

0918

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

ACC

10000 / 132 / 236

511

Political
Mar. 1944-

0919

10000 / 132 / 236

511

Political, Internal - Statutes, Decrees
1944-1945

Political Section

MEMO FOR THE RECORD
DATE: 10/10/51
SUBJECT: ITALIAN DOMAINS

10/10/51
March 1951

10/10/51

SUBJECT: ITALIAN DOMAINS

TO: ALL SUB-DIVISIONS

1. General orders have recently been published in the Gazzetta Ufficiale which purport to limit the territory of the Italian Government. In such cases the Government is authorized to have been published in the Gazzetta Ufficiale and the Italian Government has no difficulty in doing so.

2. It should be noted that the Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so.

3. The publication of the Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so.

(a) It states the intention of the Italian Government has no difficulty in doing so.

(b) It states the intention of the Italian Government has no difficulty in doing so.

4. The intention of the Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so.

"In territory subject to the administration of the Italian Government, the Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so."

5. The intention of the Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so. The Italian Government has no difficulty in doing so.

10/10/51
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FUM

MEMORANDUM FOR THE ALLIED COMMISSION
 AND THE
 COMMISSION ON SHIP COMMISSIONS

Ref: 9/17B/14

18 Nov 44

SUBJECT: Approval of Decrees passed by the Italian Government.

TO: Acting President, Allied Commission.

1. It is desirable that policy should be clarified with regard to the attitude of the Allied Commission in approving decrees proposed by the Italian Government.

2. Up to the present time no definite arrangements have been made with the Italian Government, but in practice a large proportion of decrees proposed by them are in fact studied with the Sub-Commission concerned. It has occasionally happened, however, that some decrees of importance, e.g., the decree raising wage rates, are discussed by the Council of Ministers without receiving prior detailed approval from the Allied Commission, and difficulty has resulted.

3. Although it is comparatively easy to lay down principles and to say that all decrees falling within a certain category must be submitted for approval by the Allied Commission before being discussed at a Council of Ministers, it is exceedingly difficult to work out the detailed application of such principles. For instance, it has been suggested that all decrees which may have the following effects should be submitted for approval to the Commission:-

- a) interference with Allied war efforts,
- b) increase of the burden on which Italy is a drag on the economy of the United Nations, or
- c) re-introduction of persons or practices identified with Fascism into the functioning of the economic and governmental machinery.

In practice it is very difficult to determine what decrees fall within the above categories and what do not, and it is for this reason that a decision must be made as to whether or not a decree can be approved by Allied Commission. If they are to be approved, then to be on the safe side, it is recommended that all decrees should be submitted for scrutiny for determination by the Commission whether or not they are interested.

4. This, however, does not entirely dispose with the question, for within the Commission it is desirable to lay down principles indicating in what decrees we are interested. Plainly any decree affecting the operation of the Armistice terms is one which should receive detailed scrutiny, but this category would not cover a number of decrees in which the Commission would be interested, e.g., decrees affecting overall economic policies, and it is requested that the lines on which the Commission is to operate in this respect be clarified.

4282

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3. Although it is conventionally easy to lay down principles and to say that all decrees coming within a certain category must be submitted for approval by the Allied Commission before being discussed at a Council of Ministers, it is exceedingly difficult to say that the detailed application of such principles. For instance, it has been suggested that all decrees which may have the following effects should be submitted for approval to the Commission:-

- a) increases with Allied war effort,
- b) increases of the degree to which Italy is a drag on the economy of the United Nations, or
- c) re-introduction of persons or practices identified with Fascism into the functioning of the economic and governmental machinery.

In practice it is very difficult to determine what decrees fall within the above categories and what do not, and it is for this reason that a decision must be made as to whether an order or decree is to be approved by Allied Commission. If they are to be approved, then to be on the safe side, it is recommended that all decrees should be submitted for scrutiny for determination by AC as to whether or not they are interested.

4. This, however, does not entirely disagree with the question, for within the Commission it is desirable to lay down principles indicating in what decrees we are interested. Clearly any decree affecting the operation of the Armistice terms is one which should receive detailed scrutiny, but this category would not cover a number of decrees in which the Commission would be interested, e.g., decrees affecting overall economic policies, and it is requested that the lines on which the Commission is to operate in this respect be clarified.

