Declassified E.O. 12356 Section 3.3/NND No. 785015

ACC

10000/136/327

Declassified E.O. 12356 Section 3.3/NND No. 785015

6/327

DEFASCISTIZATION
OCT. 1935 - DEC. 1941; SEPT. 1943;
MAR. - DEC. 1944

1182

Declassified E.O. 12356 Section 3.3/NND No. 785015

250-2
DEF ACC

LIST OF PAPERS

"A" Files

File under No. 250-2 DEFASCISTIZATION

SECRET

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
59	Memo Stone A/CC 250-2	9 Sep 44	VP Admin Sect	Epuration of Italian Officials Incl - Spofford 6 Sep Stone
60	Memo Stone A/CC 250	9 Sep 44	VP Admin Sect	Ltr Bonomi attd 7 Sep re decree payment suspended employees
61	Memo Stone	13 Sep 44	Files	Conference with Bonomi 11 Sep re dismissing civil service employ ees recruiting specialist workers
62	Ltr Bonomi	14 Sep 44	Capt Stone	Observations measure management private enterprises by Comms
63	Ltr Capt Stone A/CC 250	16 Sep 44	Count Sforza	Message re epuration wish broad cast to North Italy App a - Ltr Sforza 13 Sep Stone
64	Ltr Bonomi 14212/3/2.6	16 Sep 44	Capt Stone	Management printing firms & appointment Giacone commissioner
65	Memo Stone A/CC 000.7-1	17 Sep 44	VP Admin Sect	Appointment Giacone commissioner Societa Anonima Editrice
66	Ltr Capt Stone A/CC 250-2	17 Sep 44	Bonomi	Dissolution of Fascist Organi-zations
67	Memo Stone A/CC 250-2	17 Sep 44	VP Admin Sect	Observations measure management private enterprises by Comms act
68	Cbl Stone S-335	18 Sep 44	AFHQ	Events at Caruso trial & murder of Carretta
69	Cbl Stone S-336	19 Sep 44	AFHQ	Broad investigation events 8-9-10 Sep Rome like Tetto & Pentimali
70	Cbl Stone S-338	21 Sep 44	AFHQ	Caruso trial adjourned without disorder
70a	Ltr Calvina	25 Sep 44	Capt Stone	Charges fascism brought against me by Donato Battelli
71	Ltr Capt Stone A/CC 250	26 Sep 44	Bonomi	Amendment III to DLL (Article 22) 159
72		28 Sep 44		Suspension Nerbini fr Secy Presidency Istituto Nazionale di Previdenza del Gas

Confidential

Declassified E.O. 12356 Section 3.3/NND No. 785015

250-2

LIST OF PAPERS

"A" Files

File under No. 250-2 - DEFASCISTIZATION

SECRET

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
73	Ltr Quayle A/CC 250	29 Sep 44	Maj Fielden	Calvina case just fight by Italians, against Italians, with Italians for them to settle
74	Ltr CSO, C/S 998/4/CCS	6 Oct 44	Civil Affairs Sec	Calvina case passed for action
74a	Brig Upjohn	6 Oct 44	Advisory Council	Report on Epuration.
75	Ltr Bonomi 10815/1/7	7 Oct 44	Comm. Stone	Dissolution of Fascist Organizations
76	Ltr Comm. Stone A/CC 250	14 Oct 44	Bonomi	Amendment III to DLL (Article 22) 159.
77	Memo, Quayle	19 Oct 44	PA to Upjohn	Suspension Narbini fr Secy Presidency Istituto Nazionale di Previdenza del Ges.
78	Ltr Bonomi, 14750/ 1149/1.126	19 Oct 44	Comm. Stone	Observations measure management private enterprises by Comms.
79	Ltr Comm. Stone A/CC 250-1	20 Oct 44	CSS, Galvin, Rome	Turnover of Col Moscatelli to Air Minister for Court of Enquiry. APPENDICES: Reports and letters fr Air Forces Sub-Commissions.
80	Ltr Comm. Stone A/CC 250-1	21 Oct 44	Alex. Kirk	Suspension Narbini fr Secy Presidency Istituto Nazionale di Previdenza del Ges; 8
81	Ltr, C/S, 4607/14/CCS	24 Oct 44	Economic Sec	Amendment III to LLL/(Article 22) 159 INCL: Ltr Bonomi, 19 Oct 44.

Confidential

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Declassified E.O. 12356 Section 3.3/NND No. 785015

2610/CC
Office of the
Chief Commissioner
ALLIED COMMISSION
'A' FILES

LIST OF PAPERS

File under No. 2610 DEFASCISTIZATION

~~SECRET~~ Confidential

PART I

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
82	Ltr, CA Section DF/5.9/CA	26 Oct 44	Distribution	New decree with regard to defascism has been issued.
83	Ltr, "Group Counsellors of STATE"	25 Oct 44	Hi Comm. for Epuration	Accusation against four certain Counsellors of State, of Fascism.
84	Ltr, Bonomi, 17214/ 10124-37/1/7	31 Oct 44	Comme. Stone	Suspension of employees by AMG; you should tell Hi Comm. for Epuration measures adopted by AMG.
85	Ltr, 2677 Reg. OSS A/CC 250-1	3 Nov 44	Comme. Stone	Release of Col. Rosentelli to IAI for investigation.
86	Ltr, Maj Quayle A/CC 250-1	6 Nov 44	2677 Regt OSS	Release of Col Rosentelli to IAF for investigation.
87	Memo, Quayle A/CC 250-1	6 Nov 44	Air Sub-Comm.	Release of Col Rosentelli to IAF for investigation.
88	Ltr Bonomi 16572/ 10124-37/1/1.26	8 Nov 44	Stone	Governmental Commissioners to Private Enterprises.
89	Memo, Mr Schott	11 Nov 44	CC,D/CCS,DCCAO	FWD Turnish info on Giuseppe, Comm Societa Incendi Edi Trieste CC:7
90	Ltr Stone DF/27/CA	16 Nov 44	Bonomi	Epuration measures adopted, AMG.
91	Ltr Stone DF/5.1/CA	16 Nov 44	Bonomi	Draft of decree on appointment of Commissarii.
92	Ltr Bonomi 17214/ 10124-37/1-7	19 Dec 44	Stone	Decree on appt of Commissarii; epuration measures adopted by AMG.
93	Ltr Stone DF/28/CA	28 Dec 44	Bonomi	Decree on appt of Commissarii; epuration measures adopted by AMG.
94	Memo Quayle	29 Dec 44	Col White CA Sec	Senators Adm Bernotti & Gen Calcagno's protest at epuration. Policy on Fascist-apptd 'Senators'.

~~SECRET~~ Confidential

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Declassified E.O. 12356 Section 3.3/NND No. 785015

G. P. O. Form 353 (Old No. 400)
Revised July 25, 1918

LIST OF PAPERS

File under No. 250 - DEFASCISTIZATION PROGRAM

SECRET

3—4786

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
1	Ltr MacFarlane CC/P/137(210)	11 Mar 44	Adm Morse	Case of Lauro, the shipping magnate
2	Ltr MacFarlane	4 May 44	Sec Adv Con It	Aide Memoire Epuration Fascists & Prison conditions Sardinia
2a	Declaration Italy	30 Oct 43	Moscow Conference	
3	Cbl ACC Main M185 FNMM	6 May 44	AFHQ	Question of Defascistisation & agreement decree Ital Govt
4	Cbl ACC Main M190 FNMM	7 May 44	AFHQ	Memo re action Epuration & Administration Justice
5	Ltr MacFarlane CC/P/274	8 May 44	Gen Gammell	Submitting document to Advisory Council & Aide Memoire attached
6	Ltr Badoglio 1389	9 May 44	Gen MacFarlane	Arrest of Ezio Garibaldi by English Authorities
7	Cbl ACC Main M191 FNMM	12 May 44	AFHQ	Defascistization in the fight ing services re epuration
8	Cbl ACC Main M208 FNMM	20 May 44	AFHQ	Epuration in Sardinia & Apulia dealing with rapidly as possible
9	Ltr MacFarlane CC/P/312	20 May 44	Count Sforza	If strong case against Fascist take action immediately
10	Ltr MacFarlane CC/G/311	20 May 44	Political Section	Dr. Berlinguer dealing with Sardinia re Fascist
11	Ltr MacFarlane CC/G/331	24 May 44	See Distribution	Considering whether persons are Fascist attached list as guide Encl I - List referred to above
12	Ltr MacFarlane	24 May 44	See Distribution	Differentiate between Ital Off encountered at present & those be fore occupation Italy
13	Ltr MacFarlane CC/G/345	26 May 44	See Dist	Disposal Directive re Ital Mil personnel encountered on North move Incl I - Directive referred to abo
14	Ltr Badoglio	6 Jun 44	MacFarlane	Ital Govt decrees regulations desfascistization public Admin
15	Ltr MacFarlane CC 000.1	16 Jun 44	Badoglio	Make effective decrees in Ital Govt deal with defascistization
16	Ltr Bonomi 7336	26 Jun 44	Capt Stone	Provisions emanating fr Ital Ge Govt for defascistization used al- so in AMG territory
17	Ltr Densmore A/CC 250	30 Jun 44	Admin Sect	Comply with A/CC instructions re ltr 7336 26 Jun fr Bonomi
18	Ltr Capt Stone A/CC 250	30 Jun 44	Bonomi	Ack ltr 7336 26 Jun forwarded to Admin Sect for action
19	Memo Densmore A/CC 000.1	2 Jul 44	Col Upjohn	Definition of Word "Fascist" Incl 1 - Ltr Carr 29 Jun to HQ ACC
19a	Memo Cripps ACC/4039/1/L	6 Jul 44	CSO office A/CC	Definition of word Fascist
19b	ACC Exec Memo 67	5 Jul 44	See Dist	Treatment Ital Officials in Advance Northward

Confidential

INSTRUCTIONS.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.

