumed that every employee of the Republican Fascist Government is ipso facto unemployable. If this course is followed administrative chaos will result. Already in some areas so many persons of some services have been removed that insufficient are left to carry out essential duties. It is essential that sufficient personnel be retained in all the various services to allow them to function.

3 The principle to be followed is that :
a) Heads of services or of important concerns must be dealt with in accordance with the Exec Memo 67 (or G.O. 25 when the latter is in operation).
b) Those of the lower ranks as to whom there is no evidence of active fascist partisanship will be retained to work under new antifascist heads but employees who have been really active fascists may also when desirable be suspended.

4 The new heads will, if any personnel of suitable qualifications ability and antecedents are available, be promoted with temporary rank from those retained. If none are available, replacements will be requested.

5 Every effort will be made to organise sufficient and efficient services and if, after review, insufficient personnel remain to carry out necessary duties, reinforcements must be requested, but it must be realised that owing to the universality of the process of defascisation no large reserves of personnel can anywhere be available. Hence the necessity for prudence in ordering suspensions.

3333

BY COMMAND OF THE CHIEF COMMISSIONER :

G.R. WATSON Brig,
DF 2 Section
ACIS AC

DISTRIBUTION : -

COPIES FOR INFO : -

Commerce S/C

Declassified E.O. 12356 Section 3.3/NND No. 765220

TO : See distribution.

1 In the advance through areas recently in German occupation, Allied and A. officers will have before them the problem of clearing various Government services.

2 It has sometimes been assumed that every employee of the Republican Fascist Government is ipso facto unemployable. If this course is followed administrative chaos will result. Already in some areas so many persons of some services have been removed that insufficient are left to carry out essential duties. It is essential that sufficient personnel be retained in all the various services to allow them to function.

3 The principle to be followed is that :
a) Heads of services or of important concerns must be dealt with in accordance with the Executive Order 67 (or A.M.G. 95 when the latter is in operation).
b) Those of the lower ranks as to whom there is no evidence of active fascist participation will be retained to work under new anti-fascist heads but employees who have been really active fascists may also when desirable be suspended.

4 The new heads will, if any personnel of suitable qualifications ability and antecedents are available, be promoted with temporary rank from those retained. If none are available, replacements will be requested.

5 Every effort will be made to organise sufficient and efficient services and if, after review, insufficient personnel remain to carry out necessary duties, reinforcements must be requested, but it must be realised that owing to the universality of the process of fascisation no large reserve of personnel can anywhere be available. Hence the necessity for prudence in ordering suspensions.

3833

BY COMMAND OF THE CHIEF COMMISSIONER :

G.R. URQUHART Brig,
AG (A) Section
ACC A.C

DISTRIBUTION : -

R.C. Toscana Region
R.C. Emilia Region
R.C. Piemonte Region
R.C. Liguria Region
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SCAO AMG 5 Army
SCAO AMG 5 Army

COPIES FOR INFO : -

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Army S/C
Navy S/C
Communications S/C
Transportation S/C
Econ S/C

Scale of Distribution -

Regions 10 (incl. Zones of Division); Provinces 4; Sub Comune 4.

Declassified E.O. 12356 Section 3.3/NND No. 785220

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DE/2.A/24.

2 Dec 44

SUBJECT : Removal of employees of fascist Republican Government.

TO : See Distribution.

1. In the advance through areas recently in German occupation, AMG and CA officers will have before them the problem of cleansing various Government services.

2. It has sometimes been assumed that every employee of the Republican Fascist Government is ipso facto unemployable. If this course is followed administrative chaos will result. Already in some areas so many persons of some services have been removed that insufficient are left to carry out essential duties. It is essential that sufficient personnel be retained in all the various services to allow them to function.

3. The principle to be followed is then :
a) Heads of services or of important concerns must be dealt with in accordance with the Exec Memo 67 (or G.O. 35 when the latter is in operation).
b) Those of the lower ranks as to whom there is no evidence of active fascist partisanship will be retained to work under new antifascist heads but employees who have been really active fascists may also when desirable be suspended.

4. The new heads will, if any personnel of suitable qualifications ability and antecedents are available, be promoted with temporary rank from those retained. If none are available, replacements will be requested.

5. Every effort will be made to organise sufficient and efficient services and if, after review, insufficient personnel remain to carry out necessary duties, reinforcements must be requested, but it must be realised that owing to the universality of the process of defascisting no large reserves of personnel can anywhere be available. Hence the necessity for prudence in ordering suspensions.

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BY COMMAND OF THE CHIEF COMMISSIONER :

G.R. UPJOHN Brig.
VP CA Section
DCAS AC

DISTRIBUTION : -

COPIES FOR INFO : -

Declassified E.O. 12356 Section 3.3/NND No. 785020

1 In the advance through areas recently in German occupation, AMG and C.A. officers will have before them the problem of cleansing various Government services.

2 It has sometimes been assumed that every employee of the Republican Fascist Government is ipso facto unemployable. If this course is followed administrative chaos will result. Already in some areas so many persons of some services have been removed that insufficient are left to carry out essential duties. It is essential that sufficient personnel be retained in all the various services to allow them to function.

3 The principle to be followed is that :
a) Heads of services or of important concerns must be dealt with in accordance with the Proc Memo 67 (or G.O. 35 when the latter is in operation).
b) Those of the lower ranks as to whom there is no evidence of active fascist partisanship will be retained to work under new antifascist heads but employees who have been really active fascists may also when desirable be suspended.

4 The new heads will, if any personnel of suitable qualifications ability and antecedents are available, be promoted with temporary rank from those retained. If none are available, replacements will be requested.

5 Every effort will be made to organize sufficient and efficient services and if, after review, insufficient personnel remain to carry out necessary duties, reinforcements must be requested, but it must be realised that owing to the universality of the process of cashiering no large reserves of personnel can anywhere be available. Hence the necessity for prudence in ordering suspensions.

3332

BY COMMAND OF THE CHIEF COMMISSIONER :

A.R. TRYON Brig,
VG G.C. Section
LCOS AC

DISTRIBUTION : -

R.C. Toscana Region
R.C. Emilia Region
R.C. Piemonte Region
R.C. Liguria Region
R.C. Lombardia Region
R.C. Venezia Region
SCAO AAI 6 Army
SCAO AMG 5 Army

Scale of Distribution

Regions 10 (incl. Heads of Division); Provinces 4; Sub Comune 4.

COPIES FOR INFO : -

R.C. Sicilia Region
R.C. Sardegna Region
R.C. Southern Region
R.C. Lazio Region
R.C. Abruzzi-Marche Reg.
CA Section
Econ Section
Polit Section
Local Govt S/C

Commerce S/C
Public Works S/C
Finance S/C
Agric S/C
Air S/C
Army S/C
Naval S/C
Communications S/C
Transportation S/C
Educ S/C

Declassified E.O. 12356 Section 3.3/NND No. 788220

1860

~~ALLIED HEADQUARTERS ALLIED COMMISSION~~
APO 394
CIVIL AFFAIRS SECTION

CS/2.1/CA.

2 Dec 44.

SUBJECT : Removal of employees of Fascist Republican Government.

TO : See Distribution.

1 In the advance through areas recently in German occupation, AMG and CA officers will have before them the problem of cleansing various Government services.

2 It has sometimes been assumed that every employee of the Republican Fascist Government is ipso facto unemployable. If this course is followed administrative chaos will result. Already in some areas so many persons of some services have been removed that insufficient are left to carry out essential duties. It is essential that sufficient personnel be retained in all the various services to allow them to function.

3 The principle to be followed is that :
a) Heads of services or of important concerns must be dealt with in accordance with the Exec Memo 67 (or G.O. 35 when the latter is in operation).
b) Those of the lower ranks as to whom there is no evidence of active fascist partisanship will be retained to work under new antifascist heads but employees who have been really active fascists may also when desirable be suspended.

4 The new heads will, if any personnel of suitable qualifications ability and antecedents are available, be promoted with temporary rank from those retained. If none are available, replacements will be requested.

5 Every effort will be made to organise sufficient and efficient services and if, after review, insufficient personnel remain to carry out necessary duties, reinforcements must be requested, but it must be realised that owing to the universality of the process of defascisation no large reserves of personnel can anywhere be available, hence the necessity for prudence in ordering suspensions.

3331

BY COMMAND OF THE CHIEF COMMISSIONER :

G.R. UPTON Brig.
VC CA Section
ECOS AC

DISTRIBUTION : -

R.C. Toscana Region
R.C. Emilia Region

COPIES FOR INFO : -

R.C. Sicilia Region
R.C. Sardegna Region

Commerce S/C
Public Works S/C

Declassified E.O. 12356 Section 3.3/NND No. 785220

1 In the advance through areas recently in German occupation, AMG and CA officers will have before them the problem of cleansing various Government services.

2 It has sometimes been assumed that every employee of the Republican Fascist Government is ipso facto unemployable. If this course is followed administrative chaos will result. Already in some areas so many persons of some services have been removed that insufficient are left to carry out essential duties. It is essential that sufficient personnel be retained in all the various services to allow them to function.

3 The principle to be followed is that :
a) Heads of services or of important concerns must be dealt with in accordance with the Exec Memo 67 (or G.O. 35 when the latter is in operation).
b) Those of the lower ranks as to whom there is no evidence of active fascist partisanship will be retained to work under new antifascist heads but employees who have been really active fascists may also when desirable be suspended.

4 The new heads will, if any personnel of suitable qualifications ability and antecedents are available, be promoted with temporary rank from those retained. If none are available, replacements will be requested.

5 Every effort will be made to organise sufficient and efficient services and if, after review, insufficient personnel remain to carry out necessary duties, reinforcements must be requested, but it must be realised that owing to the universality of the process of cleansing no large reserves of personnel can anywhere be available. Hence the necessity for prudence in ordering suspensions.

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BY COMMAND OF THE CHIEF COMMISSIONER :

G.R. UNTOHN Brig,
DP CA Section
ECOS AC

DISTRIBUTION : -

R.C. Tuscan Region
R.C. Emilia Region
R.C. Piedmont Region
R.C. Ligurie Region
R.C. Lombardia Region
R.C. Venezia Region
SCAO AMG 5 Army
SCAO AMG 8 Army

Scale of Distribution

COPIES FOR INFO : -

R.C. Sicilia Region
R.C. Sardegna Region
R.C. Southern Region
R.C. Lazio Region
R.C. Abruzzi-Marche Reg.
CA Section
Econ Section
Polit Section
Local Govt S/C

Commerce S/C
Public Works S/C
Finance S/C
Agric S/C
Air S/C
Army S/C
Naval S/C
Communications S/C
Transportation S/C
Econ S/C

Regions 10 (incl. Heads of Division); Provinces 4; Sub Comms 4.

Declassified E.O. 12356 Section 3.3/NND No. 785020

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Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

LF/3.10/CA

30 Nov

SUBJECT : Defascism - CA Meeting.

TO : See Distribution.

1 A meeting to discuss the Progress of Defascising will be held in room 50 fifth floor at 0900 hours on Sat 2 Dec. The attendance of your representative is requested.

2 The following matters will be discussed or dealt with:
a) Progress under AL 257 (Senior Officials)
b) General Progress
c) Issue of - Rules of Procedure - GO 35 - Admin Instructions.

S.H. WHITE Lt Col,
for VP CA Section

DISTRIBUTION: - VP CA Sec / Econ Sec / Pol Sec
Educ S/C / Agri S/C / Air S/C
Legal S/C / Commerce S/C / Army S/C
Local Govt S/C / Finance S/C / Naval S/C ✓
Pub Saf S/C / Pub Works S/C / Comms S/C
File CAS / Transpt S/C / PHS

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5 pp

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RESTRICTED

HEADQUARTERS ALLIED COMMISSION
APO 394
OFFICE OF CHIEF OF STAFF

REF/DF/2.A/AS. 28 November 1944.

SUBJECT : Epuration in occupied territory.

TO : Regional Commissioner, Lazio-Umbria, Abruzzi Marche, Toscana, Emilia, Liguria, Piemonte, Lombardia and Venezia Regions.

1. In view of the strong anti-fascist feeling which is likely to prevail in Northern Italy you may find it necessary to ensure and to satisfy the public that Epuration and the removal from office of suspected persons are proceeding as quickly as possible.

2. Epuration is being undertaken by the Italian Government under D.L.L. 159 and subsequent decrees. Moreover in June 1944 an agreement was made between the Italian Government and AC that AC would leave this work to the Government and would not operate an independent scheme of their own. However, the Italian Government has experienced many delays in working their scheme in Southern Italy and you may find it desirable in the North to ensure more rapid progress. With this end in view General Order No. 85 has been prepared which provides for the suspension of fascists through Provincial Commissions.

This Order follows the lines of the Italian Government Scheme and does not therefore infringe the spirit of the June agreement. Moreover the Italian Government has been informed of and has welcomed the Order. It is, however, important that the Order if put into operation should be enforced in its entirety so as to ensure uniformity throughout all Regions. The Order will be put into operation at the discretion of Regional Commissioners but such discretion will not be exercised without the previous consent of HQ AC.

3. The Order is in no way intended to prevent the suspension or dismissal of any person from office by a member of the Allied Military Government as heretofore. No system of epuration, however, will be employed by any Regional or Provincial Commissioner or any other member of the Allied Military Government except under Executive Memoranda No. 67 and 76 and/or this General Order.

4. It is important that the work under the Order should be done by the Italians themselves, but great care must be taken that the Epuration proceedings shall not become the basis of vindictive or unfair action by any Commission or persons connected with it. These proceedings must not be allowed to become witch hunts. Close supervision will be necessary particularly in the initial stages.

It is very important that Commissions concentrate on the officials of high grades. Experience so far under the Italian Government Scheme has shown that the tendency is to pursue the small men occupying low grade and unimportant posts, and to pass over the more important officials.

Article V of the Order is designed to meet this problem but Provincial Commissioners must ensure that even within categories Immediate and Routine the officials and employees are considered in order of importance.

It is normally desirable for school personnel to be epurated as quickly as possible. Regional Commissioners will, therefore, if so advised by the Regional Educational Officer, make an order for the epuration of Provincial Superintendents

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Declassified E.O. 12356 Section 3.3/NND No. 763020

Toscana, Emilia, Liguria, Piemonte, Lombardia and Venezia Regions.

1. In view of the strong anti-fascist feeling which is likely to prevail in Northern Italy you may find it necessary to ensure and to satisfy the public that Epuration and the removal from office of suspected persons are proceeding as quickly as possible.

2. Epuration is being undertaken by the Italian Government under D.L.L. 159 and subsequent decrees. Moreover in June 1944 an agreement was made between the Italian Government and AC that AC would leave this work to the Government and would not operate an independent scheme of their own. However, the Italian Government has experienced many delays in working their scheme in Southern Italy and you may find it desirable in the North to ensure more rapid progress. With this end in view General Order No. 35 has been prepared which provides for the suspension of fascists through Provincial Commissions.

This Order follows the lines of the Italian Government Scheme and does not therefore infringe the spirit of the June agreement. Moreover the Italian Government has been informed of and has welcomed the Order. It is, however, important that the Order if put into operation should be enforced in its entirety so as to ensure uniformity throughout all Regions. The Order will be put into operation at the discretion of Regional Commissioners but such discretion will not be exercised without the previous consent of HQ AC.

3. The Order is in no way intended to prevent the suspension or dismissal of any person from office by a member of the Allied Military Government as heretofore. No system of epuration, however, will be employed by any Regional or Provincial Commissioner or any other member of the Allied Military Government except under Executive Memoranda No. 67 and 76 and/or this General Order.

4. It is important that the work under the Order should be done by the Italians themselves, but great care must be taken that the Epuration proceedings shall not become the basis of vindictive or unfair action by any Commission or persons connected with it. These proceedings must not be allowed to become witch hunts. Close supervision will be necessary particularly in the initial stages.

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Article V of the Order is designed to meet this problem but Provincial Commissioners must ensure that even within categories Immediate and Routine the officials and employees are considered in order of importance.

It is normally desirable for school personnel to be epurated as quickly as possible. Regional Commissioners will, therefore, if so advised by the Regional Educational Officer, make an order for one section of Provincial Commissions to devote themselves to these officials.

In no circumstances will any attempt be made to commence Epuration proceedings against persons in category Postponed without the previous consent of HQ AC.

5. Generally, it is not to be expected that Commissions will be set up in Army Areas unless they become static and the particular SCAO shall so approve.

6. In some Provinces it may not be possible to find locally enough commissioners or commission staffs with the requisite qualifications. While it is preferable to employ local personnel this is not obligatory and any Italian may be appointed even though he resides in another province or region, provided he

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Declassified E.O. 12356 Section 3.3/NND No. 785020

possesses the requisite qualifications.

7. Hasty suspensions of persons in important positions in administrations or undertakings performing services essential to the Allied Forces may easily cause disruption of this work unless acceptable substitutes are immediately available. The civil administration and the judiciary may suffer likewise from such action. Therefore, particular care must be taken to avoid any such disruptions. Your attention is drawn to par. 17 of the Administrative Instructions in this respect.

8. In appointing Commissions only 5 or 3 members should be appointed for each Commission or for each Section when it is contemplated that a Commission will sit in Sections. Where vacancies occur they should not be filled unless it is necessary to do so.

9. Commissions when appointed must proceed speedily with their work and if any member thereof is not performing satisfactory service such member should be removed.

10. When the Order is to become operative in a certain locality the Provincial Commissioner should see that the Order and the separate order fixing the commencement date are posted together a sufficient time in advance of the commencement date and at the requisite places to give the public and all persons concerned reasonable advance notice. A suggested form of Provincial Order is attached.

11. The contents of this communication should be made available to officers of Allied Military Government who will perform services in connection with these Commissions, but NOT to the Italians.

12. Attached hereto are copies, in English and Italian, of General Order No. 35 and the Administrative Instructions. The Administrative Instructions which cover details of procedure, are for the use of members of the Commissions as well as members of the Allied Military Government. They are not in any way secret, but it is not thought necessary that they should be publicly posted.

By Command of Commodore STONE:

M. S. LUSH,
Brigadier,
Chief of Staff.

COPIES TO :- CA Sec
Econ Sec
Polit Sec
Loc Govt S/C
Legal Sec
Educ S/C
Commerce S/C
Public Works S/C
Finance S/C
Agric S/C
Air S/C
Army S/C
Naval S/C
Communications S/C
Transportation S/C

SCAO 5 Army

SCAO 8 Army

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Declassified E.O. 12356 Section 3.3/NND No. 785020

respect.

8. In appointing Commissions only 5 or 3 members should be appointed for each Commission or for each Section when it is contemplated that a Commission will sit in Sections. Where vacancies occur they should not be filled unless it is necessary to do so.

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By Command of Commodore STONE:

M. S. LUSH,
Brigadier,
Chief of Staff.

CC. LIST TO :-

CA Sec		Educ S/C	Air S/C
Econ Sec		Commerce S/C	Army S/C
Polit Sec		Public Works S/C	Naval S/C
Loc Govt S/C		Finance S/C	Communications S/C
Legal Sec		Agric S/C	Transportation S/C
	SCAO 5 Army		SCAO 8 Army

NOTE : Italian copies are in the press and will be forwarded later under separate cover.

Declassified E.O. 12356 Section 3.3/NND No. 785220

ORDER FIXING DATE OF COMMENCEMENT OF GENERAL ORDER No. _____

Provincial
Order No. }

I, ..., Provincial Commissioner for the Province of ..... do hereby order and direct that General Order No. 35 shall commence and become operative in the Province/Locality of ..... beginning as of 0001 hours on the ..... day of..... 1944.

Dated :

Signed :

.....
(Provincial Commissioner)

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Declassified E.O. 12356 Section 3.3/NND No. 785220

1898

ORDER AS TO THE SUSPENSION OF FASCIST OFFICIALS AND EMPLOYEES

1 PERSONS TO WHOM THIS ORDER APPLIES.
Officials and employees of the following bodies shall be subject to proceedings under this Order:-
a) Civil State administrations, even if autonomous
b) Local authorities and other public bodies and institutions
c) Special concerns operating under public authorities or bodies and private concerns recognised by the State as controlling public utility undertakings or concerns having nation wide interests.

2 CATEGORIES OF PERSONS.
The following persons shall be suspended from service:-
a) Any person who has shown that he is unworthy of serving the State either by having participated actively in the political life of fascism or by having shown himself a consistent apologist of fascism and particularly if he has so acted when holding high office.
b) Any person who has obtained an appointment or promotion through favouritism of the party or of fascist officials of high rank.
c) Any person who has been guilty of fascist vice or corrupt practices.
d) Any person who has held the position of squadrista, or sansepolcrista, or antemarcia, or marcia su Roma, or Colarpe Littorio, or who has been an officer of the fascist militia.
e) Any person who after the 8th September 1943 moved to North Italy with or has pledged allegiance to or has in any way collaborated with the Republican fascist government.

3 APPOINTMENTS OF COMMISSIONS.
a) Not later than 3 days after the coming into operation of this Order in any locality the Provincial Commissioner shall appoint a Commission of Italian citizens of integrity and non fascist antecedents to carry out the provisions of this order within the locality and shall give public notice of the appointment of the Commission and the address of its office.
b) Each Commission shall consist of a President who shall be designated by the Provincial Commissioner and of such other members as the Provincial Commissioner may appoint. A Commission may sit in separate sections.
c) Any persons appointed to the Commission whether as President or member thereof may at any time be removed by the Provincial Commissioner.

4 NOTIFICATION OF ORDER.
a) Not later than 7 days after the coming into operation of this Order the Head of each administration and undertaking included in Article I of this Order and carrying on business in a locality to which this Order applies shall post at the place or places of business one or more copies of this Order and shall give notice to all officials and employees of the administration or undertaking employed in that locality that
i) this Order has come into operation in that locality, and
ii) the particular administration or undertaking is included in Article I of this Order. Provided that the omission by the head of such administration or undertaking to give such notice shall not afford a defence to a person charged with noncompliance with the provisions of Article V of this Order.
In each locality the Prefect

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Declassified E.O. 12356 Section 3.3/NND No. 785220

or concerns having relation with [illegible]

2 CATEGORIES OF PERSONS.

The following persons shall be suspended from service:-

a) Any person who has shown that he is unworthy of serving the State either by having participated actively in the political life of fascism or by having shown himself a consistent apologist of fascism and particularly if he has so acted when holding high office.

b) Any person who has obtained an appointment or promotion through favouritism of the party or of fascist officials of high rank.

c) Any person who has been guilty of fascist sins or corrupt practices.

d) Any person who has held the position of squadrista, or squadrista, or entenarcia, or merelt su Roma, or Scierpe Littorio, or who has been an officer of the fascist militia.

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b) Each Commission shall consist of a President who shall be designated by the Provincial Commissioner and of such other members as the Provincial Commissioner may appoint. A Commission may sit in separate sections.

c) Any persons appointed to the Commission whether as President or member thereof may at any time be removed by the Provincial Commissioner.

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i) this Order has come into operation in that locality, and

ii) the particular administration or undertaking is included in Article I of this Order. Provided that the omission by the head of such administration or undertaking to give such notice shall not afford a defence to a person charged with noncompliance with the provisions of Article V of this Order.

b) Whenever this Order shall come into operation in any locality the Prefect shall cause a copy thereof to be posted in every commune of such locality.

5 LODGEMENT OF SCHEDL PERSONALE.

a) All persons to whom this Order applies are divided into three categories as follows:-

i) Category Immediate, consisting of;
Civil Service Officials down to Grade VI
Officials and employees in the Head Office of any administration or undertaking who occupy positions as Directors, Managers, Works

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[illegible] Order 77

Declassified E.O. 12356 Section 3.3/NND No. 785220

Managers, Technical Heads or Senior Technicians.
Officials and employees in a Branch Office of any administration or undertaking who occupy positions as Managers or Senior Technicians.

ii) Category Routine, consisting of:
Civil Service Officials of Grade VII to IX (incl).
Officials and employees employed in the Head Offices of an Administration or undertaking who occupy positions as Assistant or Deputy Manager, or Assistant or Deputy Works Manager, Heads of Departments or Senior Foremen.
Officials and employees employed in the Branch office of any administration or undertaking who occupy positions as Deputy/Assistant Manager, or as Works Manager or Assistant Works Manager, or as Heads of Department or Senior Foreman.
Such persons being officials or employees of Grades X to XII inclusive who are employed under the Ministry of Education and are dependent from Provveditori agli Studi as may be ordered by or on behalf of the Regional Commissioner of the Allied Military Government to complete, sign and lodge schede personali.

iii) Category Postponed, consisting of:
all other officials and employees.

b) Within 14 days from the date of the coming into operation of this Order each person to whom this Order applies and who is a person included in Category Immediate or Category Routine as above defined shall complete sign and lodge with the head of his administration or undertaking a Schede Personale in the prescribed form. The head of such administration or undertaking shall arrange theSchede Personale so received by him into the said two categories, and within 16 days from the coming into operation of this Order shall lodge the same so arranged with the office of the Commission together with a Schede Personale duly completed and signed by himself.

c) Within 16 days from the date of the coming into operation of this Order the head of each administration or undertaking will sign and deposit with the Commission a list of all persons being officials or employees in his administration or undertaking who come within the said two categories and a certificate that a Schede Personale has been completed and lodged in respect of each such official or employee or a statement to account for the absence thereof.

d) Persons to whom this Order applies who are included in category Postponed are not required to complete sign or lodge a Schede Personale nor do they otherwise become liable to the terms of this Order without further order made by or on behalf of the Allied Military Government.

6 REVIEW OF SCHEDE PERSONALI.

The Commission shall thereupon review such Schede Personali together with such other evidence as may be brought before it and shall determine which persons it considers to be liable to suspension in accordance with the provisions of this Order and shall serve.

a) Upon each of such persons a notice of proposed suspension and
b) Upon the employer of each of such persons a copy of such notice.

7 OBJECTION TO NOTICES OF PROPOSED SUSPENSION.

Where a notice of proposed suspension is served on any person, such person may within 10 days lodge at the office of the Commission an objection thereto which shall be in writing and may be accompanied by such statement and documents as it is desired to bring before the Commission.

8 PROCEEDINGS ON OBJECTIONS.

Declassified E.O. 12356 Section 3.3/NND No. 785220

Works Manager or Assistant Works Manager, or as Heads of Department or Senior Foreman.

Such Persons being officials or employees of Grades X to XII inclusive who are employed under the Ministry of Education and are dependent from Provveditori agli Studi as may be ordered by or on behalf of the Regional Commissioner of the Allied Military Government to complete, sign and lodge Schede Personali.

iii) Category Postponed, consisting of:
All other officials and employees.

b) Within 14 days from the date of the coming into operation of this Order each person to whom this Order applies and who is a person included in Category Immediate or Category Routine as above defined shall complete sign and lodge with the head of the administration or undertaking a Schede Personale in the prescribed form. The head of such administration or undertaking shall arrange the Schede Personale so received by him into the said two categories, and within 15 days from the coming into operation of this Order shall lodge the same so arranged with the office of the Commission together with a Schede Personale duly completed and signed by himself.

c) Within 15 days from the date of the coming into operation of this Order the head of each administration or undertaking will sign and deposit with the Commission a list of all persons being officials or employees in his administration or undertaking who comprise the said two categories and a certificate that a Schede Personale has been completed and lodged in respect of each such official or employee or a statement to account for the absence thereof.

d) Persons to whom this order applies who are included in category Postponed are not required to complete sign or lodge a Schede Personale nor do they otherwise become liable to the terms of this Order without further order made by or on behalf of the Allied Military Government.

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Where a notice of proposed suspension is served on any person, such person may within 10 days lodge at the office of the Commission an objection thereto which shall be in writing and may be accompanied by such statement and documents as it is desired to bring before the Commission.

8 PROCEEDINGS ON OBJECTIONS.

a) The Commission shall consider the objection and shall, unless it is of opinion that the objection is frivolous, proceed to investigate and hear the objection in accordance with the rules provided therefore. At such hearing the person by whom the objection was lodged shall have the right to appear in person or by an advocate and to show cause why he should not be suspended.

b) At such proceeding the Commission shall take into account among other matters:-

i) That any person who has after the 8th September 1943 distinguished himself in the struggle against the Germans may be excused from suspension, and

ii) that any person mentioned in Article II (a) hereof may be excused from suspension if he has not in fact been guilty of any fascist partisanship or improper conduct.

Declassified E.O. 12356 Section 3.3/NND No. 785220

9 DECISIONS OF COMMISSION.

a) At the expiration of 10 days from the service of a notice of proposed suspension the Commission shall in every case in which no objection has been lodged make a suspension order against the person named in the notice.

b) In every case in which an objection has been lodged the Commission shall after the consideration and where necessary the hearing of the objection either

i) sustain the objection and order that the notice of proposed suspension be cancelled, or

ii) dismiss the objection and make a suspension order against the person by whom the objection was lodged.

Copies of the order will in every case be served upon the person in respect of whom the order is made and on his employer.

10 EFFECT OF A SUSPENSION ORDER

a) A suspension order made against any person suspends that person from the date of the order from any office or employment with any administration or undertaking mentioned in Article 1 of this Order.

b) NO person who has been suspended as the result of a suspension order may subject to Article 12 of this Order be employed or re-employed thereafter by the same or by any other administration or undertaking included in Article 1 of this Order without further order of the Commission.

11 SALARY OF PERSONS SUSPENDED.

Any person against whom a suspension order is made shall during the period of his suspension receive for his support his basic salary without any further allowance.

12 NO APPEAL FROM DECISIONS OF COMMISSIONS.

a) NO act notice or order done, issued or made by a Commission in pursuance or in consequence of this Order shall be open to Appeal and all such acts notices and orders shall be final and binding unless and until a Commission appointed under ZIL 159 for the purging of the administrations shall otherwise direct.

b) Nothing in this Order and no act decision notice or order done taken issued or made in pursuance or consequence thereof may be used to influence, prejudice, limit or in any way bind the conduct of any Commission set up under ZIL 159 in the consideration of the cases heard by that Commission.

13 MISCELLANEOUS PROVISIONS.

a) At the hearing of an objection the Commission shall:

i) have power to administer oaths

ii) exercise the powers conferred on a Court of law by Articles 330, 342 and 343 of the Italian Code of Penal Procedure to the extent necessary for the purpose of this Order.

iii) have power to make such rules and orders and do all such acts as shall be necessary for the purpose of this Order.

b) NO stamp duty of any kind shall be payable upon any Schede Personale, objection notice, order or other document used or required for the purposes of this Order.

14 OFFENCES.

Any person who

a) being required under the provisions of this Order to complete, sign, and lodge a schede Personale fails either to complete or to sign or to lodge such Schede Personale;

b) in any Schede Personale, objection or other document makes any false statement knowing the same to be false;

c) gives false evidence before a Commission;

d) offers receives or solicits a bribe in connection with any matter covered

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whom the objection was lodged.

Copies of the order will in every case be served upon the person in respect of whom the order is made and on his employer.

10 EFFECT OF A SUSPENSION ORDER

a) A suspension order made against any person suspends that person from the date of the order from any office or employment with any administration or undertaking mentioned in Article I of this Order.

b) NO person who has been suspended as the result of a suspension order may subject to Article 12 of this Order be employed or re-employed thereafter by the same or by any other administration or undertaking included in Article I of this order without further order of the Commission.

11 SALARY OF PERSONS SUSPENDED.

Any person against whom a suspension order is made shall during the period of his suspension receive for his support his basic salary without any further allowance.

12 NO APPEAL FROM DECISIONS OF COMMISSIONS.

a) NO act notice or order done, issued or made by a Commission in pursuance or in consequence of this Order shall be open to Appeal and all such acts notices and orders shall be final and binding unless and until a Commission appointed under MLL 159 for the purging of the administrations shall otherwise direct.

b) Nothing in this Order and no act decision notice or order done taken issued or made in pursuance or consequence thereof may be used to influence, prejudice, limit or in any way bind the conduct of any Commission set up under MLL 159 in the consideration of the case thereof by that Commission.

13 MISCELLANEOUS PROVISIONS.

a) At the hearing of an objection the Commission shall:

i) have power to administer oaths

ii) exercise the powers conferred on a Court of Law by Articles 335, 342 and 343 of the Italian Code of Penal Procedure to the extent necessary for the purposes of this Order.

iii) have power to make such rules and orders and do all such acts as shall be necessary for the purposes of this Order.

b) NO stamp duty of any kind shall be payable upon any Scheda Personale, objection notice, order or other document used or required for the purposes of this Order.

14 OFFENCES.

Any person who

a) being required under the provisions of this Order to complete, sign, and lodge a Scheda Personale fails either to complete or to sign or to lodge such Scheda Personale;

b) in any Scheda Personale, objection or other document makes any false statement knowing the same to be false;

c) Gives false evidence before a Commission;

d) offers, seeks, gives or receives a bribe in connection with any matter covered by this Order

shall be guilty of an offence and upon conviction by an Allied Military Court may be punished by imprisonment or fine or both as such Court may determine.

15 SAVING OF THE POWERS OF THE ALLIED MILITARY GOVERNMENT

Nothing in this Order shall derogate from or affect the powers of the Allied Military Government in this territory and those powers may at all time be exercised as if this Order had not been made.

16 EXTENT OF ORDER AND EFFECTIVE DATE.

This Order shall come into operation in a Province or part thereof within the Military Government Territory on the date fixed therefor in a separate order of the Provincial Commissioner of such Province.

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GENERAL ORDER No. 35

AS

to the

SUSPENSION

OF

FASCIST OFFICIALS AND EMPLOYEES

WHEREAS it is the policy of the Allied Military Government that persons who were fascists and occupied prominent or representative positions during the fascist regime or have since 8th Sep 43 collaborated with the Republican Fascist Government shall be removed from Office

AND WHEREAS the Italian Government has undertaken such removal and has enacted LLL No 159 of 27 July 44 and further implementing decrees for that purpose

AND WHEREAS it is the intention of the Allied Military Government that without prejudice to the operation of the said decrees the suspension from office of all persons affected shall become ef-

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45

to the

SUSPENSION

OF

FASCIST OFFICIALS AND EMPLOYEES

WHEREAS it is the policy of the Allied Military Government that persons who were fascists and occupied prominent or representative positions during the fascist regime or have since 8th Sep 43 collaborated with the Republican Fascist Government shall be removed from Office

AND WHEREAS the Italian Government has undertaken such removal and has enacted ILL No 159 of 27 July 44 and further implementing decrees for that purpose

AND WHEREAS it is the intention of the Allied Military Government that without prejudice to the operation of the said decrees the suspension from office of all persons effected shall become effective forthwith.

CA Sec 26 Nov 44

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OFFICE OF THE CHIEF OF STAFF
APO 394

ADMINISTRATIVE INSTRUCTIONS PURSUANT TO GENERAL ORDER No. 35.

1. While many fascists who occupied prominent positions during the fascist regime have been removed, many others may be still remaining in positions described in General Order No. 35. That Order sets out the plan for suspending the remaining persons of this general category. However, that Order in no way prevents the suspension or dismissal of any person by a member of the Allied Military Government as heretofore.

2. The General Order is to be administered by separate commissions composed of Italians, who will be appointed by Provincial Commissioners. They will be chosen primarily on the ground that they are clear of all fascist taint, and they will also be men of good character, standing and ability. They need not be residents of the locality for which the particular Commission is appointed.

3. Each Commission will require an adequate staff and the Provincial Commissioner must see that an adequate but not excessive staff is secured. The members of the staff must be free of fascist taint.

4. The salaries of members of a Commission and their staff shall unless otherwise ordered by the Allied Military Government be paid out of the funds of the Prefettura and shall be as follows :-

The President of each Commission shall be paid the salary with allowances of an Italian judicial official of the 4th grade.

Other members of each Commission shall be paid the salary with allowances of an Itaialian judicial official of 5th grade.

Members of Staffs shall be paid a salary with allowances not exceeding that of an employee of the Italian Government performing comparable work.

5. A Commission, if it thinks fit, may sit in separate sections and each of such sections will have powers of the Commission itself. The President of a Commission will, if so ordered by the Regional Commissioner, allot one or more of such sections to the investigation of officials or employees employed by any particular Ministry or administration or undertaking and especially officials or employees of the Ministry of Education. The President of each Commission will appoint one member of the Commission to be Deputy President and one or more members as Vice President. The Deputy President shall preside over the Commission in the absence of the President and the Deputy President or a Vice-President shall preside over a separate section. The appointment of a Deputy President and Vice-President shall be subject to the approval of the Provincial Commissioner. Any vacancy occurring will be filled, if necessary, in the same manner as the original appointments.

6. Normally the Commission or a Section thereof should sit as a body of not more than 5 nor less than 3.

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7. The absence of a member of the Commission from any sitting shall not invalidate the proceedings of the Commission provided that the number sitting is not reduced below 3.

8. Procedure under Article VI of the General Order shall be in private. The Commissions will base its decision in each case on a fair review of the facts appearing

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2. The General Order is to be administered by separate commissions composed of Italians, who will be appointed by Provincial Commissioners. They will be chosen primarily on the ground that they are clear of all fascist taint, and they will also be men of good character, standing and ability. They need not be residents of the locality for which the particular Commission is appointed.

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Other members of each Commission shall be paid the salary with allowances of an Itaialian judicial official of 5th grade.

Members of Staffs shall be paid a salary with allowances not exceeding that of an employee of the Italian Government performing comparable work.

5. A Commission, if it thinks fit, may sit in separate sections and each of such sections will have powers of the Commission itself. The President of a Commission will, if so ordered by the Regional Commissioner, allot one or more of such sections to the investigation of officials or employees employed by any particular Ministry or administration or undertaking and especially officials or employees of the Ministry of Education. The President of each Commission will appoint one member of the Commission to be Deputy President and one or more members as Vice Presidents. The Deputy President shall preside over the Commission in the absence of the President and the Deputy President or a Vice-President shall preside over a separate section. The appointment of a Deputy President and Vice-President shall be subject to the approval of the Provincial Commissioner. Any vacancy occurring will be filled, if necessary, in the same manner as the original appointments.

6. Normally the Commission or a Section thereof should sit as a body of not more than 5 nor less than 3.

3826

7. The absence of a member of the Commission from any sitting shall not invalidate the proceedings of the Commission provided that the number sitting is not reduced below 3.

8. Procedure under Article VI of the General Order shall be in private. The Commissions will base its decision in each case on a fair review of the facts appearing from the Scheda Personale and from other evidence in the possession of the Commission.

9. In every case in which the Commission decides that a Notice of proposed suspension shall be served, the Commission shall decide and shall state in the notice the grounds of such proposed suspension.

These grounds shall be stated in sufficient detail to enable the person affected to prepare his objection thereto.

10. Unless otherwise directed by the Provincial Commissioner or some other officer delegated by him, every hearing of an objection by a Commission shall be open to the public.

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11. On the hearing of an objection both oral and documentary evidence shall be admitted save that the Commission shall never at any time or at any stage of any proceedings under the General Order receive in evidence or take cognizance of anonymous communications.

Where the person objecting wishes to give evidence in person he shall be permitted to do so, and he and the Commission may call such other relevant evidence as they think fit.

All questions to the person lodging the objection and to other witnesses giving evidence before the Commission will be put only through the President of the Commission or Section.

12. The Commission will NOT appoint any person to carry out functions analogous to a "Pubblico Ministero".

13. Any person may denounce another to whom the General Order applies. The denunciation must be in writing and sworn to before it can can be received by the Commission. Hearing on a denunciation shall be had as in any other case.

14. If a person has previously been dismissed or suspended from employment in an administration or undertaking by the Allied Military Government on the sole ground that he had fascist connections, such person may lodge at the office of the Commission appointed for the locality a Scheda Personale duly completed and signed by him. With the approval of the Provincial Commissioner, the Commission may proceed with the case by hearing on the papers filed by such person as on an objection. In the event of the Commission finding that he is in fact not objectionable as a fascist and would not have been suspended on such grounds alone if he had still been employed at the time of the commencement of the General Order, the Commission may, with the consent of the Provincial Commissioner, order that he be restored to the position originally held by him or to such other position for which he may have applied or may later apply, and with the consent of the Provincial Commissioner may order that he be paid the whole or some part of such salary as he would have been entitled to receive had he remained in office.

15. If a person lodging a Scheda Personale under the requirements of the General Order has been appointed to a position by Allied Military Government the particular Commission shall not proceed with the case or enter an order of suspension of such person without the consent of the appropriate Provincial Commissioner.

16. As to persons included in categories Immediate and Routine, the General Order applies without distinction of grade, rank or salary. Nevertheless Commissions will initially concentrate on officials and employees occupying the more important positions in these categories.