J. R. L. J. J.
C. R. URJOHN, MAIG.
VP C.A. Sec.
D. C.O.S.

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

ITALIAN CONSTITUTIONAL
DEVELOPMENTS

10-300-011

U.S. DEPARTMENT OF COMMERCE
BUREAU OF ECONOMIC ANALYSIS

USE CITRUS JUICES

We note that

CSH 1-2775 9/12

[illegible]

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

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ALLIED QUARTERS ALLIED COMMISSION
ADP 374
OFFICE OF CHIEF COMMISSIONER

Ref: 9/17B/04

19 Nov 44.

SUBJECT: Approval of Decrees passed by the Italian Government.

TO: Acting President, Allied Commission.

1. It is desirable that policy should be clarified with regard to the attitude of the Allied Commission in approving decrees proposed by the Italian Government.

2. Up to the present time no definite arrangements have been made with the Italian Government, but in practice a large proportion of decrees proposed by them are in fact studied with the Sub-Commission concerned. It has occasionally happened, however, that some decrees of importance, e.g. the decree revising wage rates, are discussed by the Council of Ministers without receiving prior detailed approval from the Allied Commission, and difficulty has resulted.

3. Although it is comparatively easy to lay down principles and to say that all decrees coming within a certain category must be submitted for approval by the Allied Commission before being discussed at a Council of Ministers, it is exceedingly difficult to work out the detailed application of such principles. For instance, it has been suggested that all decrees which may have the following effects should be submitted for approval to the Commission:-

- a) interference with Allied war effort,
- b) increase of the degree to which Italy is a drag on the economy of the United Nations, or
- c) re-introduction of persons or processes identified with Fascism into the functioning of an economic and governmental machinery.

In practice it is very difficult to determine what decrees fall within the above categories and what do not, and it is for this reason that a decision must be made as to whether or not the decrees are to be approved by Allied Commission. If they are to be approved, then to be on the safe side, it is recommended that all decrees should be submitted for scrutiny for determination by AC as to whether or not they are included.

4. This, however, does not entirely dispense with the question, for within the Commission it is desirable to lay down principles indicating in what decrees we are interested. Clearly, any decree affecting the operation of the Armistice terms is one which should receive detailed scrutiny, but this category could not cover a number of decrees in which the Commission would be interested, e.g. decrees affecting overall economic policies, and it is requested that the lines on which the Commission is to operate in this

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1. It is desirable that policy should be clarified with regard to the attitude of the Allied Commission in approving measures proposed by the Italian Government.

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C. R. JOHNS, BRIG.
VP C.A. Sec.
D. C.O.S.

What about publicity?

(Can't we do it?)

UNESCO
ALLIED CHARGES COMMISSION
CIVIL AIRCRAFT PROTECTION
NO 394

Pending decision?

BU meeting 24/26

Ref:- 4/10/44

21 OCT '44.

Subject:- Approval by Allied Control Commission
of Italian Government decrees.

To:- U.S.A.
Econ. Sec.
Political Sec. ✓
International Sec.

1. Herewith draft of the proposed letter which I would like to
discuss at next U.S.A. meeting, 24 Oct '44.

G. H. P. P.

G. H. P. P. Brig
VP in Sec.
Dep. C. of 2.

G. H. P. P.

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1-2-3
2-3-6

MEMORANDUM
ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
AFC 394

Ref:-

21 Oct '44

My dear Prime Minister,

1. Arising out of our agreement that the Allied Control Commission should see decrees proposed to be passed by the Italian Government in order that the Commission may be in a position to approve matters which are of interest to it, I have the following plan to propose.
2. I am informed that it is the custom for all proposed decrees to be submitted to the Minister of Justice for his consideration of the decrees on technical grounds, and it is at this stage that I think the decrees could usefully be placed before my Legal Advisers. In many cases of course decrees will already have been considered in conjunction with one of the technical sections or sub-commissions of the Commission and its consideration by my Legal Advisers would be purely formal, but in other cases where decrees have not been promulgated in conjunction with this Commission a more detailed inspection would be required. However I can assure you that everything will be done to reduce any delay necessitated by such inspection to the minimum.
3. As decrees of necessity frequently undergo changes during their consideration by the Council of Ministers, it would be necessary for my legal advisers again to see the decrees before it is officially passed, and this I suggest could usefully be done when the decree is presented for registration before the Corte di Conti.
4. If you agree with the foregoing, my dear Prime Minister, will you please give the necessary instructions to the Minister of Justice and I will ask

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4. If you agree with the foregoing, my dear Prime Minister, will you please give the necessary instructions to the Minister of Justice and I will ask the Chief Legal Adviser to arrange the details with the Minister.