1186

Declassified E.O. 12356 Section 3.3/NND No. 785015

Q. M. C. Form 353 (Old No. 400)
Revised July 20, 1918

DSG ACG

LIST OF PAPERS

File under No. 250 - DEFASCITIZATION PROGRAM

SECRET

B—6788

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
20	Ltr Collins SG 000.1	8 Jul 44	Reg Comm Reg 6	Exec Memo 67 will answer question raised in ltr L/1423 6 Jun
21	Brig Lush	11 Jul 44	A/CC	Defascistization Committee Naples
22	Ltr Capt Stone A/CC 250	14 Jul 44	Bonomi	Implementation defascistization decrees liberated territory App a - Ltr Upjohn 12 Jul App b - Ltr Stone Jul App c - Ltr Stone Jul
23	Ltr Capt Stone A/CC 250	14 Jul 44	See Dist	Defascistization Governmental Institutions in Rome
24	Ltr DF/4/1A/AS Upjohn	14 Jul 44	Exec Commissioner	Names of just and firm anti-fascists in city of Florence.
25	Excerpt PWB News	15 Jul 44		Fascist purge extended to journalists.
26	Cbl ACC ADV 681	18 Jul 44	5 & 8 Army	Names of 4 Anti-Fascists to be found in Florence
27	Ltr Upjohn DF/4/1.1/AS	19 Jul 44	Exec Comm	Names 6 Italians as advisers to SCAOs re Fascists
28	Ltr Upjohn DF/4/1A/AS	20 Jul 44	See Dist	Formation Ministerial defascising commissions
29		21 Jul 44		Summary of Defascising
30	Ltr Col Fiske 315/ /CA	22 Jul 44	SCAO 8 Army	Italian Advisors on Defascistization
31c	Ltr Upjohn 2.B	30 Jul 44	See Dist	Defascism Decree for Mil & Ital Govt territory
32	Ltr Fiske 320/47	1 Aug 44	See Dist	Treatment Ital Off encountered in Advance Northwards
33	Memo Upjohn	2 Aug 44	A/CC	Comments re Ital Defascistization law by National Commission
34	Ltr Upjohn 2-B	2 Aug 44	See Dist	General Instruction Defascism prepared for issue Sanctions against Fascism as Appendix
35	Ltr Doe SG 000.1	3 Aug 44	Brig Carr	Definition of Word "Fascist"
36		6 Aug 44		Notes meeting Defascism
37		12 Aug 44		Aide Memoire questions by Min For Aff

Confidential

INSTRUCTIONS.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.

1.1.87

Declassified E.O. 12356 Section 3.3/NND No. 785015

LIST OF PAPERS

File under No. 250-2 DEFASCITIZATION PROGRAM

250-2

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
38	Memo Stone A/CC 250	18 Aug 44	Fin Sub-Com	Payment of Salaries to Certain Italian Government Employees
38a	Ltr Upjohn 4B	19 Aug 44	A/CC	Defascism
39	Ltr Capt Stone	18 Aug 44	Col Upjohn	Draft decree for review & discussion forwarded
39a	DF/3.10/AS	19 Aug 44	Dist List	Notes of Meeting Defascism 19 Aug
40	Ltr A/CC 250 Stone	22 Aug 44	AFHQ G-5	Epuration: removal, arrest, or exemption of It Govt officials in key technical posts.
41	Ltr Bonomi 10124 8-5-1-7	22 Aug 44	Capt Stone	Nomination Dr. Giovanni Senerchia Counsellor Court Appeal
41a	Ltr Fiske 320/51	24 Aug 44	See Dist	Screening Ital Off advance northwards
42	Memo Stone A/CC 250	25 Aug 44	Econ Sect	Appointments to Commission for Epuration Central Institute of Statistics
43	Ltr Capt Stone A/CC 250	25 Aug 44	Bonomi	Pay persons suspended by ACC & restoration to certain persons
44	Ltr Capt Stone A/CC 250	28 Aug 44	Bonomi	President Coun Min power to appoint comm management editorial firms & private enterprises
45	Ltr Bonomi 13057/10124/7/1.7	29 Aug 44	Capt Stone	Enforcing Italian laws matter defascistization Ital territories
46	Memo A/CC 250 Stone	30 Aug 44	VP Admin Sec	Enforcement of Ital Laws re defascism, Bonomi Ltr 29/8 fwdd. INCL: See No 45 this file.
47	Ltr A/CC 500 Stone	30 Aug 44	VPs Econ & Admin	Commissioner for Sud-Est RR to be appointed by Ital Govt
48	Ltr A/CC 250.1 Stone	30 Aug 44	Mott-Radcliffe	Countess Poalucci's complaint about her husband's dismissal.
49	Memo Stone	31 Aug 44	VP Admin Section	Appointments to Commission for Epuration Institute of Statistics INCL: ES/7A Econ Sec 30 Aug re a/m

Confidential

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Declassified E.O. 12356 Section 3.3/NND No. 785015

250-2
DSG ACG

LIST OF PAPERS

File under No. 250-2 DEFASCISTIZATION

SECRET

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
50	Memo Col White	2 Sep 44	Stone	Memo dtd 3 Sept fr Admin Sec enclosing notes of mtg between Upjohn & HE Scoccimarro: proposals & arguments. So that Capt Stone can see. GRU wants to see him.
51	Ltr A/CC 250-2 Stone	4 Sep 44	Bonomi	Terms of draft decrees on taking over of private firms now discussed. In future pls send drafts only thru me.
52	Ltr A/CC 250-2 Stone	5 Sep 44	Bonomi	Pls see that no technicians employed by Allied Forces in high positions are suspended without prior consultation.
53	Ltr A/CC 250-2 Stone	5 Sep 44	Bonomi	Dissolution of Fascist Organi zations. Nothing further yet on your ltr of 22 June & proposals.
54	Memo Col White Admin	5 Sep 44	A/CC	Enclosing minutes of mtg 4 Sep Brig Upjohn & Scoccimarro re Defasc
55	Ltr A/CC 250 Stone	6 Sep 44	Bonomi	No objection to appointments Trillo Papa & Senerchia to Commsn for Epuration Cent Inst of Statis
56	Cbl ACC S319	6 Sep 44	AFHQ	Ref S315 2 Sep Sforza form com mittee investigate 8-9-10 Sept in Rome result Naples traitors prosec utions
57	Ltr Capt Stone A/CC 250-2	6 Sep 44	CINC AAI	Elimination of Fascist element from Italian Air Force App a - Buscarlet 17 of 5 Sep EWS App b - Cbl AAI 277 of 28 Aug ACC
58	Cbl ACC S321	7 Sep 44	AFHQ	No objection military inquiry by Sforza in Rome result develop- ments Naples trials.

Confidential

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Declassified E.O. 12356 Section 3.3/NND No. 785015

This is possibly the letter you had in mind. It concerns two members. It is impossible to ascertain what the point is completely unintelligible. The documents are sent to be unconstitutional and contrary to all precedent. It call for instructions to proceed for explanations. Also it is unconstitutional and improper to form new Senate.

That Senators are only answerable to the Senate.

AC is not a person for deciding Italian laws. The whole paper is illegal unless AC is satisfied. Also the Council [illegible] Senators are appointed by Allied Commission. AC is to accede to the Senate. Must search [illegible] Senators were [illegible] Commission, Commissioner [illegible] Prime Minister will decide how many [illegible] and their constitutions.

The Italian knows the reason [illegible] AC is not [illegible] Senate [illegible]

94

2 JAN 1945

ALLIED COMMISSION
Chief Commissioner
O 394

JAQ/dfe

29 December 1944

29 DIC. 1944

miral Bernotti and General Calcagno,
h the Chief Commissioner and have left
or reading. The complaint is the usual
l and their own in particular. I should
know if there is any good reason why
idered by us, or why Admiral Stone should

J. A. Quayle.

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

It is the responsibility of the Italian Govt
is it can plead its case. Stone may not
ed by the Honorable Senate. AC is not
[illegible] We have been the victory to decide
to be, immediately after the war is
[illegible] and be sent off, or alternatively
[illegible] from office, or that decisions made by the
[illegible]

G.S.H.

1190

Declassified E.O. 12356 Section 3.3/NND No. 785015

ALLIED COMMISSION
Chief Commissioner
O 394

JAQ/dfe

29 December 1944

29 DIC 1944

miral Bernotti and General Calcagno,
h the Chief Commissioner and have left
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l and their own in particular. I should
know if there is any good reason why
idered by us, or why Admiral Stone should

T. A. Quayle.

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

VP.

This is possibly the point you had in mind. It concerns the condition. It is impossible to appreciate what this stands for is completely unintelligible. The documents are kept in a safe to which only two officers have the combination. Each of these officers is responsible for keeping his own secrets. Each Senators are only concerned in the Senate.

AC is not a person for decision. Whether he is the actual author of the document or merely transmits it is immaterial. The Chief National Security Officers are appointed by their own Governments only. They are responsible only to their Governments. Any one is responsible for any one else's actions.

The Italian Navy was transferred to us by the Italian Government. We have no right to interfere in any way with its internal organization.

94

2 JAN 1945

2 JAN 1945

Declassified E.O. 12356 Section 3.3/NND No. 785015

1 9 1

...ro, an AMG Co...

...OF THE CHIEF



44

CLASS

1192

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref: DE/20/CA

28 Dec 44

(92)

My dear Mr Prime Minister,

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

(90)

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

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

Yours very truly,

CURS

(93)

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

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

FILES A

1193

Declassified E.O. 12356 Section 3.3/NND No. 785015

-A

Ref/2615/23/308.

Tel : 735

22 December 1944

SUBJECT : Appointment of Commissioners.

TO : Civil Affairs Section.

1. Attached letter from the FM dated 19 December 44 replies to your DF/5.1/CA dated 16 November 44.

2. Your reply should again be prepared for signature by the Chief Commissioner.

Capt. K. S. Morden
Chief Staff Officer
To the Chief of Staff.

SECRET

(92)

See (93)

1194

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

n. 19925/11459/1/1.26

The President of the Council of Ministers

Rome, 19 December 1944

(91)

My dear Admiral,

In your letter of 16 November L.F. /p.1/C.A., about the new text of the regulation for the appointment of governmental commissioners to axus private enterprises, you explained your point of view about the redaction of the regulation in article n. 9, about the faculty of the Government to declare the removal of the already appointed Commissioner, should the conditions which motivated his appointment disappear.

A propos of this, I want to explain that, with the regulation in question, we meant to avoid that by exercising the right to appoint new commissioners, right given by art. 6, by interposing some persons, it should be possible to put the management of the interprises concerned in the hands of those who were expelled by the appointment of the Commissioner.