In reviewing Schede Personali, serving notices of proposed suspensions, hearing objections thereto, and making orders thereon Commissions will, save in exceptional cases, complete all proceedings in respect of persons in category Immediate before commencing proceedings in respect of persons in category Routine.

17. If a suspension order is made against a person whom the Provincial Commissioner considers to be engaged in essential work and to be irreplaceable, the Provincial Commissioner may require the Commission to order the reinstatement of such employee until a suitable replacement is obtained.

18. The Commission shall have power, from time to time and at any time,

a. to make rules, for the regulation of its proceedings provided they are not inconsistent with the General Order or these instructions.

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12. The Commission will NOT appoint any person to carry out functions analogous to a "Pubblico Ministero".

13. Any person may denounce another to whom the General Order applies. The denunciation must be in writing and sworn to before it can can be received by the Commission. Hearing on a denunciation shall be had as in any other case.

14. If a person has previously been dismissed or suspended from employment in an administration or undertaking by the Allied Military Government on the sole ground that he had fascist connections, such person may lodge at the office of the Commission appointed for the locality a Scheda Personale duly completed and signed by him. With the approval of the Provincial Commissioner, the Commission may proceed with the case by hearing on the papers filed by such person as on an objection. In the event of the Commission finding that he is in fact not objectionable as a fascist and would not have been suspended on such grounds alone if he had still been employed at the time of the commencement of the General Order, the Commission may, with the consent of the Provincial Commissioner, order that he be restored to the position originally held by him or to such other position for which he may have applied or may later apply, and with the consent of the Provincial Commissioner may order that he be paid the whole or some part of such salary as he would have been entitled to receive had he remained in office.

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In reviewing Schede Personali, serving notices of proposed suspensions, hearing objections thereto, and making orders thereon Commissions will, save in exceptional cases, complete all proceedings in respect of persons in category Immediate before commencing proceedings in respect of persons in category Routine.

17. If a suspension order is made against a person whom the Provincial Commissioner considers to be engaged in essential work and to be irreplaceable, the Provincial Commissioner may require the Commission to order the reinstatement of such employee until a suitable replacement is obtained.

18. The Commission shall have power, from time to time and at any time,

a. to make rules, for the regulation of its proceedings provided they are not inconsistent with the General Order or these instructions.

b. to amend or revoke such rules, and to make rules in place thereof; and

c. to publish such rules as for the time being are in force, the contents of which shall be available for inspection by the public.

All such rules or amendments shall be subject to the approval of the Provincial Commissioner.

19. While certain specific times are prescribed in the General Order for things to be done, a Commission has the right to extend the time whenever in its

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judgment it is necessary to do so. However, such extensions of time should not be given as a regular course as it is highly important that this work should proceed as rapidly as possible.

20. Each Commission must keep full and accurate records and shall keep all "Schede Personali", objections, denunciations, notices, statements and documents lodged at its office and copies of all notices and orders served and made by it in such manner that they can easily be found, and shall dispose of all such records in such manner as the Provincial Commissioner shall direct. All such records shall at all times be open for the inspection of the Provincial Commissioner.

21. Copies of forms required for the full purposes of the General Order are attached and will be used by all Commissions without substantial change.

a. SCHEDA PERSONALE

b. NOTICE OF PROPOSED SUSPENSION

c. NOTICE OF HEARING

d. SUSPENSION ORDER

e. ORDER SUSTAINING OBJECTION

f. CERTIFICATE OF SERVICE.

For the Supreme Allied Commander and Military Governor:

ELLERY W. STONE,
Commodore, USNR,
Chief Civil Affairs Officer.

November 1944.

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FORM No.35 (E)

COMMISSION FOR EPURATION,_____

SCHEDA PERSONALE
(To be completed personally by the party concerned in accordance with provisions of General Order No.).

1. Surname .....Name.....Paternity.....
Maternity..... Place and date of birth .....
.....Place of residence.....
Profession .....Present condition .....

2. Date and place of entering the fascist party.....
Sansepolcrista?..... Squadrista?..... Fascista? Ante Marcia?.....
Marcia su Roma?..... Sciarpa Littoria?.....

3. Have you been a member of the Fascist Government?..... of the Grand Fascist Council?.....of the special Tribunali for the defense of the State?.....

4. Have you been a member of the Accademia d'Italia and in what status?.....
.....

5. Have you been President, Vice President or Managing Secretary of any corporation, confederation, federation, or syndicate union ?.....

6. Have you been National Secretary or Vice Secretary, a member of the National Directory, or a national inspector of the fascist party ?.....

7. If you have been a member of the Senate of the Kingdom give the date of your appointment to Senator and the date on which you took the oath, setting out in full your functions, duties, or public offices administrative or commercial.....
.....

8. Have you been a fascist deputy or a national counsellor and for what legislature or period ?.....

9. Have you been federal secretary or a vice secretary, administrative, federal vice secretary, a member of the federal directory or federal inspector or 3824 inspector, a "fiduciario" of the sectional fascist group in the Capital of a province (when, where and for how long)?.....
.....

10. Have you occupied any of the following positions in the fascist party?
a. A position of authority in the CIL ?.....
b. A position of authority in the CUF ?.....
c. Any other office in the Party ?.....

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Maternity..... Place and date of birth .....

.....Place of residence.....

Profession .....Present condition .....

2. Date and place of entering the fascist party.....

Sansepolcrista?..... Squadrista?..... Fascista? Ante Marcia?.....

Marcia su Roma?..... Sciarpa Littoria?.....

3. Have you been a member of the Fascist Government?..... of the Grand Fascist Council?..... of the special Tribunali for the defense of the State?.....

4. Have you been a member of the Accademia d'Italia and in what status?.....
.....

5. Have you been President, Vice President or Managing Secretary of any corporation, confederation, federation, or syndicate union ?.....

6. Have you been National Secretary or Vice Secretary, a member of the National Directory, or a national inspector of the fascist party ?.....

7. If you have been a member of the Senate of the Kingdom give the date of your appointment to Senator and the date on which you took the oath, setting out in full your functions, duties, or public offices administrative or commercial.....
.....

8. Have you been a fascist deputy or a national counseller and for what legislature or period ?.....

9. Have you been federal secretary or a vice secretary, administrative, federal vice secretary, a member of the federal directory or federal inspector or federal inspector, a "fiduciario" of the sectional fascist group in the Capital of a province (when, where and for how long)?.....
.....

10. Have you occupied any of the following positions in the fascist party?
a. A position of authority in the GIL ?.....
b. A position of authority in the GUF ?.....
c. Any other office in the Party ?.....

11. Have you been President, vice president or Rector (Governor) of a Province (when, where and for how long) ?.....
.....

12. Have you been Podesta', vice-Podesta', Consultore, Commissario by royal appointment or by appointment by Prefetto, of any Capital of a Province (when, where and for how long)?.....
.....

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13. Have you been President or a member of the Central Court or of the federal commission for Fascist party discipline (when, where and for how long)?....
.....

14. Have you been Podesta', Commissario by royal appointment or by appointment of the Prefect, of any commune with a population of more than 50,000 inhabitants (according to the last census)?.....

15. Have you been a fascist political secretary (when, where and for how long)?
.....

16. Have you been Provincial fiduciaria of women fascists (when, where and for how long)?.....

17. Set out below any other offices national, provincial, or communal, governmental, or para-statal held by you since 1921.....
.....
.....
.....
.....

18. Have you been a director or chief editor of any political periodicals or daily papers? (which ones, where and when)?.....
.....
.....
.....

19. Have you been a professional journalist, political writer and what has been your journalistic activity since 3rd January 1925 ?.....
.....
.....

20. Have you ever made a radio political broadcast? .....

21. Set out your chief sources of income during the fascist regime.
.....
.....
.....

22. Have you done military service ?.....
a. In what arm ?.....
b. When?.....
c. What was your last rank?.....
d. Where did you do your service?.....
e. Were you a volunteer in the Spanish Civil War ? .....
f. Were you a volunteer in the East African Campaign?.....
North African Campaign?..... Russian Campaign ?.....
g. Have you enjoyed any exemption from military service?.....
For what reasons ?.....

23. Have you been a member of the permanent service of the fascist militia and in what branch and for how long ? .....

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16. Have you been Provincial fiduciaria of women fascists (when, where and for how long)?.....

17. Set out below any other offices national, provincial, or communal, governmental, or para-statal held by you since 1921.....
.....
.....
.....
.....

18. Have you been a director or chief editor of any political periodicals or daily papers? (which ones, where and when)?.....
.....
.....
.....

19. Have you been a professional journalist, political writer and what has been your journalistic activity since 3rd January 1925 ?.....
.....
.....
.....

20. Have you ever made a radio political broadcast? .....

21. Set out your chief sources of income during the fascist regime.
.....
.....
.....
.....

22. Have you done military service ?.....
a. In what arm ?.....
b. When?.....
c. What was your last rank?.....
d. Where did you do your service?.....
e. Were you a volunteer in the Spanish Civil War ? .....
f. Were you a volunteer in the East African Campaign?.....
North African Campaign?..... Russian Campaign ?.....
f. Have you enjoyed any exemption from military service?.....
For what reasons ?.....

23. Have you been a member of the permanent service of the fascist militia and in what branch and for how long ? .....

24. Have you received any German decoration of honor and what was the circumstance for which you were decorated?.....
.....Date.....

25. Where were you and how were you employed on 8 September 1943?.....
.....

26. Where have you been and how have you been employed since 8 September 1943?.
.....

I declare that all that I have stated above is the truth

Date .....
Signature of person making declaration.....

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Form No. 35(b)

COMMISSION FOR EPURATION .....

NOTICE OF PROPOSED SUSPENSION

TO .....
(Name)

.....
(Address)

1. TAKE NOTICE that the Commission for Epuration has under consideration the PROPOSAL that you be SUSPENDED from the office or employment which you now hold with .....
(name of employing administration or undertaking)

2. AND FURTHER TAKE NOTICE that the grounds upon which the Commission is considering this proposal are :-

3. AND FURTHER TAKE NOTICE that you have the right within 10 days of the service upon you of this notice to put forward an objection in writing which should state the reasons why you consider that such proposal should not be put into effect. You may attach to your objection any documents you wish.

4. AND FURTHER TAKE NOTICE that unless you put forward such objection within such time and lodge the same with this office at .....
....., this Commission will proceed forthwith to make against you an order suspending you from your said office or employment.

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Date :

Signed :

(Secretary of the Commission)

Copy to: _____
(employing administration or undertaking)

_____
(address)

Declassified E.O. 12356 Section 3.3/NND No. 785120

.....
(Address)

1. TAKE NOTICE that the Commission for Epuration has under consideration the PROPOSAL that you be SUSPENDED from the office or employment which you now hold with .....
(name of employing administration or undertaking)

2. AND FURTHER TAKE NOTICE that the grounds upon which the Commission is considering this proposal are :-

3. AND FURTHER TAKE NOTICE that you have the right within 10 days of the service upon you of this notice to put forward an objection in writing which should state the reasons why you consider that such proposal should not be put into effect. You may attach to your objection any documents you wish.

4. AND FURTHER TAKE NOTICE that unless you put forward such objection within such time and lodge the same with this office at .....
....., this Commission will proceed forthwith to make against you an order suspending you from your said office or employment.

3823

Date :

Signed :

(Secretary of the Commission)

Copy to: _____
(employing administration or undertaking)

_____
(address)

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Form No. 35 c

COMMISSION FOR THE EPURATION .....

NOTICE OF HEARING

TO .....
(name)

.....
(address)

1. You are hereby notified that the hearing of your case will take place at the office of the Commission, Via .....
on the ..... day of ..... 1944 at ..... hours.

2. You are at liberty to appear at the said hearing with or without an attorney and to be heard by the Commission. At the said hearing you may call such witnesses and produce such documents as are relevant to the case as you may desire.

3. In default of appearance by you, the Commission will proceed to consider your objection in your absence.

Date : .....

Signed .....

.....
(Secretary of the Commission)

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Form No. 35 d

COMMISSION FOR EDUCATION FOR .....

SUSPENSION ORDER

TO .....
(person suspended)

of .....
(private address)

1. TAKE NOTICE that with effect from the date of this Order you are SUSPENDED from your office or employment as .....
(state nature of employment) ..... with or under .....
(state name of employing administration or undertaking)

2. The reasons for making this order are that .....
.....
.....
.....
.....
.....

3822

Dated the _____ day of _____ 194__.

.....
President of the Commission

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TO .....
(person suspended)

of .....
(private address)

1. TAKE NOTICE that with effect from the date of this Order you are SUSPENDED from your office or employment as ..... (state nature of ..... with or under ..... (state name of employing administration or employment) ..... undertaking)

2. The reasons for making this order are that .....
.....
.....
.....
.....
.....
.....

3822

Dated the _____ day of _____ 194__.

.....
President of the Commission

Copy to ....
(employing administration or undertaking)

.....
(address)

Declassified E.O. 12356 Section 3.3/NND No. 785220

FORM No. 35(e)

COMMISSION FOR EPURATION .....

ORDER SUSTAINING OBJECTION

The Commission for the Epuration above mentioned.....
having considered the objection entered by .....
(objector)

O R D E R S

.....that the notice of proposed suspension served against him and
dated ..... shall be cancelled and
that no action shall be taken in respect of the office or employment
held by the said .....
(name) (address)
.....With or under _____
(state name of employing administration or undertaking)
.....
Date :
Signed:

.....
(President of the Commission)

Copy to: _____
(employing administrationor undertaking)

_____
(address)

1920

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Form No. 35 f

COMMISSION FOR EPURATION FOR .....

Certificate of service.

I, ...
(name)

of .....
(address)

hereby declare

(1) that on the ____ day of _____ 194__ I did serve

a Notice of Proposed Suspension
a Notice of Hearing
a Suspension Order
an Order sustaining objection

of which a copy is attached

hereto on .....
(Name of person affected)

of ....

by (handing it to him personally
(leaving it at .....

and

(ii) that on the ____ day of _____ 1944 I did also serve a copy of the same document on .....
(employing administration or undertaking)

by (handing it to .....
(leaving it at .....

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Dated the _____ day of _____ 1944.

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(Name)

of .....
(address)

hereby declare

(1) that on the ____ day of _____ 194__ I did serve

a Notice of Proposed Suspension
a Notice of Hearing
a Suspension Order
an Order sustaining objection
} of which a copy is attached

hereto on .....
(Name of person affected)

of .....

by (handing it to him personally
(leaving it at .....

and

(ii) that on the ____ day of _____ 1944 I did also serve a copy

of the same document on .....
(employing administration or undertaking)

by (handing it to .....
(leaving it at .....

3821

Dated the _____ day of _____ 1944.

.....
(signature of servor)

.....
Office held by servor: employee of
Commission : RP CC etc)

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HEADQUARTERS ALLIED COMMISSION
AFO 394
CIVIL AFFAIRS SECTION

Ref Dir/3.40/CA

21 Nov 44

SUBJECT : Freedom of Meeting.

TO : See Distribution.

The meeting of S/Cs responsible for defrauding will not be held on 25 Nov but will probably be held the following Saturday.

[signature]
S.H. Hilton Lt Col
For VG CA Section.

DISTRIBUTION :-

VG CA Sec	Econ Sec	Pol Sec
Educ S/C	Agri S/C	Air S/C
Local Govt S/C	Commerce S/C	Army S/C
Legal S/C	Finance S/C	Naval S/C
Pub Saf S/C	Pub Works S/C	Comm S/C
File CAS	Transpt S/C	PRO

Notes of Meeting
of
Sub Comsn Representatives

4 Nov 44

1 Progress. - Major Palmieri reported that, on the whole, progress in defascising was very satisfactory. There were exceptions; PRB were not satisfied. The Air Sub-Comsn reported that the Air Ministry Commission had suspended activities but had been ordered to resume hearings. The Finance Sub-Comsn reported that progress was slow: the GD EF Commission had not held a single meeting. The main committee had only investigated 12 cases and had dismissed only two, but things were not really as bad as they might seem as the Finance Ministry had been very largely purged before the Ministerial Commission had started working. The Sub-Comsns were advised but if they received any petitions as to the treatment received by individual persons they should refer the matter to their Ministerial Commission. Pro-formae for this purpose would be circulated. Progress in the provinces was slow, the Italian Government attributed to transport difficulties preventing them necessary investigations.

2 Difficulties and Problems.

a) The PC of Rieti was complaining that his Prefect was proposed for Epuration h. protested that his suspension would cause chaos and wished to object. The practice was only to suspend those against whom the evidence was strong enough to raise a reasonable presumption of dismissal. The remedy was to ask for immediate consideration of the case by the appropriate Epuration Committee.

b) Attention was drawn to the Finance Sub-Comsn's letter with regard to peyment of suspended persons. It was pointed out that the Caro Vita should be included in the basic pay. Finance undertook to send out an additional instruction and to circulate both instructions to Epurating Sub-Commissions.

c) Private companies - the elimination of fascism from controlling these would be obtained through their appointment of controllers. Though those of national importance would be epurated by a Commission.

d) Sub-Commissions were reminded that their opinions were required as to the satisfactoriness of the Italian proposals on parastatal concerns.

3 General Orders - 3819

a) G.O. 35 had been devised primarily for North Italy. It was agreed that it might be desirable to apply its provisions to AMG Provinces in which epuration was going slowly. The principal complaint of the Italian High Commissioner was that lack of transport prevented him from getting on with epuration in the provinces as quickly as he wished. The application of G O 35 might, therefore, be welcome.

b) The problem as to whether the best way of acquainting the public with the contents of the Order was by broadcast posting or by use of the press was discussed and it was felt that it would be better to continue to rely upon posting.

It would only be necessary to provide the Italian

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Declassified E.O. 12356 Section 3.3/NND No. 785220

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b) The problem as to whether the best way of acquainting the public with the contents of the Order was by broadcast posting or by use of the press was discussed and it was felt that it would be better to continue to rely upon posting.

c) It was agreed that it would only be necessary to provide the Italian text to the Provincial Commissions.

4 a) Epuration of Senior Officials. - The attention of Sub-Commissions was drawn to the importance of seeing that their Ministeries got on quickly under the new decree. It was undesirable that Ministries should delay referring cases to Commissions until the end of the full 30 days that were allowed.

3819

Declassified E.O. 12356 Section 3.3/NND No. 763020

That was the maximum. Cases should be referred to the Commission at the earliest possible moment. Neither should Commissions take the full 30 days for consideration, they should announce their decisions as soon as possible. Most of the cases should be off the stocks long before the 30 days expired.

c) Commissions should obtain from their Ministries a list of officials of the first four grades in order to check progress and see that all are rapidly dealt with. They should also ask for a specific report as to the present position.

d) The HC attached great importance to Article 2 of the Decree. It is understood that it was intended to use this Decree largely, to bring about early removals from office. Persons so removed would be subject to epuration to obtain a decision on their position as to pension.

5 The Acting High Commissioner's directive was considered to be on the whole, satisfactory. The word "repeated" (para 2, second page) did not mean that one conversation, provided it were repeated by the person whom it was addressed, was a good basis for proceedings. The object of the inverted commas round "repeated" was to refer the reader back to the use of the same word "repetute", used both here and in Article 12 (1)(of MLL 153) the literal translation of the phrase in Art. 12 (1) "repeated manifestations of fascist apology" has in the English version been rendered as "a consistent apologist of fascism". The quotation mark round "repeated" is obviously intended to refer back to "repeated" manifestations.

6 The next meeting will be held on Sat 25 Nov and will deal particularly with progress made under the new decree for Epuration of Senior Officials.

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1926

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Urgent!

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DF/3.10/CA 3 Nov 44

SUBJECT : Defascism.

TO : As Distribution.

1 A meeting of Sub-Commission Representatives will be held in Room 58 fifth Floor at 09.0 hours on Sat 4 Nov. The attendance of your representative is requested.

2 The following matters will be discussed or dealt with
a) Oral Reports on Progress. ✓
b) Difficulties and Problems. ✓
c) General Order 35. ✓
d) DAL 257 /44 Epuration of Senior C Nationals. ✓
e) Asst High Commissioner's Directive to Commissions. ✓

S.H. WHITE Lt Col
for VP CA Section.

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Army S/C
Naval S/C ✓
Communications S/C
Transportation S/C
PRB

3818

COPY TO : - VP
Col PERKINS

Declassified E.O. 12356 Section 3.3/NND No. 785220

DL/3.10/CA

SUBJECT : Defeatism.

TO : As Distribution.

1 A meeting of Sub-Commission Representatives will be held in Room 56 fifth Floor at 0900 hours on Sat 4 Nov. The attendance of your representative is requested.

2 The following matters will be discussed or dealt with
a) Oral Reports on Progress.
b) Difficulties and Problems.
c) General Order 35.
d) DLL 257 /44 Expiration of Senior Officials.
e) Asst High Commissioner's Directive to Commissions.

S.H. WHITE Lt Col
for VP CA Section.

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Finance S/C
Agric S/C

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Army S/C
Naval S/C
Communications S/C
Transportation S/C
FNB

3818

COPY TO : - VP
Col REMRENS

Declassified E.O. 12356 Section 3.3/NND No. 785220

ASSISTANT HIGH COMMISSIONERS
Directive
to Epuration Commissions

24 Oct 44

C I R C U L A R No. 4

SUBJECT : Directives for the Commissions for Epuration.

In order that DLL of 27 July be interpreted and applied according to uniform criteria, I should like to make known some general directives based on inquiries submitted to this High Commissariat by some Commissions.

The sanctions prescribed by DL No. 159 of 27 July 1944, include besides dismissal from service, loss of right to pension, demotion of grade and restitution to the original personnel lists, also the application of less severe disciplinary measures. These refer to the sanctions prescribed by Art 56 No 2960 of 30 December 1923.

In applying these sanctions we must avoid adopting measures which, from a practical point of view, are incompatible with the task pursued by the legislator of rehabilitating the public administrations. Therefore, it will be advisable for the Commissions to refrain generally from adopting such measures which, like the reduction of allowances or salaries, aggravate the economic conditions of the party concerned without serving the purpose of epuration. The same can be said of the suspension from the grade or the temporary removal from office; these are measures which usually end by being an obstacle to the speedy return of the administrations to their normal operation.

Censure for civilians and an analogous sanction for military personnel will therefore suffice as "less severe disciplinary measures".

Loss of right to pension.

The Commissions for Epuration shall proceed with special care in exercising the power conferred to them by Art. 22 para 1 of DLL No 159 of 27 July 1944 (loss of right to pension).

3817

It must be borne in mind that in many cases the pension constitutes the only source of income of the official dismissed from service.

It is then advisable to avoid creating desperate situations, which are rendered more grave by the fact that the consequences would fall also on persons who are innocent and unaware of others' guilt and responsibility, and which would constitute a negative element in the life of the Nation, just at a time that its reconstruction is under way.

Hence, we urge the Commissions to weigh carefully each individual

Declassified E.O. 12356 Section 3.3/NND No. 785020

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It is then advisable to avoid creating desperate situations, which are rendered more grave by the fact that the consequences would fall also on persons who are innocent and unaware of others' guilt and responsibility, and which would constitute a negative element in the life of the Nation, just at a time that its reconstruction is under way.

Hence, we urge the Commissions to weigh carefully each individual case before deciding on the loss of pension, which can be fully and objectively considered as justified only in the cases of a legal enrichment or of serious forms of collaboration with the republican fascist government. In the other cases, instead, we must consider the economic and family conditions of the official dismissed from service : if the person concerned does not possess any riches and the loss of pension would be to him a loss of the means of support for himself and his family, it is a good general practice to avoid the severe measure of loss of pension, provided no circumstances exist which would demand and justify the maximum severity.

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The Commissions shall, therefore, weigh each single case, basing their judgement on the considerations pointed out above, as a general criterium for interpretation of the law.

Manifestations of Apology for Fascism.

The place or the manner in which the apology is made cannot have weight in the interpretation of cases of "manifestations of apology for fascism", contemplated by Art 12 No 1 of DLL No 159 of 27 July 1944. The place can be the Chamber or the Senate as well as any other public or private place. The manner may be a book or an other publication, a piece of writting which is not even intended for publication or a defensive memorandum, provided it was written spontaneously. However, it may also consist of simple talk, whether before a more or less large audience or if to a single individual, provided they were "repeated".

It is substantially important, and hence sufficient, that from the apology a moral judgment can be drawn, based exclusively on the words pronounced and the reflections made in others' opinions or convictions, or that should have been made according to the intentions of the accused.

Collaboration with the Republica Fascist Government.

"Collaboration" according to Art. 17 p.p. of the mentioned DLL is found not only in the intentional and continous actively favouring the republican fascist government (such an activity, particularly for a military, would assume the characteristics of treason) but even in the single acts from which usefulness to the republican fascist government was derived or could have been derived, meaning, by usefulness, not only the advantage materially and actually gained, but also that resulting from the repercussion of the attitude of the accused on the conduct of others.

Under this aspect, the office, the position, the grade and the functions of the accused acquire particular value; the Commissions shall therefore take the greatest account of these particulars.

Proof of the circumstance contemplated by Art 16.

The application of the exhonerating circumstance contemplated by Art.16 and of the attenuating circumstance referred to in Art. 17 in regard to those who have distinguished themselves in the fight against the Germans or have aided the patriots . . . . . and done damage to the government they were apparently serving must be submitted to an objective and precise investigation, which must exclude the possibility of any decisions being made on documents of unproven contents and of doubtfull source.

Therefore, all statements made by private individuals, and so-called partisan bodies or associations must be considered as having no value because of the abuse and the illicit use that has been nontriously made of statements of this kind. Only the statements made by the Ministerial Committee for patriots (Comitato Ministeriale Patrioti) must be considered as valid for all purposes of ascertainment. This Body is the only one that has received legal recognation and has the power and possibilities of releasing trustworthy statements.

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Suspensions effected on the basis of Regional Ordinances

For those who have been suspended on the basis of regional ordinances issued by the Allied Authorities prior to DLL No 159 of 27 July 1944, those measures which were valid at the time they were adopted shall remain in effect. . . . In this latter case, however, the interested party may appeal to the competent agencies to accellerate a final decision or make a motion for a regular measure revoking the suspension.

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Until the final decision or the revocation has been adopted, all those suspended from service, whatever the rules of the Authorities which have ordered the suspension may be, shall receive only the salary without any other allowance begining on the date of suspension, according to article 22 of LLL No 159 of 27 July 1944.

Reinstatement of officials into service.

Since the decisions of the Commissions shall be carried out only when they have become final, the dismissed official cannot be reinstated into service on the basis of a decision of first degree, unless the time limits allowed for appeals have expired fruitlessly, or unless the Central Commission sends its approval.

While the trial of first and second degree is pending, it is indeed necessary that the administrations refrain from any act which, while directly or indirectly implying a judgment on the charges, may interefere with the criteria of judgents which belong to the Commissions. The Commissions will report any interferance of this kind to this office.

s/ SCOCCIMARO
Assistant High Commissioner
for Epuration

3316

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1934

Declassified E.O. 12356 Section 3.3/NND No. 785020

Naval L/C

HEADQUARTERS ALLIED COMMISSION
APO 374
CIVIL AFFAIRS SECTION

DF/5.9/CA

31 Oct 44

SUBJECT : Defascism.

TO : See Distribution.

Herewith two copies of the translation refered to in para 3 of DF/5.9 of 26 Oct 44.

C.H. WHITE Lt Col.
for VP CA Section

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Educ S/C	Transportation S/C	R.C. Liguria Region
Commerce S/C	SCAO 5 Army	R.C. Lombardia Region
Public Works S/C	SCAO 8 Army	R.C. Lazio Region
Finance S/C	R.C.Abruzzi Marche Reg.	R.C. Sicilia Region
		R.C. Southern [illegible]

6015

1735

N N

REF DF/5.9/CA

1 Nov 44

A

Decree

for providing for.

The Rapid Epuration of Senior Officials.

The Italian version of this decree in the only authoritative text. The version below is not a litteral 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. The brackets indicate additions to the original text made to clarify the meaning.

1 The time limit (for the commencement of epuration proceedings) against civil or military employees of the first four grades or against officials of corresponding rank in the employ of the State Railways shall in lieu of that contained in Art 25 of DLL 159/44 be 30 days from the coming into force of this decree.

The Commission (of first instance) to which an epuration proceeding concerning any such person (has been referred) shall communicate its decision to the High Commissioner and to the "defendant" within 30 days from the day on which the case was referred to it. An appeal under Art 20 of DLL 159/44 from any such decision shall be lodged by the High Commissioner within 10 days and by the defendant within 3 days of the communication (to them respectively) of such decision. The Central Commission shall give priority of hearing to appeals concerning such persons.

The President of the Council of Ministers (PCM) may on the application of the President of the Epuration Commission on being satisfied that the exceptional complexity of the investigation (of any particular case) so requires extend the time limit (for hearing) contained in the last preceding paragraph as may be requisite up to (a maximum of) a further 30 days.

2 Within 60 days from the coming into force of this decree the PCM having heard the appropriate Minister or on the request of the person concerned may place any civil or military State employee of the first four grades or an official of corresponding rank in the employ of the State railways in retirement. Such power shall be exercisable even if the official belongs to an "irremovable" class or after Epuration proceedings have been commenced.

The military personnel to whom this article applies shall be given the status provided for by the laws in force.

3814

Declassified E.O. 12356 Section 3.3/NND No. 765220

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The military personnel to whom this article applies shall be given the status provided for by the Laws in force.

3 All persons retired under the last preceding article shall, if they are "irremovable", be entitled to add a period of ten years and other personnel so retired five years to their service to count for pension.

Provided nevertheless that the service to count for pension hereunder shall not exceed forty nor be less than twenty years.

For the purpose of this article, the following personnel shall be considered to be "irremovable"; members of the Judiciary; of the Council of State; of the Court of Accounts and professors of Universities. Where the first paragraph of this article is not applicable the provisions of Law 567/40 shall apply.

4 The High Commissioner for Defascism (HCD) shall be notified of every order for retirement made under Art 2 and where he is of opinion

Declassified E.O. 12356 Section 3.3/NND No. 785220

that (a case is grave and that) para 2 of Art 22 of DLL 159/44 may apply he may refer the case to the (appropriate) Epuration Commission for decision as to whether or not the "defendants" pension shall be forfeited. An Epuration commission may, as an alternative, (to its powers under Art 22) order forfeiture of any increase to which the "defendant" would otherwise be entitled under Art 3 hereof.

An order as to loss of pension or of any increase shall take effect on the first day of the month following the decision of the Central Commission (in the case of an appeal) or (where there is no appeal) the first of the month following the day on which the decision of the Commission of first instance becomes unappealable.

The hearing (of any case referred hereunder) shall be (conducted) in accordance with the provisions contained in DLL 159/44 and Art 1 hereof.

5 As regards State employees residing in any territory which, on the date on which this decree comes into force, has not been restored to Italian Administration, the time limits contained in para 1 of Art 1 and in Art 2 shall run from the date on which DLL 159/44 and this decree become effective in such territory.

When, following the liberation of any territory not now liberated, any important evidence is discovered against any State employee which could not (previously) have come to the knowledge of the Epuration Commission, the HCM may, provided that the time limits contained in para 1 of this Art are not exceeded, by decree order that Art 1 of this decree shall apply to such case even though the time limits prescribed (in that Art) have expired.

In similar circumstances the HCD may within the time limits of the para 1 of this Art submit for decision cases to which Art 4 hereof applies.

When employees reside outside the National Territory the time limits referred to in para 1 hereof shall run from the cessation of hostilities.

Where there is obvious evidence that employees, within the provisions of paras 1 and 4 of this Art are actively collaborating or have collaborated with the so-called republican fascist government, proceedings for epuration or for forfeiture of pension under Art 4 may be commenced before the time limits of this Article commence to run and without allowing the time for the preparation of the defence which is allowed by para 1 of Art 19 of DLL 159/44.

6 Appeals through neither administrative nor judicial channels shall be allowed against decisions under Art 2 hereof or an award of forfeiture of pension under Art 4 hereof except on grounds of incompetence of the (hearing) commission.

7 Until the epuration of the Public Administration has been completed, the HCD shall be notified of all proposals as to promotions and appointments to the first four grades of State employees or to offices of corresponding rank in the State Railway Service.

The HCD may, within ten days of receiving such notification state his reasons for opposing the aforesaid promotion or appointment. When any Minister does not propose to accept the view of the HCD, the [illegible] to the Council of Ministers for decision. [illegible] in accordan-

Declassified E.O. 12356 Section 3.3/NND No. 788220

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The HCD may, within ten days of receiving such notification state his reasons for opposing the aforesaid promotion or appointment. When any Minister does not propose to accept the view of the HCD, the matter shall be referred to the Council of Ministers for decision.

Except where para 2 of Art 5 applies personnel appointed in accordance with the provisions of this article shall not be subject to further epuration.

8 This decree shall come into force on the 1 Nov 44.

1938

Declassified E.O. 12356 Section 3.3/NND No. 785020

REF DF/5.9/CA 1 Nov 44

A

Decree

for providing for

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The Commission (of first instance) to which an epuration proceeding concerning any such person (has been referred) shall communicate its decision to the High Commissioner and to the "defendant" within 30 days from the day on which the case was referred to it. An appeal under Art 20 of DLL 159/44 from any such decision shall be lodged by the High Commissioner within 10 days and by the defendant within 3 days of the communication (to them respectively) of such decision. The Central Commission shall give priority of hearing to appeals concerning such persons.

The President of the Council of Ministers (PCM) may on the application of the President of the Epuration Commission on being satisfied that the exceptional complexity of the investigation (of any particular case) so requires extend the time limit (for hearing) contained in the last preceding paragraph as may be requisite up to (a maximum of) a further 30 days.

2 Within 60 days from the coming into force of this decree the PCM having heard the appropriate Minister or on the request of the person concerned may place any civil or military State employee of the first four grades or an official of corresponding rank in the employ of the State railways in retirement. Such power shall be exercisable even if the official belongs to an "irremovable" class or after Epuration proceedings have been commenced. 3813

The military personnel to whom this article applies shall be given the status provided for by the laws in force.

3 All persons retired under the last preceding article shall, if they are "irremovable", be entitled to add a period of ten years and other personnel so retired five years to their service to count for pension.

Declassified E.O. 12356 Section 3.3/NND No. 785020

The Italian version of this decree is the only authoritative text. The version below 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. The brackets indicate additions to the original text made to clarify the meaning.

1 The time limit (for the commencement of epuration proceedings) against civil or military employees of the first four grades or against officials of corresponding rank in the employ of the State Railways shall in lieu of that contained in Art 25 of DLL 159/44, be 30 days from the coming into force of this decree.

The Commission (of first instance) to which an epuration proceeding concerning any such person (has been referred) shall communicate its decision to the High Commissioner and to the "defendant" within 30 days from the day on which the case was referred to it. An appeal under Art 20 of DLL 159/44 from any such decision shall be lodged by the High Commissioner within 10 days and by the defendant within 3 days of the communication (to them respectively) of such decision. The Central Commission shall give priority of hearing to appeals concerning such persons.

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The military personnel to whom this article applies shall be given the status provided for by the laws in force.

3 All persons retired under the last preceding article shall, if they are "irremovable", be entitled to add a period of ten years and other personnel so retired five years to their service to count for pension.

Provided nevertheless that the service to count for pension hereunder shall not exceed forty nor be less than twenty years.

For the purpose of this article, the following personnel shall be considered to be "irremovable"; members of the Judiciary; of the Council of State; of the Court of Accounts and professors of Universities. Where the first paragraph of this article is not applicable the provisions of Law 367/46 shall apply.

4 The High Commissioner for Defascism (HCD) shall be notified of every order for retirement made under Art 2 and where he is of opinion

3313

Declassified E.O. 12356 Section 3.3/NND No. 785220

that (a case is grave and that) para 2 of Art 22 of DLL 159/44 may apply he may refer the case to the (appropriate) Epuration Commission for decision as to whether or not the "defendants" pension shall be forfeited. An Epuration commission may, as an alternative, (to its powers under Art 22) order forfeiture of any increase to which the "defendant" would otherwise be entitled under Art 3 hereof.

An order as to loss of pension or of any increase shall take effect on the first day of the month following the decision of the Central Commission (in the case of an appeal) or (where there is no appeal) the first of the month following the day on which the decision of the Commission of first instance becomes unappealable.

The hearing (of any case referred hereunder) shall be (conducted) in accordance with the provisions contained in DLL 159/44 and Art 1 hereof.

5 As regards State employees residing in any territory which, on the date on which this decree comes into force, has not been restored to Italian Administration, the time limits contained in para 1 of Art 1 and in Art 2 shall run from the date on which DLL 159/44 and this decree become effective in such territory.

When, following the liberation of any territory not now liberated, any important evidence is discovered against any State employee which could not (previously) have come to the knowledge of the Epuration Commission, the PCM may, provided that the time limits contained in para 1 of this Art are not exceeded, by decree order that Art 1 of this decree shall apply to such case even though the time limits prescribed (in that Art) have expired.

In similar circumstances the HCD may within the time limits of the para 1 of this Art submit for decision cases to which Art 4 hereof applies.

When employees reside outside the National Territory the time limits referred to in para 1 hereof shall run from the cessation of hostilities.

Where there is obvious evidence that employees, within the provisions of paras 1 and 4 of this Art are actively collaborating or have collaborated with the so-called republican fascist government, proceedings for epuration or for forfeiture of pension under Art 4 may be commenced before the time limits of this Article commence to run and without allowing the time for the preparation of the defence which is allowed by para 1 of Art 19 of DLL 159/44.

6 Appeals through neither administrative nor judicial channels shall be allowed against decisions under Art 2 hereof or an award of forfeiture of pension under Art 4 hereof except on grounds of incompetence of the (hearing) commission.

7 Until the epuration of the Public Administration has been completed, the HCD shall be notified of all proposals as to promotions and appointments to the first four grades of State employees or to offices of corresponding rank in the State Railway Service.

1941

Declassified E.O. 12356 Section 3.3/NND No. 785220

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The hearing (of any case referred hereunder) shall be (conducted) in accordance with the provisions contained in DLL 159/44 and Art 1 hereof.

5 As regards State employees residing in any territory which, on the date on which this decree comes into force, has not been restored to Italian Administration, the time limits contained in para 1 of Art 1 and in Art 2 shall run from the date on which DLL 159/44 and this decree become effective in such territory.

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In similar circumstances the HCD may within the time limits of the para 1 of this Art submit for decision cases to which Art 4 hereof applies.

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6 Appeals through neither administrative nor judicial channels shall be allowed against decisions under Art 2 hereof or an award of forfeiture of pension under Art 4 hereof except on grounds of incompetence of the (hearing) commission.

7 Until the epuration of the Public Administration has been completed, the HCD shall be notified of all proposals as to promotions and appointments to the first four grades of State employees or to offices of corresponding rank in the State Railway Service.

The HCD may, within ten days of receiving such notification state his reasons for opposing the aforesaid promotion or appointment. When any Minister does not propose to accept the view of the HCD, the matter shall be referred to the Council of Ministers for decision.

Except where para 2 of Art 5 applies personnel appointed in accordance with the provisions of this article shall not be subject to further epuration.

8 This decree shall come into force on the 1 Nov 44.

1942

Declassified E.O. 12356 Section 3.3/NND No. 788220

1943

Declassified E.O. 12356 Section 3.3/NND No. 785020

0 Italy 4/c

HEADQUARTERS
ALLIED COMMISSION
APO 394
Ch SECTION

26 Oct 44

DF/5.9/Ch.

SUBJECT : Defascism.

TO : See Distribution.

1 A new decree with regard to defascism has been issued. Its object is to expedite the removal of senior officials so that non fascists can be promoted to take charge of their new departments, get hold of them, reorganize, and get their staffs to settle down.

2 The new decree introduces a special procedure for epurating officials of Grades I - IV (and of the corresponding grades of the State Railways); as regards all other officials Part II of ACC 153/44 will continue to apply unchanged and as regards those officers to whom the new decree applies those provisions of Pt II which are not inconsistent with the new decree continue to apply.

3 Translations of the decree will be issued to Sub-Commissions who will remain responsible for supervising central defascising. Regions and Armies, who are not concerned with the procedure but only with results, will however be sent translations for their information.

4 The new decree requires, in effect, that any epuration proceedings against officers of the first four grades (or equivalent ranks of Railway officials) shall be commenced before the 30 Nov; that the Epuration Commissions shall give their findings before the 30 Dec and that appeals by an employee shall be lodged within 3 days of a decision. There is power to extend the time for hearing up to a further 30 days in cases of exceptional difficulty.