Yours sincerely,

4273

HENRY M. STONE
Commodore, USNR.
Acting Chief Commissioner.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref:- 9/17.E/CA

12 Oct 44

SUBJECT : Approval by ACC of Italian Government decrees.

TO : COS.

1 After discussion with the Directors of the Legal and Finance sub-commissions the following plan for securing that all decrees in which ACC is interested are approved by it before becoming law is submitted for your approval. The plan will of course have to be discussed in detail with the Italian Government before it can be put into effect.

2 At present there is no coordinated plan for supervising the issue of decrees; when a sub-commission is interested in certain legislation it takes the matter up with the appropriate Ministry and such sub-commission, if it desires, consults the Chief Legal Advisor on any legal points that may arise. All negotiations are carried on between the sub-commission and the Minister concerned, and the Chief Legal Adviser is not concerned therewith otherwise than as purely a Legal adviser (See Directive dated 5th Mar '44 copy attached). While certainly not the universal practice, some of the Ministries have been cooperative in submitting in advance, to their opposite ACC sub-commission for approval, decrees they propose to submit to the Council of Ministers for enactment even when it is believed that ACC would not really be interested. This system has worked quite well in practice over many months and it is not desired to interfere in any way therewith (except to modify the Directive in a few minor particulars to bring it up to date) but to devise a system to ensure no decree escapes a preview by ACC.

3 All decrees when they have been passed by the Council of Ministers have to be registered with the Corte dei Conti and published in the official Gazette before becoming law. An officer of the Finance sub-commission already sees all decrees when presented to the Corte dei Conti for registration in order to see that they are financially acceptable. It is recommended that an officer of the Legal sub-commission should also be assigned to this work and should, with the officer from the Finance sub-commission examine all decrees when presented for registration. It is not thought that, beyond any original legal advice referred to above, examination by the Legal sub-commission at an earlier stage will be of much value owing to the last minute alterations which are almost invariably made in decrees. However, if the Secretary of the President of the Council has received any copy of a draft decree before it has been discussed it would expedite the examination of decrees if a copy was handed at the earliest possible moment to the Legal sub-commission. If it is possible to persuade the Government to revert to the system whereby the Minister of Justice sees all decrees before submission to the Council of Ministers the task of the Legal sub-commission will be even more simplified.

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4 It will be the duty of the Legal sub-commission to cause an accurate translation to be made of all decrees, and it will then be the duty of the Chief Legal Advisor to advise the Chief Commissioner whether any such decrees are of interest to ACC either:-

- a) as affecting the execution of the Armistice terms, or
- b) as affecting the war effort.

The exact principles on which the Chief Legal Advisor is to act in expressing his opinion as to whether or not a decree is of interest to ACC

will have to be the subject of a careful directive to him.

- 5 If a decree contains nothing in which AOC is interested, then of course no further step is taken to stay its registration or publication. If, however, the decree is one in which the Chief Legal Adviser advises that AOC is interested, it will be the duty of the appropriate Deputy COS to report to the COS as to whether the principles and policy of the decree are in accordance with the principles and policy of AOC. If there is a divergence the matter will be taken up by the AOC with the Prime Minister. In practice of course in many instances these decrees will be cleared direct between the legal sub-commission and the sub-commission concerned without reference to higher authority as it will be the duty of the legal officer assigned to this duty to keep in close touch with the work of the sub-commissions in this respect.
- 6 If this outline plan is adopted it is estimated that one additional legal officer must be assigned to the legal sub-commission and that he will require the services of at least 2 Italian legal experts; for the work of translating is lengthy and arduous and the meaning and operation of the decrees can only be properly interpreted by Italian legal experts. If this additional staff, together with two extra typists and two typewriters, is not provided the plan will break down owing to the inevitable delays in translating and typing. The question of payment of these experts also arises and I propose to bring up the whole question at the next COS meeting.