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

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

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

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

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

Truly yours,

f/ Ivanoe Bonomi

(92)

Admiral Ellery W. Stone
Chief Commissioner, Allied Commission
R O M E

trans. e.c.

1195

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref DF/5.1/CA

16 November 1944

My dear Mr Prime Minister:

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

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

The typographical errors to which I referred are

a) In Art 6 para 5 :- should not the reference be to Para 1 of Art 2?

b) In Art 8 para 1 :- i) should not "illimitate" read "limitate" ?
ii) has not "o in accomandita per azioni" been omitted in error ?

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Commodore, USNR
Chief Commissioner

(42)

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

(41)

FILES 4

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Declassified E.O. 12356 Section 3.3/NND No. 785015

2383/mm

Ref:- II/2B/CA

16 November 1944.

84

1

My dear Mr. Prime Minister,

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

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

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

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

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

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FILES A

1197

Declassified E.O. 12356 Section 3.3/NND No. 785015

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

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

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

Yours very truly,

KILLEY W. STONE
Commodore, USNR
Chief Commissioner.

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

2453

1198

Declassified E.O. 12356 Section 3.3/NND No. 785015

11 November 1944

MEMORANDUM TO: Chief Commissioner,
Deputy Chief of Staff,
Deputy Chief Civil Affairs
Officer.

FROM : Political Section

Following information has been received from P.W.B. regarding the Government Commissario appointed to take charge of the Casa Editrice "Il Messaggero":-

"Avv. Mario Giacone, Corso Trieste 123, was a fiscal lawyer and State employee. As such he was usually interested in dealing with cases of this kind for the State. Is reported to be a person of very good character and fairly intelligent although of rather limited views as is often the case with State employees."

See 64 65

WILLIAM W. SCHOTT
Vice President, Political Section

2510

2512

89

1199

Declassified E.O. 12356 Section 3.3/NND No. 785015

U R G E N T.

Ref: 2615/20/COS. 13 November 1944.

SUBJECT: Governmental Commissioners to Private Enterprises.

TO : DCOS, CA Sec.

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

for Chief Staff Officer,
To the Chief of Staff.

ET/JG.

Copy to: SO to CC.✓

(88)

1200

Declassified E.O. 12356 Section 3.3/NND No. 785015

INFORM

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Chief of Staff

4406/COS

Ext: 388.

9th November 1944.

SUBJECT: Governmental Commissioners to Private Enterprises.

TO : D.C.C.S.,
Civil Affairs Section, A.C.

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

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

Chief Staff Officer,
To the Chief of Staff.

Encls: As stated above.

Copy to: Major Quayle.

Bring up 13th 15-11 Nov.

88

1201

Declassified E.O. 12356 Section 3.3/NND No. 785015

INFORM

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Chief of Staff

4406/COS

Ext: 388.

9th November 1944.

SUBJECT: Governmental Commissioners to Private Enterprises.

TO : D.C.O.S.,
Civil Affairs Section, A.C.

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

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

Chief Staff officer,
To the Chief of Staff.

Encls: As stated above.

Copy to: Major Quayle.

Bring up 15th

15-5

A 5.2

88

Q

Translation

The President of the Council
of Ministers
n. 18972/11439/4/1.20

Rome, 8 November 1944

78

My dear Admiral,

the Council of Ministers deemed it advisable to examine again the regulations about the appointment of governmental commissioners to private enterprises; my letter of October 19th, n. 14750/11439 was on this subject.

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

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

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

Likewise, art. 5 explains what was already contained in the preceding article, ie that the appointment of new managers by the assembly does not imply ipso jure the removal of the commissioner; this can only be decided by the Government which must judge in each case whether the reasons which caused the appointment of the commissioner have really disappeared. A purely mechanical application of the law might be dangerous for the fascists could go on controlling the enterprise through some of their representatives; if the substitution of the compromised managers implied the removal of the commissioner, without the Government judging whether the substitution is effective or fictitious, the regulation would be no good. Therefore, art. 2 has also been defined; however, estimate will always be controllable by the law, every

Declassified E.O. 12356 Section 3.3/NND No. 785015

1203

[illegible] but also because of their political prestige; the same article says that it is possible to appoint several commissioners or vice-commissioners for the same enterprise; this will be necessary for the more important enterprises.

The appointment of the syndic, in the case of the enterprises which have suspended their activity is not obligatory anymore; art. 5 & 6 have therefore been altered.

In art. 9 (11 and.) it is clearly said that the legal proceedings, there foreseen, initiated by the tutelary, do not suspend the administrative regulation; this corresponds to the principles of our legal organization.

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

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

The only substantial innovation in the text of the regulation concerns art. 19, the state is directly, even considerably interested in the compensation mentioned. We cannot neglect the hypothesis that the management is such as to be prejudicial to the interests of the state, which would have to submit without protest. The Council of Ministers emphasized this hypothesis, as a condition for the application of the regulation.

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

Yours sincerely,

/s/ I. Bonomi

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

(88)

trans. E.C.

Declassified E.O. 12356 Section 3.3/NND No. 785015

By the authority delegated to Us;
Considering the law-decree of the Lieutenant, 29 June 1944, n. 191;
Considering the deliberation of the Council of Ministers;
On the proposal of the President of the Council of Ministers, Prime Minister, Secretary of State, in agreement with the Ministers of Justice, Finance, Treasury, public works, Communications, Industry, Commerce and Work;

WE HAVE SANCTIONED AND WE PROMULGATE WHAT FOLLOWS:

Art. 1

The governmental authority has the faculty to entrust to a Commissioner the management of private enterprises which are grantees of public services, or which exercise an activity acknowledged to be of public interest, when one of the following cases occurs:
1) Should their work be made impossible by their managers' or their titularies' absence, due to the present circumstances;
2) Should they, for whatever motive, have suspended their activity the resuming of which should be deemed useful.
3) In case they couldn't be trusted to work efficaciously to the urgent reconstruction of the nation because of the fascist precedings of the greatest part of their titularies or managers, and because of the unlawful speculations linked to their political activity.

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

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

Art. 2

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

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

I 2 0 4
Declassified E.O. 12356 Section 3.3/NND No. 785015

aries' absence, due to the present circumstances;
2) should they, for whatever motive, have suspended their activity the resuming of which should be deemed useful.
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Art. 3

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

Art. 4

The governmental Commissioner represents and manages the enterprise, and in the case of commercial societies, he fulfils the functions of the ordinary administrative organs. The regulations of article 2636 and following of the civil code are to be enforced.

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

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

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

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

Declassified E.O. 12356 Section 3.3/NND No. 785015

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Should the enterprises foreseen by the present decree be spurated, the regulations of n. II of the legislative decree of the Lieutenant, 27 July 1944, n. 159, on sanctions against fascism, are applicable by analogy. Spuration concerns all those who belong to the above mentioned enterprises.

Art. 5

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

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

Should the titulary of the enterprise and the governmental commissioner disagree about the property forming the patrimony of the enterprise, the minister mentioned in the former article decides, unless the titulary initiates legal proceedings in the competent legal court; this action is not suspensive.

The opinion of a commission instituted at the presidency of the Council of Ministers and composed of two Councellors of State, of whom one must be a president, of a magistrate whose rank mustn't be inferior to the fifth and of two members respectively appointed by the Minister of public works, and by the Minister of industry, commerce and work, is heard before the Minister makes a decision.

Art. 6

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

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

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

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

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

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

Art. 7

The commissioners of the enterprises foreseen by art. 2 who should already be exercising their functions when the present decree will be enforced,

Declassified E.O. 12356 Section 3.3/NND No. 785015

president, of a magistrate whose rank [illegible] of two members respectively appointed by the Minister of Public Works, and by the Minister of Industry, Commerce and Work, is heard before the Minister makes a decision.

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

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

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

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

Art. 7

The commissioners of the enterprises foreseen by art. 2, who should already be possessing their functions when the present decree will be enforced, will be submitted to the regulations about the management by a commissioner, according to the present decree.

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

Art. 8

In the case of joint-stock companies or companies with unlimited responsibility in partnership, as foreseen by art 1 n. 3, the partners can ask the commissioner to call the assembly to appoint new managers; the regulations of art. 2367 civil code are to be applied.

The managers who are being substituted are not entitled to the indemnity fixed by art. 2385 of the civil code.

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

Art. 9

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

88

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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

Art. 10

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

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

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

Art. 11

The commissioners to the credit institutes and to the institutes subject to a control as from the R. law-decree 12 march 1936, n. 375 and subsequent modifications, appointed in accordance with the legislative decree of the Lieutenant, 12 September 1944, n. 222, are submitted to the regulations about the management by a commissioner as from the present decree.

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

Art. 12

In the cases foreseen by the articles 10 & 11, syndics can be appointed with the functions and powers fixed by art. 6

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

Art. 13

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

We order those it concerns to respect the present decree and to see that it is observed as [illegible]

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Art. 11

The commissioners to the credit institutes and to the institutes subject to a control as from the R. law-decree 12 March 1936, n. 375 and subsequent modifications, appointed in accordance with the legislative decree of the Lieutenant, 12 September 1944, n. 222, are submitted to the regulations about the management by a commissioner as from the present decree.

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

Art. 12

In the cases foreseen by the articles 10 & 11, syndics can be appointed with the functions and powers fixed by art. 6.

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

Art. 13

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

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

Declassified E.O. 12356 Section 3.3/NND No. 785015

1210

Declassified E.O. 12356 Section 3.3/NND No. 785015

"A"

Office of the A/Chief Commissioner

A/CC 250-1

6 Nov 4

Colonel Moscatelli

A/V.M. Bowen-Buscarlet, Air Sub-Commission

Attached correspondence is forwarded for your information. Will you please have a copy of Col. Van Der Hoef's letter forwarded to the Italian Air Ministry.

JA2

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

cc: C of S
'A' Files

(87)

(52)

2415

Declassified E.O. 12356 Section 3.3/NND No. 785015

JAQ/dfc

A/CC 250-1

6 November 1944

(85)

Dear Colonel Van Der Hoef:

I am directed by the Acting Chief Commissioner to thank you for your letter A/CC 250-1 of 3 November 1944 on the subject of Colonel Moscatelli and to inform you that a copy of it is being forwarded to the Italian Air Ministry.