3812

5 The Government has also taken power to retire officers of the first four grades (and of corresponding Railways grades) even if they do not come within the provisions for dismissal, if they are considered unsuitable for retention. Such retirement can take place before purging and persons retired may be epurated and lose the whole or part of their pensions. "Irremovable" officers retired may if they are not fascist be compensated for loss of their office by addition of service to count for pension.

1234

1944

Declassified E.O. 12356 Section 3.3/NND No. 785020

6 Promotions to fill vacancies in the first four grades must be cleared by the appropriate epuration commission before being made.

7 In territory now in enemy occupation the various time limits contained in this decree commence to for any from the date the decree comes into effect in that area.

BY COMMAND OF COMMODORE STONE :

C. R. Lyne

C.P. UPJOHN Lieut.,
V.P. CA Section
.DCOS

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Copy to : A/CC.
COS

1945

Declassified E.O. 12356 Section 3.3/NND No. 785020

Notes of Meeting
of
Sub Comsns Representatives
14 Oct 44

1 The main object of the meeting was to obtain views of Sub Comsns of a scheme for Epurating N Italy by AMG order if progress under the Italian procedure proved too slow. A draft order had been drawn but one or two gaps remained for completion when the views of Sub Comsns had been ascertained. The draft if put in force would operate through a Provincial Committee of Italians appointed by AMG who would only have power to suspended not to dismiss. Persons suspended would later appear before the Italian Epuration Commission.

2 The first point upon which Sub Comsns views was required was as to whether suspension should be with or without pay or whether that should be within the discretion of the committee.
IT WAS AGREED that persons suspended should receive their basic pay without allowances as in Art 22 of TLL 159.

3 The second point upon which advice was desired was this. It was intended to remove most quickly the heads of various services. Then to deal with the more important of the remainder and to leave, unless they were very dilatory, the lowest grades to the Italians entirely. Where should the demarcation lines be drawn.
IT WAS AGREED that the first priority should include Grade VI and the second Grade IX.

4 The next point was as to the corresponding grades in civil occupations.
IT WAS AGREED that all Heads should be of first priority namely Directors, Managers (including Works and Branch Managers and Technical Heads) and that all other grades mentioned in the fortnightly return proforma should be second priority namely Deputy and Assistant Managers (whether of Head office Branch or Works), Senior Technicians and Senior Foremen. Heads of departments would be in this class.

5 Brig UPJOHN reported on progress of proposed legislation

a) The rules of procedure had been agreed except for one point that it was now proposed to appoint the Provincial Committees centrally. He personally thought that was likely to lead to delay but the Italians were suggesting the contrary. If their lists of appointees were ready they might be right. He was enquiring as to this. There was also to be considered whether centrally appointed commissions would be acceptable in the North.

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1946

Declassified E.O. 12356 Section 3.3/NND No. 785020

b) Priority of Greece I-IV. The new proposal took the sting out of the decree, on the face it appeared to slow, down procedure, but here again the Italians claimed that in fact acceleration would be achieved.

6 Sub Commissions were asked to enquire how many persons had been invited not to attend their offices or been otherwise regularly suspended and to take steps to get their cases determined quickly. They should as soon as possible either return to DO the work for which they were paid or be dismissed and their pay be stopped.

7 It should be agreed with the Italian Government :
a) that persons appointed as Commissarios should be cleared by the appropriate Epuration Commission before appointment.
b) That persons suspended by AMG should not be eligible for any new appointment until they had appeared before an epuration commission and been cleared.

8 Sub-Commissions would meet again in 14 days time.

NOTE: - Under 8 above the next meeting would be held on 28 Oct. As the next return is for the period ending 30 (not 31) Oct. It is considered desirable to hold the next meeting on 4 Nov. Sub-Commissions are asked to do their best to get the returns in before the meeting.

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COPY TO : - V.F.
Col DEHRENS

1947

Declassified E.O. 12356 Section 3.3/NND No. 785020

CO

CO Naval H/C

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
CA SECTION

11 Oct 44

DF/3.10/CA

SUBJECT : Defescion.

TO : As Distribution.

1 A meeting of Sub-Commission Representatives will be held in Room 58 Fifth Floor at 0900 hours on Sat 14 Oct. The attendance of your representative is requested.

2 The following matters will be discussed or dealt with
a) Oral Reports on Progress.
b) Difficulties and Problems
c) Pending legislation.
d) Proposed order as to N. Italy.

S.H. WHITE Lt Col
for V.P.CA Section

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COPY TO : V.P.
Col Behrens
Maj Palmieri

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HEADQUARTERS, ALLIED COMMISSION

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1948

Declassified E.O. 12356 Section 3.3/NND No. 783820

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

5 Sep 44

DF/3B/AS

SUBJECT: Defascism - Appointment of Major E.L. Palmieri.

TO : See Distribution.

1 Major E.L. Palmieri has been appointed special liaison officer for Defascism. He will visit your Sub-Commission to contact your officer responsible for supervising defascising. Will you please arrange for him to be put into the picture so far as your own organisation and progress is concerned and introduce him to the officials at the Ministries who are responsible for defascising and ask them to give Major Palmieri particulars of their own particular set up progress and difficulties. Will you please also arrange for Major Palmieri to attend the deliberations of their Sub-Commissions.

2 It is hoped that with Major Palmieri in touch with the work of all Ministries we shall be able to get a picture of their relative efficiency keenness and progress; see where the weak spots are and enable us to devise improvement or exert pressure as may be desirable.

3 His work should be invaluable, will you please give him every assistance or facility you can.

S.H. WHITE Lt Col,
for VP Admin Section

Ext 469
SHW/jwf

DISTRIBUTION: Admin Sec, Econ Sec, Polit Sec, RCMG Sec, Interior SC, Legal SC, Educ SC, Commerce SC, Public Works SC, Finance SC, Agric SC, Army SC, Air SC, Navy SC, Communication SC, Transportation SC

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Declassified E.O. 12356 Section 3.3/NND No. 785220

1950

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OFFICE COPY

FLAG OFFICER LIAISON, ITALY,
ALLIED CONTROL COMMISSION,
HEADQUARTERS,
ROME.

28th September, 1944.

No. L.25/4.

MINISTRY OF MARINE,
ROME.

DEFASCISTISATION.

The Allied Control Commission has called for a half-monthly return of Defascistisation to be rendered by all Ministerial sub-commissions on the attached forms. In the case of the Service Ministries, civilians in the employ of the Ministry and Shore establishments should be shewn on different forms from officers and men.

2. The returns are required as soon as possible for the following periods :-

(a) Up to 30th August, 1944.

(b) From 30th August, to 15th September,

and for each subsequent half-monthly period.
A supply of forms is enclosed.

3807

for REAR ADMIRAL.

B.O.
b/10 : Hutton 9/10.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/3.10/AS

2 Sep 44

NAVY SUB-COMMISSION · ALLIED CONTROL COMMISSION
FILE

SUBJECT : Defascism

TO : As Distribution

1 A meeting of the representative of the Sub-Commissions concerned to supervise defascism will be held at 0900 hours on Monday 4 Sep 44 in the room of the VP Admin Sec (No 56 5th floor). Will you please arrange to be represented.

2 The following matters will be discussed or dealt with-

a Oral reports from Sub-Comsns - difficulties & problems.

b Proposed legislation

i The Italian Government is encountering serious difficulties in that the most senior officials are some-what securely entrenched - that much documentary evidence has been destroyed - that persons under suspension cannot be replaced until their cases have been decided - that relatively long time is elapsing between suspension and dismissal and that the disorganization of work caused by this delay is serious.

ii Accordingly the Italian Government is considering publishing a decree peremptorily dismissing on a certain date all officials of grade I to IV. Providing that every official so dismissed may submit an application for re-employment. The applications will go before the appropiate Ministerial Defascisimg Commissions those refused re-employment will lose their pensions. The others will be re-instated. The Italian Government suggests that some 4/500 persons will have to be dealt with and average of only some 20 or so per commission which they think could be dealt with by the commissions in two days.

iii They therefore hope that all Epuration of senior officials would be completed in two or three days only that the present disorganization be finished the necessary promotions made and anti-fascists take charge of the machinery.

iv The proposal is ingenious in that it makes persons their own purgers. If a man has knowledge of a fascist beast he will not apply for re-employment and risk his pension. It achieves quickly at one strokewithout the labour and time involved by investigation or the friction and ill feeling of a trial the purging of all the senior ranks - in fact the bulk of that in which ACC is interested and will create the minimum likeihood of trouble or martyrdom - for no one need take this course.

v Fascists of course who retire will draw their pensions but the cost and immense labour of investigation will be saved, time will be saved and the chance of strife avoided. This will not of course

Declassified E.O. 12356 Section 3.3/NND No. 785220

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v Fascists of course who retire will draw their pensions but the cost and immense labour of investigation will be saved, time will be saved and the chance of strife avoided. This will not of course free those who retire from proceedings in respect of "crimes"or "enrichment"

S. H. WHITE Lt Col,
for VP Admin Section

Ext 469
SHW/jwf

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Declassified E.O. 12356 Section 3.3/NND No. 785220

IF/3.10/AS

NOTES OF A MEETING OF DEFASCISM - 19 AUGUST 1944 FILE

Present : All Sub-Commission concerned except Interior.

Col. UPJOHN reported that the progress being made by the Italian Government was on the whole very satisfactory at least three more decrees had been received proposing further powers, these were under discussion. Sub-Commissions would be informed of the contents when these had been settled. There was also a draft of proposed regulations which were being looked into by legal. He had also received a copy of a circular letter which the High Commissioner had written to the judging commissions. Sub-Commissions should know of the contents of these and a copy would be circulated after he had had Legal Sub-Commissions comments.

Col. UPJOHN then referred to the Pellegrini incident and that while AOC had the view that no PERSON might be indispensable it was necessary, in the Allied interest that Army operations should not be adversely effected. The Army required, and it was agreed that high grade technical experts should not be suspended unless a capable substitute was forthcoming while none could be found the suspension would be deferred until the Army was no longer interested or a substitute was found. A letter on the subject was being issued, Sub-Commissions would consider with the appropriate Army service whether any and what Italians came within this prevision and arrange according with the Ministry. The Sub-Commissions most likely to be affected by this were Communications, Transportation and Public Works.

Reports were received from Sub-Commissions Commerce, Communications and Agriculture expressed dissatisfaction with the rate at which their Ministries were working. In some, the delay was due to the absence of the Minister from Rome on important work and the reluctance or inability of any one to act for him in his absence.

Reference was made to the proposals by the Army to purge itself rather than by the Statutory Commission.

Reference was made to Art. 22 and the payment of persons suspended thereunder a conference between Finance, Legal and Admin Sec would discuss the matter.

Reference was made to the type of information required to enable progress to be effectively watched Lt Col White was instructed to draw a pro-forma. When this was agreed fresh instructions as to reports would be issued cancelling the present instructions.

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DISTRIBUTION: Acting Chief Commissioner
RC & MG SECTION
Army Sub-Comsn.
Public Works & Utilities Sub-Comsn.

Declassified E.O. 12356 Section 3.3/NND No. 782020

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also a draft of proposed regulations which were being looked [illegible]
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3805

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DISTRIBUTION: Acting Chief Commissioner
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File

812

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1954
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1955

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/3B/AS

20 Aug 44

SUBJECT : Defascism.

TO : All Sections and Sub-Commissions.

1 In order to ensure continuity of services necessary for military purposes it has been decided that Italians employed in the higher grades in technical professions and in public utility undertakings will not be removed from such appointments for reasons of epuration without the prior consent of the Allied Authorities having been obtained.

2 Sub-Commissions responsible for the supervising of Defascism will arrange with the appropriate Minister that no higher grade employee engaged in a technical profession or in a public utility undertaking whose work is or may be necessary for military purposes shall be dismissed or suspended without the consent of ACC having been previously obtained and that such consent cannot be given if no adequate replacement is available. It will therefore facilitate the granting of consent in cases of doubt if the names and qualifications of suitable substitutes are submitted with the request for suspension.

3 It should also be impressed upon Ministers that no information as to any proposed action should be allowed to be come known prior to consent being granted by ACC.

4 It should be emphasised that this instruction applies only to technical experts and that the numbers affected will be kept to a minimum.

5 Sub-Commissions are reminded that the Army is particularly interested in the services of communications, transportation and in the provision of electricity but interests in other spheres must not be overlooked.

6 No action hereunder is authorised beyond such as is essential to protect military interests and any delay imposed shall be the minimum necessary for that purpose and every possible assistence shall be afforded to the quickest termination of epuration proceedings as is consistent with military interests.

3904

S.H. WHITE, Lt Col
for G.R. UPJOHN, Colonel,
Acting Head, Admin Section.

Ext: 469
SHW/wb.

1956

Declassified E.O. 12356 Section 3.3/NND No. 785020

Navy Sub Comm

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4010/L. MEMORANDUM ES/pa.
19 Aug 44.

SUBJECT : Gazzetta Ufficiale No.47 of 18 August 1944.

TO : See Distribution List.

This issue contains the following decree :

Legislative Decree of the Lieutenant General of the Kingdom 6 Aug 1944, No.170.

Rules for the constitution of Courts of Assizes.
The Courts of Assizes when trying the offences set out in Art.3 of the Law on Sanctions against fascism will consist of two judicial officials and five lay judges. The requisites for the latter are set out.

NOTE : NO returns by Sub-Commissions are required in respect of this issue.

RICHARD H. WILMER,
Colonel, CAC,
Acting Chief Legal Officer.

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SERIE SPECIALE

Conto corrente con la Posta

Anno 85° — Numero 47

GAZZETTA UFFICIALE

PARTE PRIMA DEL REGNO D'ITALIA

ROMA - Venerdì, 18 agosto 1944

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI — TELEF.: 50-139 51-236 51-554

CONDIZIONI DI ABBONAMENTO

ALLA PARTE PRIMA E SUPPLEMENTI ORDINARI

In Italia e Colonie	Abb. annuo	L. 200	All'Estero	Abb. annuo	L. 400
	» semestrale	» 100		» semestrale	» 200
	» trimestrale	» 50		» trimestrale	» 100
	Un fascicolo	» 4		Un fascicolo	» 8

ALLA PARTE SECONDA

In Italia e Colonie	Abb. annuo	L. 120	All'Estero	Abb. annuo	L. 240
	» semestrale	» 60		» semestrale	» 120
	» trimestrale	» 30		» trimestrale	» 60
	Un fascicolo	» 4		Un fascicolo	» 8

Al solo «BOLLETTINO DELLE ESTRAZIONI» (sorteggio titoli, obbligazioni, cartelle)

In Italia e Colonie . Abbonamento annuo. . L. 100 — Un fascicolo - Prezzi vari.

All'Estero . Abbonamento annuo . . L. 200 — Un fascicolo - Prezzi vari raddoppiati

Per gli annunzi da inserire nella "Gazzetta Ufficiale„ veggansi le norme riportate nella testata della parte seconda

La «Gazzetta Ufficiale» e tutte le altre pubblicazioni ufficiali sono in vendita al pubblico presso i negozi della Libreria dello Stato in Roma, Via XX Settembre, nel palazzo del Ministero delle Finanze; Corso Umberto, 234 (angolo Via Marco Minghetti, 23-24); e presso le librerie depositarie di Roma e dei Capoluoghi delle provincie.

Le inserzioni nella Parte II della «Gazzetta Ufficiale» si ricevono in ROMA - presso l'Ufficio "Inserzioni„ della Libreria dello Stato - Palazzo del Ministero delle Finanze.

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DECRETO LEGISLATIVO LUOGOTENENZIALE, 6 agosto 1944, n. 170.

Norme per la costituzione delle Corti di Assise.

UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Guardasigilli, Ministro Segretario di Stato per la grazia e giustizia;

Abbiamo sanzionato e promulghiamo quanto segue:

Art. 1.

La Corte di Assise quando deve giudicare dei reati preveduti dall'art. 3 del decreto legislativo 27 luglio 1944, n. 159, è composta:

a) di due magistrati come è disposto nell'art. 2 del testo unico, approvato con R. decreto 4 ottobre 1935, n. 1899;

b) di cinque giudici popolari.

Art. 2.

Possono essere nominati giudici popolari coloro che sono in possesso dei seguenti requisiti:

a) essere cittadino italiano ed avere il godimento dei diritti civili e politici;

b) avere non meno di 30 anni e non più di 65 anni di età;

c) essere di condotta morale illibata;

d) non avere appartenuto al partito fascista o quanto meno non aver mai svolto attività fascista.

Art. 3.

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Declassified E.O. 12356 Section 3.3/NND No. 785020

1957

GAZZETTA UFFICIALE DEL REGNO D'ITALIA

PARTE PRIMA

ROMA - Venerdì, 18 agosto 1944

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI — TELEF.: 50-139 51-236 51-554

CONDIZIONI DI ABBONAMENTO

ALLA PARTE PRIMA E SUPPLEMENTI ORDINARI

In Italia e Colonie	Abb. annuo	L. 200	All'Estero	Abb. annuo	L. 400
	» semestrale	» 100		» semestrale	» 200
	» trimestrale	» 50		» trimestrale	» 100
	Un fascicolo	» 4		Un fascicolo	» 8

ALLA PARTE SECONDA

In Italia e Colonie	Abb. annuo	L. 120	All'Estero	Abb. annuo	L. 240
	» semestrale	» 60		» semestrale	» 120
	» trimestrale	» 30		» trimestrale	» 60
	Un fascicolo	» 4		Un fascicolo	» 8

Al solo «BOLLETTINO DELLE ESTRAZIONI» (sorteggio titoli, obbligazioni, cartelle)

In Italia e Colonie . Abbonamento annuo . . L. 100 — Un fascicolo - Prezzi vari.

All'Estero . Abbonamento annuo . . L. 200 — Un fascicolo - Prezzi vari raddoppiati

Per gli annunzi da inserire nella "Gazzetta Ufficiale„ veggansi le norme riportate nella testata della parte seconda

La «Gazzetta Ufficiale» e tutte le altre pubblicazioni ufficiali sono in vendita al pubblico presso i negozi della Libreria dello Stato in Roma, Via XX Settembre, nel palazzo del Ministero delle Finanze; Corso Umberto, 234 (angolo Via Marco Minghetti, 23-24); e presso le librerie depositarie di Roma e dei Capoluoghi delle provincie.

Le inserzioni nella Parte II della «Gazzetta Ufficiale» si ricevono in ROMA - presso l'Ufficio "Inserzioni„ della Libreria dello Stato - Palazzo del Ministero delle Finanze.

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LEGGI E DECRETI

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Corte dei conti del Regno d'Italia: Registrazione di Regi decreti-legge e di Regi decreti . . . . . Pag. 287

LEGGI E DECRETI

DECRETO LEGISLATIVO LUOGOTENENZIALE, 6 agosto 1944, n. **170**.

Norme per la costituzione delle Corti di Assise.

UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151;

Visti il decreto legislativo 27 luglio 1944, n. 159, ed il Testo unico 4 ottobre 1935, n. 1899;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Guardasigilli, Ministro Segretario di Stato per la grazia e giustizia;

Abbiamo sanzionato e promulghiamo quanto segue:

Art. 1.

La Corte di Assise quando deve giudicare dei reati preveduti dall'art. 3 del decreto legislativo 27 luglio 1944, n. 159, è composta:

a) di due magistrati come è disposto nell'art. 2 del testo unico, approvato con R. decreto 4 ottobre 1935, n. 1899;

b) di cinque giudici popolari.

Art. 2.

Possono essere nominati giudici popolari coloro che sono in possesso dei seguenti requisiti:

a) essere cittadino italiano ed avere il godimento dei diritti civili e politici;

b) avere non meno di 30 anni e non più di 65 anni di età;

c) essere di condotta morale illibata;

d) non avere appartenuto al partito fascista o quanto meno non aver mai svolto attività fascista.

Art. 3.

I giudici popolari sono designati dal Primo presidente della Corte di appello, sentito il Procuratore generale presso la Corte medesima, formandosi per ogni Circolo di Corte di Assise un apposito albo.

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Declassified E.O. 12356 Section 3.3/NND No. 1852

Il numero dei giudici popolari da iscriversi in ciascun albo è determinato dal Primo presidente, secondo le esigenze del servizio.

Art. 4.

Per i reati indicati nel presente decreto, qualora non si possa procedere a giudizio direttissimo, si può procedere per citazione diretta anche fuori dei casi preveduti nell'art. 389 del codice di procedura penale - il termine massimo per comparire, stabilito nell'art. 405 del detto codice, è ridotto a otto giorni.

Art. 5.

Contro le sentenze della Corte di Assise pronunziate nei procedimenti indicati nel presente decreto non è ammesso alcun mezzo di impugnativa, salvo la revisione.

Art. 6.

Per quanto non è disposto nel presente decreto si osservano le norme ordinarie sull'ordinamento delle Corti di Assise.

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

Dato a Roma, addì 6 agosto 1944

UMBERTO DI SAVOIA

BONOMI — TUPINI

Visto, *Il Guardasigilli:* TUPINI
Registrato alla Corte dei conti, addì 11 agosto 1944.
Registro Giustizia n. 1, foglio n. 70. — TESTA

DISPOSIZIONI E COMUNICATI

MINISTERO DELLE FINANZE

Bollettino ufficiale dei biglietti vincenti della Lotteria ippica nazionale di Merano - estratti in Roma nei giorni 2, 3, 4, 5 e 7 febbraio 1944.

A) Primi premi: biglietti venduti, estratti, aventi diritto al premio a fianco di ogni biglietto qui sotto indicato:

1°	Bigl. estratto:	Serie	T	n. 33374	-	1° premio di L.	1.000.000
2°	»	»	AT	» 26822	-	2° » »	500.000
3°	»	»	AO	» 58994	-	3° » »	250.000
4°	»	»	M	» 18739	-	4° » »	115.000
5°	»	»	F	» 16290	-	5° » »	57.440

B) Premi da L. 10.000 ciascuno (*I biglietti sono elencati per ordine stretto di serie e numero*):

11°	Bigl.:	Serie	Q	n. 32025	21°	Bigl.:	Serie	AG n. 15010
12°	»	»	Z	n. 43801	22°	»	»	AG n. 25854
13°	»	»	AA	n. 17342	23°	»	»	AH n. 11067
14°	»	»	AA	n. 28901	24°	»	»	AH n. 70656
15°	»	»	AC	n. 02080	25°	»	»	AI n. 23522
16°	»	»	AD	n. 22263	26°	»	»	AK n. 50537
17°	»	»	AE	n. 40487	27°	»	»	AM n. 30263
18°	»	»	AE	n. 60350	28°	»	»	AP n. 38854
19°	»	»	AF	n. 32708	29°	»	»	AS n. 02857
20°	»	»	AF	n. 47646	30°	»	»	AX n. 14321

C) Premi da L. 5000 ciascuno (*I biglietti sono elencati per ordine stretto di serie e di numero*):

1°	Bigl.:	Serie	A	n. 4396	51°	Bigl.:	Serie	AE n. 34359
2°	»	»	C	n. 47092	52°	»	»	AE n. 60148
3°	»	»	C	n. 75638	53°	»	»	AF n. 14843
4°	»	»	D	n. 09523	54°	»	»	AF n. 31982
5°	»	»	D	n. 13839	55°	»	»	AF n. 43125
6°	»	»	D	n. 23121	56°	»	»	AG n. 31680
7°	»	»	F	n. 05581	57°	»	»	AH n. 17260
8°	»	»	G	n. 20110	58°	»	»	AH n. 28722
9°	»	»	G	n. 23508	59°	»	»	AH n. 52346
10°	»	»	H	n. 56857	60°	»	»	AI n. 28268
11°	»	»	H	n. 69206	61°	»	»	AK n. 13080
12°	»	»	H	n. 69767	62°	»	»	AK n. 51267
13°	»	»	I	n. 54863	63°	»	»	AK n. 79693
14°	»	»	I	n. 65284	64°	»	»	AL n. 18534
15°	»	»	K	n. 08513	65°	»	»	AL n. 30886
16°	»	»	K	n. 19060	66°	»	»	AL n. 39342
17°	»	»	K	n. 28359	67°	»	»	AL n. 55359
18°	»	»	M	n. 32611	68°	»	»	AL n. 87874
19°	»	»	M	n. 36098	69°	»	»	AM n. 38334
20°	»	»	M	n. 40926	70°	»	»	AM n. 77598
21°	»	»	O	n. 12060	71°	»	»	AN n. 10728
22°	»	»	O	n. 63026	72°	»	»	AN n. 11210
23°	»	»	Q	n. 31886	73°	»	»	AN n. 12666
24°	»	»	Q	n. 46497	74°	»	»	AN n. 23081
25°	»	»	R	n. 12692	75°	»	»	AN n. 29963
26°	»	»	S	n. 17582	76°	»	»	AN n. 36840
27°	»	»	S	n. 50593	77°	»	»	AN n. 65015
28°	»	»	S	n. 70611	78°	»	»	AN n. 65262
29°	»	»	S	n. 78068	79°	»	»	AO n. 15028
30°	»	»	S	n. 81272	80°	»	»	AO n. 24068
31°	»	»	T	n. 07168	81°	»	»	AO n. 74966
32°	»	»	T	n. 24372	82°	»	»	AO n. 82168
33°	»	»	T	n. 51071	83°	»	»	AO n. 83395
34°	»	»	U	n. 15013	84°	»	»	AP n. 11462
35°	»	»	U	n. 57070	85°	»	»	AP n. 21610
36°	»	»	U	n. 88276	86°	»	»	AQ n. 12625
37°	»	»	U	n. 96801	87°	»	»	AQ n. 36464
38°	»	»	V	n. 29184	88°	»	»	AQ n. 96088
39°	»	»	V	n. 55885	89°	»	»	AR n. 28705
40°	»	»	X	n. 47035	90°	»	»	AR n. 34686
41°	»	»	Z	n. 28732	91°	»	»	AR n. 81159
42°	»	»	Z	n. 40956	92°	»	»	AS n. 23717
43°	»	»	Z	n. 94348	93°	»	»	AS n. 38199
44°	»	»	AC	n. 16487	94°	»	»	AT n. 02493
45°	»	»	AC	n. 21451	95°	»	»	AT n. 89314
46°	»	»	AC	n. 51695	96°	»	»	AU n. 39378
47°	»	»	AC	n. 53080	97°	»	»	AV n. 25051
48°	»	»	AD	n. 10572	98°	»	»	AX n. 38824
49°	»	»	AD	n. 19633	99°	»	»	AZ n. 35308
50°	»	»	AE	n. 23061	100°	»	»	AZ n. 70097

D) Premi ai venditori:

1. Al venditore del biglietto Serie T n. 33374, vincente il 1° premio . . . . . L. 20.000
2. Al venditore del biglietto Serie AT n. 26822, vincente il 2° premio . . . . . » 10.000
3. Al venditore del biglietto Serie AO n. 58994, vincente il 3° premio . . . . . » 6.000
4. Al venditore del biglietto Serie M n. 18739, vincente il 4° premio . . . . . » 4.000
5. Al venditore del biglietto Serie F n. 16290, vincente il 5° premio . . . . . » 3.000

Declassified E.O. 12356 Section 3.3/NND No. 785220
1959

Art. 4.

Per i reati indicati nel presente decreto, qualora non si possa procedere a giudizio direttissimo, si può procedere per citazione diretta anche fuori dei casi preveduti nell'art. 389 del codice di procedura penale. Il termine massimo per comparire, stabilito nell'art. 405 del detto codice, è ridotto a otto giorni.

Art. 5.

Contro le sentenze della Corte di Assise pronunziate nei procedimenti indicati nel presente decreto non è ammesso alcun mezzo di impugnativa, salvo la revisione.

Art. 6.

Per quanto non è disposto nel presente decreto si osservano le norme ordinarie sull'ordinamento delle Corti di Assise.

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

Dato a Roma, addì 6 agosto 1944

UMBERTO DI SAVOIA

BONOMI — TUPINI

Visto, *il Guardasigilli*: TUPINI
Registrato alla Corte dei conti, addì 11 *agosto* 1944.
Registro Giustizia n. 1, *foglio* n. 70. — TESTA

DISPOSIZIONI E COMUNICATI

MINISTERO DELLE FINANZE

Bollettino ufficiale dei biglietti vincenti della Lotteria ippica nazionale di Merano - estratti in Roma nei giorni 2, 3, 4, 5 e 7 febbraio 1944.

A) Primi premi: biglietti venduti, estratti, aventi diritto al premio a fianco di ogni biglietto qui sotto indicato:

1°	Bigl. estratto:	Serie	T	n. 33374	-	1° premio di L.	1.000.000
2°	»	»	»	AT	» 26822	-	2°	»	»	500.000
3°	»	»	»	AO	» 58694	-	3°	»	»	250.000
4°	»	»	»	M	» 18739	-	4°	»	»	115.000
5°	»	»	»	F	» 16290	-	5°	»	»	57.440

B) Premi da L. 10.000 ciascuno (*I biglietti sono elencati per ordine stretto di serie e numero*):

1°	Bigl.:	Serie	A	n. 41016	6°	Bigl.:	Serie	H	n. 15527
2°	»	»	A	n. 87290	7°	»	»	I	n. 71496
3°	»	»	B	n. 16273	8°	»	»	J	n. 12854
4°	»	»	C	n. 23339	9°	»	»	J	n. 36321
5°	»	»	F	n. 97540	10°	»	»	P	n. 37960
11°	»	»	AE	n. 40487	25°	»	»	AP	n. 38503
12°	»	»	AE	n. 60380	26°	»	»	AP	n. 38944
13°	»	»	AF	n. 25708	27°	»	»	AS	n. 92855
14°	»	»	AF	n. 47646	28°	»	»	AX	n. 14421

C) Premi da L. 5000 ciascuno (*I biglietti sono elencati per ordine stretto di serie e di numero*):

1°	Bigl.:	Serie	A	n. 42304	51°	Bigl.:	Serie	AE	n. 24359
2°	»	»	C	n. 47002	52°	»	»	AE	n. 60448
3°	»	»	C	n. 75628	53°	»	»	AF	n. 14843
4°	»	»	D	n. 08523	54°	»	»	AF	n. 31582
5°	»	»	D	n. 13539	55°	»	»	AF	n. 43125
6°	»	»	D	n. 23141	56°	»	»	AG	n. 31680
7°	»	»	F	n. 10581	57°	»	»	AH	n. 17369
8°	»	»	G	n. 20416	58°	»	»	AH	n. 28722
9°	»	»	G	n. 23508	59°	»	»	AH	n. 52340
10°	»	»	H	n. 50857	60°	»	»	AI	n. 28268
11°	»	»	H	n. 65208	61°	»	»	AK	n. 13089
12°	»	»	H	n. 69767	62°	»	»	AK	n. 51267
13°	»	»	I	n. 54863	63°	»	»	AK	n. 79093
14°	»	»	I	n. 65284	64°	»	»	AL	n. 18534
15°	»	»	K	n. 68513	65°	»	»	AL	n. 30886
16°	»	»	K	n. 19060	66°	»	»	AL	n. 39342
17°	»	»	K	n. 28559	67°	»	»	AL	n. 55959
18°	»	»	M	n. 32641	68°	»	»	AL	n. 87874
19°	»	»	M	n. 36038	69°	»	»	AM	n. 38334
20°	»	»	M	n. 49656	70°	»	»	AM	n. 77508
21°	»	»	O	n. 12060	71°	»	»	AN	n. 10728
22°	»	»	O	n. 63026	72°	»	»	AN	n. 11210
23°	»	»	Q	n. 31886	73°	»	»	AN	n. 12066
24°	»	»	Q	n. 46497	74°	»	»	AN	n. 23081
25°	»	»	R	n. 12652	75°	»	»	AN	n. 29963
26°	»	»	S	n. 17582	76°	»	»	AN	n. 36840
27°	»	»	S	n. 50593	77°	»	»	AN	n. 65015
28°	»	»	S	n. 70511	78°	»	»	AN	n. 65262
29°	»	»	S	n. 78608	79°	»	»	AO	n. 15028
30°	»	»	S	n. 81252	80°	»	»	AO	n. 24068
31°	»	»	T	n. 07168	81°	»	»	AO	n. 74906
32°	»	»	T	n. 24352	82°	»	»	AO	n. 82468
33°	»	»	T	n. 54971	83°	»	»	AO	n. 83395
34°	»	»	U	n. 15912	84°	»	»	AP	n. 11402
35°	»	»	U	n. 57070	85°	»	»	AP	n. 21610
36°	»	»	U	n. 88276	86°	»	»	AQ	n. 12625
37°	»	»	U	n. 90891	87°	»	»	AQ	n. 36464
38°	»	»	V	n. 29184	88°	»	»	AQ	n. 95688
39°	»	»	V	n. 55886	89°	»	»	AR	n. 38765
40°	»	»	X	n. 47025	90°	»	»	AR	n. 34686
41°	»	»	Z	n. 28782	91°	»	»	AR	n. 81159
42°	»	»	Z	n. 56956	92°	»	»	AS	n. 23717
43°	»	»	Z	n. 94248	93°	»	»	AS	n. 38199
44°	»	»	AC	n. 16487	94°	»	»	AT	n. 02493
45°	»	»	AC	n. 21451	95°	»	»	AT	n. 89314
46°	»	»	AC	n. 51605	96°	»	»	AU	n. 29378
47°	»	»	AC	n. 53080	97°	»	»	AV	n. 25051
48°	»	»	AD	n. 10572	98°	»	»	AX	n. 38824
49°	»	»	AD	n. 19033	99°	»	»	AZ	n. 35308
50°	»	»	AE	n. 23961	100°	»	»	AZ	n. 70097

D) Premi ai venditori:

1. Al venditore del biglietto Serie T n. 33374, vincente il 1° premio . . . . . L. 20.000
2. Al venditore del biglietto Serie AT n. 26822, vincente il 2° premio . . . . . » 10.000
3. Al venditore del biglietto Serie AO n. 58694, vincente il 3° premio . . . . . » 6.000
4. Al venditore del biglietto Serie M n. 18739, vincente il 4° premio . . . . . » 4.000
5. Al venditore del biglietto Serie F n. 16290, vincente il 5° premio . . . . . » 3.000

E) Trenta premi da L. 1000 ciascuno ai venditori dei trenta biglietti vincenti i premi di L. 10.000 di cui alla lettera *B*);

F) Cento premi da L. 500 ciascuno ai venditori dei cento biglietti vincenti i premi di L. 5000 di cui alla lettera *C*).

1960
Declassified E.O. 12356 Section 3.3/NND No. 785820

MINISTERO DI GRAZIA E GIUSTIZIA

Cessazione di notaro dall'esercizio

Agli effetti dell'art. 38, n. 2, della legge sul Notariato 16 febbraio 1913, n. 89, si porta a conoscenza che, con R. decreto in data 8 aprile 1944, in corso di registrazione alla Corte dei conti, il notaro sig. Di Miceli Antonino, residente nel comune di Corleone, distretto notarile di Palermo, è stato dispensato dall'ufficio, per limite di età, con effetto dal 22 febbraio 1944, in applicazione degli articoli 7 della legge 6 agosto 1926, n. 1365, e 37 a 39 del R. decreto 14 novembre 1926, n. 1953.

Roma, 11 agosto 1944.

p. Il Ministro: MILLOZZA

MINISTERO DELL'INDUSTRIA DEL COMMERCIO E DEL LAVORO

Deformazione di marchi d'identificazione per metalli preziosi

Ai sensi e per gli effetti dell'art. 30 del regolamento 27 dicembre 1934, n. 2363, per l'applicazione della legge 5 febbraio 1934, n. 305, si comunica che i marchi di identificazione per metalli preziosi appartenenti alla cessata ditta Fassino Luigi, già esercente in Torino, recanti il n. 68, sono stati deformanti.

CORTE DEI CONTI DEL REGNO D'ITALIA

SEZIONE SPECIALE DI CONTROLLO

Registrazione di Regi decreti-legge e di Regi decreti

Il Presidente della Sezione speciale di controllo della Corte dei conti comunica che i sottoelencati provvedimenti, già pubblicati nella *Gazzetta Ufficiale* del Regno - serie speciale - sono stati ammessi a registrazione presso questa Sezione:

1) R. decreto-legge 2 dicembre 1943, n. 14/B, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 60. — Masi.

2) R. decreto-legge 6 dicembre 1943, n. 22/B, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 61. — Masi.

3) R. decreto-legge 3 gennaio 1944, n. 1, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 62. — Masi.

4) R. decreto-legge 24 gennaio 1944, n. 18, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 63. — Masi.

5) R. decreto-legge 31 gennaio 1944, n. 34, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 64. — Masi.

6) R. decreto-legge 31 gennaio 1944, n. 43, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 65. — Masi.

7) R. decreto-legge 6 aprile 1944, n. 106, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 66. — Masi.

8) R. decreto-legge 6 aprile 1944, n. 107, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 67. — Masi.

9) R. decreto-legge 6 aprile 1944, n. 108, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 68. — Masi.

10) R. decreto-legge 13 aprile 1944, n. 110, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 69. — Masi.

11) R. decreto-legge 13 aprile 1944, n. 112, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 70. — Masi.

12) R. decreto-legge 13 aprile 1944, n. 113, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 71. — Masi.

13) R. decreto-legge 9 maggio 1944, n. 131, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 72. — Masi.

14) R. decreto-legge 9 maggio 1944, n. 132, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 73. — Masi.

15) R. decreto-legge 9 maggio 1944, n. 135, registrato alla Corte dei conti, addì 31 luglio 1944, Registro Presidenza n. 1, foglio 74. — Masi.

Roma, 2 agosto 1944

Il presidente: MEDUGNO

GIOLITTI GIUSEPPE, *direttore* SANTI RAFFAELE, *gerente*

Roma - Istituto Poligrafico dello Stato - G. C.

3301

Declassified E.O. 12356 Section 3.3/NND No. 785220

SERIE SPECIALE

Conto corrente con la Posta — Anno 85° — Numero 41

GAZZETTA UFFICIALE DEL REGNO D'ITALIA

PARTE PRIMA

ROMA - Sabato, 29 luglio 1944

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI — TELEF.: 50-139 51-236 51-554

CONDIZIONI DI ABBONAMENTO

ALLA PARTE PRIMA E SUPPLEMENTI ORDINARI

In Italia e Colonie	Abb annuo	L. 200	All'Estero	Abb annuo	L. 400
	» semestrale	» 100		» semestrale	» 200
	» trimestrale	» 50		» trimestrale	» 100
	Un fascicolo	» 4		Un fascicolo	» 8

ALLA PARTE SECONDA

In Italia e Colonie	Abb annuo	L. 120	All'Estero	Abb. annuo	L. 240
	» semestrale	» 60		» semestrale	» 120
	» trimestrale	» 30		» trimestrale	» 60
	Un fascicolo	» 4		Un fascicolo	» 8

Al solo «BOLLETTINO DELLE ESTRAZIONI» (sorteggio titoli, obbligazioni, cartelle)

In Italia e Colonie: Abbonamento annuo . . L. 100 — Un fascicolo Prezzi vari

All'Estero: Abbonamento annuo . . L. 300 — Un fascicolo Prezzi vari arretrati

Per la inserzione nella Gazzetta Ufficiale vedansi le norme riportate nella testata della parte seconda

La «Gazzetta Ufficiale» e tutte le altre pubblicazioni ufficiali sono in vendita al pubblico presso i negozi della Libreria dello Stato in Roma, Via XX Settembre del palazzo del Ministero delle Finanze; Corso Umberto, 234 (angolo Via Marco Minghetti, 23-24); e presso le librerie depositarie di Roma e dei Capoluoghi delle Provincie.

Le inserzioni nella Parte II della «Gazzetta Ufficiale» si ricevono in ROMA - presso l'Ufficio "Inserzioni" della Libreria dello Stato - Palazzo del Ministero delle Finanze.

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DECRETO MINISTERIALE 11 luglio 1944.
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CONCORSI

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LEGGI E DECRETI

DLL 159 - 27 July.

DECRETO LEGISLATIVO LUOGOTENENZIALE 27 luglio 1944, n. 159.

Sanzioni contro il fascismo.

UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il R. decreto-legge 2 agosto 1943, n. 704, che opprime il partito nazionale fascista;

Visto il R. decreto-legge 9 agosto 1943, n. 720, riguardante la devoluzione allo Stato dei patrimoni di non giustificata provenienza;

Visto il R. decreto-legge 26 maggio 1944, n. 134, per la punizione dei delitti e degli illeciti del fascismo;

Visto il R. decreto-legge 12 aprile 1944, n. 101, recante norme integrative dei Regi decreti-legge 28 dicembre 1943, n. 29/B, e 6 gennaio 1944, n. 9;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151, concernente l'Assemblea per la nuova costituzione dello Stato, il giuramento dei Membri del Governo e la facoltà del Governo di emanare norme giuridiche;

Visto il R. decreto-legge 30 ottobre 1943, n. 2/B, riguardante la sospensione delle norme relative all'emanazione, promulgazione, registrazione e pubblicazione dei Regi decreti e di altri provvedimenti;

Visto il R. decreto-legge 29 maggio 1944, n. 141, che istituisce presso la sede del Governo una Sezione speciale di controllo della Corte dei conti;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato, di concerto con tutti i Ministri;

Abbiamo sanzionato e promulghiamo quanto segue:

TITOLO I.

Punizione di delitti.

3360

Art. 1.

Sono abrogate tutte le disposizioni penali emanate a tutela delle istituzioni e degli organi politici creati dal fascismo.

Le sentenze già pronunciate in base a tali disposizioni sono annullate.

1962

Declassified E.O. 12356 Section 3.3/NND No. 788120

PARTE PRIMA

GAZZETTA UFFICIALE DEL REGNO D'ITALIA

ROMA - Sabato, 29 luglio 1944

DIREZIONE - REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI — TELEF. 50-139 51-236 51-554

CONDIZIONI DI ABBONAMENTO

ALLA PARTE PRIMA E SUPPLEMENTI ORDINARI

In Italia e Colonie: Abb annuo L. 200; semestrale » 100; trimestrale » 50; Un fascicolo » 4
All'Estero: Abb annuo L. 400; semestrale » 200; trimestrale » 100; Un fascicolo » 8

Al solo «BOLLETTINO DELLE ESTRAZIONI» (sorteggio titoli, obbligazioni, cartelle)
In Italia e Colonie: Abbonamento annuo . . L. 100 — Un fascicolo Prezzi vari
All'Estero: Abbonamento annuo . . L. 200 — Un fascicolo Prezzi vari

ALLA PARTE SECONDA

In Italia e Colonie: Abb annuo L. 120; semestrale » 60; trimestrale » 30; Un fascicolo » 6
All'Estero: Abb. annuo L. 240; semestrale » 120; trimestrale » 60; Un fascicolo » 8

Per le inserzioni nella Gazzetta Ufficiale vedansi le norme riportate nella testata della parte seconda

La «Gazzetta Ufficiale» e tutte le altre pubblicazioni ufficiali sono in vendita al pubblico presso i negozi della Libreria dello Stato in Roma, Via XX Settembre, nel palazzo del Ministero delle Finanze; Corso Umberto, 234 (angolo Via Marco Minghetti, 23-24); e presso le librerie depositarie di Roma e dei Capoluoghi delle provincie.

Le inserzioni nella Parte II della «Gazzetta Ufficiale» si ricevono in ROMA — presso l'Ufficio "Inserzioni" della Libreria dello Stato — Palazzo del Ministero delle Finanze.

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LEGGI E DECRETI

DLL 159 - 27 July.

DECRETO LEGISLATIVO LUOGOTENENZIALE 27 luglio 1944, n. 159.
Sanzioni contro il fascismo.

UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

Visto il R. decreto-legge 2 agosto 1943, n. 704, che sopprime il partito nazionale fascista;

Visto il R. decreto-legge 9 agosto 1943, n. 720, riguardante la devoluzione allo Stato dei patrimoni di non giustificata provenienza;

Visto il R. decreto-legge 28 dicembre 1943, n. 29/B, per la defascistizzazione delle Amministrazioni dello Stato, degli Enti locali e parastatali, degli Enti comunque sottoposti a vigilanza o tutela dello Stato e delle Aziende private esercenti servizi pubblici o di interesse nazionale;

Visto il R. decreto-legge 26 maggio 1944, n. 134, per la punizione dei delitti e degli illeciti del fascismo;

Visto il R. decreto-legge 12 aprile 1944, n. 101, recante norme integrative dei Regi decreti-legge 28 dicembre 1943, n. 29/B, e 6 gennaio 1944, n. 9;

Visto il decreto-legge Luogotenenziale 25 giugno 1944, n. 151, concernente l'Assemblea per la nuova costituzione dello Stato, il giuramento dei Membri del Governo e la facoltà del Governo di emanare norme giuridiche;

Visto il R. decreto-legge 30 ottobre 1943, n. 2/B, riguardante la sospensione delle norme relative all'emanazione, promulgazione, registrazione e pubblicazione dei Regi decreti e di altri provvedimenti;

Visto il R. decreto-legge 29 maggio 1944, n. 141, che istituisce presso la sede del Governo una Sezione speciale di controllo della Corte dei conti;

Vista la deliberazione del Consiglio dei Ministri;

Sulla proposta del Presidente del Consiglio dei Ministri, Primo Ministro Segretario di Stato, di concerto con tutti i Ministri;

Abbiamo sanzionato e promulghiamo quanto segue:

TITOLO I.

Punizione di delitti.

3300

Art. 1.

Sono abrogate tutte le disposizioni penali emanate a tutela delle istituzioni e degli organi politici creati dal fascismo.

Le sentenze già pronunciate in base a tali disposizioni sono annullate.

Art. 2.

I membri del governo fascista e i gerarchi del fascismo, colpevoli di aver annullate le garanzie costituzionali, distrutte le libertà popolari, creato il regime

Declassified E.O. 12356 Section 3.3/NND No. 788120

1963

fascista, compromesse e tradite le sorti del Paese condotto alla attuale catastrofe, sono puniti con l'ergastolo e, nei casi di più grave responsabilità, con la morte.

Essi saranno giudicati da un'Alta Corte di giustizia composta di un presidente e di otto membri, nominati dal Consiglio dei Ministri fra alti magistrati, in servizio o a riposo, e fra altre personalità di rettitudine intemerata.

Art. 3.

Coloro che hanno organizzato squadre fasciste, le quali hanno compiuto atti di violenza o di devastazione, e coloro che hanno promosso o diretto l'insurrezione del 28 ottobre 1922 sono puniti secondo l'art. 120 del Codice penale del 1889.

Coloro che hanno promosso o diretto il colpo di Stato del 3 gennaio 1925 e coloro che hanno in seguito contribuito con atti rilevanti a mantenere in vigore il regime fascista sono puniti secondo l'art. 118 del Codice stesso.

Chiunque ha commesso altri delitti per motivi fascisti o valendosi della situazione politica creata dal fascismo è punito secondo le leggi del tempo.

Art. 4.

I delitti prevedati dall'articolo precedente sono giudicati, a seconda della rispettiva competenza, dalle Corti d'assise, dai Tribunali e dai Pretori.

Le Corti d'assise sono costituite dai due magistrati, previsti dal Testo unico delle disposizioni legislative sull'ordinamento delle Corti di assise, e da cinque giudici popolari estratti a sorte da appositi elenchi di cittadini di condotta morale e politica illibata.

Art. 5.

Chiunque, posteriormente all'8 settembre 1943, abbia commesso o commetta delitti contro la fedeltà e la difesa militare dello Stato, con qualunque forma di intelligenza o corrispondenza o collaborazione col tedesco invasore, di aiuto o di assistenza ad esso prestata, è punito a norma delle disposizioni del Codice penale militare di guerra.

Le pene stabilite per i militari sono applicate anche ai non militari.

I militari saranno giudicati dai Tribunali militari, i non militari dai giudici ordinari.

Art. 6.

Non può essere invocata la prescrizione del reato o della pena a favore di coloro che, pur essendo colpevoli dei delitti di cui al presente decreto, sono rimasti finora impuniti per l'esistenza stessa del regime fascista.

Per lo stesso motivo le amnistie e gli indulti concessi dopo il 28 ottobre 1922 sono inapplicabili ai delitti di cui al presente decreto e, se sono già stati applicati, le relative declaratorie sono revocate.

L'Alto Commissario potrà [illegible]

zione determinato dal fascismo. La pronuncia al riguardo è affidata ad una Sezione della Suprema Corte di Cassazione, designata dal Ministro Guardasigilli.

Le disposizioni del presente articolo non si applicano ai delitti punibili con pena detentiva non superiore nel massimo ai tre anni.

Art. 7.

Per i reati previsti nel presente titolo, la pena può essere ridotta fino ad un quarto, e alla pena di morte o dell'ergastolo può essere sostituita la reclusione non inferiore a cinque anni:

a) se il colpevole, prima dell'inizio della presente guerra, ha preso posizione ostile al fascismo;

b) se ha partecipato attivamente alla lotta contro i tedeschi.

Se ricorrono le circostanze attenuanti generiche, previste dal Codice penale del 1889, alla pena di morte o all'ergastolo è sostituita la reclusione per trent'anni e le altre pene sono diminuite di un sesto.

Il colpevole potrà essere dichiarato non punibile, se nella lotta contro i tedeschi si sia particolarmente distinto con atti di valore.

Art. 8.

Chi, per motivi fascisti o avvalendosi della situazione politica creata dal fascismo, abbia compiuto fatti di particolare gravità che, pur non integrando gli estremi di reato, siano contrari a norme di rettitudine o di probità politica, è soggetto alla interdizione temporanea dai pubblici uffici ovvero alla privazione dei diritti politici per una durata non superiore a dieci anni.

Qualora l'agente risulti socialmente pericoloso può essere disposta l'assegnazione ad una colonia agricola o ad una casa di lavoro per un tempo non inferiore ad un anno nè superiore a dieci.

I provvedimenti previsti dal presente articolo sono applicati da Commissioni provinciali presiedute da un magistrato e composte di due altri membri estratti a sorte, fra i giudici popolari di cui all'art. 4.

Quanto ai membri di Assemblee legislative o di enti ed istituti che con i loro voti o atti contribuirono al mantenimento del regime fascista ed a rendere possibile la guerra, la decadenza dalla loro carica sarà decisa dall'Alta Corte di cui all'art. 2; ciò senza pregiudizio delle sanzioni di cui al presente decreto in quanto siano applicabili.

Art. 9.

Senza pregiudizio dell'azione penale, i beni dei cittadini i quali hanno tradito la patria ponendosi spontaneamente ed attivamente al servizio degli invasori tedeschi sono confiscati a vantaggio dello Stato.

Nel caso di azione penale la confisca è pronunciata dall'autorità giudiziaria che pronuncia la condanna. In caso diverso dal Tribunale competente per territorio, su richiesta dell'Alto Commissario.

1964
Declassified E.O. 12356 Section 3.3/NND No. 788220

vizio o a riposo, e fra altre personalità di rettitudine intemerata.

Art. 3.

Coloro che hanno organizzato squadre fasciste, le quali hanno compiuto atti di violenza o di devastazione, e coloro che hanno promosso o diretto l'insurrezione del 28 ottobre 1922 sono puniti secondo l'art. 120 del Codice penale del 1889.

Coloro che hanno promosso o diretto il colpo di Stato del 3 gennaio 1925 e coloro che hanno in seguito contribuito con atti rilevanti a mantenere in vigore il regime fascista sono puniti secondo l'art. 118 del Codice stesso.

Chiunque ha commesso altri delitti per motivi fascisti o valendosi della situazione politica creata dal fascismo è punito secondo le leggi del tempo.

Art. 4.

I delitti prevedati dall'articolo precedente sono giudicati, a seconda della rispettiva competenza, dalle Corti d'assise, dai Tribunali e dai Pretori.

Le Corti d'assise sono costituite dai due magistrati previsti dal Testo unico delle disposizioni legislative sull'ordinamento delle Corti di assise, e da cinque giudici popolari estratti a sorte da appositi elenchi di cittadini di condotta morale e politica illibata.

Art. 5.

Chiunque, posteriormente all'8 settembre 1943, abbia commesso o commetta delitti contro la fedeltà e la difesa militare dello Stato, con qualunque forma di intelligenza o corrispondenza o collaborazione col tedesco invasore, di aiuto o di assistenza ad esso prestata, è punito a norma delle disposizioni del Codice penale militare di guerra.

Le pene stabilite per i militari sono applicate anche ai non militari.

I militari saranno giudicati dai Tribunali militari, i non militari dai giudici ordinari.

Art. 6.

Non può essere invocata la prescrizione del reato e della pena a favore di coloro che, pur essendo colpevoli dei delitti di cui al presente decreto, sono rimasti finora impuniti per l'esistenza stessa del regime fascista.

Per lo stesso motivo le amnistie e gli indulti concessi dopo il 28 ottobre 1922 sono inapplicabili ai delitti di cui al presente decreto e, se sono già stati applicati, le relative declaratorie sono revocate.

L'Alto Commissario potrà proporre la revoca di grazie sovrane già concesse.

Le sentenze pronunziate per gli stessi delitti possono essere dichiarate giuridicamente inesistenti quando sulla decisione abbia influito lo stato di morale coercizione.

Art. 7.

Per i reati previsti nel presente titolo, la pena può essere ridotta fino ad un quarto, e alla pena di morte e dell'ergastolo può essere sostituita la reclusione non inferiore a cinque anni:

a) se il colpevole, prima dell'inizio della presente guerra, ha preso posizione ostile al fascismo;

b) se ha partecipato attivamente alla lotta contro i tedeschi.

Se ricorrono le circostanze attenuanti generiche, previste dal Codice penale del 1889, alla pena di morte o all'ergastolo è sostituita la reclusione per trent'anni e le altre pene sono diminuite di un sesto.

Il colpevole potrà essere dichiarato non punibile, se nella lotta contro i tedeschi si sia particolarmente distinto con atti di valore.

Art. 8.

Chi, per motivi fascisti o avvalendosi della situazione politica creata dal fascismo, abbia compiuto fatti di particolare gravità che, pur non integrando gli estremi del reato, siano contrari a norme di rettitudine o di probità politica, è soggetto alla interdizione temporanea dai pubblici uffici ovvero alla privazione dei diritti politici per una durata non superiore a dieci anni.

Qualora l'agente risulti socialmente pericoloso può esserne disposta l'assegnazione ad una colonia agricola o ad una casa di lavoro per un tempo non inferiore ad un anno né superiore a dieci.

I provvedimenti previsti dal presente articolo sono applicati da Commissioni provinciali presiedute da un magistrato e composte di due altri membri estratti a sorte, fra i giudici popolari di cui all'art. 4.

Quanto ai membri di Assemblee legislative o di enti ed istituti che con i loro voti o atti contribuirono al mantenimento del regime fascista ed a rendere possibile la guerra, la decadenza dalla loro carica sarà decisa dall'Alta Corte di cui all'art. 2: ciò senza pregiudizio delle sanzioni di cui al presente decreto in quanto siano applicabili.

Art. 9.

Senza pregiudizio dell'azione penale, i beni dei cittadini i quali hanno tradito la patria ponendosi spontaneamente ed attivamente al servizio degli invasori tedeschi sono confiscati a vantaggio dello Stato.

Nel caso di azione penale la confisca è pronunciata dall'autorità giudiziaria che pronuncia la condanna. In caso diverso dal Tribunale competente per territorio, su richiesta dell'Alto Commissario.

Art. 10.

Per ciò che non è previsto nel presente titolo valgono, in quanto applicabili, le disposizioni del Codice di procedura penale.

1945
Declassified E.O. 12356 Section 3.3/NND No. 785220

Supplemento ordinario alla "Gazzetta Ufficiale" n. 41 del 29 luglio 1944

Conto corrente con la Posta

SERIE SPECIALE

GAZZETTA UFFICIALE DEL REGNO D'ITALIA

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI — TELEF.: 50-139 51-236 51-55

ORDINANZA DEL GOVERNO MILITARE ALLEATO

Io, Brigadiere Generale MAURICE STANLEY LUSH, C. B. E., M. C., Commissario Esecutivo, con la presente ordino che i decreti e gli altri provvedimenti contenuti nel numero 41 del 29 luglio 1944 della *Gazzetta Ufficiale* entrino in vigore ed abbiano piena forza ed effetto di legge in ogni Provincia del territorio soggetto al Governo Militare Alleato a partire dalla data in cui il Prefetto di tale Provincia riceverà dalla Commissione Alleata di Controllo una copia del suddetto numero della *Gazzetta Ufficiale*.

In data 29 luglio 1944.

M. S. LUSH
Brigadiere Generale,
Commissario Esecutivo.

1968

Declassified E.O. 12356 Section 3.3/NND No. 788220

GAZZETTA UFFICIALE
DEL REGNO D'ITALIA

DIREZIONE E REDAZIONE PRESSO IL MINISTERO DI GRAZIA E GIUSTIZIA - UFFICIO PUBBLICAZIONE DELLE LEGGI — TELEF.: 50-139 51-236 51-551

ORDINANZA DEL GOVERNO MILITARE ALLEATO

Io, Brigadiere Generale MAURICE STANLEY LUSH, C. B. E., M. C., Commissario Esecutivo, con la presente ordino che i decreti e gli altri provvedimenti contenuti nel numero 41 del 29 luglio 1944 della *Gazzetta Ufficiale* entrino in vigore ed abbiano piena forza ed effetto di legge in ogni Provincia del territorio soggetto al Governo Militare Alleato a partire dalla data in cui il Prefetto di tale Provincia riceverà dalla Commissione Alleata di Controllo una copia del suddetto numero della *Gazzetta Ufficiale*.

In data 29 luglio 1944.

M. S. LUSH
Brigadiere Generale,
Commissario Esecutivo.

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GIOLITTI GIUSEPPE, *direttore* SANTI RAFFAELE, *gerente*
Roma — Istituto Poligrafico dello Stato — G. C.

1967
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TITOLO II

Epurazione dell'Amministrazione.

Art. 11.

Sono sottoposti a giudizio di epurazione gli appartenenti:

1) alle Amministrazioni civili e militari dello Stato, anche se con ordinamento autonomo;

2) agli Enti locali ed agli altri Enti ed Istituti pubblici;

3) alle Aziende speciali dipendenti da Amministrazioni ed Enti pubblici, alle Aziende private concessionarie di servizi pubblici ed a quelle riconosciute di interesse nazionale.

Art. 12.

Sono dispensati dal servizio:

1) coloro che, specialmente in alti gradi, col partecipare attivamente alla vita politica del fascismo o con manifestazioni ripetute di apologia fascista, si sono mostrati indegni di servire lo Stato;

2) coloro che, anche nei gradi minori, hanno conseguito nomine od avanzamenti per il favore del partito o dei gerarchi fascisti.

Art. 13.

Sono altresì dispensati dal servizio i dipendenti dalle Amministrazioni di cui all'art. 11, i quali abbiano dato prova di faziosità fascista o della incapacità o del malcostume introdotti dal fascismo nelle pubbliche Amministrazioni.

Qualora dal giudizio di epurazione risultino elementi di reato, dovrà esserne fatta denuncia all'autorità competente.

Art. 14.

Coloro che hanno rivestito la qualifica di squadrista, o sansepolcrista, o antemarcia, o marcia su Roma, o sciarpa littorio, o che sono stati ufficiali della M.V.S.N. sono dispensati dal servizio. Qualora però non abbiano dato prova di settarietà e di intemperanza fascista sono soggetti a misure disciplinari di minore gravità.

Art. 15.

Nel caso di indebiti avanzamenti o di preferenze nei concorsi per titoli fascisti può essere, in luogo della dispensa, disposta la retrocessione o la restituzione ai ruoli di provenienza.

Art. 16.

Chi, dopo l'8 settembre 1943, si è distinto nella lotta contro i tedeschi, può essere esente dalla dispensa e da ogni misura disciplinare.

Art. 17.

minacce e pericoli per la persona propria o dei propri congiunti.

Possono andare esenti da ogni sanzione coloro che hanno in modo efficace, con l'opera propria, aiutato i patrioti e danneggiata l'azione dei tedeschi e del governo che apparentemente servivano.

In ogni caso si farà luogo al conguaglio degli assegni che sarebbero spettati e di quelli effettivamente percepiti; nè sono dovute le indennità e le somme riscosse a causa del trasloco.

Art. 18.

Il giudizio di epurazione è affidato in primo grado a Commissioni costituite presso ogni Ministero o Amministrazione o Ente autonomo. Quando si tratta di personale di diversi ruoli possono essere costituite più Commissioni presso lo stesso Ministero.

Le Commissioni sono nominate dal Ministro competente e composte di un magistrato dell'ordine giudiziario o amministrativo, in servizio o a riposo, che le presiede, del Capo del personale o di un funzionario dell'Amministrazione e di un terzo membro designato dall'Alto Commissario per le sanzioni contro il fascismo.

Per i Comuni, le Provincie, le Istituzioni pubbliche di beneficenza e gli Enti sottoposti a controllo dell'Amministrazione locale è istituita una Commissione nominata dal Prefetto e composta di un magistrato, in servizio o a riposo, di un funzionario di Prefettura e di un membro designato dall'Alto Commissario.

Nelle forme prevedute dai commi precedenti possono essere nominati membri supplenti e la Commissione può dividersi in sotto-commissioni.

Art. 19.

All'impiegato proposto per la dispensa è fissato un termine non minore di giorni 10 per presentare le sue deduzioni.

Le Commissioni, direttamente o attraverso un membro da esse delegato, hanno facoltà di escutere testi, di chiedere atti e documenti all'autorità giudiziaria e alla pubblica Amministrazione e possono sentire personalmente l'interessato, anche se questi non ne faccia richiesta.

Art. 20.

Le conclusioni della Commissione di primo grado sono comunicate all'Alto Commissario ed all'interessato. E' ammesso ricorso, nel termine di tre giorni per l'interessato, di venti per l'Alto Commissario, ad una Commissione centrale nominata dal Presidente del Consiglio dei Ministri e composta di un presidente, di due magistrati dell'ordine giudiziario o amministrativo in servizio o a riposo, di due funzionari delle Amministrazioni centrali e di due membri, designati dall'Alto Commissario per le sanzioni contro il fascismo.

Nelle stesse forme possono essere nominati membri supplenti e la Commissione può dividersi in sottocom-

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Sono sottoposti a giudizio di epurazione gli appartenenti:

1) alle Amministrazioni civili e militari dello Stato, anche se con ordinamento autonomo;

2) agli Enti locali ed agli altri Enti ed Istituti pubblici;

3) alle Aziende speciali dipendenti da Amministrazioni ed Enti pubblici, alle Aziende private concessionarie di servizi pubblici ed a quelle riconosciute di interesse nazionale.

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1) coloro che, specialmente in alti gradi, col partecipare attivamente alla vita politica del fascismo e con manifestazioni ripetute di apologia fascista, si sono mostrati indegni di servire lo Stato;

2) coloro che, anche nei gradi minori, hanno conseguito nomine od avanzamenti per il favore del partito o dei gerarchi fascisti.

Art. 13.

Sono altresì dispensati dal servizio i dipendenti dalle Amministrazioni di cui all'art. 11, i quali abbiano dato prova di faziosità fascista o della incapacità o del malcostume introdotti dal fascismo nelle pubbliche Amministrazioni.

Qualora dal giudizio di epurazione risultino elementi di reato, dovrà esserne fatta denuncia all'autorità competente.

Art. 14.

Coloro che hanno rivestito la qualifica di squadrista o sansepolcrista, o antemarcia, o marcia su Roma, o sciarpa littorio, o che sono stati ufficiali della M.V.S.N. sono dispensati dal servizio. Qualora però non abbiano dato prova di settarietà e di intemperanza fascista sono soggetti a misure disciplinari di minore gravità.

Art. 15.

Nel caso di indebiti avanzamenti o di preferenze nei concorsi per titoli fascisti può essere, in luogo della dispensa, disposta la retrocessione o la restituzione ai ruoli di provenienza.

Art. 16.

Chi, dopo l'8 settembre 1943, si è distinto nella lotta contro i tedeschi, può essere esente dalla dispensa e da ogni misura disciplinare.

Art. 17.

Gli impiegati che, dopo l'8 settembre 1943, hanno seguito il governo fascista o gli hanno prestato giuramento o hanno collaborato con esso, sono dispensati dal servizio.

Può essere loro inflitta una pena disciplinare minore, qualora dimostrino di essersi trovati esposti a gravi verno che apparentemente servivano.

In ogni caso si farà luogo al conguaglio degli assegni che sarebbero spettati e di quelli effettivamente percepiti; nè sono dovute le indennità e le somme riscosse a causa del trasloco.

Art. 18.

Il giudizio di epurazione è affidato in primo grado a Commissioni costituite presso ogni Ministero o Amministrazione o Ente autonomo. Quando si tratta di personale di diversi ruoli possono essere costituite più Commissioni presso lo stesso Ministero.

Le Commissioni sono nominate dal Ministro competente e composte di un magistrato dell'ordine giudiziario o amministrativo, in servizio o a riposo, che le presiede, del Capo del personale o di un funzionario dell'Amministrazione e di un terzo membro designato dall'Alto Commissario per le sanzioni contro il fascismo.

Per i Comuni, le Provincie, le Istituzioni pubbliche di beneficenza e gli Enti sottoposti a controllo dell'Amministrazione locale è istituita una Commissione nominata dal Prefetto e composta di un magistrato, in servizio o a riposo, di un funzionario di Prefettura e di un membro designato dall'Alto Commissario.

Nelle forme prevedute dai commi precedenti possono essere nominati membri supplenti e la Commissione può dividersi in sotto-commissioni.

Art. 19.

All'impiegato proposto per la dispensa è fissato un termine non minore di giorni 10 per presentare le sue deduzioni.

Le Commissioni, direttamente o attraverso un membro da esse delegato, hanno facoltà di escutere testi, di chiedere atti e documenti all'autorità giudiziaria e alla pubblica Amministrazione e possono sentire personalmente l'interessato, anche se questi non ne faccia richiesta.

Art. 20.

Le conclusioni della Commissione di primo grado sono comunicate all'Alto Commissario ed all'interessato. E' ammesso ricorso, nel termine di tre giorni per l'interessato, di venti per l'Alto Commissario, ad una Commissione centrale nominata dal Presidente del Consiglio dei Ministri e composta di un presidente, di due magistrati dell'ordine giudiziario o amministrativo in servizio o a riposo, di due funzionari delle Amministrazioni centrali e di due membri, designati dall'Alto Commissario per le sanzioni contro il fascismo.

Nelle stesse forme possono essere nominati membri supplenti e la Commissione può dividersi in sottocommissioni.

Art. 21.

La dispensa è, conformemente alle conclusioni delle Commissioni, pronunciata dall'Autorità cui spetta, secondo le norme comuni, in forma di provvedimento.

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La stessa Autorità emana i provvedimenti disciplinari previsti dal presente titolo, sempre conformemente alle conclusioni delle Commissioni.

Art. 22.

L'impiegato dispensato dal servizio è ammesso a liquidare il trattamento di quiescenza che possa spettargli a norma delle disposizioni vigenti.

Nei casi più gravi può essere disposta la perdita del diritto a pensione.

L'impiegato sottoposto a procedimento per l'epurazione può essere sospeso dall'ufficio. In tal caso gli è corrisposto a titolo alimentare lo stipendio esclusa ogni altra indennità. Il provvedimento di sospensione è adottato dal Ministro competente o, nei casi di cui al terzo comma dell'art. 18, dal Prefetto.

Art. 23.

Presso gli ordini professionali e gli organi incaricati della tenuta di albi per l'esercizio di professioni, arti o mestieri, sono istituite Commissioni incaricate di rivedere le iscrizioni agli albi, applicando i criteri di cui agli articoli precedenti.

Le Commissioni sono nominate dal Ministro competente o dall'autorità da lui delegata, e composte di un presidente, di un membro designato dagli organi incaricati della tenuta dell'albo e di un membro designato dall'Alto Commissario per le sanzioni contro il fascismo.

Contro le conclusioni delle Commissioni è ammesso ricorso, nei termini previsti dall'art. 20, a Commissioni centrali costituite, per ogni ordine o professione, dal Ministro competente e composte di un presidente, di due magistrati dell'ordine giudiziario o amministrativo, in servizio o a riposo, di quattro membri designati dagli organi professionali e di due altri membri designati dall'Alto Commissario per le sanzioni contro il fascismo.

Nei casi meno gravi, in luogo della cancellazione, può essere inflitta la sospensione temporanea dall'esercizio della professione, arte o mestiere.

Art. 24.

Contro i provvedimenti previsti dal presente titolo è dato il ricorso al Consiglio di Stato, limitatamente al motivo di incompetenza.

Art. 25.

Il termine per l'inizio delle procedure previste nel presente titolo è di sei mesi dall'entrata in vigore di questo decreto.

Il procedimento davanti alla Commissione di primo grado dovrà essere ultimato entro tre mesi dall'inizio.

TITOLO III.

Avocazione dei profitti di regime.

Art. 26.

I profitti derivati dalla partecipazione o adesione al regime fascista sono avocati allo Stato, indipendentemente dall'esercizio dell'azione penale per i fatti costituenti reato.

Gli incrementi patrimoniali conseguiti dopo il 28 ottobre 1922, da chi ha rivestito cariche pubbliche o comunque svolta attività politica, come fascista, si presumono profitti di regime, a meno che gli interessati dimostrino che gli arricchimenti hanno avuto lecita provenienza. Ciò vale anche se i beni abbiano cessato di appartenere alla stessa persona.

Si presumono altresì profitti di regime gli incrementi patrimoniali degli ascendenti, dei discendenti e del coniuge e di chi, anche non iscritto al partito fascista, avera relazioni di associazione o cointeressenza con le persone indicate nel primo comma.

Nella determinazione degli incrementi patrimoniali si ha riguardo anche ai beni in qualunque modo acquistati o posseduti per interposte persone.

Art. 27.

Beni determinati esistenti nel patrimonio del debitore, l'acquisto dei quali sia particolarmente dovuto a profitti di regime, possono essere avocati allo Stato.

Art. 28.

Delle somme liquidate a titolo di avocazione di profitti di regime risponde tutto il patrimonio del debitore.

Nel caso previsto dal terzo comma dell'art. 26, le persone di cui al secondo comma dell'articolo stesso sono solidalmente responsabili con i loro congiunti, associati e clienti.

Art. 29.

Se il patrimonio del debitore risulta insufficiente a pagare le somme dovute allo Stato, sono privi di effetto rispetto a questo:

1) gli atti a titolo gratuito posti in essere dal debitore nel quinquennio anteriore al 25 luglio 1943;

2) qualsiasi atto di disposizione effettuato dopo tale data.

Di fronte allo Stato e ai fini del realizzo del suo credito per profitti di regime, i beni acquistati entro il quinquennio anteriore al 25 luglio 1943 dal coniuge del debitore, si considerano appartenenti a questo.

Art. 30.

L'accertamento e la liquidazione dei profitti di regime sono di competenza di una Sezione speciale della Commissione provinciale delle imposte, formata dal presidente del Tribunale o dal giudice da lui delegato e da quattro commissari nominati dal Ministro per le finanze su designazione del Prefetto fra cittadini di

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L'impiegato dispensato dal servizio è ammesso a liquidare il trattamento di quiescenza che possa spettargli a norma delle disposizioni vigenti.

Nei casi più gravi può essere disposta la perdita del diritto a pensione.

L'impiegato sottoposto a procedimento per l'epurazione può essere sospeso dall'ufficio. In tal caso gli è corrisposto a titolo alimentare lo stipendio, esclusa ogni altra indennità. Il provvedimento di sospensione è adottato dal Ministro competente o, nei casi di cui al terzo comma dell'art. 18, dal Prefetto.

Art. 23.

Presso gli ordini professionali e gli organi incaricati della tenuta di albi per l'esercizio di professioni, arti o mestieri, sono istituite Commissioni incaricate di rivedere le iscrizioni agli albi, applicando i criteri di cui agli articoli precedenti.

Le Commissioni sono nominate dal Ministro competente o dall'autorità da lui delegata, e composte di un presidente, di un membro designato dagli organi incaricati della tenuta dell'albo e di un membro designato dall'Alto Commissario per le sanzioni contro il fascismo.

Contro le conclusioni delle Commissioni è ammesso ricorso, nei termini previsti dall'art. 20, a Commissioni centrali costituite, per ogni ordine o professione, dal Ministro competente e composte di un presidente, di due magistrati dell'ordine giudiziario o amministrativo, in servizio o a riposo, di quattro membri designati dagli organi professionali e di due altri membri designati dall'Alto Commissario per le sanzioni contro il fascismo.

Nei casi meno gravi, in luogo della cancellazione, può essere inflitta la sospensione temporanea dall'esercizio della professione, arte o mestiere.

Art. 24.

Contro i provvedimenti previsti dal presente titolo è dato il ricorso al Consiglio di Stato, limitatamente al motivo di incompetenza.

Art. 25.

Il termine per l'inizio delle procedure previste nel presente titolo è di sei mesi dall'entrata in vigore di questo decreto.

Il procedimento davanti alla Commissione di primo grado deve essere ultimato entro tre mesi dall'inizio.

Per i territori non liberati e per quelli liberati ma non ancora affidati all'Amministrazione del Governo italiano, la scadenza del termine indicato nel primo comma è prorogata fino a sei mesi dopo il passaggio all'Amministrazione italiana dei territori stessi.

regime fascista sono avocati allo Stato, indipendentemente dall'esercizio dell'azione penale per i fatti costituenti reato.

Gli incrementi patrimoniali conseguiti dopo il 28 ottobre 1922, da chi ha rivestito cariche pubbliche o comunque svolta attività politica, come fascista, si presumono profitti di regime, a meno che gli interessati dimostrino che gli arricchimenti hanno avuto lecita provenienza. Ciò vale anche se i beni abbiano cessato di appartenere alla stessa persona.

Si presumono altresì profitti di regime gli incrementi patrimoniali degli ascendenti, dei discendenti e del coniuge e di chi, anche non iscritto al partito fascista, aveva relazioni di associazione o cointeressenza con le persone indicate nel primo comma.

Nella determinazione degli incrementi patrimoniali si ha riguardo anche ai beni in qualunque modo acquistati o posseduti per interposte persone.

Art. 27.

Beni determinati esistenti nel patrimonio del debitore, l'acquisto dei quali sia particolarmente dovuto a profitti di regime, possono essere avocati allo Stato.

Art. 28.

Delle somme liquidate a titolo di avocazione di profitti di regime risponde tutto il patrimonio del debitore.

Nel caso previsto dal terzo comma dell'art. 26, le persone di cui al secondo comma dell'articolo stesso sono solidalmente responsabili con i loro congiunti, associati e clienti.

Art. 29.

Se il patrimonio del debitore risulta insufficiente a pagare le somme dovute allo Stato, sono privi di effetto rispetto a questo:

1) gli atti a titolo gratuito posti in essere dal debitore nel quinquennio anteriore al 25 luglio 1943;

2) qualsiasi atto di disposizione effettuato dopo tale data.

Di fronte allo Stato e ai fini del realizzo del suo credito per profitti di regime, i beni acquistati entro il quinquennio anteriore al 25 luglio 1943 dal coniuge del debitore, si considerano appartenenti a questo.

Art. 30.

L'accertamento e la liquidazione dei profitti di regime sono di competenza di una Sezione speciale della Commissione provinciale delle imposte, formata dal presidente del Tribunale o dal giudice da lui delegato e da quattro commissari nominati dal Ministro per le finanze su designazione del Prefetto fra cittadini di provata probità e competenza.

La Sezione speciale procede all'accertamento in base ad indicazioni dell'Alto Commissario, ad informazioni degli organi finanziari e a segnalazioni firmate di privati.

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La Sezione medesima giudica i reclami del debitore o della finanza avverso la propria proposta di accertamento e liquidazione dei profitti di regime.

Nell'udienza, che è pubblica, è ammesso il contraddittorio dell'Amministrazione finanziaria che può farsi rappresentare dall'Avvocatura dello Stato e della persona sottoposta all'accertamento che può farsi rappresentare da un procuratore legale od avvocato.

Le decisioni sono notificate al debitore, all'Amministrazione finanziaria ed all'Alto Commissario.

Art. 31.

La Sezione speciale della Commissione provinciale ha tutti i poteri di indagine, accesso, ispezione, controllo e richiesta di dati, conferiti agli agenti delle imposte dirette e alle Commissioni amministrative per l'accertamento dell'imposta straordinaria sui maggiori utili relativi allo stato di guerra.

Non è ammesso il diritto di astenersi dal testimoniare nei casi dell'art. 352 del Codice di procedura penale.

Chi, chiamato come testimonio o perito, non ottempera agli obblighi o commette falsità è punito a termine degli articoli 366, 372, 373 del Codice penale.

Chi non adempie alle altre richieste della Sezione è punito con la reclusione fino a sei mesi o con la multa da 300 a 5000 lire.

Le Amministrazioni e gli Enti pubblici, ove abbiano conoscenza che sono stati realizzati profitti di regime, debbono immediatamente comunicarlo all'Alto Commissario. Chi è tenuto a fare tali comunicazioni e non vi adempie è punito come al comma precedente.

Per l'assolvimento dei compiti della Sezione speciale, può essere comandato presso di essa personale delle polizia giudiziaria o di altri ruoli amministrativi e tecnici dello Stato.

Art. 32.

Contro le decisioni della Sezione speciale della Commissione provinciale il debitore e l'Amministrazione finanziaria possono presentare ricorso entro 30 giorni. Può ricorrere anche l'Alto Commissario entro sessanta giorni.

La deliberazione in grado di appello è rimessa ad una Sezione speciale della Commissione centrale delle imposte costituita da un presidente, appartenente all'ordine giudiziario, di grado non inferiore a quello di primo presidente di Corte di appello, e da quattro commissari da nominarsi, l'uno e gli altri, dal Consiglio dei Ministri.

Al procedimento avanti la Sezione speciale della Commissione centrale si applicano le disposizioni dell'articolo 30, penultimo ed ultimo comma, e dell'art. 31.

Art. 33.

Le decisioni della Sezione speciale della Commissione centrale possono essere impugnate soltanto per asso-

Art. 34.

L'Alto Commissario può, anche fuori del termine suddetto, ma non oltre un biennio, promuovere la rettifica dell'accertamento, sebbene divenuto definitivo, in base a fatti di importanza notevole che non risultino dalla motivazione delle decisioni essere stati considerati nei procedimenti anteriori.

Tale rettifica è in ogni caso di competenza della Sezione speciale della Commissione centrale.

Art. 35.

Prima ancora che siano costituite le Sezioni speciali delle Commissioni provinciali, il presidente del Tribunale può, su richiesta dell'Alto Commissario o dell'Amministrazione finanziaria, disporre, con proprio decreto, il sequestro conservativo, anche presso terzi, dei beni mobili o immobili di pertinenza delle persone indicate all'art. 26.

La stessa facoltà spetta, anche di ufficio, ai presidenti delle Commissioni.

Si applicano le disposizioni del settimo e ottavo comma dell'art. 19 del Testo unico delle leggi in materia di imposta straordinaria sui maggiori utili relativi allo stato di guerra, approvato col R. decreto 3 giugno 1943, n. 598.

Art. 36.

In seguito a decreto dell'Alto Commissario da pubblicarsi nella *Gazzetta Ufficiale* del Regno, coloro che detengono beni di pertinenza delle persone indicate nel decreto stesso, quali ritenuti profittatori del regime, o che sono verso di esse debitori a qualsiasi titolo, debbono dichiararlo nei modi e termini che saranno stabiliti nel decreto, astenendosi dal consegnare i beni o dall'adempiere le obbligazioni verso il proprio creditore. Il fermo rimane senza effetto qualora non venga eseguito sequestro entro sessanta giorni dalla scadenza del termine per la dichiarazione e questa sia stata fatta.

Chi non adempie agli obblighi previsti nel presente articolo è punito come all'art. 31, quarto comma; salva la responsabilità civile per il pregiudizio alla finanza.

Chiunque, al fine di sottrarre all'azione dello Stato beni appartenenti alle persone ritenute profittatori del regime, aliena o comunque trasferisce presso terzi od occulta tali beni e chiunque li acquista, li riceve od occulta, ovvero si intromette nel farli acquistare, ricevere od occultare, è punito con la reclusione fino a dieci anni e con la multa fino a lire centomila.

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Art. 37.

La proposta di liquidazione della Commissione provinciale, quando non è stato avanzato reclamo dal debitore, ed in ogni caso la decisione della stessa, anche pendente l'appello alla Commissione centrale, e la decisione di quest'ultima sono titoli esecutivi, anche agli effetti delle trascrizioni nei registri immobiliari.