T. R. Hyatt
G.R. UFGON Brigadier,
VF CA Sec.,
Dep C. of S.

Copy to Econ. Sec.
Finance sub-commission
Legal sub-commission.

Political Section

0935

accordance with the principles and policy of ACC. If there is a divergence of course in many instances these decrees will be cleared direct between the legal sub-commission and the sub-commission concerned without reference to higher authority as it will be the duty of the legal officer assigned to this duty to keep in close touch with the work of the sub-commissions in this respect.

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T. R. Hughes

G.R. URJOHN Brigadier,
VP CA Sec,
Dep C. of S.

Copy to Econ. Sec.
Finance sub-commission
Legal sub-commission.
Political Section

CRU/er.
Encl. ACC /H13/L a/ 5 March 44.

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

ACC/4113/L

5th March 1944

SUBJECT : Italian Legislation.

TO : Distribution Below.

- 1 In the course of meetings between Sub-Commissions and their opposite numbers in the Italian Government and discussions on matters of policy it frequently becomes necessary for Sub-Commissions to consider the initiation and preparation of decree laws by the Italian Government and this directive lays down the procedure to be followed.
- 2 The method of preparation of decrees by the Italian Government is as follows:
Under the present Italian system of administration all legislative proposals emanating from the several Ministries of State are drafted by the originating department itself for submission to the legal adviser to the Cabinet of Ministers as a preliminary to consideration by that body. The draft bill or administrative decree when approved in principle by the Council of Ministers is examined as to its final legal form by the Minister of Justice before presentation to the King or Chief of Government for signature and publication in the Official Gazette.
- 3 When a Sub-Commission and a Ministry are agreed on a joint policy which necessitates a decree law it is the duty of the Ministry concerned to prepare the decree and not ACC. When considering the terms of the draft decree with the Ministry concerned the Sub-Commission should AT THIS STAGE consult the Legal Sub-Commission to see that the draft decree in fact carries out what the Sub-Commission has in mind.
- 4 It is then to the duty of the Italian Ministry concerned to carry through the draft in accordance with the procedure outlined above. If any changes are made in the draft at a latter stage the Ministry concerned should be asked to inform the Sub-Commission concerned and if any difficulty arises therein the latter should consult the Legal Sub-Commission.
- 5 The decree only becomes effective in law on the date of its publication in the Gazzetta Ufficiale and is NOT operative in territory still occupied by the Allied Forces. If the Sub-Commission concerned desire to make such decree operative in occupied territory the Legal Sub-Commission should be so informed in writing BEFORE, if possible, the date of publication in the Gazzetta.
- 6 Apart from the foregoing the Italian Government may initiate and

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6 Apart from the foregoing the Italian Government may initiate and prepare decrees on their own and not as the result of a common or agreed policy. The relationship between Sub-Commissions and Ministries should be such that Ministries will as a matter of course inform their opposite numbers of their intentions in this respect at the earliest stage so that any defects may be remedied and that any appropriate action may be taken thereon sooner rather than later.

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7 Contrariwise when a Sub-Commission is considering the submission to the Executive Commissioner of proposals which involve the preparation of a new General or Regional Order, they should normally consult the Italian Government and ascertain their views so that continuity of policy may be established. This does not apply, of course, where the proposed Order is intended to deal only with a short term local situation in occupied territory and does not affect any question of overall or long term (post occupation) policy.

8 In order that co-ordination of views and requirements of Sub-Commissions can be handled, Sub-Commissions will, at the earliest practical time, advise the appropriate VP of any proposed decree. This decree may be initiated either by Sub-Commissions or by one of the Ministries of the Italian Government, the VP will then decide whether or not it is necessary for him to deal primarily with the appropriate Minister. The latter course will be adopted when a decree involves several Sub-Commissions and will avoid Italian Government being required to deal with several branches of the Control Commission over one decree.

By Command of Lieut. General MASON MACFARLANE.

M.S. LUSH,
Brigadier,
Executive Commissioner.

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