Sincerely,

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

Lt. Col. George T. Van Der Hoef
Commanding Officer, Hq Detachment
2677th Regiment, U.S.S. (Prov.)
APO 534, U.S. Army

cc: A/V.M. Bowen-Buscarlet, Air S/C
Chief of Staff
'A' Files

(86)

1212

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS DETACHMENT

2677th Regiment, O.S.S. (Prov.)

A. P. O. 534 - U. S. ARMY

A/CC 250-1 3 November 1944

SUBJECT: Colonel Moscatelli

TO : Commodore Ellery W. Stone, USNR, Acting Chief Commissioner, Allied Commission

1. Your recent letter to Colonel Glavin has been referred to me for action.

2. Colonel Moscatelli has been informed that he is released from this organization and should report to the Air Minister.

3. I am informed that Colonel Moscatelli has rendered valuable services to this organization and if required we should be glad to make a statement to that effect.

GEORGE T. VAN DER HOEF
Lt. Colonel, USMC
Commanding, Hq. Det.

cc: Colonel Glavin

1213

Declassified E.O. 12356 Section 3.3/NND No. 785015

INFORMAL NOTE

A

Office of Chief of Staff

Tel: 735

1005/ /COS.

2 Nov 4

Epuration.

DCOS, Civil Affairs Section.

1. The attached letter from the Prime Minister dated 31 October 44, No.17214/10124-37/1/7, is passed to you for action.

2. The Chief of Staff directs that a draft of a reply for signature of the Acting Chief Commissioner be submitted as soon as possible.

Chief Staff Officer,
To the Chief of Staff.

Copy to: Maj. Quayle.

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CCS 2
File HQP

Alcc 790, 1/1944

Translation

The President of the Council of Ministers
n. 1721/10124-57/1/7

Rome, 31 October 1944

My dear Admiral,

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

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

With the return of the said territories under Italian Administration, the said cases depend from the decree of the Lieutenant, 27 July 1944, n.159, about the sanctions against fascism. According to these regulations - which are extended to the territories which are still under military administration (decree of July 15th) - personal situations in connection with the above mentioned suspensive measures are settled.

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

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

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

It is indispensable that the competent Allied organs should communi-

Declassified E.O. 12356 Section 3.3/NND No. 785015

about the sanctions against fascism. According to these regulations - which are extended to the territories which are still under Military Administration (decree of July 19th) - personal situations in connection with the above mentioned suspensive measures are settled.

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

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

It is indispensable that the competent Allied organs should communicate without delay to the High Commissariat for the epuration of the Administration the suspensive measures adopted by AMG. At the same time, the particulars about these measures, and the relative legal documentation ought to be sent to the same High Commissariat.

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

I shall give the necessary orders for the High Commissariat to see without delay, according to the nature of the imputations and of the results obtained, whether there is any reason for passing the judgements of epuration, according to the law in force. If this judgement must be made, the preventive measure remains unchanged; otherwise, the measure has to be revoked, there would always be the possibility of again enforcing the measure, should there be other charges against the person already suspected by AMG.

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

Yours sincerely,

/s/ Ivanoe Bonomi

Commodore Stone
Chief Commissioner of A.C.

trans A.C.

Declassified E.O. 12356 Section 3.3/NND No. 785015

1216

Declassified E.O. 12356 Section 3.3/NND No. 785015

Translation

Rome, 2? October 194[illegible]

To the Deputy High Commissioner for Epuration

To be seen by:
The High Commissioner for Sanctions against Fascism
The President of the Council
The Undersecretary to the Presidency of
Commodore Ellery Stone, Chief Commissioner of the Allied Commission

X

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

DONATO Fernando, President of Section, member of the federal council of the fascist party in Rome, member of the Quadrumvirate of the March on Rome, apologist of the regime in public occasions, author of the 'legislator of fascist revolution'.

MAZZEI Ario, Secretary General of the Government of Salazzia and collaborator of Pavolini in the repression and shooting of Tito's partisans, and appointed Prefect of Rome for this reason.

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

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

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

A GROUP OF COUNSELLORS OF STATE

Trans. L.D.

(93)

1217

Declassified E.O. 12356 Section 3.3/NND No. 785015

INFORMATION.

HEADQUARTERS
ALLIED COMMISSION
APO 394
CA SECTION

DF/S.G/CA

26 Oct 44

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 159/44 will continue to apply unchanged and as regards those officers to whom the new decree applies those provisions of Pt II which are not inconsistent with the new decree continue to apply.

3 Translations of the decree will be issued to Sub-Commissions who will remain responcible 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 conducted 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.

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.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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 as for any from the date the decree comes into effect in that area.

BY COMMAND OF COMMISSIONER STONE :

G.F. UZJOHN Brig.
V.F. CA Section
DCOS

DISTRIBUTION :- 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, Comms S/C, Transp S/C, SCAO 5 Army, SCAO 7 Army, R.C. Abruzzi-Marche Reg., R.C. Emilia Region, R.C. Toscana Region, R.C. Sardinia Region, R.C. Venezia Region, R.C. Piedmonte Region, R.C. Liguria Region, R.C. Lombardia Region, R.C. Lazio Region, R.C. Sicilia Region, R.C. Southern Region

Copy to : A/CC,
DCOS

1219

Declassified E.O. 12356 Section 3.3/NND No. 785015

INFORMATION

INTER OFFICE MEMO

Office of the Chief of Staff

Tel: 735

SUBJECT:- Epuration. 1005/20/COS.

TO : Civil Affairs Section. 5 November, 1944.

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

Chief Staff Officer,
To the Chief of Staff.

1220

Declassified E.O. 12356 Section 3.3/NND No. 785015

INFORMATION

A

HEADQUARTERS
ALLIED CONTROL COMMISSION
CMF
Office of the Chief of Staff

Tel. 735

Ref 4507/14/009

24 October 1944

SUBJECT : Payment of Salary to Suspended Italian Officials

TO : Economic Section

1. The attached letter from the Prime Minister dated 19 Oct 44 is sent to you for necessary action.

2. Will you please prepare reply for signature of the Acting Chief Commissioner.

Chief Staff Officer
To the Chief of Staff.

c.c. C. A. Sec
Maj. Quayle.

2237

N-252

81

1221

Declassified E.O. 12356 Section 3.3/NND No. 785015

translation

THE PRESIDENT OF THE
COUNCIL OF MINISTERS

10046 - 10/1.3.1. Rome, 19 October 1944

Dear Admiral,

I answer your letter of September 26th, about the payment of the salary of the employees, whose wages were suspended because they belonged to the category foreseen by art. 4, of the legislative decree n. 159, July 27th 1944, for the sanctions against fascism.

Following the advice you gave us in the said letter about the payment of these wages, the Government and the High Commissariat for epuration have examined the possibility of an unfavourable reaction in public opinion, and think that no appreciable reaction can take place.

Therefore, the necessary instructions will be given to the Administrations, for the decree to be enforced, integrally, paying the entire retribution, arrears included, till the date of the suspension from the charge, according to art. 22 of the said decree, and then the alimentary allowance amounting to the salary only.

I remain, yours very sincerely,

/s/ I. Bonomi

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

Trans. E.C.

1222

Declassified E.O. 12356 Section 3.3/NND No. 785015

EWS/dfe

A/CC 250-1

21 October 1944

My dear Mr. Kirk:

You asked me to inform you on the present status of the Nerbini case. The matter stands as follows.

This is not primarily a question of Defascism, as the charge against Nerbini is a criminal one. It is alleged that he, with others, is responsible for the disappearance of considerable funds belonging to the Istituto Nazionale di Previdenze del Gas, and he has been suspended pending investigation. Until completion of the investigation and of the audit which is in progress, there is no prospect of his suspension being revoked.

Yours very truly,

ELLERY W. STONE
Commodore, USNR
Acting Chief Commissioner

The Honorable Alexander Kirk
U.S. Representative to the
Advisory Council for Italy
Via Vittorio Veneto, 119
Rome

CC-COS
"A" Files

250.1

80

1223

Declassified E.O. 12356 Section 3.3/NND No. 785015

A/cc 694
20/10/44

MINUTE

20 Oct 44

TO : Staff Officer to A/CC

It is regretted that it was not possible to send an earlier reply as we were enquiring as to Defascism whereas this is not primarily a question of Defascism.

The charge against Herbini is criminal. It is alleged that he with others are responsible for the disappearance of considerable funds belonging to the Society in question and he has been suspended pending investigation.

Until completion of the investigation and of the audit which is in progress there is no prospect of his suspension being revoked.

The question of the appointment or non appointment of the Epuration Commission is not really very relevant to the present investigation.

S.H. WHITE Lt Col
CA Sec.

(80) Appr.

1224

Declassified E.O. 12356 Section 3.3/NND No. 785015

EWS/dfe

A/CC 250-1

20 October 1944

Subject: Colonel Moscatelli

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

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

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

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

EMERY W. STONE
Commodore, USNR
Acting Chief Commissioner

cc: Air Forces Sub-Commission, ACC
C of S Section
'A' File

See 85

6223

79

1225

Declassified E.O. 12356 Section 3.3/NND No. 785015

DRAFT.

Type for A/CC's

Colonel Galvin,

TO: OFFICE OF STRATEGIC SERVICES.

59, Via Sicilia,
Rome.

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

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

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Yours
Commdr
A/CC

OK

AWD

cc: Air Forces Sub-Commission

2602

79

1226

Declassified E.O. 12356 Section 3.3/NND No. 785015

TO: COMMODORE EMELEY W. STONE.
ACTING CHIEF COMMISSIONER.

TOP SECRET.

I am sorry to have delayed the question of Colonel Moscatelli for so long, but I felt that I ought to furnish you with our Intelligence reports on him, as well as the letter from General Piacentini, so that you can see why we regard his case as being of some importance.

2. I am therefore attaching two separate reports, which come from two of my Intelligence Officers.

3. I have re-drafted the letter to O.S.S. and I hope you will feel that you are able to sign it in its new form.

Colonel Moscatelli is a regular officer, on the active list of the R.A.F.

W.A. Bowen-Buscarlet

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

Air Forces Sub-Commission,
Allied Control Commission,
Rome.
Ref: AFSC/R/11/SPEC.INT.
Date: 18TH OCTOBER, 1944.