La riscossione delle somme attribuite allo Stato a titolo di profitto di regime può farsi con la procedura

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Le decisioni sono notificate al debitore, all'Amministrazione finanziaria ed all'Alto Commissario.

Art. 31.

La Sezione speciale della Commissione provinciale ha tutti i poteri di indagine, accesso, ispezione, controllo e richiesta di dati, conferiti agli agenti delle imposte dirette e alle Commissioni amministrative per l'accertamento dell'imposta straordinaria sui maggiori utili relativi allo stato di guerra.

Non è ammesso il diritto di astenersi dal testimoniare nei casi dell'art. 352 del Codice di procedura penale.

Chi, chiamato come testimonio o perito, non ottempera agli obblighi o commette falsità è punito a termine degli articoli 366, 372, 373 del Codice penale.

Chi non adempie alle altre richieste della Sezione è punito con la reclusione fino a sei mesi o con la multa da 300 a 5000 lire.

Le Amministrazioni e gli Enti pubblici, ove abbiano conoscenza che sono stati realizzati profitti di regime, debbono immediatamente comunicarlo all'Alto Commissario. Chi è tenuto a fare tali comunicazioni e non vi adempie è punito come al comma precedente.

Per l'assolvimento dei compiti della Sezione speciale, può essere comandato presso di essa personale delle polizia giudiziaria o di altri ruoli amministrativi e tecnici dello Stato.

Art. 32.

Contro le decisioni della Sezione speciale della Commissione provinciale il debitore e l'Amministrazione finanziaria possono presentare ricorso entro 30 giorni. Può ricorrere anche l'Alto Commissario entro sessanta giorni.

La deliberazione in grado di appello è rimessa ad una Sezione speciale della Commissione centrale delle imposte costituita da un presidente, appartenente all'ordine giudiziario, di grado non inferiore a quello di primo presidente di Corte di appello, e da quattro commissari da nominarsi, l'uno e gli altri, dal Consiglio dei Ministri.

Al procedimento avanti la Sezione speciale della Commissione centrale si applicano le disposizioni dell'articolo 30, penultimo ed ultimo comma, e dell'art. 31.

Art. 33.

Le decisioni della Sezione speciale della Commissione centrale possono essere impugnate soltanto per assoluto difetto di giurisdizione davanti alle Sezioni unite della Corte di cassazione. Il ricorso deve essere presentato dal debitore o dall'Amministrazione finanziaria entro quarantacinque giorni, salvo all'Alto Commissario la facoltà di ricorrere entro tre mesi.

Tale rettifica è in ogni caso di competenza della Sezione speciale della Commissione centrale.

Art. 35.

Prima ancora che siano costituite le Sezioni speciali delle Commissioni provinciali, il presidente del Tribunale può, su richiesta dell'Alto Commissario o dell'Amministrazione finanziaria, disporre, con proprio decreto, il sequestro conservativo, anche presso terzi, dei beni mobili o immobili di pertinenza delle persone indicate all'art. 26.

La stessa facoltà spetta, anche di ufficio, ai presidenti delle Commissioni.

Si applicano le disposizioni del settimo e ottavo comma dell'art. 19 del Testo unico delle leggi in materia di imposta straordinaria sui maggiori utili relativi allo stato di guerra, approvato col R. decreto 3 giugno 1943, n. 398.

Art. 36.

In seguito a decreto dell'Alto Commissario da pubblicarsi nella *Gazzetta Ufficiale* del Regno, coloro che detengono beni di pertinenza delle persone indicate nel decreto stesso, quali ritenuti profittatori del regime, o che sono verso di esse debitori a qualsiasi titolo, debbono dichiararlo nei modi e termini che saranno stabiliti nel decreto, astenendosi dal consegnare i beni o dall'adempiere le obbligazioni verso il proprio creditore. Il fermo rimane senza effetto qualora non venga eseguito sequestro entro sessanta giorni dalla scadenza del termine per la dichiarazione e questa sia stata fatta.

Chi non adempie agli obblighi previsti nel presente articolo è punito come all'art. 31, quarto comma; salva la responsabilità civile per il pregiudizio alla finanza.

Chiunque, al fine di sottrarre all'azione dello Stato beni appartenenti alle persone ritenute profittatori del regime, aliena o comunque trasferisce presso terzi od occulta tali beni e chiunque li acquista, li riceve od occulta, ovvero si intromette nel farli acquistare, ricevere od occultare, è punito con la reclusione fino a dieci anni e con la multa fino a lire centomila.

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Art. 37.

La proposta di liquidazione della Commissione provinciale, quando non è stato avanzato reclamo dal debitore, ed in ogni caso la decisione della stessa, anche pendente l'appello alla Commissione centrale, e la decisione di quest'ultima sono titoli esecutivi, anche agli effetti delle trascrizioni nei registri immobiliari.

La riscossione delle somme attribuite allo Stato a titolo di profitto di regime può farsi con la procedura e i privilegi stabiliti per la riscossione dell'imposta straordinaria sui maggiori utili relativi allo stato di guerra. L'intero debito può essere iscritto in ruolo straordinario, riscuotibile in unica soluzione.

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TITOLO IV.

Liquidazione dei beni fascisti.

Art. 38.

I beni del cessato partito nazionale fascista e delle organizzazioni soppresse dal R. decreto-legge 2 agosto 1943, n. 704, sono devoluti allo Stato.

Su proposta dell'Alto Commissario, i beni stessi saranno destinati, con decreto del Presidente del Consiglio, di concerto con i Ministri competenti, a servizi pubblici o a scopi di interesse generale, anche mediante cessione ad altri Enti pubblici o ad Associazioni assistenziali, sportive e simili.

Art. 39.

Al realizzo delle attività del partito nazionale fascista e degli enti soppressi provvede l'Amministrazione finanziaria dello Stato.

TITOLO V.

L'Alto Commissario.

Art. 40.

Ad assicurare l'applicazione del presente decreto è istituito un Alto Commissario per le sanzioni contro il fascismo.

L'Alto Commissario è nominato su deliberazione del Consiglio dei Ministri, ed è per la durata della carica equiparato ai magistrati dell'ordine giudiziario di primo grado.

Egli è assistito da alti commissari aggiunti per ciascuno dei rami di sua competenza.

In caso di suo impedimento essi possono sostituirlo ognuno per il proprio ramo.

Essi sono nominati dal Presidente del Consiglio dei Ministri su proposta dell'Alto Commissario, e sono equiparati ai magistrati di terzo grado.

All'Alto Commissariato possono essere assegnati commissari in numero non maggiore di due per ogni ramo, nominati nella forma prevista dal comma precedente.

All'ufficio dell'Alto Commissario vengono assegnati, su richiesta nominativa, magistrati e funzionari in numero adeguato, ed è posto alla sua dipendenza un nucleo di polizia giudiziaria composto di personale dei carabinieri, della pubblica sicurezza e della guardia di finanza. Degli uffici di segreteria possono essere chiamati a far parte anche estranei all'Amministrazione.

L'Alto Commissario e gli uffici dipendenti possono richiedere l'opera della polizia giudiziaria, che è tenuta ad eseguirne gli ordini.

Art. 41.

L'Alto Commissario dirige ed invigila l'opera di tutti gli organi a mezzo dei quali si adempiono le sanzioni contro il fascismo.

Spetta all'Alto Commissario di promuovere, di sua iniziativa o su segnalazione delle pubbliche amministrazioni [illegible]

L'Alto Commissario può, in casi di eccezionale gravità, derogare alle norme sulla competenza, deferendo all'Alta Corte di giustizia persone diverse da quelle indicate nell'art. 2 anche per reati non contemplati nell'articolo stesso.

Fermi restando gli obblighi e le attribuzioni del pubblico ministero, delle pubbliche Amministrazioni e di altri organi o enti, l'Alto Commissario può altresì, di sua iniziativa o su denuncia dei privati, promuovere:

1) l'azione per gli altri delitti previsti dal Titolo I;

2) l'azione per l'applicazione delle sanzioni stabilite dall'art. 8;

3) l'azione per la confisca dei beni di coloro che hanno collaborato coi tedeschi, ai sensi dell'art. 9;

4) il giudizio per l'epurazione delle Amministrazioni e la dispensa dal servizio, davanti alle apposite Commissioni di primo grado, ed in sede di ricorso a quella centrale;

5) l'accertamento e l'avocazione dei profitti di regime fascista, a cura delle Commissioni locali e della Commissione centrale delle imposte, con facoltà di promuovere in casi eccezionali la rettifica delle decisioni della stessa Commissione centrale;

6) le proposte per l'assegnazione regolare e più opportuna dei beni già di proprietà dei fasci e di enti fascisti;

7) ogni altra attribuzione prevista dal presente decreto e da altri provvedimenti.

TITOLO VI.

Disposizioni finali e transitorie.

Art. 42.

Per l'applicazione del presente decreto sono abolite tutte le prerogative, comprese quelle previste dagli articoli 36, 37 e 47 dello Statuto.

Art. 43.

I pubblici ufficiali e gli incaricati di pubblici servizi, investiti a norma del presente decreto di funzioni relative alla repressione dei delitti dei fascisti, all'epurazione delle Amministrazioni, all'avocazione dei profitti di regime e alla liquidazione dei beni fascisti, i quali si rendono responsabili di alcuno dei reati previsti e puniti dagli articoli 314, 316, 317, 318, 319, 320, 323, 324, 326 e 328 del Codice penale, sono puniti con le pene previste da detti articoli, aumentati da un terzo alla metà.

Art. 44.

I procedimenti già iniziati per la punizione dei delitti fascisti, per la epurazione e per l'avocazione dei profitti di regime, sono proseguiti con le norme del presente decreto, restando fermi gli atti compiuti che non siano incompatibili con le norme stesse.

I provvedimenti già emanati saranno riveduti se in contrasto con le disposizioni del presente decreto.

Art. 45.

Sarà, con successivi decreti legislativi, provveduto, in quanto occorra, all'esecuzione delle norme contenute

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Art. 38.

I beni del cessato partito nazionale fascista e delle organizzazioni soppresse dal R. decreto-legge 2 agosto 1943, n. 704, sono devoluti allo Stato.

Su proposta dell'Alto Commissario, i beni stessi saranno destinati, con decreto del Presidente del Consiglio, di concerto con i Ministri competenti, a servizi pubblici o a scopi di interesse generale, anche mediante cessione ad altri Enti pubblici o ad Associazioni assistenziali, sportive e simili.

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Al realizzo delle attività del partito nazionale fascista e degli enti soppressi provvede l'Amministrazione finanziaria dello Stato.

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L'Alto Commissario è nominato su deliberazione del Consiglio dei Ministri, ed è per la durata della carica equiparato ai magistrati dell'ordine giudiziario di primo grado.

Egli è assistito da alti commissari aggiunti per ciascuno dei rami di sua competenza.

In caso di suo impedimento essi possono sostituirlo ognuno per il proprio ramo.

Essi sono nominati dal Presidente del Consiglio dei Ministri su proposta dell'Alto Commissario, e sono equiparati ai magistrati di terzo grado.

All'Alto Commissariato possono essere assegnati commissari in numero non maggiore di due per ogni ramo, nominati nella forma prevista dal comma precedente.

All'ufficio dell'Alto Commissario vengono assegnati, su richiesta nominativa, magistrati e funzionari in numero adeguato, ed è posto alla sua dipendenza un nucleo di polizia giudiziaria composto di personale dei carabinieri, della pubblica sicurezza e della guardia di finanza. Degli uffici di segreteria possono essere chiamati a far parte anche estranei all'Amministrazione.

L'Alto Commissario e gli uffici dipendenti possono richiedere l'opera della polizia giudiziaria, che è tenuta ad eseguirne gli ordini.

Art. 41.

L'Alto Commissario dirige ed invigila l'opera di tutti gli organi a mezzo dei quali si adempiono le sanzioni contro il fascismo.

Spetta all'Alto Commissario di promuovere, di sua iniziativa o su segnalazione delle pubbliche amministrazioni o su denunzia sottoscritta da privati, l'azione per i delitti di cui all'art. 2, procedendo alla relativa istruttoria e deferendo l'imputato all'Alta Corte indicata nello stesso articolo, presso la quale egli esercita personalmente o per delega le funzioni di pubblico ministero.

l'articolo stesso.

Fermi restando gli obblighi e le attribuzioni del pubblico ministero, delle pubbliche Amministrazioni e di altri organi o enti, l'Alto Commissario può altresì, di sua iniziativa o su denuncia dei privati, promuovere:

1) l'azione per gli altri delitti previsti dal Titolo I;

2) l'azione per l'applicazione delle sanzioni stabilite dall'art. 8;

3) l'azione per la confisca dei beni di coloro che hanno collaborato coi tedeschi, ai sensi dell'art. 9;

4) il giudizio per l'epurazione delle Amministrazioni e la dispensa dal servizio, davanti alle apposite Commissioni di primo grado, ed in sede di ricorso a quella centrale;

5) l'accertamento e l'avocazione dei profitti di regime fascista, a cura delle Commissioni locali e della Commissione centrale delle imposte, con facoltà di promuovere in casi eccezionali la rettifica delle decisioni della stessa Commissione centrale;

6) le proposte per l'assegnazione regolare e più opportuna dei beni già di proprietà dei fasci e di enti fascisti;

7) ogni altra attribuzione prevista dal presente decreto e da altri provvedimenti.

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Art. 42.

Per l'applicazione del presente decreto sono abolite tutte le prerogative, comprese quelle previste dagli articoli 36, 37 e 47 dello Statuto.

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Art. 44.

I procedimenti già iniziati per la punizione dei delitti fascisti, per la epurazione e per l'avocazione dei profitti di regime, sono proseguiti con le norme del presente decreto, restando fermi gli atti compiuti che non siano incompatibili con le norme stesse.

I provvedimenti già emanati saranno riveduti se in contrasto con le disposizioni del presente decreto.

Art. 45.

Sarà, con successivi decreti legislativi, provveduto, in quanto occorra, all'esecuzione delle norme contenute nel presente decreto legislativo.

Il Ministro pel tesoro è autorizzato ad apportare, con propri decreti, le variazioni al bilancio dello Stato, occorrenti per il funzionamento dell'Alto Commissariato e degli organi istituiti dal presente decreto.

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Art. 46.

Sono abrogati i Regi decreti-legge 9 agosto 1943, n. 720, 28 dicembre 1943, n. 29/B, 26 maggio 1944, n. 134.

Sono altresì abrogate le disposizioni contenute nel R. decreto-legge 12 aprile 1944, n. 101, nella parte riflettente la materia regolata dal presente decreto.

Art. 47.

Il presente decreto entra in vigore il giorno della sua pubblicazione nella *Gazzetta Ufficiale* del Regno - serie speciale.

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

Dato a Roma, addì 27 luglio 1944

UMBERTO DI SAVOIA

BONOMI — CIANCA — DE GASPERI — RUINI — SARAGAT — SFORZA — TOGLIATTI — CARANDINI — TUPINI — SIGLIENTI — SOLERI — CASATI — DE COURTEN — PIACENTINI — DE RUGGIERO — MANCINI — GULLO — CERABONA — GRONCHI

Visto, *il Guardasigilli*: TUPINI
Registrato alla Corte dei conti, addì 27 luglio 1944
Registro n. 1. Presidenza, foglio 54. — MASI

DECRETO MINISTERIALE 11 luglio 1944.

Autorizzazione ad alcuni Istituti a fungere da agenzie della Banca d'Italia.

IL MINISTRO PER IL TESORO

Visto il decreto Ministeriale 8 dicembre 1934, che stabilisce l'obbligo della cessione dei mezzi di pagamento derivanti da esportazioni e che detta norme per il commercio di ogni mezzo che possa servire a pagamenti all'estero;

Visto l'art. 10 del suddetto decreto Ministeriale 8 dicembre 1934, secondo il quale alcune Banche possono essere autorizzate a funzionare da agenzie della Banca d'Italia limitatamente agli scopi indicati dagli articoli del detto decreto Ministeriale e nel modo nel medesimo specificato;

Visto il decreto del 22 dicembre 1942 del Ministero per gli scambi e per le valute col quale furono autorizzati, fra gli altri, il Banco di Napoli e il Banco di Sicilia a funzionare da agenzie della Banca d'Italia dal 1° gennaio al 31 dicembre 1943;

Ritenuta la opportunità di estendere le suddette funzioni dei Banchi di Napoli e di Sicilia anche all'anno 1944;

Decreta:

Il Banco di Napoli ed il Banco di Sicilia sono autorizzati, con decorrenza dal 1° gennaio 1944 fino al 31 dicembre 1944, a continuare a funzionare da agenzie della Banca d'Italia, sotto il controllo della stessa,

CONCORSI

MINISTERO DELLE FINANZE

ENTE NAZIONALE DI PREVIDENZA ED ASSISTENZA PER I DIPENDENTI STATALI

Previdenza per il personale civile e militare dello Stato

Concorso per n. 50 posti in convitti ed orfanotrofi e per n. 550 borse di studio

ASSISTENZA SCOLASTICA AGLI ORFANI DEGLI ISCRITTI

Convitti ed orfanotrofi

I posti gratuiti in convitti ed orfanotrofi (maschili e femminili) da conferirsi per l'anno scolastico 1944-45 mediante concorso per titoli agli orfani degli iscritti sono 50.

Per la partecipazione al concorso occorre che gli orfani abbiano non meno di 7 anni e non più di 12 anni al 30 settembre 1944.

Per gli orfani ammessi in convitto o in orfanotrofio l'Ente assume l'onere della retta, dell'uniforme, delle tasse scolastiche, dei libri e della rinnovazione delle calzature.

Il corredo prescritto dal convitto e le conseguenti riparazioni e rinnovazioni nonchè tutte le altre spese accessorie sono a carico delle rispettive famiglie.

Borse di studio

Le borse di studio da conferirsi per l'anno scolastico 1944-1945 agli *orfani* degli iscritti, mediante concorso per titoli, sono distribuite come appresso:

n. 100 da L. 800 per le scuole elementari;

n. 120 da L. 1200 per la scuola media di 1° grado e per la scuola di avviamento professionale;

n. 15 da L. 1500 per il ginnasio superiore;

n. 80 da L. 1800 per il liceo, l'istituto tecnico superiore, l'istituto magistrale superiore e per la scuola tecnica;

n. 70 da L. 3000 per le università e gli altri istituti di istruzione superiore;

n. 7 da L. 3500 per corsi di specializzazione o di perfezionamento postuniversitari.

ASSISTENZA SCOLASTICA AI FIGLI DI ISCRITTI IN SERVIZIO ATTIVO

Borse di studio

Le borse di studio da conferirsi per l'anno scolastico 1944-1945 *ai figli* degli iscritti, mediante concorso per titoli, sono distribuite come appresso:

n. 100 da L. 1990 per il liceo, l'istituto tecnico superiore e l'istituto magistrale superiore;

n. 50 da L. 3000 per le università e gli altri istituti di istruzione superiore;

n. 8 da L. 3500 per corsi di specializzazione o di perfezionamento postuniversitari aventi la durata massima di 4 anni.

AVVERTENZE

Al concorso possono partecipare soltanto gli orfani e i figli degli *iscritti* e cioè del personale civile *di ruolo* dello Stato, dei marescialli e degli ufficiali in S. P., categorie queste già iscritte all'Opera di previdenza per i personali civili e militari dello Stato, incorporata in questo Ente dal 1° settembre 1942, nonchè gli orfani e i figli dei soli insegnanti elementari di ruolo dello Stato iscritti all'Ente dal 1° ottobre 1942.

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n. 134.

Sono altresì abrogate le disposizioni contenute nel R. decreto-legge 12 aprile 1944, n. 101, nella parte riflettente la materia regolata dal presente decreto.

Art. 47.

Il presente decreto entra in vigore il giorno della sua pubblicazione nella *Gazzetta Ufficiae* del Regno serie speciale.

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

Dato a Roma, addì 27 luglio 1944

UMBERTO DI SAVOIA

BONOMI — CIANCA — DE GASPERI — RUINI — SARAGAT — SFORZA — TOGLIATTI — CARANDINI — TUPINI — SIGLIENTI — SOLERI — CASATI — DE COURTEN — PIACENTINI — DE RUGGIERO — MANCINI — GULLO — CERABONA — GRONCHI

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Autorizzazione ad alcuni Istituti a fungere da agenzie della Banca d'Italia.

IL MINISTRO PER IL TESORO

Visto il decreto Ministeriale 8 dicembre 1934, che stabilisce l'obbligo della cessione dei mezzi di pagamento derivanti da esportazioni e che detta norme per il commercio di ogni mezzo che possa servire a pagamenti all'estero;

Visto l'art. 10 del suddetto decreto Ministeriale 8 dicembre 1934, secondo il quale alcune Banche possono essere autorizzate a funzionare da agenzie della Banca d'Italia limitatamente agli scopi indicati dagli articoli del detto decreto Ministeriale e nel modo nel medesimo specificato;

Visto il decreto del 22 dicembre 1942 del Ministero per gli scambi e per le valute col quale furono autorizzati, fra gli altri, il Banco di Napoli e il Banco di Sicilia a funzionare da agenzie della Banca d'Italia dal 1° gennaio al 31 dicembre 1943;

Ritenuta la opportunità di estendere le suddette funzioni dei Banchi di Napoli e di Sicilia anche all'anno 1944;

Decreta:

Il Banco di Napoli ed il Banco di Sicilia sono autorizzati, con decorrenza dal 1° gennaio 1944 fino al 31 dicembre 1944, a continuare a funzionare da agenzie della Banca d'Italia, sotto il controllo della stessa, ai fini contemplati nel su menzionato decreto 8 dicembre 1934.

Roma, addì 11 luglio 1944

Il Ministro: SOLERI

MINISTERO DELLE FINANZE

ENTE NAZIONALE DI PREVIDENZA ED ASSISTENZA PER I DIPENDENTI STATALI

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Per la partecipazione al concorso occorre che gli orfani abbiano non meno di 7 anni e non più di 12 anni al 30 settembre 1944.

Per gli orfani ammessi in convitto o in orfanotrofio l'Ente assume l'onere della retta, dell'uniforme, delle tasse scolastiche, dei libri e della rinnovazione delle calzature.

Il corredo prescritto dal convitto e le conseguenti riparazioni e rinnovazioni nonchè tutte le altre spese accessorie sono a carico delle rispettive famiglie.

Borse di studio

Le borse di studio da conferirsi per l'anno scolastico 1944-1945 agli *orfani* degli iscritti, mediante concorso per titoli, sono distribuite come appresso:

n. 100 da L. 800 per le scuole elementari;

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n. 80 da L. 1900 per il liceo, l'istituto tecnico superiore, l'istituto magistrale superiore e per la scuola tecnica;

n. 70 da L. 3000 per le università e gli altri istituti di istruzione superiore;

n. 7 da L. 3500 per corsi di specializzazione o di perfezionamento postuniversitari.

ASSISTENZA SCOLASTICA AI FIGLI DI ISCRITTI IN SERVIZIO ATTIVO

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Le borse di studio da conferirsi per l'anno scolastico 1944-1945 *ai figli* degli iscritti, mediante concorso per titoli, sono distribuite come appresso:

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AVVERTENZE

Al concorso possono partecipare soltanto gli orfani e i figli degli *iscritti* e cioè del personale civile *di ruolo* dello Stato, dei marescialli e degli ufficiali in S. P., categorie queste già iscritte all'Opera di previdenza per i personali civili e militari dello Stato, incorporata in questo Ente dal 1° settembre 1942, nonchè gli orfani e i figli dei soli insegnanti elementari di ruolo dello Stato iscritti all'Ente dal 1° ottobre 1942.

Per l'ammissione al concorso per posti in convitti ed orfanotrofi, nonchè per le borse di studio, l'aspirante non deve essere in ritardo con gli studi, e deve aver conseguito l'ammissione o la promozione nella sessione estiva del corrente anno scolastico 1943-44.

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Le domande devono pervenire al più presto e comunque non oltre il 15 settembre 1944 all'Ente nazionale di previdenza ed assistenza per i dipendenti statali, via Liegi, 51, Roma.

Detti termini sono improrogabili. Le domande non pervenute in tempo debito, o non regolarmente documentate, *non saranno prese in considerazione*.

Nelle domande è necessario precisare a quale beneficio si intenda concorrere e il corso di studio che si vuol seguire, e indicare con esattezza il domicilio.

I documenti rilasciati dall'ufficio di stato civile debbono essere legalizzati dalla competente autorità.

Le domande e i documenti sono esenti dalle tasse di bollo, giusta l'art. 25 della legge 19 gennaio 1942, n. 22.

Documenti da produrre a corredo delle domande nell'interesse degli orfani

1. Estratto dell'atto di nascita del concorrente.
2. Estratto dell'atto di morte dell'impiegato o del militare.
3. Estratto dell'atto di matrimonio dei genitori del concorrente.
4. Documenti che comprovino se il concorrente sia eventualmente orfano di guerra.
5. Certificato municipale da rilasciarsi in data posteriore al presente bando di concorso, sulla conforme dichiarazione di tre testimoni, ed in base alle risultanze anagrafiche e dello stato civile, dal quale risulti la situazione della famiglia nonchè la professione e la condizione economica di ciascun membro della famiglia anche non convivente. Dal detto certificato deve pure risultare se il concorrente o qualcuno dei suoi fratelli sia vivoverario, oppure assistito, a cura di qualche Ente.
6. Il decreto col quale è stata liquidata alla vedova o agli orfani l'indennità o la pensione.
7. La copia dello *stato di servizio* dell'impiegato o del militare.
8. Estratto dell'atto di morte della moglie dell'impiegato o del militare, se l'orfano che concorre è privo di ambedue i genitori.
9. Atto di nomina del tutore, se l'orfano è minorenne e privo di entrambi i genitori.
10. Certificato dell'autorità scolastica con i voti riportati per l'ammissione o la promozione al corso da frequentare. Se l'aspirante trovasi già iscritto all'università o ad altro istituto superiore devesi unire un certificato con le seguenti indicazioni:

a) corso o anno a cui lo studente è iscritto;

b) elenco delle materie obbligatorie consigliate dalla Facoltà per tutti i corsi frequentati;

c) esami superati durante gli anni scolastici già percorsi, col voto conseguito in ciascuna materia.

Documenti da produrre a corredo delle domande nell'interesse dei figli di iscritti in servizio attivo

I figli degli iscritti all'Opera di previdenza, che desiderino concorrere ad una delle borse di studio per frequentare il liceo, l'istituto tecnico, l'istituto magistrale, l'università e gli altri istituti di istruzione superiore, devono unire alla istanza i documenti indicati ai nn. 1, 3, 4, 5, 7 e 10, e una dichiarazione dell'Amministrazione da cui risulti che l'iscritto è in attività di servizio.

Per partecipare al concorso suddetto occorre che l'ammissione o la promozione al corso da frequentare sia stata conseguita *con una media non inferiore a 8 decimi* e che con la detta media siano stati superati gli esami di tutte le materie consigliate da la Facoltà per i corsi frequentati.

Per quelli che già frequentino l'università o altro istituto superiore equipollente occorre inoltre che sia prodotto un certificato dell'autorità scolastica da quale risulti che è stato conseguito a suo tempo, in unica sessione e con una media generale non inferiore a 8 decimi, il titolo di studio necessario per l'ammissione all'università o all'istituto superiore equipollente.

Documenti da produrre a corredo delle domande per borse di studio per frequentare corsi di perfezionamento o di specializzazione degli orfani e dei figli di iscritti in servizio attivo.

Per concorrere alle borse di studio per i corsi di specializzazione o di perfezionamento tanto gli orfani quanto i figli degli iscritti debbono inviare, oltre la domanda — nella quale debbono essere indicati il corso che si intende seguire, la durata, e la località nella quale il corso stesso verrà tenuto — i documenti segnati ai nn. 1, 3, 4, 5 e 7 e, occorrendo, a seconda dei casi, anche quelli indicati ai nn. 2, 6, 8 e 9 e un certificato della competente Autorità scolastica, dal quale risultino i voti riportati nell'esame di laurea e in tutti gli esami speciali, avvertendo che la votazione dell'esame di laurea, conseguita da non oltre due anni, non deve essere inferiore a 8 decimi, nonchè una dichiarazione dell'università o dell'istituto di istruzione attestante che il corso indicato dall'aspirante è un corso di specializzazione o di perfezionamento post-universitario, al quale possono iscriversi *esclusivamente* i laureati. Si farà altresì risultare la durata del corso, indicando che questo avrà inizio nell'anno accademico 1944-45.

I candidati possono unire altresì le pubblicazioni e i certificati che credessero opportuno di presentare.

Roma, addì 30 giugno 1944

Il Commissario: GEN. F. CALLARI

GIOLITTI GIUSEPPE, *direttore* — SANTI RAFFAELE, *gerente*

Roma — Istituto Poligrafico dello Stato — G. C.

Declassified E.O. 12356 Section 3.3/NND No. 788120

1979

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/3B/AS

20 Aug 44

SUBJECT : Defascism.

TO : All Sections and Sub-Commissions.

1 In order to ensure continuity of services necessary for military purposes it has been decided that Italians employed in the higher grades in technical professions and in public utility undertakings will not be removed from such appointments for reasons of epuration without the prior consent of the Allied Authorities having been obtained.

2 Sub-Commissions responsible for the supervising of Defascism will arrange with the appropriate Minister that no higher grade employee engaged in a technical profession or in a public utility undertaking whose work is or may be necessary for military purposes shall be dismissed or suspended without the consent of ACC having been previously obtained and that such consent cannot be given if no adequate replacement is available. It will therefore facilitate the granting of consent in cases of doubt if the names and qualifications of suitable substitutes are submitted with the request for suspension.

3 It should also be impressed upon Ministers that no information as to any proposed action should be allowed to be come known prior to consent being granted by ACC.

4 It should be emphasised that this instruction applies only to technical experts and that the numbers affected will be kept to a minimum.

5 Sub-Commissions are reminded that the Army is particularly interested in the services of communications, transportation and in the provision of electricity but interests in other spheres must not be overlooked.

6 No action hereunder is authorised beyond such as is essential to protect military interests and any delay imposed shall be the minimum necessary for that purpose and every possible assistance shall be afforded to the quickest termination of epuration proceedings as is consistent with military interests.

3795

S.H. WHITE, Lt Col
for G.R. UPJOHN, Colonel,
Acting Head, Admin Section.

Ext: 469
SHW/wb.

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

Ref: 313/167/CA

4 August 44

Subject: Defascism.

To: Regional Commissioners, Region: I II III IV V VI VII VIII IX Z.
S.C.A.C.'s 5 and 8 Armies.

1. NNL 159 "Sanctions against Fascism" was published on July 29. A translation has already been circulated for distribution down to Provincial Commissioners.

2. The decree has already been extended to Military Government Territory which is under Regional Control and all Regional Orders or other instructions on this subject will no longer be enforced.

3. The decree which is in six parts, deals with three main classes of cases:
   a Part I declares certain political acts committed in the past to be crimes against the state, sets up courts to try such cases and lays down the punishments.
   b Part II provides the machinery for investigating the political background of officials and of employees of national concernsand of local bodies and directs the removal from office or employment of those with fascist sympathy.
   c Part III provides for the investigation of cases of "enrichment" and for forfeiture of property where no satisfactory explanation of "enrichment" is forthcoming.
   d The other three parts are of an administrative nature.

4. So far as ACC is concerned 3a and 3c are for the time being regarded as matters domestic to the Italian people though ACC may have to take supervisory steps later; but, ACC is pledged (as is the Italian Government) to remove fascists and to clear Italian administration and industry of fascism. 3b therefore is very much the concern of ACC.

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5. The decree provides for the setting up in every Ministry of a commission which is responsible for investigating the political history and in appropriate cases dismissing or otherwise dealing with not only the officials of that Ministry down to junior officials in rural areas but of all employees of national concerns for which under Italian law the Ministries are responsible, again right down to the branch office.

6. At HQ ACC the appropriate Sub-Commission is responsible for ensuring that

Declassified E.O. 12356 Section 3.3/NND No. 788120

Subject: Defascism.

To: Regional Commissioners, Region: I II III IV V VI VII VIII IX Z.
S.C.A.C.'s 5 and 8 Armies.

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   c Part III provides for the investigation of cases of "enrichment" and for forfeiture of property where no satisfactory explanation of "enrichment" is forthcoming.
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3294

5. The decree provides for the setting up in every Ministry of a commission which is responsible for investigating the political history and in appropriate cases dismissing or otherwise dealing with not only the officials of that Ministry down to junior officials in rural areas but of all employees of national concerns for which under Italian law the Ministries are responsible, again right down to the branch office.

6. At HQ ACC the appropriate Sub-Commission is responsible for ensuring that defascism is effectively carried out by these Commissions (col 2 of A/CC 250 of 15 Jul). Though these Sub Comms will be notified by the Ministerial Commissions of persons dismissed that will give them no picture of the persons remaining in Regions who ought to be but have not been dealt with, nor with the rate at which defascising is proceeding; for this information they must rely upon reports from Regions. At Regional level Regional Commissioner will be responsible for supervising the progress of defascising; he will ensure that his divisional officers keep him and Sub-Comms fully informed of the progress of defascism and in particular report persons who should be but have not been dealt with and see that any dismissals ordered are effectively carried out.

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Declassified E.O. 12356 Section 3.3/NND No. 785120

7. The decree also provides for the setting up in every province of a Provincial Commission which is responsible for dealing with the officers and employees of local bodies, welfare institutions and the like which are under the control of provinces or communes and do not come directly under any Ministry.

8. The responsibility for supervising the progress of defascising by the Provincial Commissions devolves upon the Regional Commissioner. Instructions as to the returns required to enable progress to be watched will be the subject of a separate communication.

9. The usual distinction between military and Italian Government territory will apply; namely that in the former the responsible officer can direct the prefect to set up a commission and ensure that it functions; in the latter he can only advise and press. In the latter case if no satisfactory response is obtained, the matter will be reported so that HQ ACC (which has received the Italian Government's undertaking that defascising will be dealt with expeditiously) can through that Government bring pressure to bear on the defaulting party.

10. It is important that as much progress as possible should be made in areas soon to be restored to the Italian Government. If it is possible to get provincial commissions formed and functioning before the Italian Government takes over, much time will be saved.

11. Nothing in this decree affects the right of a CA officer in Military Government territory to remove any Italian officials from their employment whether for fascism, incompetence, corruption or for any other reason.

In Army areas in particular, it is important that the directions contained in Exec Memo 67 should continue to be effectively applied.

NORMAN E. FISKE,
Colonel,
Deputy Executive
Commissioner.

Copy to : Acting Chief Commissioner.
Econ Sec (10)
Admin Sec (10)
Pol Sec (2)
Army Sub Comsn (2)
Navy Sub Comsn (2)
Air Sub Comsn (2)
Communication Sub Comsn (2)
Security Branch (2)
ERC (2)
File (2)

1982

Declassified E.O. 12356 Section 3.3/NND No. 785220

DF/3B/AS

NOTES OF A MEETING ON DEFASCISM - 6 AUG 44

Present : All Sections and Sub-Commissions responsible for supervising Defascism (col 2 of A/CC 250 of 15 Jul) except Army Sub-Commission.

Col Upjohn explained some of the principal features of Part II of the decree and that we are not at present taking a sharp interest in the other parts.

The object to be achieved is the removal of notorious and erdent fascists from the heads of all department and and national concerns and for the removal of all those who are notorious and conspicuous locally from their positions. It was not intended to dismiss large numbers of the unimportant because they had been fascists. To do so might disorganise administration; it might create an unemployment problem; it would create a core of persons with a grievance. Most would require to be maintained.

Having explained the machinery, Col Upjohn impressed on the Sub-Commissions the importance of getting their Commissions at work quickly, they must press for names, excuses should not be accepted. It was not proposed to screen the persons appointed we must trust the Italians not to appoint fascists. To screen would cause a great deal of delay but if anything was known or found out against any appointee it should be reported. It was pointed out that if all Presidents were taken from the Legal side it might affect the working of the Courts. Attention would be drawn to this

The cases of all persons either removed or not re-employed would have to be brought before the Commission. Those exonerated might be re-employed. It was being arranged that we should be notified of cases against such persons so that any evidence we had might be presented and our views made known.

Attention was called to the circular letter on the decree. It would be for Regions to keep Sub-Commissions informed of conspicuous fascists who were not dealt with and see that dismissals were in fact carried out. Regions will supply Sub-Comsns with such reports and returns as may be essential to show progress but paper should should be kept down as much as possible.

No person is indispensable, we are pledged to remove notorious fascists and the will be removed. If they have rendered or are rendering good work to the Allied cause they will be brought before the Commission but evidence in mitigation may be given and they may be excused or a punishment less than dismissal may be awarded under Arts 14, 16 or 17 as may be appropriate.

The question of payment during suspension was raised. It was considered that Art 22 was equitable and in accord with Allied practices. Punishment should not be inflicted on persons before they were found guilty. It was up to Sub-Commissions to ensure that there was no undue delay.

There was no objection to Ministers suspending persons by arrangement with Sub-Commissions working as advisory bodies if they so wished.

379

The Italian Government proposes to use local Committees of National Liberation to assist in obtaining local information for it.

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Distribution : Acting Chief Commissioner.
RC & MG SECTION
Agriculture Sub-Comsn.
Legal Sub-Comsn. (2)
Commerce Sub-Comsn.
Communications Sub-Comsn.
Education Sub-Commission
Finance Sub-Comsn.
Admin Section (2)
Spares (10)
Army Sub-Comsn.
Public Works & Utilities Sub-Comsn.
Transportation Sub-Comsn.
Political Section (2)
Air Sub-Comsn.
Navy Sub-Commission
Shipping Sub-Comsn.
File (2)

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1985

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

Dr/2B/AS. 31 Jul 44.

SUBJECT : Defascism.

TO : Regional Commissioners,
Regions I, II, III, IV, V, VI, VII, VIII, & IX.

1 Will you please arrange to review what documentary evidence including Scheda Personale as is in your hands and arrange to transmit that which relates to persons whom you think should be removed from office, to the appropriate Sub-Commission (v. col 2 of 1/CC of 15 Jul). So that evidence may be laid before the appropriate Ministerial Commission.

2 This evidence should include documents, records and other papers of any epuration proceedings which were in hand or contemplated. It should also include evidence as to persons who have been removed from office as these are regarded as only suspended until they are removed from office under this decree.

3 In this connection you will no doubt bear in mind that prejudicial or "national" undertakings will be pursued by the Commission of that Ministry responsible for supervising the work of such concern.

C.R. URJONI Col,
A/D. Admin Sec.

Copies to: Economic Section (10)
Copies to Army Sub Comsn (1)
Air " " (1)
Navy " " (1)

7 Aug 44.

Ext 469
SiW/Cal

792

Rec'd 5/6 Trn Fldr 1600 Day

THE

DECREE

AS TO

SANCTIONS AGAINST FASCISM

Part I - Crimes

Part II - Purging

Part III - Enrichment

Part IV - Fascist Funds

Part V - The High Commissioner

Part VI - Miscellaneous

3791

1986

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1987

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

31 Jul 44.

DE/ZB/AS.

SUBJECT : Defascism.

TO : Regional Commissioners,
Regions I, II, III, IV, V, VI, VII, VIII, & IX.

1 Will you please arrange to review what documentary evidence including Scheda Personale as is in your hands and arrange to transmit that which relates to persons whom you think should be removed from office, to the appropriate Sub-Commission (Ref. col 2 of A/CC of 15 Jul). So that evidence may be laid before the appropriate Ministerial Commission.

2 This evidence should include documents, records and other papers of any conviction proceedings which were in hand or contemplated. It should also include evidence as to persons who have been removed from office as these are regarded as only suspended until they are removed from office under this decree.

3 In this connection you will no doubt bear in mind that parental or "national" undertakings will be purged by the Commission of that Ministry responsible for supervising the work of such concern.

G.R. Bryant

G.R. BRYANT Col,
A/D. Admin Sec.

Copies to: Economic Section (10)
RCMC Section (1)
Administrative Section (1)
Army Sub Comsn (1)
Air " " (1)
Navy " " (1)

7 Aug 44.

Ext 459
SHW/gal

792

1988

Declassified E.O. 12356 Section 3.3/NND No. 785020

From Admin Sec.

To NAVY Sub Commission

Rec 58 [illegible] Plan 1000 [illegible]

THE

DECREE

AS TO

SANCTIONS AGAINST FASCISM

Part I - Crimes

Part II - Purging

Part III - Enrichment

Part IV - Fascist Funds

Part V - The High Commissioner

Part VI - Miscellaneous

Declassified E.O. 12356 Section 3.3/NND No. 785020

PART I

PUNISHMENT OF CRIMES

1 All penal provisions issued to safeguard institutions and political organisations created by fascism are hereby repealed.