6631

(11) APP. A1

1227

Declassified E.O. 12356 Section 3.3/NND No. 785015

FROM Ministero dell'Aeronautica, Gabinetto del Ministro
To: AFSC. ACC.
DATE: 1.8.44.
REF 1934
Subject: Colonel Pilot Moscatelli Antonio.

1. Colonel Moscatelli
- has not obeyed as a soldier orders which were given him after theventa of 8.9.44.
+ has always lived and made his carrier in the atmo sphere and entourage of the Duce's sons.
- is undoubtedly an artful person and has passed the lines with the obvious aim of building himself a personal pied-a terre for the future.
- has not acted loyally towards the Allies and towards th e Regia Aeronautica, has acted towards the sole end of securing personal advantages;
- has in all circumstances sought to sow discord between the Regia Aeronautics and the Allies and among the Allies themselve
- Is at p esent e xploiting the situation obtaining illicit advantage from the market on which he is operating, a fact which publicly known, is detrimental to the Americans, who continue to maintain such a person with them.
- In view of the above this officer is liable to severe action and it is requested that the Air Forces Sub-Commission request from the American authorities that Col. Moscatelli be put at their disposal of the Regia Aeronautica in order to undergo a regular inquest.

The Minister Piacentini.

(79) AFB 'B'

1228

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY.

TOP SECRET.

Col. Pilot ANTONIO MOSCATELLI.

Source, a most reliable and upright officer, has known Moscatelli since he was a Lt., has no axe to grind and no personal animosity towards him.

Moscatelli was an excellent pilot in the early days, though even then he was without moral probity and prone to rebellion. He had a mania of antagonism towards any kind of constituted authority. For many years he was the prototype of the Italian pilot - dare-devil, but without the slightest quality as a leader in the best sense of the term; neither had he any sense of collective obligation.

As time progressed his character deteriorated and he became a steady drunkard. An opportunist first and foremost, he always tries to get well in with the most influential circles and is not scrupulous as to know how he does it. But in his various attempts to ingratiate himself he has mostly failed, due both to his lack of culture and his character; so much so that in spite of the fact that he has had dealings with practically every aeronautical branch he does not possess a single friend. The only person who can be placed in that category is one TOMASSI (who often passes under another name, who sticks to Moscatelli purely from the view of identity of interests) whose character is more unreliable even than his own.

Moscatelli is given to drink while flying, and source states that when he, as Navigator, was on a return flight with Moscatelli from Tokyo, Moscatelli had to be forcibly relieved of his command of the aircraft on account of his incapable condition.

Moscatelli line-shoots without any justification, in fact he likes to appear sensational and always maligns his superiors. He is capable of the most mendacious statements spoken with facile authority in order to appear original. His main ambition in life is to become a pilot or Station Commander with Pan-American Airways, which for him is the non plus ultra of the aeronautical world, and thereby give himself plenty of scope.

2439

17th October, 1944.

(79) APP 'C'

COPY.

TOP SECRET.

COLONEL MOSCATELLI.

On the 8th September 1943 Colonel Moscatelli was in Command of Interceptor Fighters of Rome Sector.

He left Rome on the 19th September 1943 and reached the Allied lines on the 30th September 1943 at Grottaminarda. He there encountered an Army Patrol and was taken to H.Q. 45 U.S. Army Division. He was interrogated by O.S.S. and eventually sent to Naples where he was seen by Col. Huntington of O.S.S. and by S/Ldr Gregory of C.S.D.I.C.

The latter had him flown to Algiers for further interrogation, from where he was sent by air to London which he reached on October 27th 1943, leaving again on the 10th November 1943. Whilst he was in London he was interrogated by A.I.1.K. and by O.S.S.

When he returned to Italy he did not, as was his duty, report to the nearest I.A.F. H.Q., but joined O.S.S. The correct procedure would have been for him to first report to the I.A.F. and obtain the latter's consent to his appointment with O.S.S., a procedure followed by all other I.A.F. officers detached to Allied Commands.

Colonel Moscatelli apparently wished to keep the I.A.F. in ignorance of his whereabouts, since shortly after his return to Italy in November 1943 on meeting Cambilargiu, a Colonel of the I.A.F. he asked him not to disclose the fact that he was in Naples with the O.S.S.

Colonel Moscatelli's whereabouts eventually became known to the Italian Air Ministry and in the autumn 1943 General Sandalli, late Air Minister drew Air Com. Foster's attention to the fact that this I.A.F. officer had failed to report.

The Ministry had no objection whatsoever to his working for O.S.S. but it was essential he should regularise his position. Moscatelli invited to report at Bari and regularise his position, did not do so.

In April last, when I was in Naples, I invited him to call at A.F.S.C. and advised him to proceed to Bari in order to put matters on a proper footing. He accordingly went and saw Air Commodore Foster and General Sandalli separately, telling each that he had obtained the other's approval. Barely had he left Bari when S/Ldr Francis rank up to say that Moscatelli had failed to regularise his position. The matter was eventually settled by an interchange of letters between O.S.S. and the Air Ministry at Bari.

This regu- lari-

Declassified E.O. 12356 Section 3.3/NND No. 785015

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This requires?

According to the Air Minister his attitude towards the I.A.F. has been most incorrect and contrary to good order and discipline. He chooses to ignore Italian high authorities such as the Ministry, he had made it a practice to speak disparagingly of the I.A.F. and its senior officers including the Ministers Sandalli and Piacentini. He has spread false reports regarding certain officers among whom Gen. Longo, whom he accused of being a squadrist and a collaborator, with the result that Gen. Longo was arrested a few days after the Allies entered Rome, but released as the charge was proved to be unfounded.

Colonel Moscatelli expressed the view that Air Com. R.M. Foster was doing his utmost to bring about the total ruin of the I.A.F. which he in no case would rejoin even though a regular officer. This statement was made on 26.2.44 in the presence of Major Ruspoli.

He hid secret documents, the property of the Air Ministry and handed them to the Allies.

Do we object to this?

Continued /2.....

(79) App 'D'

Declassified E.O. 12356 Section 3.3/NND No. 785015

Whilst he boasts of wanting to return to operational flying, he is in fact an outstanding pilot - he makes no attempt to rejoin the I.A.F.

I am only repeating a few of the complaints I have heard about this Officer whom I know personally but only superficially; in so far as I am personally concerned I can confirm that his attitude towards the I.A.F. is one of the utmost contempt and among the reasons he gave in April last for not rejoining was that he considered the I.A.F. would not last longer than three months and that in any case the bulk of the senior officers were squadrists.

He was particularly bitter about Gen. Longo who was subsequently arrested and released.

The Moscatelli case started in the Brindisi days and has dragged on for close on a year, wasting a great deal of valuable time. It is actually an internal I.A.F. matter and it would be an excellent think if Col. Moscatelli were authorised to appear before the Court of Enquiry, and thus be given an opportunity of clearing himself.

October 14th, 1944.

6627

Declassified E.O. 12356 Section 3.3/NND No. 785015

Declassified E.O. 12356 Section 3.3/NND No. 785015

1232

AUG 27

October 14th, 1944.

APR 12 (74)

1233

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

THE PRESIDENT OF THE COUNCIL
OF MINISTERS

n. 14790/11/39/1.1.26

Rome, 19 October 1944

Dear Admiral Stone,

In relation to what has been the subject of our last interview, about the regulations for the appointment of Commissioners of the Government for the management of some private enterprises, I communicate to you the modifications and additions that I made to the text, in accordance with the agreement made.

Art 1, n.3 to the words " .... and for the fascist precedents of their titulars or managers" have been substituted the words ".... for the fascist precedents of the greatest part of their titulars or managers ..."

Art. 4, the last part of par. 4 is substituted by:

"Epuration concerns all those who belong to the above mentioned enterprises".

In the first paragraph of Art. 10, to the words "... the State has made loans" are substituted the words "... the State has made important loans"; the last part of the same paragraph "... or when the irregular or imprudent management of the society may cause a patrimonial prejudice to the public treasury" has been left out.

These regulations will be enforced after having been modified in this way, according to our agreement.

I remain,

Yours sincerely,

/s/ I. Bonomi

Admiral Ellery W. Stone
Chief Commissioner
Allied Control Commission
Rome

1 2 3 4

Declassified E.O. 12356 Section 3.3/NND No. 785015

ALLIED CONTROL COMMISSION

INTER OFFICE MEMO

JAQ/dfe

From: Office of the A/Chief Commissioner

FILE No.

SUBJECT:

19 October 1944

TO: Junior Commander G. C. Harvey
Civil Affairs Section

72

28/9/44

Commodore Stone has had no reply to this note which he sent to Brigadier Upjohn on 28/9/44. Would it be possible to let us have a reply now, as Mr. Kirk, American Ambassador, is asking for news on the case.

See (80)

J.A. Quayle

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

2825

2855

(77)

cc: 'A' File

1235

Declassified E.O. 12356 Section 3.3/NND No. 785015

Acc 611
15/10/44

A/Cc 250.
MF/5.5/AS.

14th October 1944.

(71)

My dear Mr. Prime Minister:

I am very anxious to have your reply to my letter A/Cc 250 of 26th September as I desire to instruct my Finance officers as to whether persons suspended as being Heroin in Roma, etc., are to be paid or not.

Yours very truly,

ELLERY W. STONE
Commodore, USNR
Acting Chief Commissioner

His Excellency Ivanoe Bonomi,
President of the Council of Ministers,
ITALIAN GOVERNMENT.

(76)

1236

Declassified E.O. 12356 Section 3.3/NND No. 785015

FILE UNDER NO. 250 - 2

INDEX SHEET

SYNOPSIS

Advisory Council Meeting (22nd) 6 October 1944

Report on Epuration by Brigadier Upjohn

DOCUMENT FILED UNDER NO. 001 - 2
(17 Oct 44)

250-2

6623

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When these index sheets become numerous under a subject they will be entered on te consolidated index sheet and then destroyed.

74a

1237

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS
ALLIED CONTROL COMMISSION
CMF
, Office of the Chief of Staff
++++++++++++++++++++++++++++++

REF : 998/4/COS. 6 October 44.

SUBJECT : Transmission of Correspondence.