Decisions already pronounced by virtue of such provisions are hereby annulled.

2 Members of the Government and high ranking members of fascism, guilty of annulling the guarantees given under the constitution, of destroying the liberty of the people, of creating the fascist regime, of compromising and betraying the fortunes of the country bringing it to the present disaster shall be punished by penal servitude for life and, in cases where the responsibility is greater, by death.

They shall be tried by a High Court of Justice composed of a President and eight members, chosen by the Council of Ministers, from among high ranking judicial officials serving now or in retirement and from among other persons of unquestionable rectitude.

3 Those who organised fascist squads, committing acts of violence and pillage and those who promoted and directed the revolt of 28 October 1922 shall be punished according to Art 120 of the Penal Code 1889.

Those who promoted and directed the Coup d'Etat of 3 January 1925 and those who have since contributed by relevant action to maintain the fascist regime in power shall be punished in accordance with Art 118 of the aforesaid code.

Whosoever has committed any other crime for fascist reasons or taken advantage of the political situation created by fascism shall be punished according to the laws obtaining at the time of the crime.

4 Those crimes described in the preceding Article shall be tried by the Court of Assize, by the Tribunals and by the Pretors according to their respective jurisdiction.

The Court of Assize shall be composed of two judicial officials as described in the law as to the constitution of the Courts of Assize, and of five lay judges chosen by lot from special lists of citizens of unblemished moral and political behaviour.

5 Whosoever whether a member of the Armed Forces or not, after 8 September 1943 has committed a crime against loyalty and the military defence of the State, by any kind whatsoever of active collaboration help or assistance given to the German invader shall be punished according to the provisions of the Military Penal Code of War.

Members of the armed forces shall be tried by Military Courts, civilians by ordinary Courts.

6 Any limitation of time with regard to the offence or the punishment thereof shall not apply to any person guilty of, any crime described in this decree, who because of the existence of the fascist regime has not been punished.

For the same reason amnesties and pardons granted after 28 October 1922 in respect of any crime described in this decree shall be invalid, any already granted shall be revoked.

The High Commissioner may propose the revocation of any royal pardon already granted.

When a decision regarding any such crimes has been influenced by any [illegible] such decision may be declared to be

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betraying the fortunes of the country bringing it to the present disaster shall be punished by penal servitude for life and, in cases where the responsibility is greater, by death.

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The High Commissioner may propose the revocation of any royal pardon already granted.

When a decision regarding any such crimes has been influenced by any moral co-ercion resulting from fascism, such decision may be declared to be legally non-existent.

Declarations in this respect shall be made by a Section of the Supreme Court of Cassation appointed by the Minister of Justice.

The provisions of this decree shall not apply in regard to any crimes punishable by imprisonment for three years or less.

7 The punishment prescribed for any crime described in this part may be reduced by up to one quarter and imprisonment for not less than five years may be substituted for a sentence of death or of imprisonment for life.

a. if the accused had before the outbreak of this war either retired from political life or had been openly opposed to fascism;

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b if the accused has actively participated in the struggle against the Germans

c Where general extenuating circumstances exist imprisonment for 30 years shall be substituted for penal servitude for life and other penalties shall be reduced by one sixth.

The guilty party shall be declared not punishable if he distinguished himself by special acts of valour in the struggle against the Germans.

8 Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts acts particularly serious which while not being offences in the eyes of the law are nevertheless contrary to the rules of social and political integrity shall be subjected to temporary disqualification from holding any public office or to loss of political rights for a period of not more than ten years.

Whenever such a person is deemed to be a danger to society he may be sent to an agricultural colony or a labour institution for a period of not less than one or more than ten years.

The provisions contained in this Article shall be administered by a Provincial Commission presided over by a judicial official and composed of two other members chosen by lot from among the lay judges described in Art 4.

As regards members of the legislative assembies or other institutions who by their votes or actions contributed to the maintenance of the fascist regime and made war possible, they shall be dismissed from their office on decision of the High Court described in Art 2, without prejudice to any of the other provisions set out in this Decree in so far as they may be applicable.

9 Without prejudice to any legal action, the property of any citizen who has betrayed his country placing himself voluntarily and actively at the service of the German invaders shall be forfeited to the State.

In penal proceedings such forfeitures shall be pronounced by a judicial authority competent to pronounce sentence of condemnation. In other cases referred to them by the High Commissioner, by the Tribunals territorially competent.

10 In regard to any matter not specifically provided for by this part the rules of the Code of Penal Procedure shall obtain whensoever may be applicable.

PART II PURGING OF THE ADMINISTRATION

11 Officials and employees of the following bodies shall be subject to epuration proceedings:-

(1) civil and military State Administrations, even if autonomous;
(2) local authorities and other public bodies and institutions;
(3) special concerns operating under public authorities or bodies and private concerns recognised by the State as controlling public utility undertakings or concerns having nation wide interests.

12 The following shall be dismissed from service:

(1) any person, particularly if when holding high office, who has by participating actively in the political life of fascism or by showing himself as a consistent apologist of fascism, shown that he is unworthy of serving the State;

(2) any person who has obtained an appointment or promotion through p~~ersy~~-

Declassified E.O. 12356 Section 3.3/NND No. 785220

8 Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts acts particularly serious which while not being offences in the eyes of the law are nevertheless contrary to the rules of social and political integrity shall be subjected to temporary disqualification from holding any public office or to loss of political rights for a period of not more than ten years.

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The provisions contained in this Article shall be administered by a Provincial Commission presided over by a judicial official and composed of two other members chosen by lot from among the lay judges described in Art 4.

As regards members of the legislative assemblies or other institutions who by their votes or actions contributed to the maintenance of the fascist regime and made war possible, they shall be dismissed from their office on decision of the High Court described in Art 2, without prejudice to any of the other provisions set out in this Decree in so far as they may be applicable.

9 Without prejudice to any legal action, the property of any citizen who has betrayed his country placing himself voluntarily and actively at the service of the German invaders shall be forfeited to the State.

In penal proceedings such forfeitures shall be pronounced by a judicial authority competent to pronounce sentence of condemnation. In other cases referred to thereby the High Commissioner, by the Tribunals territorially competent.

10 In regard to any matter not specifically provided for by this part the rules of the Code of Penal Procedure shall obtain whensoever may be applicable.

PART II PURGING OF THE ADMINISTRATION

11 Officials and employees of the following bodies shall be subject to epuration proceedings:-

(1) civil and military State Administrations, even if autonomous;
(2) local authorities and other public bodies and institutions;
(3) special concerns operating under public authorities or bodies and private concerns recognised by the State as controlling public utility undertakings or concerns having nation wide interests.

12 The following shall be dismissed from service:

(1) any person, particularly if when holding high office, who has by participating actively in the political life of fascism or by showing himself as a consistent apologist of fascism, shown that he is unworthy of serving the State;

(2) any person who has obtained an appointment or promotion through ~~party~~ favouritism of the party or of fascist officials of high rank.

13 Any employee who has been guilty of fascist bias incompetence or corrupt practices such as have been introduced by fascism into public administration, shall be likewise dismissed.

Whenever evidence of an offence is found during an epuration proceeding, such evidence shall be reported to the competent authority.

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14 Any person who has held the position of "squadrista" or "sanzepolerista" or "centurione", "Marcia su Roma", "Sciarpe littorie" or who has been an officer in the Fascist Militia if he has been guilty of Fascist partisanship or improper conduct shall be dismissed from his office or employment, but if not so guiltyhe may be awarded less severe punishment.

15 Any person who has received undue promotion or any preference in any competitive examinations because of his fascist position may in lieu of dismissal be reduced in rank or be returned to his former position.

16 Any person who has after 8 September 43 distinguished himslef in the struggle against the Germans may be excused from dismissal or other disciplinary measure.

17 Any employee who, after 8 September 43, moved to North Italy with or has pledged allegiance to or has in any way collaborated with the (Republican) Fascist Government shall be dismissed.

Punishment of lesser degree may be awarded to such as show that he or his relatives were exposed to serious threats or danger.

Any person who by his acts has effectively aided the patriots or has undermined the work of the Germans or of the (Republican) Fascist Government which they were apparently serving, may be excused from punishment.

In every case an account shall be made of the allowances that were due under the original terms of employment and of any excess payment which may actually have been received, any special allowance or sum granted or paid on account of any transfer to the North will be disallowed.

18 The Commission of first instance to hear epuration proceedings will be a Commission to be established in every Ministry or autonomous authority or body. When personnel of different classes of functions is employed in a Ministry more than one Commission may be established in that Ministry.

Such Commissions will be appointed by the competent Minister and will be composed of a judicial or administrative magistrate either serving or retired, who will preside over them, and of the Chief of personnel or of an official of the Administration, and of a third member nominated by the High Commissioner for the Sanctions against Fascism.

A Commission to be appointed by a Prefect composed of a judicial official, either serving or retired, an official of the Prefecture, and a member to be nominated by the High Commissioner, will be instituted for Communes, Provinces, Public Welfare Institutions and bodies under the control of the local authorities.

According to the provisions set out in the preceding paragraphs substitute members may be appointed and the Commission may be divided into Sub-Commissions.

19 Not less than ten days shall be allowed to an employee whose dismissal is proposed to prepare his defence. 378

The Commissions, or any member delegated by them, shall have the power to examine witnesses, to require the production of deeds and documents from judicial or administrative authorities and may personally hear the concerned party if he applies for such a hearing.

20 The finding of the Commission of the first instance shall be communicated

Declassified E.O. 12356 Section 3.3/NND No. 788020

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The Commissions, or any member delegated by them, shall have the power to examine witnesses, to require the production of deeds and documents from judicial or administrative authorities and may personally hear the concerned party if he applies for such a hearing.

20 The finding of the Commission of the first instance shall be communicated to the High Commissioner and to the party concerned. The interested party may within three days, and the High Commissioner within twenty days appeal to a central Commission appointed by the President of the Council of Ministers and composed of a president, two officials of the central administration, two judicial or administrative magistrates serving or retired and two other members nominated by the High Commissioner for Sanctions against Fascism.

In the same manner substitute members may be appointed and the Commission may be divided into sub-commissions.

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21 Dismissal from office, in accordance with the finding of the Commissions, shall be carried out by the authority which normally has such power.
The same authority shall put into effect the punishments hereby authorised in accordance with the finding of the Commissions.

22 Any employee dismissed from office shall be entitled to such pension privileges as may be due to him according to the provisions then in force.
In more serious cases forfeiture of pension privileges may be ordered.
Any employee the subject of equation proceedings may be suspended from office. In such case he shall receive, for his support, his salary without any other further allowance. Suspension from office shall be ordered by the competent Minister, or in cases under para 3 of Art 16 by the Prefect.

23 Commissions responsible for inspecting the registers shall be set up in each professional association or other body responsible for keeping registers of professional men, artists and skilled workers shall apply the principles set out in the preceding articles.
Such Commissions shall be appointed by the competent Minister or by any authority designated by him, and shall be composed of a President, a member nominated by the body keeping the register in question and of a member nominated by the High Commissioner for Sanctions against Fascism.
An appeal against a finding of a Commission may be lodged within the time set out by Art 20, to a Control Commission which shall be established, for each professional association or body, by the competent Minister and composed of a President, of two judicial or administrative judges, serving or retired, of four members nominated by the professional associations and of two other members nominated by the High Commissioner for Sanctions against Fascism.
In less serious cases a temporary suspension from the exercise of a profession, art or trade may be ordered in lieu of being struck off the register.

24 An employee dismissed from office may appeal to the State Council only on grounds of incompetence (i.e. of the Commission or officer concerned).

25 The proceedings set forth in this part shall be initiated within 6 months of this decree becoming effective.
Any proceeding before the Commission of First Instance shall be ended within three months after its initiation.
For the territory not yet liberated and for that part which has been liberated but not yet restored to the administration of the Italian Government, the time limit indicated in the first paragraph is extended to six months after the restoration of such territories to the Italian Administration.

PART III Disposal of Profits derived from the Regime.

26 Profit derived from participation in or adherence to the fascist regime shall be forfeited to the State regardless whether or not a penal proceeding is instituted for acts constituting an offence.
An increase of property obtained after the 28 October by persons holding public offices or in any way engaged in political activity as a fascist shall [illegible] derived from the regime unless the party

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22 Any employee dismissed from office shall be entitled to such pen[illegible] privileges as may be due to him according to the provisions then in force.

In more serious cases forfeiture of pension privileges may be ordered.

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An appeal against a finding of a Commission may be lodged within the time set out by Art 20, to a Central Commission which shall be established, for each professional association or body, by the competent Minister and composed of a President, of two judicial or administrative judges, serving or retired, of four members nominated by the professional associations and of two other members nominated by the High Commissioner for Sanctions against Fascism.

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An increase of property obtained after the 28 October by persons holding public offices or in any way engaged in political activity as a fascist shall be presumed to constitute a profit derived from the regime unless the party concerned shall show that such increase was derived from a legitimate source and this shall be the case even if the property acquired has ceased to belong to the same person.

Such presumption shall likewise apply to increases in property of the ascendants, descendants and spouse of any person, who even if not a member of the fascist party, maintained relations as associate or client with the persons indicated in the first paragraph.

In assessing increases of property consideration shall be given to property in any way acquired or held through intermediaries.

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27 Specific property constituting profit derived from the regime and owned by the debtor (Note: Without any explanation the decree uses the word "debtor" to denote the person who has acquired profit from the regime) may be forfeited to the State.

28 The entire property of the debtor is liable for the satisfaction of the assessed debt to the State as prfit derived from the regime.

In cases contemplated by the 3rd para of Art 26 persons set out in first paragraph of the said Article shall be liable jointly with their spouse, associates or clients.

29 If the property of the debtor is not sufficient to pay the amounts owed to the State the following dealings with property (by the debtor) shall be considered void:

(1) transfers made by the debtor without valuable consideration during the five years prior to 25 July 43;

(2) any disposition made after such date.

As far as the State is concerned property acquired within the five year period prior to 25 July 43 by the spouse of the debtor shall for the purpose of satisfying the State's claim for profit derived from the regime be considered as belonging to the debtor.

30 The investigation and assessing of the amount of the profit derived from the regime shall be within the jurisdiction of a Special Section of the Provincial Commission for Taxation, comprised of the President of the Tribunal or a judge delegated by him and of four Commissioners appointed by the Minister of Finance on the nomination of the Prefect from citizens of proven probity and competence.

The Special Section shall initiate the investigation on an information by the High Commissioner or by a finance or taxation officer or on one signed by a private citizen.

The said Section shall also adjudicate complaints of the debtor or of the finance office against the proposed assessment of the profit derived from the regime.

The hearing shall be open to the public and both the Avvocatura dello State and the person the subject of the investigation may adduce evidence in rebuttal; the latter may choose to be represented by a procuratore legale or by an avvocato.

The decision shall be communicated to the debtor, to the finance offices concerned and to the High Commissioner.

31 The Special Section of the Provincial Commission shall have all the powers of investigation, entry, search, control and inquiry, conferred upon the agents for direct taxation and upon the administrative commissions for investigation of extraordinary war profits.

The privilege to abstain from testimony in cases set out in Art 352 of the CPP shall not apply. 3788

Any person summoned as witness or expert who does not faithfully carry out his duties or gives false evidence shall be punished in accordance with Articles 366, 372 and 373 of the CP.

Any person who fails to comply with other requests of the Section shall be punished by imprisonment up to six months or by fine from 300 to 5,000 lire.

Declassified E.O. 12356 Section 3.3/NND No. 765220

In cases contemplated by the 3rd para of Art 28 persons [illegible] paragraph of the said Article shall be liable jointly with their spouse, associates or clients.

29 If the property of the debtor is not sufficient to pay the amounts owed to the State the following dealings with property (by the debtor) shall be considered void:

(1) transfers made by the debtor without valuable consideration during the five years prior to 25 July 43;

(2) any disposition made after such date.

As far as the State is concerned property acquired within the five year period prior to 25 July 43 by the spouse of the debtor shall for the purpose of satisfying the State's claim for profit derived from the regime be considered as belonging to the debtor.

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The Special Section shall initiate the investigation on information by the High Commissioner or by a finance or taxation officer or on one signed by a private citizen.

The said Section shall also adjudicate complaints of the debtor or of the finance office against the proposed assessment of the profit derived from the regime.

The hearing shall be open to the public and both the Avvocatura dello Stato and the person the subject of the investigation may adduce evidence in rebuttal; the latter may choose to be represented by a procuratore legale or by an avvocato.

The decision shall be communicated to the debtor, to the finance offices concerned and to the High Commissioner.

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Any person summoned as witness or expert who does not faithfully carry out his duties or gives false evidence shall be punished in accordance with Articles 366, 372 and 373 of the CP.

Any person who fails to comply with other requests of the Section shall be punished by imprisonment up to six months or by fine from 500 to 5,000 lire.

Administrative or other bodies having knowledge of cases in which profit has been derived from the regime, shall immediately report the same to the High Commissioner. Any person responsible for making any such report who fails to do so shall be punished in accordance with the preceding paragraph.

Personnel of the judicial police or of other administrative or technical branches of the administration may be assigned to the Special Section for the execution of its duties.

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32 The debtor and the Avvocatura dello Stato may within thirty days lodge an appeal against the decisions of the Special Section of the Provincial Commissioner. The High Commissioner may also appeal within 60 days.

The appeal shall be adjudicated by a special section of the Central Commission for taxation comprised of a President, a judicial official holding a grade not lower than that of a first president of Court of Appeal, and of four commissioners; all to be appointed by the Council of Ministers.

The provisions of the last two paragraphs of Art 30 and of Art 31 shall apply to the proceedings before the Special Section of the Central Commission.

33 The decisions of the Special Section of the Central Commission may be opposed before the Plenary Section of the Cassation solely on the ground of absolute lack of jurisdiction. An appeal must be lodged by the debtor or by the Avvocatura dello Stato within 45 days; the High Commissioner may appeal within 6 months.

34 The High Commissioner may, even after the lapse of the above period but not after the lapse of two years, move that the decision, although final be amended on the ground that facts of considerable importance have been discovered always provided that the reasons set out in the decision disclose that such facts were not in evidence in the previous proceeding.

Such amendment of the decision is in any case within the jurisdiction of the Special Section of the Central Commission.

35 Even before the Special Sections of Provincial Commissions are constituted, the President of the Tribunal may, upon request of the High Commissioner or of the finance administration, order by decree a protective attachment of chattels or realties belonging to persons set out in Art 26 although they may be held by third parties.

Such power may be exercised by the Presidents of the Commissions by virtue of their office.

Provisions of para 7 and 8 of Art 19 of the Consolidated text of laws on the extraordinary tax on excess war profits, approved by RD 3 June 43, No 598, shall apply.

36 A decree of the High Commissioner shall be published in the Gazzette Ufficiale of the Kingdom, listing persons who are considered profiteers of the regime; any person who may hold property belonging to such person or who may be indebted to him in any way whatever, shall be required to declare the same following the form and within the time limits established in the said decree; also he shall not return the property or fulfil his obligations to his creditor. Any such blocking shall become void if an attachment is not ordered within 60 days after the lapse of the time limit for the above said declaration.

Any person who may fail to comply with the duties set forth in this Article shall be punished in accordance with Art 31 para 4; he shall also be liable for any consequential loss suffered by the State.

Any person who, for the purpose of withholding from the State, property belonging to a person considered to have made a profit derived from the regime, acquires, receives or conceals such property or abets their acquisition, receipt or concealment, shall be punished by imprisonment not exceeding 10 years and

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37 The proposed assessment of the Provincial Commission if unopposed by the debtor; the decision of such Commission, even pending appeal to the Central Commission, shall constitute good authority for execution even for entry in the real estate and mortgage registry.

and the decision of the last named commission.

The collection of the amounts owed to the State as profits derived from the regime may be effected in accordance with the procedure and preference established for the collection of the extraordinary tax on excess war profits. The entire debt may be entered on a special roll and may be collected in a single instalment.

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PART IV — Confiscation of Fascist Property.

38 The property of the disbanded fascist national party and of organisations suppressed by RDL 2 August 43, No 704, shall devolve upon the State.

Such property shall be used for the public service or the public benefit, this shall be effected on the proposal of the High Commissioner by decree of the President of the Council, in agreement with the Competent Ministers, If necessary such property may be transferred to another public body or organisation promoting welfare, sport or the like.

39 The finance administration of the State shall provide for the collection of assets of the fascist national party and the suppressed organisations.

PART V — The High Commissioner.

40 To supervise the carrying out of this decree the office of High Commissioner for Sanctions against Fascism is created.

The High Commissioner shall be nominated by the Council of Ministers and appointed (i.e. by the President) and shall for the duration of his term of office rank as a judicial officer of the first grade.

He shall be assisted by Assistant High Commissioners for each of the branches of his jurisdiction.

In the event of the High Commissioner being unable to act each of the Assistant High Commissioners may so far as his own branch is concerned act in his name.

The Assistant High Commissioners shall be appointed by the President of the Council Of Ministers on the nomination of the High Commissioner and shall rank as judicial officials of the third grade.

Not more than two commissioners may be nominated for any one branch of the High Commission. They shall be appointed in the manner described in the preceding paragraph.

Sufficient judicial and other officials shall on request be assigned to the office of the High Commissioner and a nucleus of judicial police shall be placed at his disposal composed of personnel of the carabinieri of the public security or of the finance guards. Persons not members of the Administrations may be employed in the secretarial offices.

The High Commissioner and his subordinate officers may call on the judicial police who will carry out their orders.

41 The High Commissioner shall direct and supervise the work of all organisations by which Sanctions against Fascism are carried out.

The High Commissioner shall be ~~responsible~~ bound on his own initiative or on the demand of any public authority or on an information signed by a private individual to commence proceedings in respect of any crime described in Art 2 and to carry out investigation as may be necessary and to remand the accused to the High Court in which he or his delegate act as "Ministero pubblico".

In cases of exceptional gravity the High Commissioner may exceed the normal powers in that respect and refer to the High Court any person other than those referred to in Art 2 and for any crime whether or not such is mentioned in Art 2.

Without prejudice to the powers of the Ministero Publico, Public Authorities, and other bodies or organisations the High Commissioner may on his own initiative or on the information of a private individual commence proceedings.

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39 The finance administration of the State shall provide for the confiscation of assets of the fascist national party and the suppressed organisations.

PART V — The High Commissioner.

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In cases of exceptional gravity the High Commissioner may exceed the normal powers in that respect and refer to the High Court any person other than those referred to in Art 2 and for any crime whether or not such is mentioned in Art 2.

Without prejudice to the powers of the Ministero Publico, Public Authorities, and other bodies or organisations the High Commissioner may on his own initiative or on the information of a private individual commence proceedings.

(1) In respect of other crimes mentioned in Part I.
(2) To apply the provisions set out in Art 8.
(3) To forfeit property belonging to persons who have collaborated with the Germans in accordance with Art 9.

(4) Before the appropriate commissions of first instances and before the Central Commission with regard to appeals, for purging the administration and for dismissing officers or employees from their office or employment.

(5) Before the Local and Central Commissions for taxation, for assessing and forfeiting as profit derived from the fascist regime, with power in exceptional cases to commence proceedings for rectification of any decision of the aforesaid Central Commission.

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He may also

(6) Make proposals for the correct and proper use of property previously belonging to the Fascist Party or to fascist organisations.

(7) Exercise any other functions contained in this decree or in any other decree or regulation.

PART VI Transitory and Final Provisions.

42 For the application of this decree all prerogatives including those set out in Arts 26, 37 and 47 of the Constitution are hereby abrogated.

43 Any public official or any person engaged in the public service responsible according to the provisions of this law for punishing fascist crimes, for purging the administrations, for forfeiting any profit derived from the regime and for confiscating fascist property, who may commit any offence set out in and punishable by virtue of Arts 314, 316, 317, 318, 319, 320, 323, 324, 326 and 328 of the Penal Code shall be punished in accordance with the provisions of these articles but increased by from one third to one half.

44 Proceedings already initiated for the punishment of fascist crimes for purgation and for the forfeiture of profit derived from the regime shall be carried through in accordance with the provisions of this decree, without prejudice to any action already taken incompatible with these rules.

Decisions already given shall be reviewed if they are in conflict with the provisions of this decree.

45 Successive decrees will be issued to provide when necessary for the execution of the rules established by the preceding Parts.

The Minister of the Treasury is hereby authorised to make by his own decrees the necessary variations in the State budget occasioned by the functioning of the High Commissioner and the organisations established by this decree.

46 Royal Decree laws 9 August 43 No 720, of 20 December 43 No 29/B, of 25 May 44 No 134, are hereby abrogated.

The provisions contained in Royal Decree law 12 April 44 No 101, so far as they relate to the contents of this decree are also abrogated.

47 This decree will come into force etc. etc.

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9

Comm/Gen

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

Cmdr/B

LE/2-3/AS

2 Aug. 44

Lt Col Barnes

Mr Sykes

SUBJECT : Defascism

TO : Distribution Below.

1. The enclosed copies of an English translation of ACC 159, Sanctions against Fascism, is for distribution down to Provinces.

2. It is hoped that the translation will be of assistance as a means of ready reference but it will be appreciated that it is not always possible to find "le mot juste" and that it is the Italian version which is authoritative and to which reference must be made whenever any point is in question.

3. A short general instruction of Defascism has been prepared and will be issued as soon as possible.

G.R. LEJOEN, Col
A/Head, Admin Sec.

Copies of enclosure

DISTRIBUTION:
Secretary General ..... (2)
ACC Sections ..... (2)
ACC Sub-Commissions..... (2)
ACC Regions * ..... (6)
CS. AFHQ ..... (6)

*-Regions I & II - 2 extra each

587

3786

Ext: 525
Chm/gs

THE

DECREE

AS TO

SANCTIONS AGAINST FASCISM

Part I - Crimes

Part II - Purging

Part III - Enrichment

Part IV - Fascist Funds

Part V - The High Commissioner

Part VI - Miscellaneous

Declassified E.O. 12356 Section 3.3/NND No. 785020

PART I

PUNISHMENT OF CRIMES

1 All penal provisions issued to safeguard institutions and political organisations created by fascism are hereby revoked.

Decisions already pronounced by virtue of such provisions are hereby annulled.

2 Members of the Government and high ruling members of fascism, guilty of annulling the guarantees given under the constitution, of destroying the liberty of the people, of creating the fascist regime, of compromising and betraying the fortunes of the country bringing it to the present disaster shall be punished by penal servitude for life and, in cases where the responsibility is greater, by death.

They shall be tried by a High Court of Justice composed of a President and eight members, chosen by the Council of Ministers, from among high ranking judicial officials serving now or in retirement and from among other persons of unquestionable rectitude.

3 Those who organised fascist squads, committing acts of violence and pillage and those who promoted and directed the revolt of 28 October 1922 shall be punished according to Art 120 of the Penal Code 1889.

Those who promoted and directed the Coup d'Etat of 3 January 1925 and those who have since contributed by relevant action to maintain the fascist regime in power shall be punished in accordance with Art 118 of the aforesaid code.

Whosoever has committed any other crime for fascist reasons or taken advantage of the political situation created by fascism shall be punished according to the laws obtaining at the time of the crime.

4 Those crimes described in the preceding Article shall be tried by the Court of Assize, by the Tribunali and by the Pretors according to their respective jurisdiction.

The Court of Assize shall be composed of two judicial officials as described in the law as to the constitution of the Courts of Assize, and of five lay judges chosen by lot from special lists of citizens of unblemished moral and political behaviour.

5 Whosoever whether a member of the Armed Forces or not, after 8 September 1943 has committed a crime against loyalty and the military defence of the State, by any kind whatsoever of action collaboration help or assistance given to the German invader shall be punished according to the provisions of the Military Penal Code of War.

Members of the armed forces shall be tried by Military Courts, civilians by ordinary Courts.

6 Any limitation of time with regard to the offence or the punishment thereof shall not apply to any person guilty of, any crime described in this decree, who because of the existence of the fascist regime has not been punished.

For the same reason amnesties and pardons granted after 28 October 1922 in respect of any crime described in this decree shall be invalid, any granted shall be revoked.

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The High Commissioner may propose the revocation of any royal pardon already granted.

When a decision regarding any such crimes has been influenced by any moral co-ercion resulting from fascism, such decision may be declared to be legally non-existent.

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shall be punished by penal servitude for life and, in cases where the responsibility is greater, by death.

They shall be tried by a High Court of Justice composed of a President and eight members, chosen by the Council of Ministers, from among high ranking judicial officials serving now or in retirement and from among other persons of unquestionable rectitude.

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When a decision regarding any such crimes has been influenced by any moral co-ercion resulting from fascism, such decision may be declared to be legally non-existent.

Declarations in this respect shall be made by a Section of the Supreme Court of Cassation appointed by the Minister of Justice.

The provisions of this decree shall not apply in regard to any crimes punishable by imprisonment for three years or less.

7 The punishment prescribed for any crime described in this part may be reduced by up to one quarter and imprisonment for not less than five years may be substituted for a sentence of death or of imprisonment for life.

a if the accused had before the outbreak of this war either retired from political life or had been openly opposed to fascism;

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c if the accused has actively participated in the struggle against the Germans

Where general extenuating circumstances exist imprisonment for 30 years shall be substituted for penal servitude for life and other penalties shall be reduced by one sixth.

The guilty party shall be declared not punishable if he distinguished himself by special acts of valour in the struggle against the Germans.

8 Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts acts particularly serious which while not being offences in the eyes of the law are nevertheless contrary to the rules of social and political integrity shall be subjected to temporary disqualification from holding any public office or to loss of political rights for a period of not more than ten years.

Whenever such a person is deemed to be a danger to society he may be sent to an agricultural colony or a labour institution for a period of not less than one or more than ten years.

The provisions contained in this Article shall be administered by a Provincial Commission presided over by a judicial official and composed of two other members chosen by lot from among the lay judges described in Art 4.

As regards members of the legislative assembies or other institutions who by their votes or actions contributed to the maintenance of the fascist regime and made war possible, they shall be dismissed from their office on decision of the High Court described in Art 2, without prejudice to any of the other provisions set out in this Decree in so far as they may be applicable.

9 Without prejudice to any legal action, the property of any citizen who has betrayed his country placing himself voluntarily and actively at the service of the German invaders shall be forfeited to the State.

In penal proceedings such forfeitures shall be pronounced by a judicial authority competent to pronounce sentence of condemnation. In other cases referred to thereby the High Commissioner, by the Tribunals territorially competent.

10 In regard to any matter not specifically provided for by this part the rules of the Code of Penal Procedure shall obtain whensoever may be applicable.

PART II PURGING OF THE ADMINISTRATION

11 Officials and employees of the following bodies shall be subject to epuration proceedings:-

(1) civil and military State Administrations, even if autonomous;
(2) local authorities and other public bodies and institutions;
(3) special concerns operating under public authorities or bodies and private concerns recognised by the State as controlling public utility undertakings or concerns having nation wide interests.

12 The following shall be dismissed from service:

(1) any person, particularly if when holding high office, who has by participating actively in the political life of fascism or by showing himself as a consistent apologist of fascism, shown that he is unworthy of serving the State;

(2) any person who has obtained an appointment or promotion through ~~party~~ favouritism of the party or of fascist officials of high rank.

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13 Any employee who has been guilty of fascist bias incompetence or corrupt practices such as have been introduced by fascism into public administration, shall be likewise dismissed.

Whenever evidence of an offence is found during an epuration proceeding, such evidence shall be reported to the competent authority.

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14 Any person who has held the position of "squadrista" or "sansepolcrista" or "entesarchia", "Marcia su Roma", "Sciarpa littorio" or who has been an officer in the Fascist Militia if he has been guilty of Fascist partisanship or improper conduct shall be dismissed from his office or employment, but if not so guiltythe may be awarded less severe punishment.

15 Any person who has received undue promotion or any preference in any competitive examinations because of his fascist position may in lieu of dismissal be reduced in rank or be returned to his former position.

16 Any person who has after 8 September 43 distinguished himself in the struggle against the Germans may be excused from dismissal or other disciplinary measure.

17 Any employee who, after 8 September 43, moved to North Italy with or has pledged allegiance to or has in any way collaborated with the (Republican) Fascist Government shall be dismissed.

Punishment of lesser degree may be awarded to such as show that he or his relatives were exposed to serious threats or danger.

Any person who by his acts has effectively aided the patriots or has undermined the work of the Germans or of the (Republican) Fascist Government which they were apparently serving, may be excused from punishment.

In every case an account shall be made of the allowances that were due under the original terms of employment and of any excess payment which may actually have been received, Any special allowance or sum granted or paid on account of any transfer to the North will be disallowed.

18 The Commission of first instance to hear epuration proceedings will be a Commission to be established in every Ministry or autonomous authority or body. When personnel of different classes of functions is employed in a Ministry more than one Commission may be established in that Ministry.

Such Commissions will be appointed by the competent Minister and will be composed of a judicial or administrative magistrate either serving or retired, who will preside over them, and of the Chief of personnel or of an official of the Administration, and of a third member nominated by the High Commissioner for the Sanctions against Fascism.

A Commission to be appointed by a Prefect composed of a judicial official, either serving or retired, an official of the Prefecture, and a member to be nominated by the High Commissioner, will be instituted for Communes, Provinces, Public Welfare Institutions and Bodies under the control of the local authorities.

According to the provisions set out in the preceding paragraphs substitute members may be appointed and the Commission may be divided into Sub-Commissions.

19 Not less than ten days shall be allowed to an employee whose dismissal is proposed to prepare his defence. 3783

The Commissions, or any member delegated by them, shall have the power to examine witnesses, to require the production of deeds and documents from judicial or administrative authorities and may personally hear the concerned party if he applies for such a hearing.

20 The finding of the Commission of the first instance shall be communicated

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20 The finding of the Commission of the first instance shall be communicated to the High Commissioner and to the party concerned. The interested party may within three days, and the High Commissioner within twenty days appeal to a central Commission appointed by the President of the Council of Ministers and composed of a president, two officials of the central administration, two judicial or administrative magistrates serving or retired and two other members nominated by the High Commissioner for Sanctions against Fascism.

In the same manner substitute members may be appointed and the Commission may be divided into sub-commissions.

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21 Dismissal from office, in accordance with the finding of the Commissions, shall be carried out by the authority which normally has such power.

The same authority shall put into effect the punishments hereby authorised in accordance with the finding of the Commissions.

22 Any employee dismissed from office shall be entitled to such pension privileges as may be due to him according to the provisions then in force.

In more serious cases forfeiture of pension privileges may be ordered.

Any employee the subject of epuration proceedings may be suspended from office. In such case he shall receive, for his support, his salary without any other further allowance. Suspension from office shall be ordered by the competent Minister, or in cases under para 3 of Art 18 by the Prefect.

23 Commissions responsible for inspecting the registers shall be set up in each professional association or other body responsible for keeping registers of professional men, artists and skilled workers shall apply the principles set out in the preceding articles.

Such Commissions shall be appointed by the competent Minister or by any authority designated by him, and shall be composed of a President, a member nominated by the body keeping the register in question and of a member nominated by the High Commissioner for Sanctions against Fascism.

An appeal against a finding of a Commission may be lodged within the time set out by Art 20, to a Central Commission which shall be established, for each professional association or body, by the competent Minister and composed of a President, of two judicial or administrative judges, serving or retired, of four members nominated by the professional associations and of two other members nominated by the High Commissioner for Sanctions against Fascism.

In less serious cases a temporary suspension from the exercise of a profession, art or trade may be ordered in lieu of being struck off the register.

24 An employee dismissed from office may appeal to the State Council only on grounds of incompetence (i.e. of the Commission or officer concerned).

25 The proceedings set forth in this part shall be initiated within 6 months of this decree becoming effective.

Any proceeding before the Commission of First Instance shall be ended within three months after its initiation.

For the territory not yet liberated and for that part which has been liberated but not yet restored to the administration of the Italian Government, the time limit indicated in the first paragraph is extended to six months after the restoration of such territories to the Italian Administration.

PART III Disposal of Profits derived from the Regime.

26 Profit derived from participation in or adherence to the fascist regime shall be forfeited to the State regardless whether or not a penal proceeding is instituted for acts constituting an offence.

An increase of property obtained after the 28 October by persons holding public offices or in any way engaged in political activity as a fascist shall be presumed to constitute a profit derived from the regime unless the party

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Such presumption shall likewise apply to increases in property of the ascendants, descendants and spouse of any person, who even if not a member of the fascist party, maintained relations as associate or client with the persons indicated in the first paragraph.

In assessing increases of property consideration shall be given to property in any way acquired or held through intermediaries.

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27 Specific property constituting profit derived from the regime and owned by the debtor (Note: Without any explanation the decree uses the word "debtor" to denote the person who has acquired profit from the regime) may be forfeited to the State.

28 The entire property of the debtor is liable for the satisfaction of the assessed debt to the State as profit derived from the regime.

In cases contemplated by the 3rd para of Art 26 persons set out in first paragraph of the said Article shall be liable jointly with their spouse, associates or clients.

29 If the property of the debtor is not sufficient to pay the amounts owed to the State the following dealings with property (by the debtor) shall be considered void:

(1) transfers made by the debtor without valuable consideration during the five years prior to 25 July 43;

(2) any disposition made after such date.

As far as the State is concerned property acquired within the five year period prior to 25 July 43 by the spouse of the debtor shall for the purpose of satisfying the State's claim for profit derived from the regime be considered as belonging to the debtor.

30 The investigation and assessing of the amount of the profit derived from the regime shall be within the jurisdiction of a Special Section of the Provincial Commission for Taxation, comprised of the President of the Tribunal or a judge delegated by him and of four Commissioners appointed by the Minister of Finance on the nomination of the Prefect from citizens of proven probity and competence.

The Special Section shall initiate the investigation on an information by the High Commissioner or by a finance or taxation officer or on one signed by a private citizen.

The said Section shall also adjudicate complaints of the debtor or of the finance office against the proposed assessment of the profit derived from the regime.

The hearing shall be open to the public and both the Avvocatura dello State and the person the subject of the investigation may adduce evidence in rebuttal; the latter may choose to be represented by a procuratore legale or by an avvocato.

The decision shall be communicated to the debtor, to the finance officer concerned and to the High Commissioner.

31 The Special Section of the Provincial Commission shall have all the powers of investigation, entry, search, control and inquiry, conferred upon the agents for direct taxation and upon the administrative commissions for investigation of extraordinary war profits.

The privilege to abstain from testimony in cases set out in Art 352 of the CPP shall not apply.

Any person summoned as witness or expert who does not faithfully carry out his duties or gives false evidence shall be punished in accordance with Articles 366, 372 and 373 of the CP.

Any person who fails to comply with other requests of the Section shall be punished by imprisonment up to six months or by fine from 300 to 5,000

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The Special Section shall initiate the investigation on information by the High Commissioner or by a finance or taxation officer or on one signed by a private citizen.

The said Section shall also adjudicate complaints of the debtor or of the finance office against the proposed assessment of the profit derived from the regime.

The hearing shall be open to the public and both the Avvocatura dello Stato and the person the subject of the investigation may adduce evidence in rebuttal; the latter may choose to be represented by a procuratore legale or by an avvocato.

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Any person who fails to comply with other requests of the Section shall be punished by imprisonment up to six months or by fine from 300 to 5,000 lire.

Administrative or other bodies having knowledge of cases in which profit has been derived from the regime, shall immediately report the same to the High Commissioner. Any person responsible for making any such report who fails to do so shall be punished in accordance with the preceding paragraph.

Personnel of the judicial police or of other administrative or technical branches of the administration may be assigned to the Special Section for the execution of its duties.

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32 The debtor and the Avvocatura dello Stato may within thirty days lodge an appeal against the decisions of the Special Section of the Provincial Commissioner. The High Commissioner may also appeal within 60 days.

The appeal shall be adjudicated by a special section of the Central Commission for taxation comprised of a President, a judicial official holding a grade not lower than that of a first president of Court of Appeal, and of four commissioners; all to be appointed by the Council of Ministers.

The provisions of the last two paragraphs of Art 30 and of Art 31 shall apply to the proceedings before the Dpecial Section of the Central Commission.

33 The decisions of the Special Section of the Central Commission may be opposed before the Plenary Section of the Cassation solely on the ground of absolute lack of jurisdiction. An appeal must be lodged by the debtor or by the Avvocatura dello Stato within 45 days; the High Commissioner may appeal within 6 months.