TO : Civil Affairs Section.

(13)

Attached correspondence relative to the charge of fascism against Mr. CALVINA is passed for action as necessary.

Chief Staff Officer,
To the Chief of Staff

(74)

1238

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED CONTROL COMMISSION JAQ/drr
Office of the Acting Chief Commissioner
APO 394

A/CC 250 29 September 1944

1. Attached is the letter I spoke to you about on the phone. If you will kindly let me have your comment I will pass it on to Administrative Section, where I think it properly lodges.

2. As this seems to be a fight by Italians, against Italians, with Italians, my inclination is to sling it back to Mr. Calvins with a comment that being an Italian it should be settled by Italians and that it is no concern of ours.

J. A. QUAYLE
Major, R.A.
Chief Staff Officer

Major Lionel Fielden, Director
Public Relations Branch

Hq A C C Sec'y Gen.
DISPATCHED
Date Time 29 SEP 1944
Via Msgr. 1410
Initials EM

FILES A-B

1239

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ ACC. APO 926
403 Sec'y Sect.
Rec'd 27/9/44
By

TRANSLATION

Dr. Luigi Berbini, according to the instructions of the Deputy High Commissioner for the Epuration, H.E. Sconimerso (?) has been suspended from the charge of Secretary to the Presidency of the Istituto Nazionale di Previdenza dei Gas.

This measure has been taken because of the denunciation of two small employes of the Institution; this denunciation is vague and has no documentation.

There is no Epuration Commission.

The measure is arbitrary, everybody acknowledged it and yet no one seems to intervene to obtain its revocation. So, Dr. Nerbini is now suspended and in a few days, he will have to appear before an Epuration Commission which will not even be completely formed.

Brig. Upjohn:
Will you please coordinate with P & S/C and see if this man has been unfairly dealt with

EWS
28/9/44

Trans. L.C.

See 77

FILES A-B

28 Sept.

1240

Declassified E.O. 12356 Section 3.3/NND No. 785015

To the C.S.O. of the Acting Chief Commissioner.

Herewith revised draft of Amendment III to D.L.L. (art 22) 159. Could you please put it before the Acting Chief Commissioner for approval and signature.

Lieut Harry Hall.
P.A. to D.P.A. & Secretary

CC 18 25/7 — 1500 DFE

1241

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ministero delle Corporazioni

DIREZIONE GENERALE DEL SEGRETARIATO
DEL CONSIGLIO NAZIONALE DELLE CORPORAZIONI
DEGLI AFFARI GENERALI E DEL PERSONALE

I am sorry. I disagree we never could (except Finance) dissented (except for the reason mentioned - para 3.

Dear Gerald

A/C.C. has O.K.'d this

Your file 272/55/A.S.

This matter is not my concern - except as a V.P. But having enquired the file & especially Finance Sub Com. comments on Sept 16 I do suggest that (a) there be no question of the A/C.C. withdrawing his suggestion (para 4.) (b) the letter be so worded as to maintain our position of dissent & throwing the whole burden on to the H.Gov. (c) that the matter be discussed at a V.P's meeting. (I see no sign of P.M. See's views).

H.M. 7/5/(24)9.

1242

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

HQ ACC. ARO 394
403 Sect. Y Group
Rec'd 27/9/44
By

Dr. Luigi Herbini, according to the instructions of the Deputy High Commissioner for the Epuration, H.X. Sconiharso (?) has been suspended from the charge of Secretary to the Presidency of the Istituto Nazionale di Previdenza del Gas.

This measure has been taken because of the denunciation of two small employes of the Institution; this denunciation is vague and has no documentation.

There is no epuration Commission.

The measure is arbitrary, everybody acknowledged it and yet no one seems to intervene to obtain its revocation. So, Dr. Herbini is now suspended and in a few days, he will have to appear before an Epuration Commission which will not even be completely formed.

Brig. Upjohn:

Will you please coordinate with P & S/C and see if this man has been unfairly dealt with

250-7

C620

Trans. E.C.

See (77)

EWS
28/9/44

(72)

28 hrs

FILES A.B

1243

Declassified E.O. 12356 Section 3.3/NND No. 785015

RSS/hjp

A/CC 250
DF/5.5/RS

26 September 1944

Subject: Amendment III to DLL (Article 22) 159.

My dear Mr. Prime Minister:

I thank you for your letter dated 7 Sept on the subject of the amendment of Article 22 to DLL No. 159 dated 27 July.

You rightly point out that the circular letter issued by the Treasury in June has now been superseded by the decree and that therefore by law payment to all classes (including Marcia su Roma, etc.) of suspended officials should be made, pending a final decision in each case.

From this view I could not dissent in principle but in making my suggestion I was influenced by the possibility of unfavorable public reaction should your Government commence paying the classes of squadristi, etc., when no such payment has been made for 3 months.

If, my dear Prime Minister, you and your colleagues have fully considered this aspect of the case and are of opinion that there will be no such reactions or that they can be easily handled then, especially in view of the distress which may otherwise be caused, I am agreeable on the basis of Article 22 as it stands.

Will you please let me know your decision in this matter at once so that I may with the least possible delay give the appropriate instructions to my Finance Officers.

Yours very truly,

(71) (76) (81)

ROBERT N. STONE
Captain, USNR
Acting Chief Commissioner

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

(71)

cc: Exec Commissioner
VP, Econ Sec
VP, Admin Sec
Finance S/C

56 359

Hq ACC Sec'y Gen.
DISPATCHED
Date-Time 26 SEP 1944
Via Lt. Penrose Courier
Initials CH

1244

Declassified E.O. 12356 Section 3.3/NND No. 785015

To the C.S.O. of the acting Chief Commissioner.

Herewith revised draft of Amendment III to D.L.L. (art 22) 15.9. Could you please put it before the Acting Chief Commissioner for approval and signature.

Lieut Harvey R.E.
P.A. to O.C. Andaman Section

CC/HQ ACC. NO 324
REC'D SEC. GEN. 25/7 — 1500
DEC

1245

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ministero delle Corporazioni

DIREZIONE GENERALE DEL SEGRETARIATO
DEL CONSIGLIO NAZIONALE DELLE CORPORAZIONI
DEGLI AFFARI GENERALI E DEL PERSONALE

I am sorry. I dissagree
we need Carla (except
Finance) dissented except
for the reasons mentioned - para 3.

Dear Gerald

A/C.C. has O.K.'d this
Tom file DF/S.S/A.S.

This matter is not my concern - except
as a V.P. But having examined the file
& especially Finance Sub Com comments on
Sept 16 I do suggest that (a) there be no
question of the A/C.C. withdrawing his suggestion
(para 4.) (b) the letter be so worded as to
maintain our position of dissent & throwing the
whole burden on to the H.M.G. (c) that the matter
be discussed at a V.P's meeting. (I see no objn
to P.M. Sec's view).

H. H/S/2419.

1246

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ AFHQ, APO 394
Hist Sec'y Gen.
Rec'd 29/12/1944
By DFE

TRANSLATION

PRESIDENCY OF THE COUNCIL OF MINISTERS

UNDERSECRETARIAT FOR PRESS AND INFORMATIONS

Rome, 25 September 1944

Admiral Stone
Chief Commissioner
Allied Control Commission
Rome

Will you kindly allow me, dear Admiral, to draw your attention on what follows with regards to the charges of fascism brought against me as Commissioner of the Istituto Luce and as functionary of the Undersecretariat for Press and Informations.

I know that the above mentioned charges were brought against me by Donato Pattelli, Communist representant in the Comitato of the antifascist parties.

I must stress the fact that, as from the enclosed documents, in 1930, Pattelli was taken temporarily by the Ministry of the Coltura Popolare by order of Mussolini.

Also by order of Mussolini, he got another job in the Banca del Lavoro, and filled these two posts from 1935 to 1943.

In october 1941 an inquiry was made about Pattelli because of a denunciation by [illegible] of the Società Immobiliare Vittoria of Turin, who had been asked to pay an important sum to be authorized to build a cinema in Turin.

In spite of precise charges, the inquiry had no results, as the person in question was protected by Mussolini, and Pattelli was not even sacked, as I, and insistently as so he should be, in my quality of head of the Projection-rooms Division.

This explains Pattelli's grudge and the campaign of calumnies against me that he made to the Allied Authorities in charge of the cinema branch.

As for me, kindly note that I was inscribed to the fascist party as functionary of the State, in 1930, and that never fulfilled any post.

I may add that the representants of the Comitato of Liberation, who had at first believed the charges of Pattelli, have entirely changed mind after making thorough inquiries.

I remain,

yours very truly,

Rome, L.C. /s/ V. Calvino

1247

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

COPY

Banco Nazionale del Lavoro
The Director General

Rome, 16 December 1939 XIV

Dear Freddi,

I have been requested by the Private Secretariat of H. Ex. the Chief of the Government to find a post for Comm. RENATO BATTELLI; this request was also addressed to you.

Being disposed to do my best, I thought of an arrangement which would solve the case and be useful to both our Institutions.

For the necessary co-ordination of the relations between this Ministry and the Society of Authors, the Cinema Section of the Bank could employ Battelli, giving him a monthly salary of a thousand lire, which would be completed by another sum from this Ministry, for the work he would do for the depending Institutions.

Kindly draw H. Ex. Alfieri's attention to the fact that this is - I must repeat it it - a wish of H. Ex. the Chief of the Government; I shall be very grateful to you if you will let me know the decision which will be taken on this subject.

Very truly yours,

/s/ Illegible

Cr. Uff. Luigi Freddi
Direttore Gen. per la Cinematografia
Ministero Stampa e Propaganda
R o m a

Trans. E.C.

1248

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

C O P Y

The Private Secretary
of the Chief of the Government

TO: The Cabinet of H. Ex. the Minister
of Press and Propaganda

Signor Donato Battelli (Rome, via Frattina 6)) has asked H.Ex. the Chief of the Government to help him find a post which would solve the very difficult financial situation in which he finds himself because of a lawsuit which, though it ended very favourably for him, has put an end to his former activity, without any possibility for him to resume it.

He particularly wishes to be employed in the field of cinema organization, in the General Direction for Cinema or in the Istituto Luce.

H. Ex. the Chief of the Government who knows the precedents of Battelli, asks that everything should be done to give satisfaction to Battelli

Rome, 11 October 1935 - XIII

(Osvaldo Sebastiani)

/s/ Sebastiani

CR 14

Trans. E.C.

1249

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION COPY

THE PRIVATE SECRETARY OF THE
CHIEF OF THE GOVERNMENT

n. 330/R Rome, 4 March 1936 - XIV

Dear Major,

You certainly know that - by order of H. Ex. the Chief of the Government - this Secretariat has been greatly interested in Mr. Donato Battelli of Rome.

As from the proposal of the Banca del Lavoro, the best arrangement for Battelli would be to become liaison functionary of the Bank with this Ministry, for the financial part of the affair.

Nevertheless, for this arrangement, the Ministry would have to pay Battelli the same sum that the Bank pays him, ie. 1600 Lire monthly.

I shall be most grateful to you if you will kindly see that this proposal is favourably received.

Yours very truly,

(Osvaldo Sebastiani)

/s/ Sebastiani

Sig. Maggiore
Comm. Celso Luciano
Capo di Gabinetto di S.E.
il Ministro della Stampa e Propaganda
ROMA

Cr.

Trans. E.C.

1250

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION COPY

PERSONAL

MINISTRY OF THE COLTURA POPOLARE.
General Direction for Cinema

Rome, 10 October 19[illegible]/XIX

n. 1/R

TO: the Director General of the Administ ative Services, General Affairs and Personnel.
SEAT

Signora Fornaca of the Societa Immobiliare Vittoria di Turin came to my office accompanied by the Regent of the Federazione dello Spettacolo, Dr. Piero Arcangioli. The said lady declared that for two months she had been trying to get the authorization to build a new cinema house in Turin and that the affair was still pending. Someone called Bassi, belonging to the world of the cinema in this town, and seeming to be an agent of the ACI-EUROPA, told her last september that it would be possible for her to interest a functionary of the General Direction of the Cinema to facilitate the granting of the licence. Informing her of this, he meant that she would have to pay something. A correspondence should have taken place between the said Bassi and the temporary employee of this General Direction, Donato Battelli.

Bassi is supposed to have told Signa Fornaca that much money was needed because Battelli had to pay other people too. Signa Fornaca who had already talked about this affair with the competent Chief of Division, Dr. Calvino, who had made the usual office communications about the course of the examination of the affair, went last September to see Battelli in his office, and he told her he would do what he could if he got a compensation.

All these declarations have been made on the eve of the meeting of the Commission which was to make a decision about the petition of Signa Fornaca.

When I asked her whether she had any documents, Signora Fornaca said that the correspondence had taken place directly through Bassi, and she only produced a note from the porter of the hotel, proving that she had been called on the telephone - while she was away - by the said Battelli on the very day she had decided to come to me.

It must be noted that Battelli belongs to Division III, is in charge of the affairs related to the sound transcription allotment, in relation with the Banca Nazionale del Lavoro; therefore he had no reason to meddle with the affairs concerning the granting of licences, Division IV being in charge of them.

0012

The Chief of Division, Dr. Calvino is not responsible; I should simply like to know why an employee in charge of the Archives of Division IV, should, on Battelli's request have brought him the documents relative to the petition of Sig.re Fornaca, as the Chief of Division had already given instructions about Battelli and the employees of the other Divisions saying that they were not to meddle with the affairs relative to the granting of licences for cinema houses. I propose that Donato Battelli should immediately get the sack.

THE DIRECTOR GENERAL

/s/ ETTORE MONACO

Trans E.C.

Presidenza del Consiglio dei Ministri

Sottosegretariato per la Stampa e le Informazioni

Roma, 25 settembre 1944

Sig. Comandante STONE
Capo della Commissione Alleata
di Controllo

ROMA

La prego, Sig. Comandante, di concedermi l'onore di esporLe quanto segue in ordine agli addebiti di fascismo elevati a mio carico quale Commissario dell'Istituto Luce e quale funzionario del Sottosegretariato Stampa e Informazioni.

Mi risulta che gli addebiti suindicati furono mossi dal rappresentante comunista in seno al Comitato dei partiti antifascisti, tal Donato Battelli.

Al riguardo debbo fare presente che, come risulta dai documenti acclusi, il Battelli fu assunto nel 1936 come avventizio presso il Ministero della Cultura Popolare per ordine di Mussolini.

Pure per ordine di Mussolini egli ottenne un altro impiego alla Banca del Lavoro, occupando questi due posti dal 1936 al 1943.

Nell'ottobre 1941 il Battelli fu sottoposto ad inchiesta in seguito a denunzia della Sig.ra Fornaca, della Società Immo-

Declassified E.O. 12356 Section 3.3/NND No. 785015

Sig. Comandante STONE
Capo della Commissione Alleata
di Controllo

R O M A

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Mi risulta che gli addebiti suindicati furono mossi dal rappresentante comunista in seno al Comitato dei partiti antifascisti, tal Donato Battelli.

Al riguardo debbo fare presente che, come risulta dai documenti acclusi, il Battelli fu assunto nel I936 come avventizio presso il Ministero della Cultura Popolare per ordine di Mussolini.

Pure per ordine di Mussolini egli ottenne un altro impiego alla Banca del Lavoro, occupando questi due posti dal I936 al I943.

Nell'ottobre I94I il Battelli fu sottoposto ad inchiesta in seguito a denunzia della Sig.ra Fornaca, della Società Immobiliare Vittoria di Torino, alla quale era stata chiesta una rilevante somma per la concessione di una autorizzazione alla costruzione d'una sala cinematografica in Torino.

Nonostante le accuse precise, l'inchiesta non ebbe seguito, trattandosi di persona raccomandata da Mussolini, ed il Battelli non fu neppure allontanato dall'Ufficio, come io, quale dirigente della Divisione sale cinematografiche, avevo formalmente richiesto.

Di qui il rancore del Battelli e la campagna di calunnie sul mio conto presso le Autorità Alleate che si occupano del settore

./.

Declassified E.O. 12356 Section 3.3/NND No. 785015

cinematografico.

Per quanto riguarda la mia persona faccio presente che fui iscritto al partito fascista, quale funzionario dello Stato, nel 1930 e non ho mai ricoperto cariche di alcun genere,

Posso aggiungere che i rappresentanti del Comitato di Liberazione che in un primo momento avevano creduto alle accuse del Battelli, si sono completamente ricreduti in seguito ad accurate indagini da essi svolte.

Con profondi ossequi.

Declassified E.O. 12356 Section 3.3/NND No. 785015

1254

Copia

Banca Nazionale del Lavoro
Il Direttore Generale

Roma, I6 dicembre I935 XIV

Caro Freddi,

dalla Segreteria Particolare di S.E. il Capo del Governo mi sono state rivolte nuove premure per la sistemazione del Comm. DONATO BATTELLI, premure che so anche a te dirette.

Avendo la migliore buona disposizione al riguardo sarei a proporti una combinazione che potrebbe rispondere al caso ed essere utile ad entrambi i nostri Enti.

La Sezione Cinematografica della Banca, per il necessario coordinamento dei rapporti con codesto Ministero e con la Società degli Autori, potrebbe assumere il Battelli con uno stipendio di lire mille mensili, che dovrebbe essere integrato con altra somma da parte di codesto Ministero, per l'opera che egli andrà a svolgere nell'interesse degli Enti dipendenti.

Ti prego di far presente a S.E. Alfieri la cosa che - ti ripeto - corrisponde al desiderio di S.E. il Capo del Governo, e ti sarò grato se vorrai farmi conoscere le decisioni che saranno adottate al riguardo.

Cordiali saluti

F.to Osio

cc10

Gr.Uff. Luigi Freddi
Direttore Gen. per la Cinematografia
Ministero Stampa e Propaganda

Declassified E.O. 12356 Section 3.3/NND No. 785015

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F.to Osio

Gr.Uff. Luigi Freddi
Direttore Gen. per la Cinematografia
Ministero Stampa e Propaganda
R o m a

cc 10

Roma 25-9-44
per copia conforme

Declassified E.O. 12356 Section 3.3/NND No. 785015

I 2 5 9 1

C o p i a

Il Segretario Particolare
del Capo del Governo

All'On. Gabinetto di S.E. il Ministro
per la Stampa e la Propaganda

Il Signor Donato Battelli (Roma, via Frattina 89) ha invocato l'aiuto di Sua Eccellenza il Capo del Governo per poter trovare un'occupazione atta a risolvere la situazione economica estremamente difficile in cui è venuto a trovarsi a seguito di una vicenda giudiziaria che sebbene chiusasi nei suoi confronti nel modo più ampiamente favorevole ha interrotto, con pregiudizio di ogni possibilità di ripresa, la sua attività precedente.

In particolare egli ha manifestato il desiderio di poter essere utilizzato nel campo organizzativo cinematografico presso la Direzione Generale per la Cinematografia o presso l'Istituto Luce.

S.E. il Capo del Governo, al quale i precedenti del Battelli sono noti, si è compiaciuto di determinare che l'aspirazione del Battelli venga nel miglior modo assecondata. 6609

Roma, 11 ottobre 1935 - XII

(Osvaldo Sebastiani)

Declassified E.O. 12356 Section 3.3/NND No. 785015

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Roma, 11 ottobre 1935 - XII

(Osvaldo Sebastiani)

F.to Sebastiani

Roma 25-2-46

p. copia conforme

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Declassified E.O. 12356 Section 3.3/NND No. 785015

C o p i a

Il Segretario Particolare
del Capo del Governo

n. 330/R

Roma, 4 marzo 1936 - XIV

Egregio Maggiore

le è certamente noto l'interessamento svolto da questa Segreteria - per incarico di S.E. il Capo del Governo - a favore del signor Donato Battelli di Roma.

Come è stato proposto dalla Banca del Lavoro, la sistemazione più opportuna per il Battelli, sembrerebbe quella di funzionario di collegamento della Banca con codesto Ministero, per il ramo finanziamenti cinematografici.

Occorrerebbe però che il Ministero contribuisse a tale combinazione corrispondendo al Battelli la stessa somma messa a disposizione dalla Banca, cioè L. 1000 mensili.

Le sarò grato se ella vorrà gentilmente interessarsi perche tale proposta possa trovare favorevole accoglimento.