34 The High Commissioner may, even after the lapse of the above period but not after the lapse of two years, move that the decision, although final be amended on the ground that facts of considerable importance have been discovered always provided that the reasons set out in the decision disclose that such facts were not in evidence in the previous proceeding.

Such amendment of the decision is in any case within the jurisdiction of the Special Section of the Central Commission.

35 Even before the Special Sections of Provincial Commissions are constituted, the President of the Tribunal may, upon request of the High Commissioner or of the finance administration, order by decree a protective attachment of chattels or realties belonging to persons set out in Art 26 although they may be held by third parties.

Such power may be exercised by the Presidents of the Commissions by virtue of their office.

Provisions of para 7 and 8 of Art 19 of the Consolidated text of laws on the extraordinary tax on excess war profits, approved by RD 5 June 43, No 598, shall apply.

36 A decree of the High Commissioner shall be published in the Gazzetta Ufficiale of the Kingdom, listing persons who are considered profiteers of the regime; any person who may hold property belonging to such person or who may be indebted to him in any way whatever, shall be required to declare the same following the form and within the time limits established in the said decree; also he shall not return the property or fulfil his obligations to his creditor. Any such blocking shall become void if an attachment is not ordered within 60 days after the lapse of the time limit for the above said declaration.

Any person who may fail to comply with the duties set forth in this Article shall be punished in accordance with Art 31 para 4; he shall also be liable for any consequential loss suffered by the State.

Any person who, for the purpose of withholding from the State, property belonging to a person considered to have made a profit derived from the regime, acquires, receives or conceals such property or abets their acquisition, receipt or concealment, shall be punished by imprisonment not exceeding 10 years and by a fine up to 100,000 lire.

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37 The proposed assessment of the Provincial Commission if unopposed by the debtor; the decision of such Commission, even pending appeal to the Central Commission shall constitute good authority for execution even for entry in the real estate and mortgage registry.

and the decision of the said named commission.

The collection of the amounts owed to the State as profits derived from the regime may be effected in accordance with the procedure and preference established for the collection of the extraordinary tax on excess war profits. The entire debt may be entered on a special roll and may be collected in a single instalment.

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PART IV Confiscation of Fascist Property.

38 The property of the disbanded fascist national party and of organisations suppressed by RDL 2 August 43, No 704, shall devolve upon the State.

Such property shall be used for the public service or the public benefit, this shall be effected on the proposal of the High Commissioner by decree of the President of the Council, in agreement with the Competent Ministers. If necessary such property may be transferred to another public body or organisation promoting welfare, sport or the like.

39 The finance administration of the State shall provide for the collection of assets of the fascist national party and the suppressed organisations.

PART V The High Commissioner.

40 To supervise the carrying out of this decree the office of High Commissioner for Sanctions against Fascism is created.

The High Commissioner shall be nominated by the Council of Ministers and appointed (i.e. by the President) and shall for the duration of his term of office rank as a judicial officer of the first grade.

He shall be assisted by Assistant High Commissioners for each of the branches of his jurisdiction.

In the event of the High Commissioner being unable to act each of the Assistant High Commissioners may so far as his own branch is concerned act in his name.

The Assistant High Commissioners shall be appointed by the President of the Council Of Ministers on the nomination of the High Commissioner and shall rank as judicial officials of the third grade.

Not more than two commissioners may be nominated for any one branch of the High Commission. They shall be appointed in the manner described in the preceding paragraph.

Sufficient judicial and other officials shall on request be assigned to the office of the High Commissioner and a nucleus of judicial police shall be placed at his disposal composed of personnel of the carabinieri of the public security or of the finance guards. Persons not members of the Administrations may be employed in the secretarial offices.

The High Commissioner and his subordinate officers may call on the judicial police who will carry out their orders.

41 The High Commissioner shall direct and supervise the work of all organisations by which Sanctions against Fascism are carried out.

The High Commissioner shall be ~~competent~~ bound on his own initiative or on the demand of any public authority or on an information signed by a private individual to commence proceedings in respect of any crime described in Art 2 and to carry out investigation as may be necessary and to remand the accused to the High Court in which he or his delegate act as "Ministero publico".

In cases of exceptional gravity the High Commissioner may exceed the normal powers in that respect and refer to the High Court any person other than those referred to in Art 2 and for any crime whether or not such is mentioned in Art 2.

Without prejudice to the powers of the Ministero Publico, Public Authorities, and other bodies or organisations the High Commissioner may on his own initiative or on the information of a private individual commence pro-

3781

Declassified E.O. 12356 Section 3.3/NND No. 763220

2019

39 The finance administration of the State shall provide for the collection of assets of the fascist national party and the suppressed organisations.

PART V The High Commissioner.

40 To supervise the carrying out of this decree the office of High Commissioner for Sanctions against Fascism is created.

The High Commissioner shall be nominated by the Council of Ministers and appointed (i.e. by the President) and shall for the duration of his term of office rank as a judicial officer of the first grade.

He shall be assisted by Assistant High Commissioners for each of the branches of his jurisdiction.

In the event of the High Commissioner being unable to act each of the Assistant High Commissioners may so far as his own branch is concerned act in his name.

The Assistant High Commissioners shall be appointed by the President of the Council Of Ministers on the nomination of the High Commissioner and shall rank as judicial officials of the third grade.

Not more than two commissioners may be nominated for any one branch of the High Commission. They shall be appointed in the manner described in the preceding paragraph.

Sufficient judicial and other officials shall on request be assigned to the office of the High Commissioner and a nucleus of judicial police shall be placed at his disposal composed of personnel of the carabinieri of the public security or of the finance guards. Persons not members of the Administrations may be employed in the secretarial offices.

The High Commissioner and his subordinate officers may call on the judicial police who will carry out their orders.

41 The High Commissioner shall direct and supervise the work of all organisations by which Sanctions against Fascism are carried out.

The High Commissioner shall be ~~required~~ bound on his own initiative or on the demand of any public authority or on an information signed by a private individual to commence proceedings in respect of any crime described in Art 2 and to carry out investigation as may be necessary and to remand the accused to the High Court in which he or his delegate act as "Ministero publico".

In cases of exceptional gravity the High Commissioner may exceed the normal powers in that respect and refer to the High Court any person other than those referred to in Art 2 and for any crime whether or not such is mentioned in Art 2.

Without prejudice to the powers of the Ministero Publico, Public Authorities, and other bodies or organisations the High Commissioner may on his own initiative or on the information of a private individual commence proceedings.

(1) In respect of other crimes mentioned in Part I.

(2) To apply the provisions set out in Art 8.

(3) To forfeit property belonging to persons who have collaborated with the Germans in accordance with Art 9.

(4) Before the appropriate commissions of first instances and before the Central Commission with regard to appeals, for purging the administration and for dismissing officers or employees from their office or employment.

(5) Before the Local and Central Commissions for taxation, for assessing and forfeiting as profit derived from the fascist regime, with power in exceptional cases to commence proceedings for rectification of any decision of the aforesaid Central Commission.

1781

Declassified E.O. 12356 Section 3.3/NND No. 788020

He may also

(6) Make proposals for the correct and proper use of property previously belonging to the Fascist Party or to fascist organisations.

(7) Exercise any other functions contained in this decree or in any other decree or regulation.

PART VI Transitory and Final Provisions.

42 For the application of this decree all prerogatives including those set out in Arts 26, 37 and 47 of the Constitution are hereby abrogated.

43 Any public official or any person engaged in the public service responsible according to the provisions of this law for punishing fascist crimes, for purging the administrations, for forfeiting any profit derived from the regime and for confiscating fascist property, who may commit any offence set out in and punishable by virtue of Arts 314, 316, 317, 318, 319, 320, 323, 324, 326 and 328 of the Penal Code shall be punished in accordance with the provisions of these articles but increased by from one third to one half.

44 Proceedings already initiated for the punishment of fascist crimes for purgation and for the forfeiture of profit derived from the regime shall be carried through in accordance with the provisions of this decree, without prejudice to any action already taken incompatible with these rules.

Decisions already given shall be reviewed if they are in conflict with the provisions of this decree.

45 Successive decrees will be issued to provide when necessary for the execution of the rules established by the preceding Parts.

The Minister of the Treasury is hereby authorised to make by his own decrees the necessary variations in the State budget occasioned by the functioning of the High Commissioner and the organisations established by this decree.

46 Royal Decree laws 9 August 43 No 720, of 28 December 43 No 29/B, of 26 May 44 No 134, are hereby abrogated.

The provisions contained in Royal Decree law 12 April 44 No 101, so far as they relate to the contents of this decree are also abrogated.

47 This decree will come into force etc. etc.

Declassified E.O. 12356 Section 3.3/NND No. 785220

2022

Declassified E.O. 12356 Section 3.3/NND No. 785020

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DE/2.B/AS. 30 JUL 44.

SUBJECT : Defascism.

TO : RCMG Section (2)
Economic Section (10)
Political Section (2)
Navy Sub-Commission (2)
Army Sub-Commission (2)
Air Sub-Commission (2)
Communications S.C. (2)

1. The Defascism Decree has been issued and will at once come into force in both Military and Italian Government Territory.

2. A translation of the relevant parts is being prepared and will be circulated as soon as possible.

3. The attention of Sub-Comsns mentioned in Col 2 of A/CC 250 of 15 Jul is drawn to the fact that there is no longer even a juristically theoretical reason for Ministries not submitting the names of the persons appointed to Ministerial Commissions.

4. It is also pointed out that para 7 of A/CC of 15 Jul is no longer correct; the defascising of national concerns under the new decree is the responsibility of the Ministerial Commission responsible in Italian law for control of the concerns in question. The supervision of defascising these concerns including their branch offices will therefore devolve upon the Sub-commissions concerned who can of course act through their "field officers".

/s/t/ G.R. UPJOHN Col,
A/Hd Admin Sec.

Copy to : Acting Chief Commissioner
Administrative Section (10)

SHW/ Gal

Ext 608780

COPY

2023

Declassified E.O. 12356 Section 3.3/NND No. 785020

Navy Sub Com
Comm B
Cmds
Lt Cdr

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/2.B/AS.

30 JUL 44.

SUBJECT : Defascism.

TO : RCNC Section (2)
Economic Section (10)
Political Section (2)
Navy Sub-Commission (2)
Army Sub-Commission (2)
Air Sub-Commission (2)
Communications S.C. (2)

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C.R. UPJOHN Col,
A/Hd Admin Sec.

Copy to : Acting Chief Commissioner
Administrative Section (10)

3779

SEW/gal. Ext 608.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/4/12/AS

20 Jul 44.

SUBJECT : Defascism.

TO : Distribution as below.

With reference the A/CC letter 250 of 15 Jul.

1 It is understood that some Ministries are suggesting that they are unable to proceed with the formation of the Ministerial defascising commissions as the authorising decrees have not been passed.

2 Ministers are perfectly aware of the new proposals which the decree will authorise and can perfectly well save time by considering now what persons they will appoint when this decree is passed. They can also supply us provisionally with the names of these persons to enable us to put screening in hand.

3 If this is not done much time will be quite unnecessarily lost after the decree comes into effect before the commissions will be able to get to work.

4 The Sections and Sub-Commissions mentioned in Col 2 of A/CC 250 of 15 Jul are therefore requested to press the Ministries concerned for the names of the persons they propose to appoint and to get them screened.

G.R.UPJOHN, Col
A/Head, Adm Sec.

DISTRIBUTION: Acting Chief Commissioner.
Administrative Section (10)
Economic Section (10)
RC & MP Section (2)
Political Section (2)
Navy Sub-Commission (2)
Air Sub-Commission (2)
Communications Sub-Commission (2)

3778

Declassified E.O. 12356 Section 3.3/NND No. 785220

TO : Distribution as below.

With reference the A/CC letter 250 of 15 Jul.

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G.R.UPJOHN, Col
A/Head, Adm Sec.

DISTRIBUTION: Acting Chief Commissioner.
Administrative Section (10)
Economic Section (10)
RC & MG Section (2)
Political Section (2)
Navy Sub-Commission (2)
Air Sub-Commission (2)
Communications Sub-Commission (2)
File (2)

3778

SHW/wb
Ext: 469.

1 Head of Provincial Br.
2 Judge in Mogadish
3 Navie attached to HC NN

Declassified E.O. 12356 Section 3.3/NND No. 785220

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/4/1A/AS 20 Jul 44

SUBJECT : Defascism.

TO : Distribution as below.

With reference the A/CC letter 250 of 15 Jul.

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G.R.UPJOHN, Col
A/Head, Adm Sec.

DISTRIBUTION: Acting Chief Commissioner.
Administrative Section (10)
Economic Section (10)
RC & MG Section (2)
Political Section (2)
Navy Sub-Commission (2)

3777

Declassified E.O. 12356 Section 3.3/NND No. 782020

SUBJECT : Defascism.

TO : Distribution as below.

With reference the A/CC letter 250 of 15 Jul.

1 It is understood that some Ministries are suggesting that they are unable to proceed with the formation of the Ministerial defascising commissions as the authorising decrees have not been passed.

2 Ministers are perfectly aware of the new proposals which the decree will authorise and can perfectly well save time by considering now what persons they will appoint when this decree is passed. They can also supply us provisionally with the names of these persons to enable us to put screening in hand.

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G.R.UPJOHN, Col
A/Head, Adm Sec.

DISTRIBUTION: Acting Chief Commissioner.
Administrative Section (10)
Economic Section (10)
RG & MG Section (2)
Political Section (2)
Navy Sub-Commission (2)
Air Sub-Commission (2)
Communications Sub-Commission (2)
File (2)

3777

SHW/vb
Ext: 469.

Declassified E.O. 12356 Section 3.3/NND No. 785020

Navy Sub Com
Commerce
Trade

CONFIDENTIAL

Mr Bullard
Lt Cmdr USN
Lt Col USA

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

A/CC 250

15 Jul 44

SUBJECT : Defascistisation.

TO : Distribution Below.

1 This memorandum is concerned with the defascistisation of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmental representatives in the field e.g. Prefects.

2 In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistisation of the personnel in his ministry and it is essential that such work be completed as soon as possible.

3 In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that these boards are immediately set up (where thischas not already been done), and that they carry out their work speedily and effectively.

4 Appended below are the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances (e.g. Public Safety in the Ministry of Interior) more than one Sub-Commission is concerned. In these cases, the Sub-Commission named in column 2 will be the responsible authority and will co-ordinate the work with those named in column 3.

1 MINISTRY	2 Sub-Comsn or Section	3 Sub Comsn
Foreign Affairs	Political Section	-
Interior	Interior	(Public Health (Public Safety (PRO re Press. (and Information.
Grace and Justice	Legal	Public Safety
Treasury Finance	Finance	Property Control
Industry, Commerce & Labour	Commerce	(Industry (Labour
Public Works	Public Works	-

3776

Declassified E.O. 12356 Section 3.3/NND No. 785220

SUBJECT : Defascistication.

TO : Distribution Below.

1 This memorandum is concerned with the defascistisation of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmental representatives in the field e.g. Prefects.

2 In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistication of the personnel in his ministry and it is essential that such work be completed as soon as possible.

3 In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that these boards are immediately set up (where this has not already been done), and that they carry out their work speedily and effectively.

4 Appended below are the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances (e.g. Public Safety in the Ministry of Interior) more than one Sub-Commission is concerned. In these cases, the Sub-Commission named in column 2 will be the responsible authority and will co-ordinate the work with those named in column 3.

1 MINISTRY	2 Sub-Comsn or Section	3 Sub Comsn
Foreign Affairs	Political Section	-
Interior	Interior	Public Health Public Safety PRO re Press. and Information.
Grace and Justice	Legal	Public Safety
Treasury Finance	Finance	Property Control
Industry, Commerce & Labour	Commerce	Industry Labour
Public Works	Public Works	-
Agriculture	Agriculture	Food
Public Instruction	Education	MFAA
WAR	ARMY	-
Aviation	Air	-
Marine	Navy	-
Communications (Posts & Tel) (Roads & Rlys)	Communications Transportation	- Shipping.

3776

Declassified E.O. 12356 Section 3.3/NND No. 785220

5 If Sub-Commissions have any information as to the fascist antecedents of any person concerned in their ministry, they should place any such information at the disposal of the minister concerned. If there is any doubt as to whether any information should or should not be disclosed on security grounds, the Security Branch RC & MG will be consulted.

6 It is obviously impracticable that all the personnel of ministries should be screened by the Security Branch. Directors of Sub-Commissions will exercise their discretion in referring the most important personnel in their respective ministries to the Security Branch for screening; this will particularly apply to the members of the ministerial committees.

7 NATION-WIDE INSTITUTIONS & PARASTATAL INSTITUTIONS.

A separate directive will shortly be issued with regard to the defascistisation of nation-wide institutions (e.g. Banca d'Italia, Banca di Napoli, assurance companies and so on) and of parastatal institutions (e.g. I.R.I, I.M.E. and E.I.A.R.).

In the meantime the following principles are laid down for guidance.

(a) The defascistisation of the Head Office wherever situated of such institutions will be the responsibility of HQ ACC and not of the Regional Commissioner of the Region within which the Head Office is found.

(b) The defascistisation of branch offices, even those situated in the same city as the Head Office, will be the responsibility of the Regional Commissioner of the Region in which such offices are found.

8 Vice Presidents will ensure that the above instructions are carried out in their respective Sections. Progress reports to be rendered weekly commencing MONDAY 24 Jul 44 to Vice President, Administrative Section who will be the co-ordinating authority.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner.

Distribution:

Acting Chief Commissioner.	
Administrative Section	(10)
Economic Section	(10)
RC & MG Section (for Regions)	(12)
Political Section	(2)
Navy Sub-Commission	(2)
Army Sub-Commission	(2)
Air Sub-Commission	(2)
Communications Sub-Commission	(2)
File	(2)

Declassified E.O. 12356 Section 3.3/NND No. 782420

file

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

A/CC 250

15 Jul 44

SUBJECT: Defascistisation.

TO: Distribution Below.

1. This memorandum is concerned with the defasicstisation of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmental representatives in the field e.g. Prefects.

2. In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistisation of the personnel in this ministry and it is essential that such work be completed as soon as possible.

3. In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that these boards are immediately set up (where this has not already been done), and that they carry out their work speedily and effectively.

4. Appended below are the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances (e.g. Public Safety in the Ministry of Interior) more than one Sub-Commission is concerned. In these cases, the Sub-Commission named in column 2 will be the responsible authority and will co-ordinate the work with those named in column 3.

1. MINISTRY	2 Sub-Comsn or Section	3 Sub Comsn
Foreign Affairs	Political Section	-
Interior	Interior	(Public Health (Public Safety (PRO re Press. (and Information.
Grace and Justice	Legal	Public Safety
Treasury) Finance)	Finance	Property Control
Industry, Commerce & Labour	Commerce	(Industry 3775 (Labour
Public Works	Public Works	-
	Agriculture	Food

Declassified E.O. 12356 Section 3.3/NND No. 785220

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Treasury) Finance)	Finance	Property Control
Industry, Commerce & Labour	Commerce	(Industry 3775 (Labour
Public Works	Public Works	-
Agriculture	Agriculture	Food
Public Instruction	Education	MFAA
WAR	ARMY	[redacted]
Aviation	Air	-
Marine	Navy	-
Communications (Posts & Tel) (Roads & Rlys)	Communications Transportation	Shipping.

2032

Declassified E.O. 12356 Section 3.3/NND No. 785220

5. If Sub-Commissions have any information as to the fascist antecedents of any person concerned in their ministry, they should place any such information at the disposal of the minister concerned. If there is any doubt as to whether any information should or should not be disclosed on security grounds, the Security Branch EC & MG will be consulted.

6. It is obviously impracticable that all the personnel of ministries should be screened by the Security Branch. Directors of Sub-Commissions will exercise their discretion in referring the most important personnel in their respective ministries to the Security Branch for screening; this will particularly apply to the members of the ministerial committees.

7. NATION-WIDE INSTITUTIONS & PARASTATAL INSTITUTIONS.

A separate directive will shortly be issued with regard to the defascistisation of nation-wise institutions (e.g. Banca d'Italia, Banca di Napoli, assurance companies and so on) and of parastatal institutions (e.g. IRI, IME and EIAR.)
In the meantime the following principles are laid down for guidance.

(a) The defascistisation of the Head Office wherever situated of such institutions will be the responsibility of HQ ACC and not of the Regional Commissioner of the Region within which the Head Office is found.

(b) The defascistisation of branch offices, even those situated in the same city as the Head Office, will be the responsibility of the Regional Commissioner of the Region in which such offices are found.

8. Vice Prisidents will ensure that the above instructions are carried out in their respective Sections. Progress reports to be rendered weekly commencing MONDAY 24 JUL 44 to Vice President, Administrative Section who will be the coordinating authority.

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

3771

20/7
FOTALI will send copy to NSC Rome with ltr (copy) to M of M - requesting info on status of defascistization

2033

Declassified E.O. 12356 Section 3.3/NND No. 785220

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

20/7

3774

FOTAU will send copy to NSC Rome with 11th (copy) to M of M - requesting info on status of defascistization proceedings.

Declassified E.O. 12356 Section 3.3/NND No. 785220

2035

2036

Declassified E.O. 12356 Section 3.3/NND No. 785020

ACC

10000/124/29
2 of 2

2037

Declassified E.O. 12356 Section 3.3/NND No. 785020

10000/124/29
2 of 2

DEFASCISTISATION
JULY 44 - APR. 45

PERS-5

2038

Declassified E.O. 12356 Section 3.3/NND No. 783621

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/2184
19 April 1945.

FILE

From: Navy Sub-Commission Hq., Allied Commission.
To : Ministry of Marine, Rome.

Subject: Return of Defascism for period to 15 April 1945.

Reference: (a) Prot. B.4881 of 17 April 1945.

1. The reports received from the Ministry of Marine have been compared with previous reports and your attention is invited to the following points:

2. The intention of Article 2 of D.L. 258 is that the records of all personnel of the Ministries should be scrutinized within the Ministry itself. See also Note 2 of the instructions at the foot of the form, which states that column (c) should show the numbers of officers and men whose records have been examined within the Ministry. The figures in column (c) should therefore be approaching those in column (b), whereas the difference between the figures in these two columns indicates that there are still 1623 officers and men whose records have not been investigated. It is requested that this work may be considerably speeded up, as the time limit for the initiation of proceedings against Naval personnel is now May 15.

3. It is noted that the two persons in category IX shown in column (f) of the return of Civilian personnel for 31 March no longer appear in the return for April 15. Nevertheless, no decision was reversed between those dates.

(SGD) BLACKBURN

REAR ADMIRAL
CHIEF, NAVY SUB-COMMISSION, AC.

COMMISSION - ALLIED - NAVY SUB-COMMISSION - HQS. JAPAN

20 APR 1945

3773

2039

Declassified E.O. 12356 Section 3.3/NND No. 785022

HEADQUARTERS, ALLIED COMMISSION
APO 394
Navy Sub-Commission

NSC/2162

19 April 1945.

FILE

From: Navy Sub-Commission, Hq. AC.
To : Civil Affairs Section, Hq. AC.

Subject: Defascism Progress Report for Period Ending 15 April 1945.

Attached hereto Defascism Progress Report for period ending 15th April 1945.

REAR ADMIRAL,
CHIEF, NAVY SUBCOMMISSION, AC.

1-Incl.
Defascism Report
Period end. 15-4-45.

2040

Declassified E.O. 12356 Section 3.3/NND No. 783630

HEADQUARTERS, ALLIED COMMISSION
APO 394
Navy Sub-Commission

NSC/2137

13 April 1945.

From: Navy Sub-Commission, Hq, AC.
To : Civil Affairs Section, Hq, AC.

Subject: Defascism Progress Report.

Attached hereto Defascism Progress Report for period ending 31st March 1945.

(Sgd) Capt. Blackburn.
REAR ADMIRAL,
CHIEF, NAVY SUBCOMMISSION, AC.

1-Incl.
Defascism Report - 31 Mar '45.

SUB-COMMISSION - MISSIONS
U.S. ARMY - ALLIED
FILE
APR 1945

3771

2041

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DF/6.23/CA

11 April 45

SUBJECT : Defascism Returns period to 31 Mar 45.

TO : Navy S/C

Will you please forward as soon as possible your Defascism Progress Report for period ending 31 Mar 45.

S.H. WHITE Lt Col,
for VP CA Section

3773

2042

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS, ALLIED COMMISSION
APO 394
Navy Sub-Commission

NSC/1919

22 March 1945.

From: Navy Sub-Commission, Hq, AC.
To : Civil Affairs Section, Hq, AC.

Subject: Defascism Progress Report for Period ending 15 March 1945, forwarding of.

Attached hereto Defascism Progress Report for period ending 15 March 1945.

REAR ADMIRAL,
CHIEF, NAVY SUBCOMMISSION, AC.

ALLIED - NAVY SUB-COMMISSION - COMMISSION
22 MAR 1945

3769

2043

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

LF/3.32/CA

17 Mar 45

SUBJECT : Defascism.

TO : See Distribution

Enclosed for your information are 2 copies of a handbook on the suspension of Fascist officials and employees, under GO 35 for use by Provincial Commissioners of North Italy if GO 35 is put into operation there.

S.H. WHITE Lt Col,
for VP CA Section

DISTRIBUTION :-

VP CA Sec	Econ Sec (2)	Pol Sec
Educ S/C	Agri S/C	Air S/C
Local Govt S/C	Commerce S/C	Army S/C
Legal S/C	Finance S/C	Naval S/C
Pub Saf S/C	Pub Works S/C	Comms S/C
File CAS	Transpt S/C	PRB

2044

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS, ALLIED COMMISSION
APO 394
Navy Sub-Commission

NSC/1760

8 March 1945.

From: Navy Sub-Commission, Hq, AC.
To : Civil Affairs Section, Hq, AC.

Subject: Defascising Reports.

Attached hereto Defascism Progress Report for period ending 28th February 1945.

S. N. BLACKBURN,
Captain, R.N.
for Chief, Navy Sub-Commission, AC.

8 MAR 1945

3768

2045

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

2 March 45

Ref: CA/GR/CA

SUBJECT : Defascising Reports

TO : See Distribution

1 The fortnightly progress report forms have been slightly altered. Copies of the revised forms (both Italian and English) can be obtained from the Chief Clerk Civil Affairs Section.

2 With one exception of the introduction of columns (i & k) the alterations are in detail only with the purpose of clarifying points of difficulty and the instructions at the foot of the form have been re-written for the same purpose.

3 In Columns i & k will be entered only the Orders of the Court of Appeal which REVERSE the previous finding of the first hearing. The object of this is so that the total number of dismissals may be obtained (by deducting Col (i) from (f) and adding (k).

4 The new form will be taken into use forthwith. Returns already rendered for 28 Feb need not be re-written, but no returns for 15 Mar will be made on the old form either by Ministries or Sub-Commissions.

G.R. UPJOHN Brig,
for CA Section

DISTRIBUTION :-

CA Sec
Educ S/C
Local Govt S/C
Legal S/C
Pub Sec S/C
File CAS

Econ Sec (2)
Agri S/C
Commerce S/C
Finance S/C
Pub Works S/C
Transpt S/C

Pol Sec
Air S/C
Army S/C
Naval S/C
Comms S/C
PRB

3767

New forms will be printed with the Secretary's

2048

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS, ALLIED COMMISSION
APO 394
Navy Sub-Commission

NSC/1699

24 February 1945.

From: Navy Sub-Commission, Hq, AC.
To : Civil Affairs Section, Hq, AC.

Subject: Defaction Progress Reports, Returns of.

Forwarded herewith reports for periods ending: 15 January 1945, 30 January 1945 and 15 February 1945 respectively.

S. N. BLACKBURN,
Captain, R.N.
for Chief, Navy Sub-Commission, AC.

3-Incls.
(3) reports.

NAVY SUB-COMMISSION
CONTROL COMMISSION
7
24 FEB 1945
Pam 5

3766

2047

Declassified E.O. 12356 Section 3.3/NND No. 785020

Navy S/c

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

20 Feb 45

Ref DF/GB/CA

SUBJECT : Defaccian Returns

TO : See distribution

The following fortnightly returns are now overdue. May the rendition of these returns be expedited please.

Agriculture S/C	15 Jan 45 and 15 Feb 45
Legal S/C	15 Jan 45
Commerce S/C	30 Jan 45 and 15 Feb 45
Communications S/C	15 Jan 45, 30 Jan 45 and 15 Feb 45
Education S/C	15 Jan 45, 30 Jan 45 and 15 Feb 45
Finance S/C	30 Dec 44 and 15 Feb 45
Land Forces S/C	30 Jan and 15 Feb 45
Public Works & U.S/C	15 Feb 45
Transportation S/C	30 Jan and 15 Feb 45
Political Sec	30 Dec 44, 30 Jan 45 and 15 Feb 45
Air S/C	30 Dec 44, 15 Feb 45
Navy S/C	15 Jan 45, 30 Jan 45 and 15 Feb 45
Public Relations Branch	15 Jan 45 and 15 Feb 45
Public Safety S/C	15 Feb 45

J H White Lt Col

J. H. WHITE Lt Col
for VP CA Section

Distribution :

Agriculture S/C	Public Works & U. S/C
Legal S/C	Transportation S/C
Commerce S/C	Political Sec
Communications S/C	Air S/C
Education S/C	Navy S/C
Finance S/C	Public Relations Branch
Land Forces S/C	Public Safety S/C

3765

2048

Declassified E.O. 12356 Section 3.3/NND No. 785030

COPY

HEADQUARTERS ALLIED COMMISSION
APO 394.
CIVIL AFFAIRS SECTION

Ref DF/6A/CA 5 Jan 45

SUBJECT : Defascism - Fortnightly returns

TO : Educ S/C
Legal S/C
Loc Govt S/C
Pub Saf S/C
Air S/C
Land F. S/C
Naval S/C
PRB

Reference DF/6A/AS of 5 Sep.

1 The following amendments will be made to the report Forms

a) English Forms (as to both)

i) Heading of Col d
delete "suspensions"
insert "referred"

ii) Footnote
delete "for instance"
delete commencing "suspensions ordered" incl - to end of sentence
insert "cases referred to Epuration commissions"

b) Italian Forms

i) Titolo della colonna d
omettere "sospensioni"
inserire "rinvii"

ii) Nota
omettere "per esempio"
omettere cominciando da "delle sospensioni disposte" fino alla fine del periodo
inserire "dei rinvii alla Commissione di Epurazione"

2 Please notify the Ministries to amend the forms accordingly and ask them to be good enough to make new returns for the period ending 31 Dec showing the total "rinvii" instead of "sospensioni"

/s/ S.H. WHITE Lt Col
for CSO CA Sec

3764

2049

Declassified E.O. 12356 Section 3.3/NND No. 785020

ALLIED [redacted] COMMISSION

INTER-OFFICE MEMORANDUM

FILE No. DF/4/13.1/CA

30th January 1945.

SUBJECT: Epuration Proceedings - Col. Aldo Remondino.

TO : Navy Sub-Commission. ✓
Air Force Sub-Commission.

CONFIDENTIAL - For the eyes of Allied Personnel only.

Attached copy of letter DF/4/13.1/CA, dated 27th January, 1945, is forwarded for your information at the direction of the Chief Commissioner.

R.R. Cripps

R.R. CRIPPS, Col.
CSO CA Section.

Encl.

CONFIDENTIAL

3763

(15)

2050

Declassified E.O. 12356 Section 3.3/NND No. 785020

Office of Chief Commissioner

CONFIDENTIAL
COPY

DF/4/13.1/CA

27 January 1945

My dear Mr. Prime Minister,

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

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

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

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

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

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

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

Yours very truly,

3762

ELLERY W. STONE
Rear Admiral USNR
C hief Commissioner

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

c.c. Air Forces Sub-Commission,
Naval Sub-Commission.

Para 5

(15)

2051

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

6 Jan 45.

Ref: DF/3B/CA

SUBJECT: Defrascism - Grades I-IV Officials.

TO: Education S/C
Legal S/C
Public Safety S/C
Economic Section
Army S/C
Naval S/C
FRB

Reference DF/3.10/CA para 2, dated 30 Dec 44.

It is requested that the summary called for, which was not produced at the meeting on 3 Jan 45, be submitted to this office as soon as possible.

3761

S.H. WHITE, Lt Col,
for VP CA Section.

2052

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DF/3.9/CA

10 Jan 45

SUBJECT : Defascism - Grades I-IV Officials

TO : Legal S/C
Land Forces S/C ✓
Naval S/C

Reference DF/3.10/CA of 30 Dec and reminder DF/3.9/CA of 6 Jan.

Please say when the return asked for may be expected.

S.N. WHITE Lt Col,
for VP CA Section

AB/is

Ted. I hope I can let you have this section by tomorrow / 11/1

3760/485

2053

Declassified E.O. 12356 Section 3.3/NND No. 785020

DEFASCIM PROGRESS REPORT
(State Departments)

For period ending 30 December, 1944

3759

Navy Sub Commission.

Return as to Ministry of Marine.

GRADE	Total No. in liberated Italy	Investigations Completed	Investigations Suspensions Satisfactorily	Hearing Completed	Hearing Dismissals	Appeals Lodged	Appeals Heard	Appeals Not confirmed
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
I	-	-	-	-	-	-	-	-
II	4	4	3	2	2	2	-	-
III	11	11	5	-	-	-	-	-
IV	35	35	19	6	1	2	-	-
V								
VI								
VII								
VIII								
IX								
TOTAL	50	50	27	8	3	4	-	-

I am of opinion that progress may be regarded as Satisfactory

F.N. Tuckwell
Captain RN
for Commodore

2054

Declassified E.O. 12356 Section 3.3/NND No. 785020

DEPARTMENT PROGRESS REPORT
(State Departments)

For period ending
30 December, 1944

FILE

e.

Investigations Completed (c)	Investigations Suspensions outstanding (d)	Hearing Completed (e)	Hearing Dismissals (f)	Appeals Lodged (g)	Appeals Heard (h)	Appeals Not confirmed (i)
c)						
-	-	-	-	-	-	-
4	3	2	2	2	-	-
1	5	-	-	-	-	-
35	19	6	1	2	-	-
50	27	8	3	4	-	-

may be regarded as Satisfactory

[illegible]
Lieutenant, USN
for Commodore

2055

Declassified E.O. 12356 Section 3.3/NND No. 785020

FWB
PRESS READING BUREAU

10 December

I. --

II. --

III. --- MISCELLANEOUS CRITICISMS

G. ATTACK ON THE ITALIAN ADMIRALTY

VOCE REPUBBLICANA bitterly criticises the activity of the Admiralty which has left at their posts the four Admirals Fioravanzo, Jachino, Cavagnari and ~~Riccardi~~ Riccardi. The first, reports VR, was a Fascist radio commentator and writer, the second supported the Germans in Rome, so much so that he went as witness to ~~the~~ the trials against the Admirals Campione and Mascherpa; the third was Under Secretary ~~in~~ of the Navy from 1932 to 1940; the fourth was a Fascist Senator, a friend of the ~~Petacci~~ Petacci family whose sole preoccupation on July 25th was the protection of the brother of the Petacci sisters.

3758

2056

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/1156C
12 November 1944.

From: Navy Sub-Commission, Hq. Allied Commission.
To : Civil Affairs Section, HQAC.

Subject: Abolition or Conversion of Fascist Organizations.

1. The Navy Sub-Commission agrees to the proposals made in your letter DF/IA/CA of 30 October and has instructed the Ministry of Marine to procede on subject actions along the lines suggested.

H. W. ZIROLI,
Commodore, U.S. Navy,
for Chief, Navy Sub-Commission, A.C.

ALLIED CONTROL COMMISSION · NAVY SUB-COMMISSION ·
15 NOV 1944

2057

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

8 Nov 44

IF/1A/CA

SUBJECT : Abolition or conversion of Fascist organisations

TO : Army S/C
Naval S/C ✓
Air S/C
FH S/C
Loc Govt S/C
Agric S/C
Educ S/C

May we now have a reply to IF/1A/CA dated 30 oct 44 please.

S.H. WHITE Lt Col.
for DCOS CA Sec

3756

Ext : 469

3907

2058

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DP/1A/CA 14 Nov 44

SUBJECT : Abolition or conversion of Fascist Organisations.

TO : Industry S/C
Army S/C
Naval S/C ✓
Local Gov S/C
Agriculture S/C
Education S/C

Ref this office reminder DP/1A/CA of 8 Nov.

Can you please state when a reply to this office DP/1A/CA of 30 Oct can be expected please

for CSO G.H. WHITE Lt Col,
CA Section
for CSO

Ext : 469

2059

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/1155HB
12 November 1944.

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine - ROME.

Subject: Defascistisation.

1. The Italian Government, which is under an obligation to abolish the various Fascist organisations which were formerly in existence in Italy has already submitted a draft decree abolishing:

(a) The Group MARINAI d'ITALIA.
(b) The Group AVIATORI d'ITALIA.

2. The Italian Government has suggested that the following organisations are non-political and should be allowed to continue subject to the epuration of any members who have Fascist sympathies.

(a) The ASSOCIAZIONE COMBATTENTI.
(b) The LEGA GARIBALDINO.

3. The Italian Government proposes that the LEGA NAVALE should be reorganised with a view of eliminating certain objectionable features.

4. The Allied Commission is in agreement with the Italian Government in the matters set out in paragraphs 1, 2 and 3 above and it is therefore requested that you will arrange that the epuration and reorganisation of these bodies is effectively carried out so far as the Ministry of Marine is concerned.

5. It is requested that you will furnish this Sub-Commission with a report on the progress of this epuration at the end of November.

H. T. MITCHELL,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, A.C.

3754

NAVY SUB-COMMISSION
ALLIED CONTROL COMMISSION
FILE
15 NOV 1944

2060

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
C M F
CIVIL AFFAIRS SECTION

Ref : DF/1A/CA

30 Oct 44

SUBJECT : Abolition or conversion of Fascist organisations.

TO : Naval Sub-Comsn.
Air Sub-Comsn.

1 The Italian Government is under an obligation to abolish various Fascist organisations. It has already submitted a draft decree abolishing :
a) The GROUPS MARINAI D'ITALIA.
b) The GROUPS AVIATORI D'ITALIA.

2 It suggests that the following are non-political and, subject to epuration, should be allowed to continue:
a) The ASSOCIAZIONE COMBATTENTI.
b) The LEGIONE GARIBALDINO.

3 It suggests that the LEGA NAVALE should be reorganised with a view to eliminating certain objectionable features.

4 Will you please say whether you are in agreement with these proposals and if so, arrange to see that the epuration and reorganisation of these bodies is effectively carried out.

5 The Public Health Sub-Comsn. has been instructed to take similar steps with regard to the societies for the war-maimed and war orphans.

6 Property of abolished organisations will be dealt with as laid down in Part IV of DLL 159/44.

S.H. WHITE, Lt Col,
for VP CA Sec.

3753

SHW/sg

3386

2061

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS, ALLIED COMMISSION
Navy Sub-Commission APO 394

NSC/1155BB
12 November 1944.

From: Navy Sub-Commission, Hq. Allied Commission.
To : Ministry of Marine - ROME.

Subject: Defascistisation.

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H. W. ZIROLI,
Commodore, U. S. Navy,
for Chief, Navy Sub-Commission, A.C.

3752

2062

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

LF/1A/CA 3 Nov 44

SUBJECT : Abolition or conversion of Fascist organisations

TO : Army S/C
Naval S/C
Air S/C
PH S/C
Loc Govt S/C
Agric S/C
Educ S/C

May we now have a reply to DF/1A/CA dated 30 Oct 44 please.

S.H. WHITE Lt Col.
for DCOS CA Sec

Ext : 469

3,2541

STAFF MINUTE SHEET.

Doc. No. 2063

Subject _____ 19____

Origin NSC

Referred to

SEC

Propose to Minister of Marine.

A recent directive from Headquarters, Allied Control Commission, directs that each ministry of the Italian government set up a committee to advise the Minister on the defascistization of the personnel in his ministry. The directive states that it is essential for such work to be completed as soon as possible.

Information is requested as to the status of the defascistization organization of the Ministry of Marine. In the event that no such organization exists at the present time, it is directed that one be instituted immediately and that assurance be given to me as soon as possible, that your ministry contains no individuals of fascist background.

After action circulation

NSC

cc:
NAV REP NSC Rome.

3750

Disposal

NSC

Declassified E.O. 12356 Section 3.3/NND No. 785220

propose to Minister of Marine.

SEC

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After action circulation

NSC

cc:
NAV REP NSC Rome.

3750

Disposal

NSC

B. U.

Continue, if necessary, on a FRESH minute sheet.

Declassified E.O. 12356 Section 3.3/NND No. 763120

2065

Declassified E.O. 12356 Section 3.3/NND No. 785020

COPY

From: Ministry of Marine (Cabinet)
to: F O LI
Date: 13.9.44
Ref : 607/FO.

Subject: The Work of Ministry of Marine De-Fascistisation Commission.

In reply to letter No. 25/4 of 8th instant, you are informed that the De-Fascistisation Commission for I.R.N. personnel has received 15 in No. dossiers of Active (Permanent) Service Officers who had the qualifications refered to in Art. 14 of Lieut. General of the Realm's Decree No. 159 of 27th July 1944.

The other dossiers relative to Officers who are in the above condition will be sent to the Commission as soon as they are completed.

Moreover, 18 in No. dossiers of A.(F).S. Petty Officers, with the same qualifications, have also been forwarded to the Commission.

The Commission has yet to make know its decisions.

Chief of Cabinet.

COPY

NN 3749

2066

Declassified E.O. 12356 Section 3.3/NND No. 785020

Defascism
Notes of meeting of representatives
of Sub Commissions.

4 Sep 44

1 It was considered that greater efforts should be made to make the present defascising scheme function succesfully before attempting to find other methods.

2 With this subject in view -

i The Italian Government should be pressed to issue at once regulations for the conduct of proceedings before the Purging Commissioners.

ii Sub-Commissions should press the Purging Commission to proceed more quickly and with this object should open direct liaison with the Commissions and attend some of their sessions.

iii The Purging Commission should be asked to commence making returns of their actions.

iv That the matter should be reconsidered in 14 days time with the adequacy of progress under the present scheme.

3 It was suggested that if the new scheme were adopted it would be better to word the decree to dismiss at a future date those who had not made application to remain in the Service then there need be no break in efficiency as planning to fill vacancies could be made.

DISTRIBUTION:- Admin Sec
Econ Sec
Polit Sec
RCMG Sec
Interior S.C.
Legal S.C.
Educ S.C.
Commerce S.C.
Public Works S.C.
Finance S.C.
Agric S.C.
Army S.C.
Air S.C.
Navy S.C.
Communications S.C.
Transportation S.C.

3748

2067

Declassified E.O. 12356 Section 3.3/NND No. 785020

Defascism
Notes of meeting of representatives
of Sub Commissions.

4 Sep 44

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DISTRIBUTION:- Admin Sec, Econ Sec, Polit Sec, RCMG Sec, Interior S.C., Legal S.C., Educ S.C., Commerce S.C., Public Works S.C., Finance S.C., Agric S.C., Army S.C., Air S.C., Navy S.C., Communications S.C., Transportation S.C.

3748

2068

Declassified E.O. 12356 Section 3.3/NND No. 785020

EXT 469

SHW/gal

DF/3.22/AS.

SUBJECT : Defascism.

TO : Navy Sub-Commission

Enclosed is a list from the Italian Government of Public Concerns for the defascising of which the Ministry of Marina is responsible and which therefore will be supervised by your Sub Comsn. ~~Will you please consult as to how responsibility should be divided.~~

3747

S.H. WHITE Lt Col,
for A/Hd. Admin Sec.

ADMIN Sec.
15 Aug 44

2069

Declassified E.O. 12356 Section 3.3/NND No. 785020

MINISTERO MARINA

Gruppi Marinai d'Italia

Lega Navale Italiana

NN 3746

764

2070

Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

15 Aug 44

DE/ZB/AS

SUBJECT : Defascism.

TO : As Distribution.

1 A Meeting on the subject of Defascism will be held in Col UPJOHN's Room on Sat 19 Aug at 0900 hrs. The attendance of your representative is requested.

2 The following matters will be discussed or dealt with.

i Review of position - proposed further legislation.
ii Oral Reports by Sub Comsns on position.
iii Difficulties and problems.
iv Progress Reports - their frequency, contents and form.
v Bodies for whose Defascism Sub Comsns will be responsible.

S.H. WHITE Lt Col,
for A/Hd. Admin Sec.

Ext: 469
SHW/is

DISTRIBUTION:-

Political Section
Interior Sub Comsn
Legal Sub Comsn
Finance Sub Comsn
Commerce Sub Comsn
Public Works S.C.
Agricolture S.C.
Education Sub Comsn
Army Sub Comsn
Air Sub Comsn
Navy Sub Comsn
Communications S.C.
Transportation S.C.

3745

T slation (Unofficial)

CONFIDENTIAL

F.O.L.I. = R O M A =

SUBJECT: Defascistisation

FL.. OFFICER
TARANTO AREA
DATE 1 AGO.
No: L-53/1115

E - Roma

Reference to Flag Officer Liaison, Italy confidential letter No. T.A. 1115 of 22 july 1944 and to letter NSC/683 dated August 4th 1944.

1°) The Committees for the defascistisation of the personnel of the R.I.Navy have been, with Ministerial Decree, constituted in the following way:

I. Commissione per il personale militare

- S.E. Gr.Uff. Primo Presidente On. della Corte Suprema di Cassazione	Pasquale	~~TEMPESTA~~ URAS	- Presidente
- S.E. Amm.Sq. M.O.	Ildebrando	GOIRAN	- Membro
- Dott. Diplomatico	Sidney	RICOTTI	- Membro
- Cap. di Vascello	Sebastiano	MORIN	- Segretario

II. - Commissione per il personale civile del Ministero della Marina

- Comm.Dott. Sost.Proc.Gen.di Corte d'Appello	Ugo	FOA'	- Presidente
- Comm.Dott. Dir.Gen.del Ministero della Marina	Alfredo	AMICI	- Membro
- Dott.Diplomatico	Sidney	RICOTTI	- Membro
- Dott.Capo Sezione	Mario	PESCE	- Segretario

III. Commissione per il personale civile dipendente dalla Direzione Generale della Marina Mercantile

- Prof. Dott. Sost.Proc.Gen.di Cassazione	Pietro	MIRTO RANDAZZO	- Presidente
- Comm. Dott. Dir.Gen.	Pietro	BALLANTI	- Membro
- Dott. Diplomatico	Sidney	RICOTTI	- Membro

Declassified E.O. 12356 Section 3.3/NND No. 763020

1944.

1°) The Committees for the defascistisation of the personnel of the R.I.Navy have been, with Ministerial Decree, constituted in the following way:

I. Commissione per il personale militare

- S.E. Gr.Uff. Primo Presidente On. della Corte Suprema di Cassazione	~~Pasquale~~	~~TEMPESTA~~ URAS	- Presidente
- S.E. Amm.Sq. M.O.	Ildebrando	GOIRAN	- Membro
- Dott. Diplomatico	Sidney	RICOTTI	- Membro
- Cap. di Vascello	Sebastiano	MORIN	- Segretario

II. - Commissione per il personale civile del Ministero della Marina

- Comm.Dott. Sost.Proc.Gen.di Corte d'Appello	Ugo	FOA'	- Presidente
- Comm.Dott. Dir.Gen.del Ministero della Marina	Alfredo	AMICI	- Membro
- Dott.Diplomatico	Sidney	RICOTTI	- Membro
- Dott.Capo Sezione	Mario	PESCE	- Segretario

III. Commissione per il personale civile dipendente dalla Direzione Generale della Marina Mercantile

- Prof. Dott. Sost.Proc.Gen.di Cassazione	Pietro	MIRTO RANDAZZO	- Presidente
- Comm. Dott. Dir.Gen.	Pietro	BALLANTI	- Membro
- Dott. Diplomatico	Sidney	RICOTTI	- Membro
- Gr.Uff.Dott.	Venturino Corrado Tobia		- Membro Suppl.
			- Segretario

2°) I have therefore proceeded to readmit in service 3744

Admiral Ildebrando GOIRAN, Gold Medal.

Signed: de COURTEN
M. of Marine

P.S.
I. Commission for Naval Personnel.
II. Commission for Civil Personnel attached to the Ministry of Marine.
III. Commission for Civil Personnel attached to the General Directorate of the Merchant Navy.

Declassified E.O. 12356 Section 3.3/NND No. 781220

2073

Declassified E.O. 12356 Section 3.3/NND No. 785020

13. 8. 44

Ministero della Marina

GABINETTO

Indirizzo telegrafico: MARINA

T.O.I.I. = R O M A =

Prot. N. B 942 Allegati

ARGOMENTO: Defascistizzazione.

RISERVATA ALLA PERSONA

Riferimento alla lettera riservata del F.O.L.I. No.T.A.1115 del 22 luglio 1944 ed al foglio NSC/683 in data 4 Agosto 1944.

1°) Le Commissioni per la epurazione del personale delle Amministrazioni della R.Marina sono state, con Decreto Ministeriale, così costituite:

I. Commissione per il personale militare

- S.E. Gr.Uff. Primo Presidente On. della Corte Suprema di Cassazione	Pasquale	TEMPESTA	- Presidente
- S.E. Amm.Sq. M.O.	Ildebrando	GIRAN	- Membro
- Dott. Diplomatico	Sidney	RICOTTI	- Membro
- Cap.di Vascello	Sebastiano	MORIN	- Segretario

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- Comm. Dott. Sost.Proc.Gen. di Corte d'Appello	Ugo	FOA'	- Presidente
- Comm. Dott. Dir.Gen.del Ministero della Marina	Alfredo	AMICI	- Membro
- Dott. Diplomatico	Sidney	RICOTTI	- Membro
- Dott. Capo Sezione	Mario	PESCE	- Segretario

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./.

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Declassified E.O. 12356 Section 3.3/NND No. 785020

III. Commissione per il personale civile dipendente dalla Direzione Generale della Marina Mercantile

- Prof. Dott. Sost.Proc.Gen.di Cassazione	Pietro	MIRTO RANDAZZO	- Presidente
- Comm. Dott. Dir. Gen.	Pietro	BALLANTI	- Membro
- Dott.Diplomatico	Sidney	RICOTTI	- Membro
- Gr.Uff.Dott.	Venturino Corrado Tobia		- " Supp
			- Segretari

2°) Ho pertanto proceduto alla riammissione in servizio dell'Ammiraglio di Squadra Medaglia d'Oro Ildebrando GOIRAN.

MINISTERO DELLA MARINA

IL MINISTRO

3742

NN

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COPY

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

A/CC 250 15 Jul 44

SUBJECT : Defascistisation.

TO : Distribution Below.

1. This memorandum is concerned with the defascistisation of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmental representatives in the field e.g. Prefects.

2. In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistisation of the personnel in his ministry and it is essential that such work be completed as soon as possible.

3. In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that these boards are immediately set up (where this has not already been done), and that they carry out their work speedily and effectively.

4. Appended below ar the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances (e.g. Public Safety in the Ministry of Interior) more than one Sub-Commission is concerned. In these cases, the Sub-Commission named in Column 2 will be the responsible authority and will coordinate the work with those named in column 3.

1 MINISTRY	2 Sub-Comsn or Section	3 Sub Comsn
Foreign Affairs	Political Section	-
Interior	Interior	(Public Health (Public Safety (PRO re Press. (and Information.
Grace and Justice	Legal	Public Safety
Treasury) Finance)	Finance	Property Cont 3741
Industry & Commerce	Commerce	(Industy (Labour

Declassified E.O. 12356 Section 3.3/NND No. 785020

TO : Distribution Below.

1. This memorandum is concerned with the defascistisation of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmentalrepresentatives in the field e.g. Prefects.

2. In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistisation of the personnel in his ministry and it is essential that such work be completed as soon as possible.

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1 MINISTRY	2 Sub-Comsn or Section	3 Sub Comsn
Foreign Affairs	Political Section	-
Interior	Interior	(Public Health (Public Safety (PRO re Press. (and Information.
Grace and Justice	Legal	Public Safety
Treasury Finance	Finance	Property Contrôl
Industry & Commerce & Labour	Commerce	(Industy (Labour
Public Works	Public Works	-
Agriculture	Agriculture	Food
Public Instruction	Education	MFAA
WAR	ARMY	-
Aviation	Air	-
Marine	Navy	-
Communications	(Posts & Tel) Communications (Roads & Rlys) Transportation	Shipping

Declassified E.O. 12356 Section 3.3/NND No. 785020

5. If Sub-Commissions have any information as to the fascist antecedents of any person concerned in their ministry, they should place any such information at the disposal of the minister concerned. If there is any doubt as to whether any information should or should not be disclosed on security grounds, the Security Branch RC & MG will be consulted.

6. It is obviously impracticable that all the personnel of ministries should be screened by the Security Branch. Directors of Sub-Commissions will exercise their discretion in referring the most important personnel in their respective ministries to the Security Branch for screening; this will particularly apply to the members of the ministerial committees.

7. NATION-WIDE INSTITUTIONS & PARASTATAL INSTITUTIONS.

A separate directive will shortly be issued with regard to the defascistisation of nation-wide institutions (e.g. Banca d'Italia, Banca di Napoli, assurance companies and so on) and of parastatal institutions (e.g. I.R.I, I.M.I. and E.I.A.R.).

In the meantime the following principles are laid down for guidance.

(a) The defascistisation of the Head Office wherever situated of such institutions will be the responsibility of HQ ACC and not of the Regional Commissioner of the Region within which the Head Office is found.

(b) The defascistisation of branch offices, even those situated in the same city as the Head Office, will be the responsibility of the Regional Commissioner of the Region in which such offices are found.

8. Vice Presidents will ensure that the above instructions are carried out in their respective Sections. Progress reports to be rendered weekly commencing MONDAY 24 Jul 44 to Vice President, Administrative Section who will be the coordinating authority.

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

Distribution:

Acting Chief Commissioner	
Administrative Section	(10)
Economic Section	(10)
RC & MG Section(for Regions)	(12)
Political Section	(2)
Navy Sub-Commission	(2)
Army Sub-Commission	(2)
Air Sub-Commission	(2)
Communications Sub-Comm.	(2)
File	(2)

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Declassified E.O. 12356 Section 3.3/NND No. 785120

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Declassified E.O. 12356 Section 3.3/NND No. 785020

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
Navy Sub-Commission
APO 394

NSC/591

21 July 1944.

TO : Flag Officer, Taranto, Adriatic and Liaison Italy.

SUBJECT : Defascism.

1. It is requested that the appointment of an Italian Committee to advise the Minister of Marine on defascistisation as provided for in enclosures 1 and 2 be discussed direct with the Minister at Taranto and that I be advised as to the arrangements made.

Commodore,
S.B.N.O., ROME.

2-Incls:
1-Actg. Chief Comm confi.ltr A/CC 250 of 15 July 1944.
2-Adm Sec ACC ltr DF/4/1A/AS of 20 July '44.

Copy to:
Naval Sub-Commission, ACC.Taranto.

CONFIDENTIAL

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COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/4/1A/AS 20 Jul 44

SUBJECT ; Defascism.

TO : Distribution as below.

With reference the A/CC letter 250 of 15 Jul.

1 It is understood that some Ministries are suggesting that they are unable to proceed with the formation of the Ministerial defascising commissions as the authorising decrees have not been passed.

2. Ministers are perfectly aware of the new proposals which the decree will authorise and can perfectly well save time by considering now what persons they will appoint when this decree is passed. They can also supply us provisionally with the names of these persons to enable us to put screening in hand.

3. If this is not done much time will be quite unnecessarily lost after the decree comes into effect before the commissions will be able to get to work.

4. The Sections and Sub-Commissions mentioned in Col 2 of A/CC 250 of 15 Jul are therefore requested to press the Ministires concerned for the names of the persons they propose to appoint and to get them screened.

/s/t/ G.R. UPJOHN, Col.
A/Head, Adm Sec.

DISTRIBUTION: Acting Chief Commissioner.

Administrative Section	(10)
Economic Section	(10)
RC & MG Section	(2)
Political Section	(2)
Navy Sub-Commission	(2)
Air Sub-Commission	(2)
Communications Sub-Commission	(2)
File	(2)

3730

Declassified E.O. 12356 Section 3.3/NND No. 785020

TO : Distribution as below.

With reference the A/CC letter 250 of 15 Jul.

1 It is understood that some Ministries are suggesting that they are unable to proceed with the formation of the Ministerial defascising commissions as the authorising decrees have not been passed.

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/s/t/ G.R. UPJOHN, Col.
A/Head, Adm Sec.

DISTRIBUTION: Acting Chief Commissioner.
Administrative Section (10)
Economic Section (10)
RC & MG Section (2)
Political Section (2)
Navy Sub-Commission (2)
Air Sub-Commission (2)
Communications Sub-Commission (2)
File (2)

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SHW/wb
Ext: 469

COPY

Declassified E.O. 12356 Section 3.3/NND No. 785020

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Declassified E.O. 12356 Section 3.3/NND No. 785020

15th August 19[illegible]0

STAFF MINUTE SHEET.

Pack No. _____

Subject Reference Ministry of Marine's letter N° B 542 dated 13.8.44.

Origin _____

Referred to

A. Sec (II)

CS (D)

I have checked the attached translation and found it correct.

I mention this only because it is stated to be unofficial.

L. J. Hawkins
Lieutenant R.N.V.R.
S.O.I. TARANTO.

After action circulation

Disposal

B. U.

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Continue, if necessary, on a FRESH minute sheet.

2 0 8 2

Declassified E.O. 12356 Section 3.3/NND No. 785020

NOTES: Meeting held 10 a.m. 6 August, 1944.

DEFASCISTIZION

A. Commissioner Representive to be appointed:

(1) One Minister of Justice.
(2) Ministry concerned.
(3) SFORZA

(SFORZA is now named as representative).

B. Sub-Commission to put pressure on Ministry to obtain Minister of Justice Representive. If not already in the Ministery, he will have to apply to Minister of Justice. Nomination should be obtained within the next few days.

C. No formal screening of members of Commission. In individual cases there may be objections and commission will be approved by Sub-Commission of ACC.

D. Purge to commence with those holding high office.

E. Unofficial purges have already taken place and many have been removed from office who will have the right to re-appear before the newly appointed commission.

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Declassified E.O. 12356 Section 3.3/NND No. 785020

NOTES: Meeting held 10 a.m. 6 August, 1944.

DEFASCISTIZION

A. Commissioner Representive to be appointed:

(1) One Minister of Justice.
(2) Ministry concerned.
(3) SFORZA

(SFORZA is now named as representative).

B. Sub-Commission to put pressure on Ministry to obtain Minister of Justice Representive. If not already in the Ministery, he will have to apply to Minister of Justice. Nomination should be obtained within the next few days.

C. No formal screening of members of Commission. In individual cases there may be objections and commission will be approved by Sub-Commission of ACC.

D. Purge to commence with those holding high office.

E. Unofficial purges have already taken place and many have been removed from office who will have the right to re-appear before the newly appointed commission.

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Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS
ALLIED CONTROL COMMISSION
Naval Sub-Commission
APO 394

NSC/683

CONFIDENTIAL: 4 August 1944.

Minister of Marine.

DEFASCISTISATION

1. With reference to Flag Officer Liaison, Italy, confidential letter No. T.A. 1115 of 22 July 1944, it is requested that you submit at your earliest convenience, the names of the persons appointed to the Defascistisation Committee in the Ministry of Marine.

2. For your information, I am informed that Mr. Sidney RICOTTI has been appointed to the committee by the High Commissioner for defascistisation, Count SFORZA.

3. If you have not received the nomination of the judicial member, it should be obtained from the President of the Council, the Ministry of Justice or the Ministry of Interior, according to whether you require, judicial or administrative judge.

COMMODORE

Copy to:
FOLI
ADM Sec.ACC

NN

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Declassified E.O. 12356 Section 3.3/NND No. 785020

(1)

Colonel Lee
Cmdr B
Cmdr B
Lt Davis

HEADQUARTERS
ALLIED COUNCIL COMMISSION
APO 394
ADMINISTRATIVE SECTION

3 Aug.46

ref/ad/ab

SUBJECT : Information

TO : VI, Political Section
Director, Interior Finance Commerce
Public Works Agriculture Army
Air Navy Communications
Transportation, Sub-Commissions.

1. The names of persons appointed to the Ministerial Commission on Extradition have not yet been received. Will you please submit them and let us have an estimate of the date by which it is expected they will commence working.

2. It is understood that some Ministries have put forward as an excuse for delay that they have not received the name of the Judicial member. It is for them to obtain this from the President of the Supreme Court, the Ministry of Justice or the Ministry of the Interior according as whether they require a judicial or administrative judge.

H.R. WHITE. Lt Col
for A/Head, Admin Section

ref/ab
2nd/extra.

592

N.N.

JEFC

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Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

3 Aug. 44

DF/ZS/AS

SUBJECT : Defascism.

TO : VP, Political Section.
Director, Interior
Commerce
Agriculture
Air
Legal
Communications
Education
Navy
Finance
Public Works
Army
Transportation
Sub-Commission.

Will you please in trust the officer who will be responsible to you for Defascism to attend a conference on that subject when called upon. Allied Administrative Section will explain the new decree "Sanctions against Fascism" and the machinery which the Italian Government and ACC propose to establish respectively to carry out the decree and to supervise that defascism is effectively carried out.

The meeting will take place in room 58 5th Floor at 1600 hours Sunday 6 August.

S.H. WHITE Lt Col
for Allied Admin Section.

XXX : 469
SHW/arm.

Lt Col. Davies detailed.

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Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

5 Aug 44.

DF/3D/A3.

SUBJECT : Defascism.

TO : Economic Section.

Reference your E3/7 of 3 Aug.

1 There seems to be some misunderstanding all officials employed by a Ministry even the most junior officers in remote areas are defascised by the Ministerial Commission. Paras 2, 3 and 4 therefore do not arise.

2 Para 5 is not understood as the only power to defascise is vested in the Ministerial Commission which is not yet functioning.

3 The names of the three members of the commission are required please.

4 Your para 7 does not appear to be very relevant. It is presumed that those who did not pass the security test will be sent before the Ministerial Commission in due course to be dismissed.

5 With regard to para 8 no effective defascising can take place until these committees are formed. They must be formed as soon as possible. The difficulties do not seem insuperable. The appointment is most urgent.

6 On the facts stated in para 9, the Ministry of Marina should defascise the DGMM. The responsibility for supervision will therefore be as if the Naval Sub-Commission was mentioned in the second column of A/CC 250 of 15 Jul and Shipping Sub-Commission in the third. No formal amendment is necessary this letter may be taken as sufficient authority.

R.R. Cripps Col

R.R. CRIPPS Col,
for A/Hd. Admin Sec.

SHW/gal
Ext 608.

3732

Copy to : Naval Sub Comsn.
Shipping Sub Comsn.

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Declassified E.O. 12356 Section 3.3/NND No. 785020

CONFIDENTIAL

WAR OFFICER LIAISON, ITALY,
AREA COMBINED HEADQUARTERS,
TARANTO.

22nd July, 1944.

No. T.A. 1115.

MINISTER OF MARINE,
MARISTAT, PALAZZO POSTA,
TARANTO.

DEFASCISTISATION.

A recent directive from Headquarters, Allied Control Commission, directs that each Ministry of the Italian government set up a committee to advise its Minister on the defascistication of the personnel in his Ministry. The directive states that it is essential for such work to be completed as soon as possible.

2. Information is requested as to the status of the defascistication organisation of the Ministry of Marine. In the event that no such organisation exists at the present time, it is requested that one be instituted immediately and that assurance be given to me as soon as possible, that your Ministry contains no individuals of fascist background.

C. B. MORGAN
REAR-ADMIRAL.

(Copies to: Naval Representative,
Naval Sub-Commission, Rome.
Headquarters, Allied Control Commission.
Naval Sub-Commision.)

ALLIED CONTROL COMMISSION
APC 394

A/CC 250

15 Jul 44

SUBJECT: Defascistisation.

TO: Distribution Below.

1. This memorandum is concerned with the defascistisation of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmental representatives in the field e.g. Prefects.

2. In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistisation of the personnel in this ministry and it is essential that such work be completed as soon as possible.

3. In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that these boards are immediately set up (where this has not already been done), and that they carry out their work speedily and effectively.

4. Appended below are the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances (e.g. Public Safety in the Ministry of Interior) more than one Sub-Commission is concerned. In these cases, the Sub-Commission named in column 2 will be the responsible authority and will co-ordinate the work with those named in column 3.

1. MINISTRY	2 Sub-Comsn or Section	3 Sub Comsn
Foreign Affairs	Political Section	-
Interior	Interior	(Public Health (Public Safety (PRO re Press. (and Information.
Grace and Justice	Legal	Public Safety
Treasury Finance	Finance	Property Control
Industry, Commerce & Labour	Commerce	(Industry (Labour
Public Works	Public Works	-
Agriculture	Agriculture	Food
Public Instruction	Education	MFAA

3731

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Declassified E.O. 12356 Section 3.3/NND No. 759120

1. This memorandum is concerned with the defascistisation of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmental representatives in the field e.g. Prefects.

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3. In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be responsible for ensuring that these boards are immediately set up (where this has not already been done), and that they carry out their work speedily and effectively.

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Foreign Affairs	Political Section	-
Interior	Interior	{ Public Health { Public Safety { PRO re Press. { and Information.
Grace and Justice	Legal	Public Safety
Treasury Finance	Finance	Property Control
Industry, Commerce & Labour	Commerce	{ Industry { Labour
Public Works	Public Works	-
Agriculture	Agriculture	Food
Public Instruction	Education	MFAA
WAR	ARMY	MFAA
Aviation	Air	-
Marine	Navy	-
Communications (Posts & Tel) (Roads & Rlys)	Communications Transportation	Shipping.

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Declassified E.O. 12356 Section 3.3/NND No. 763120

5. If Sub-Commissions have any information as to the fascist antecedents of a person concerned in their ministry, they should place any such information at the disposal of the minister concerned. If there is any doubt as to whether any information should or should not be disclosed on security grounds, the Security Branch RC & HG will be consulted.

6. It is obviously impracticable that all the personnel of ministries should be screened by the Security Branch. Directors of Sub-Commissions will exercise their discretion in referring the most important personnel in their respective ministries to the Security Branch for screening; this will particularly apply to the members of the ministerial committees.

7. NATION-WIDE INSTITUTIONS & PARASTATAL INSTITUTIONS.

A separate directive will shortly be issued with regard to the defascistisation of nation-wise institutions (e.g. Banca d'Italia, Banca di Napoli, assurance companies and so on) and of parastatal institutions (e.g. IRI, IME and ENAR.)
In the meantime the following principles are laid down for guidance.

(a) The defascistisation of the Head Office wherever situated of such institutions will be the responsibility of HQ ACC and not of the Regional Commissioner of the Region within which the Head Office is found.

(b) The defascistisation of branch offices, even those situated in the same city as the Head Office, will be the responsibility of the Regional Commissioner of the Region in which such offices are found.

8. Vice Presidents will ensure that the above instructions are carried out in their respective Sections. Progress reports to be rendered weekly commencing MONDAY 21 JUL 44 to Vice President, Administrative Section who will be the coordinating authority.

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

Declassified E.O. 12356 Section 3.3/NND No. 788211

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Declassified E.O. 12356 Section 3.3/NND No. 785020

HEADQUARTERS
ALLIED CONTROL COMMISSION
Naval Sub-Commission
APO 394

File

NSC/652

1 August 1944

To: Flag Officer, Taranto Adriatic Liaison, Italy.

Subject: Defascistisation.

1. With reference to my confidential letter No. NSC/591 of 21 July 1944, and your confidential letter No. T.A. 1115 of 22 July 1944, I am enclosing herewith a copy of the Administrative Section, ACC, letter DF/2.B/AS of 30 July 1944, which advises that the Defascism Decree has been issued. A translation of the decree is not yet available.

2. Paragraph 3 of the Administrative Section, ACC, letter of 30 July 1944, indicates that a Defascistisation Committee should be appointed by the Minister of Marine at an early date. Advice has been received from the Administrative Section that Sidney RICOTTI has been appointed by the High Commissioner for Defascism, Count SFORZA as his representative in the Ministry of Marine. I am informed that the committee will be composed of three members, two of whom will be appointed by the Minister and a third member appointed by the High Commissioner of Defascism. The appointments made by the Minister will be the Head of the Personnel Branch of the Ministry of Marine and a Judge or Magistrate.

3. Further information will be furnished as soon as available.

probably

COMMODORE

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2093!

Declassified E.O. 12356 Section 3.3/NND No. 785020

DF/2.9/AS.

SUBJECT : Defasciem.

TO Navy Sub-Commission

I have to inform you that the High Commissioner for Defasciem has appointed the undermentioned person to be his representative in the Ministerial Commission of the Ministry of Marina. -

Sidney Ricotti

S.H. WHITE Lt Col
For A/Hd. Admin. Sec.

ADMIN SEC
29 Jul 44

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Declassified E.O. 12356 Section 3.3/NND No. 785020

CONFIDENTIAL

FLAG OFFICER LIAISON, ITALY,
AREA CONTROL HEADQUARTERS,
TARANTO.

22nd July, 1944.

No. T.A. 1116.

MINISTER OF MARINE,
MARINEMAT, PALAZZO MARINA,
TARANTO.

DENAZIFICATION.

A recent directive from Headquarters, Allied Control Commission, directs that each Ministry of the Italian government set up a committee to advise its Minister on the denazification of the personnel in his Ministry. The directive states that it is essential for such work to be completed as soon as possible.

2. Information is requested as to the status of the denazification organisation of the Ministry of Marine. In the event that no such organisation exists at the present time, it is requested that one be instituted immediately and that assurance be given to me as soon as possible, that your Ministry contains no individuals of fascist background.

C. E. MORGAN
REAR-ADMIRAL.

(Copies to: Naval Representative,
Naval Sub-Commission, Rome.
Headquarters, Allied Control Commission,
Naval Sub-Commision.)

J728

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Declassified E.O. 12356 Section 3.3/NND No. 785020

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
Navy Sub-Commission
APO 394

NSC/591

21 July 1944.

TO : Flag Officer, Taranto, Adriatic and Liaison Italy.

SUBJECT : Defascism.

1. It is requested that the appointment of an Italian Committee to advise the Minister of Marine on defascistisation as provided for in enclosures 1 and 2 be discussed direct with the Minister at Taranto and that I be advised as to the arrangements made.

Commodore,
S.B.N.O., ROME.

2-Incls:
1-Actg. Chief Comm confi.ltr A/CC 250 of 15 July 1944.
2-Adm Sec ACC ltr DF/4/1A/AS of 20 July '44.

Copy to:
Naval Sub-Commission, ACC.Taranto.

3727

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2066

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/4/1A/AS 20 Jul 44

SUBJECT : Defascism.

TO : Distribution as below.

With reference the A/CC letter 250 of 15 Jul.

1 It is understood that some Ministries are suggesting that they are unable to proceed with the formation of the Ministerial defascising commissions as the authorising decrees have not been passed.

2. Ministers are perfectly aware of the new proposals which the decree will authorise and can perfectly well save time by considering now what persons they will appoint when this decree is passed. They can also supply us provisionally with the names of these persons to enable us to put screening in hand.

3. If this is not done much time will be quite unnecessarily lost after the decree comes into effect before the commissions will be able to get to work.

4. The Sections and Sub-Commissions mentioned in Col 2 of A/CC 250 of 15 Jul are therefore requested to press the Ministires concerned for the names of the persons they propose to appoint and to get them screened.

/s/t/ G.R. UPJOHN, Col.
A/Head, Adm Sec.

DISTRIBUTION: Acting Chief Commissioner.
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Air Sub-Commission (2)
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File (2)

Declassified E.O. 12356 Section 3.3/NND No. 763220

TO : Distribution as below.

With reference the A/CC letter 250 of 15 Jul.

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A/Head, Adm Sec.

DISTRIBUTION: Acting Chief Commissioner.
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Air Sub-Commission (2)
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File (2)

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Declassified E.O. 12356 Section 3.3/NND No. 785120

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

A/CC 250 15 Jul 44

SUBJECT : Defascistisation.

TO : Distribution Below.

1. This memorandum is concerned with the defascistisation of the personnel of national ministries at the seat of the Government including ministries temporarily situated elsewhere for convenience. It is not concerned with local bodies nor with governmental representatives in the field e.g. Prefects.

2. In each ministry there has been or will shortly be set up a committee to advise each minister on the defascistisation of the personnel in his ministry and it is essential that such work be completed as soon as possible.

3. In order therefore, to ensure that the various ministries do get to work on this matter, Sections and Sub-Commissions of this HQ will be reponsible for ensuring that these boards are immediately set up (where this has not already been done), and that they carry out their work speedily and effectively.

4. Appended below ar the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances (e.g. Public Safety in the Ministry of Interior) more than one Sub-Commission is concerned. In these cases, the Sub-Commission named in Colum 2 will be the responsible authority and will coordinate the work with those named in column 3.

1 MINISTRY	2 Sub-Comsn or Section	3 Sub Comsn
Foreign Affairs	Political Section	-
Interior	Interior	(Public Health (Public Safety (PRO re Press. (and Information
Grace and Justice	Legal	Public Safety
Treasury) Finance)	Finance	Property Control
Industry & Commerce & Labour	Commerce	(Industy (Labour

3728

Declassified E.O. 12356 Section 3.3/NND No. 785220

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Grace and Justice	Legal	Public Safety
Treasury) Finance)	Finance	Property Control
Industry & Commerce & Labour	Commerce	(Industy (Labour
Public Works	Public Works	-
Agriculture	Agriculture	Food
Public Instruction	Education	MFAA
WAR	ARMY	-
Aviation	Air	-
Marine	Navy	-
Communications	(Posts & Tel) Communications (Roads & Rlys) Transportation	- Shipping

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Declassified E.O. 12356 Section 3.3/NND No. 785020

5. If Sub-Commissions have any information as to the fascist antecedents of any person concerned in their ministry, they should place any such information at the disposal of the minister concerned. If there is any doubt as to whether any information should or should not be disclosed on security grounds, the Security Branch RC & MG will be consulted.

6. It is obviously impracticable that all the personnel of ministries should be screened by the Security Branch. Directors of Sub-Commissions will exercise their discretion in referring the most important personnel in their respective ministries to the Security Branch for screening; this will particularly apply to the members of the ministerial committees.

7. NATION-WIDE INSTITUTIONS & PARASTATAL INSTITUTIONS.

A separate directive will shortly be issued with regard to the defascistisation of nation-wide institutions (e.g. Banca d'Italia, Banca di Napoli, assurance companies and so on) and of parastatal institutions (e.g. I.R.I, I.M.I. and E.I.A.R.).

In the meantime the following principles are laid down for guidance.

(a) The defascistisation of the Head Office wherever situated of such institutions will be the responsibility of HQ ACC and not of the Regional Commissioner of the Region within which the Head Office is found.

(b) The defascistisation of branch offices, even those situated in the same city as the Head Office, will be the responsibility of the Regional Commissioner of the Region in which such offices are found.

8. Vice Presidents will ensure that the above instructions are carried out in their respective Sections. Progress reports to be rendered weekly commencing MONDAY 24 Jul 44 to Vice President, Administrative Section who will be the coordinating authority.

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

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Army Sub-Commission	(2)
Air Sub-Commission	(2)
Communications Sub-Comm.	(2)
File	(2)

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Declassified E.O. 12356 Section 3.3/NND No. 785220

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Captain, USNR
Acting Chief Commissioner.

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Acting Chief Commissioner
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Economic Section (10)
RC & MG Section(for Regions)(12)
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Declassified E.O. 12356 Section 3.3/NND No. 785120

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

15 Jul 44

A/CC 250

SUBJECT : Defascistisation.

TO : Distribution Below.

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Foreign Affairs	Political Section	-
Interior	Interior	(Public Health (Public Safety (PRO re Press. (and Information.
Grace and Justice	Legal	Public Safety
Treasury) Finance)	Finance	Property Control
		(Industy

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Declassified E.O. 12356 Section 3.3/NND No. 785220

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Agriculture	Agriculture	Food
Public Instruction	Education	MFAA
WAR	ARMY	-
Aviation	Air	-
Marine	Navy	-
Communications(Posts & Tel)	Communications	-
(Roads & Rlys)	Transportation	Shipping

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3725
Declassified E.O. 12356 Section 3.3/NND No. 785020

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

Distribution:
Acting Chief Commissioner
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2105

Declassified E.O. 12356 Section 3.3/NND No. 785020

Copy. HQ SC APC 394
Economic Section NS/RA 30 July 1944

ES/7

SUBJECT: Defascistisation

To: Navy Sub-Commission.

1; Reference your memorandum 18 July, we forward copy of letterfrom Transportation Sub-Commission from which you will see that it is agreed that Shipping Sub-Commission should be shown as co-ordinating with the Navy Sub-Commission rather than with the Transportation S/C.

(Signed) L.W.Hind-Smith Capt.R.A.
for A.G.Intolini,
Executive Director,
Economic Section.

NN

ORIGINAL AND ENCLOSURE
SENT TO MR GIBSON GRAY
31 JULY 1944

3724

2106

Declassified E.O. 12356 Section 3.3/NND No. 785020

Telephone : 478471

HEADQUARTERS
ALLIED CONTROL COMMISSION
Transportation Sub-Commission
APO 394

Our Reference : ACC Tn/90/5

Date : 27 July 44

TO : Economic Section, H.Q., ACC.

SUBJECT : Defascistisation.

1. Reference is your ES/7 dated 20 July 44.

2. The Shipping Sub-Commission's particular functions would seem to suggest that they should tie up with the Navy Sub-Commission.

3. As to COGENA, under a new directive to be issued by the Chairman of MEDBO, ACC is only concerned with the supervision of the civil trade in which schooners are engaged.

4. Although COGENA is an Agency operating under Royal Decree, they hold no Ministerial rank, and such would presumably come under para 7 of A/CC 250 of 15 July 44.

5. MEDBO and Shipping Sub-Commission are very much akin, in many ways, and until such time as this Sub-Commission takes over control of COGENA in full, it is suggested the 'vetting' could better be performed by Shipping Sub-Commission.

/S/ A.C. PING, Capt.
for D.S. ADAMS
Colonel, C.E.,
Tn. Sub-Comm.

3723

C-O-P-Y

2107

Declassified E.O. 12356 Section 3.3/NND No. 785020

Memorandum. 18th July, 1944.

The 'defascistisation'circular(N°A/CC 250) was mentioned at the Economic Section Staff Meeting this morning and came in for much criticsm owing to ambiguity, contradictions and important matters which have been omitted.

It was agreed that each Sub-Commission, ~~and Section,~~ should submit criticsm and comment without delay to enable the Head of the Economic Section to put up a case for the withdrawal of the circular and the issue of a new one to replace it.

It is suggested that a Memorandum be sent to him pointing out that the Direzione Generale della Marina Mercantile was, at the express wish of the C;in C. Med. removed from the Ministero delle Communicazioni and placed in the Ministero della Marina.

In consequence the Shipping Sub-Commission should report, likewise, through the Naval Sub-Commission (or direct if that is preferred) but not through the (Roads & Rlys) Transportation Sub-Comm.

It might also be pointed out that FINMARE, which, with I.R.I is reported to control all the subsidized as well as the major part of the Italian merchant tonnage should be considered and treated as a 'parastatal institution.' Also, that the four subsidized steamship companies should be considered as 'nationwide institutions' and undergo the defascistisation process.

Gad.

Mr Gale
Pls prepare memo
for Commander
signature
D 7/19

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Declassified E.O. 12356 Section 3.3/NND No. 785020

Memorandum 18th.July,1944.

From: Navy Sub-Commission
To: Executive Director, Economic Section.

With reference to the 'defascistisation' circular N°.1/CC 250 and in particular to the list of Ministeries mentioned in para 3, I desire to point out that the Direzione Generale della Marina Mercantile was, at the express wish of C.in C.Med., removed from the Ministero delle Communicazioni and placed in the Ministero della Marina.

The Shipping Sub-Commission should be shown, therefore, in column 3 as co-ordinating with the Navy Sub-Commission and not with (Roads & Rlys) Transportation Sub-Commission.

It is suggested that the separate directive referred to in para 7 of the circular should take into account.-

a) FINMARE which, with I.R.I., was reported to control all the subsidized as well as the major part of the Italian merchant tonnage and should therefore be considered and treated as a 'parastatal institution'

b) Steamship Companies ITALIA, ADRIATICA, TIRRENIA, ORIENS(formerly Lloyd Triestino), the four subsidized companies which should be considered and treated as 'nation-wide institutions'.

Commodore
S.B.N.O., Rome.

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