22608

Distinti saluti

(Osvaldo Sebastiani)

F.to Sebastiani

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Distinti saluti

(Osvaldo Sebastiani)

F.to Sebastiani

Sig. Maggiore
Comm. Celso Luciano
Capo di Gabinetto di S.E.
il Ministro per la Stampa e la Propaganda

ROMA

Cr.

Roma 25-9-

p. conf.

Declassified E.O. 12356 Section 3.3/NND No. 785015

M/R

C O P I A

RISERVATISSIMA PERSONALE

MINISTERO DELLA CULTURA POPOLARE
Direzione Generale per la Cinematografia

Roma, IO ottobre I94I/XIX

Prot. N. 1/R

Al DIRETTORE GENERALE PER I
SERVIZI AMM.VI GLI AFFARI GENE-
RALI ED IL PERSONALE
= S E D E =

Si è recata nel mio Ufficio la Signora Fornaca della Società Immobiliare Vittoria di Torino, accompagnata dal Reggente della Federazione dello Spettacolo, Dott. Piero Arcangioli. Detta Signora mi ha dichiarato di avere in corso da due mesi una pratica per la concessione di una autorizzazione alla costruzione di una nuova sala cinematografica a Torino. Una persona dell'ambiente cinematografico di quella città, certo Bassi, che sembra sia agente dell'ACI-EUROPA, le segnalò nello scorso mese di settembre che avrebbe avuto la possibilità di interessare un funzionario della Direzione Generale della Cinematografia per facilitare la concessione della licenza. Nel fare tale comunicazione fece intendere che occorreva sborsare denaro. Si sarebbe allora iniziata una corrispondenza tra il detto Bassi e l'avventizio di concetto di questa Direzione Generale, Donato Battelli.

Il Bassi avrebbe dichiarato all'interessata che era necessario parecchio denaro, in quanto il Battelli doveva compensare anche altre persone. La Fornaca, che aveva già conferito in merito alla sua pratica con il Capo Divisione competente, Dott. Calvino, che le aveva fatto le norma-

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Declassified E.O. 12356 Section 3.3/NND No. 785015

biliare Vittoria di Torino, accompagnata dal Reggente della Federazione dello Spettacolo, Dott. Piero Arcangioli. Detta Signora mi ha dichiarato di avere in corso da due mesi una pratica per la concessione di una autorizzazione alla costruzione di una nuova sala cinematografica a Torino. Una persona dell'ambiente cinematografico di quella città, certo Bassi, che sembra sia agente dell'ACI-EUROPA, le segnalò nello scorso mese di settembre che avrebbe avuto la possibilità di interessare un funzionario della Direzione Generale della Cinematografia per facilitare la concessione della licenza. Nel fare tale comunicazione fece intendere che occorreva sborsare denaro. Si sarebbe allora iniziata una corrispondenza tra il detto Bassi e l'avventizio di concetto di questa Direzione Generale, Donato Battelli.

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Tutte queste dichiarazioni mi sono state fatte alla vigilia della riunione della Commissione che doveva decidere sull'istanza della Fornaca.

Alla mia richiesta se fosse in possesso di documenti, la Fornaca ha risposto che la corrispondenza era intercorsa non direttamente con lei ma con il Bassi, e mi ha soltanto esibito un avviso del portiere dell'Albergo, dal quale risultava che era stata chiamata al telefono - durante una sua assenza - dal predetto Battelli nello stesso giorno in cui

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Declassified E.O. 12356 Section 3.3/NND No. 785015

essa si era decisa a venire da me.

E' da notare che il Battelli è addetto alla Divisione III^, e si occupa in particolare delle pratiche relative alla concessione dei buoni di doppiaggio, in collegamento con la Banca Nazionale del Lavoro; egli pertanto non poteva ingerirsi negli affari relativi alle licenze di esercizio di competenza della Divisione IV^.

Escludo ogni responsabilità del Capo Divisione Dott. Calvino: mi riservo soltanto di accertare perchè un impiegato addetto all'Archivio speciale della Divisione IV^ abbia portato, a richiesta del Battelli, a quest'ultimo la pratica relativa all'istanza della Fornaca, dato che da tempo il Capo Divisione aveva dato disposizioni perchè il Battelli ed altri impiegati delle altre Divisioni non dovevano interessarsi delle pratiche relative alle licenze di esercizio di sale cinematografiche. Propongo l'immediato allontanamento dal servizio di Donato Battelli.

IL DIRETTORE GENERALE

F.to EITEL MONACO

Roma 25-9-44

Declassified E.O. 12356 Section 3.3/NND No. 785015

perchè il Battelli ed altri impiegati delle altre Divisioni non dovevano interessarsi delle pratiche relative alle licenze di esercizio di sale cinematografiche. Propongo l'immediato allontanamento dal servizio di Donato Battelli.

IL DIRETTORE GENERALE

F.to EITEL MONACO

Roma 25-9-44

per copia conforme

Il Capo Sett. Gabinetto



Declassified E.O. 12356 Section 3.3/NND No. 785015

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IL DIRETTORE GENERALE

F.to EITEL MONACO

Roma 25-2-44

Declassified E.O. 12356 Section 3.3/NND No. 785015

Battelli, a quest'ultimo la pratica relativa all'istanza della Fornaca, dato che da tempo il Capo Divisione aveva dato disposizioni perchè il Battelli ed altri impiegati delle altre Divisioni non dovevano interessarsi delle pratiche relative alle licenze di esercizio di sale cinematografiche. Propongo l'immediato allontanamento dal servizio di Donato Battelli.

IL DIRETTORE GENERALE

F.to EITEL MONACO

Roma 25-9-44

per copia conforme

Il Capo Sez. f.f. Direttore

Declassified E.O. 12356 Section 3.3/NND No. 785015

1266

Declassified E.O. 12356 Section 3.3/NND No. 735015

FILE UNDER NO. 250-1
250-2

INDEX SHEET

SYNOPSIS

Cable S-338 Stone to AFHQ 21 Sept

Caruso trial adjourned without any disorder whatsoever.

Appendix on dispositions made for trial.

DOCUMENT FILED UNDER NO. 250.1 Civil Disturbances

250-1

9053

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When these index sheets become numerous under a subject they will be entered on te consolidated index sheet and then destroyed.

79

1267

Declassified E.O. 12356 Section 3.3/NND No. 785015

FILE UNDER NO. 250-2 Defascistization

000.1-2 Ital Poli ics

INDEX SHEET

SYNOPSIS

Cable S - 336 Stone to AFHQ 19 Sept

Ref S 321 319 315, Bonomi agrees that a broad investigation into events of 8-9-10 Sept at Rome will not be made until hostilities cease. At present individual cases will be reviewed only. These trials would follow same lines as those of Tetto & Pentimalli

DOCUMENT FILED UNDER NO. 091.1 Ital Govt

5605

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When these index sheets become numerous under a subject they will be entered on te consolidated index sheet and then destroyed.

69

1268

Declassified E.O. 12356 Section 3.3/NND No. 785015

FILE UNDER NO. 250-1
250-2 Defascistization

INDEX SHEET

SYNOPSIS

Cable S-335 18 Sept Stone to AFHQ recounting events at Caruso trial & murder of Carretta. Strong measures have been taken thru Bonomi & his govt to prevent a reoccurrence of this.

6 Appendices given varying reports on preparations for trial and what actually happendd.

DOCUMENT FILED UNDER NO. 250.1 Civil Disturbances

2604

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When these index sheets become numerous under a subject they will be entered on te consolidated index sheet and then destroyed.

(68)

1269

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ref: A/CC 250-2

17 September 1944

From: Acting Chief Commissioner

To: VP Administrative Section

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

62

See 78

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

67

FILES A/B

E. W. S.

17 Sept 1620

250.2

1270

Declassified E.O. 12356 Section 3.3/NND No. 785015

EWS/hd

A/CC 250-2 17 September 1944

My dear Mr. Prime Minister:

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

Yours very truly,

53

See 75

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

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

2602

cc: Administrative Section

16

FILED IN SH 251

Hq ACC Sec'y Gen.
DISPATCHED
Date Time 16 Sept 1230
VIA Hdq.
Initials 20 pgs.

1271

Declassified E.O. 12356 Section 3.3/NND No. 785015

Acting Chief Commissioner

Appointment of Commissioner of
Societa Anonima Editrice
Vice President, Administrative Section

A/CC 000.7-1

17 September 4

Reference attached letter.

Have you any objection or comments to make on the appointment of Mario Ciaccone?

(65) 1 Incl:
Copy ltr No.1/212/3/2.6 of
16 Sept 44 fr Donovi

(64) (89) See (0)

E. W. S.

50-220
Hq ACC Sec Gen.
DISPATCHED
Date Time 18 Sept 1330
Via Msgr.
Initials JAKE

1272

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

THE PRESIDENT OF THE
COUNCIL OF MINISTERS

Rome, 16 September 1944

n. 14212/3/2.6

A 329

HQ ACC, APO 394
233 Sec'y Gen.
Rec'd 16 Sep 1944
By ..... plen

Dear Admiral,

According to the well known measure, now being published, about the management of printing firms by commissioners, adv. Mario Ciaccone, vice Advocate of State has been appointed commissioner of the Societa Anonima Editrice.

Knowing his competence and preparation, I am fully confident that adv. Ciaccone's work will be in conformity with the objects the measure was aiming at.

Waiting for your answer, I remain,

Yours truly,

/s/ I. Bonomi

2nd 51

250-12

660

Admiral HENRY H. STONE
Acting Chief Commissioner
Allied control commission

R o m e

64

Trans. E.O.

N. 14212/3/2.6

Il Presidente del Consiglio dei Ministri

Roma, 16 settembre 1944

HQ ACC. APO 394
233 Sec'y Gen.
Rec'd 16 Sept 1944
By 1916 R

Mio caro Ammiraglio,

in applicazione del ben noto provvedimento, in corso di pubblicazione, relativo alla gestione commissariale delle imprese editoriali, è in corso la nomina dell'avv. Mario Giacone, Vice Avvocato dello Stato, a commissario della Società Anonima Editrice.

L'avv. Giacone, per la sua specifica competenza e preparazione, dà, a mio avviso, sicuro affidamento di svolgere una opera pienamente conforme agli scopi che il provvedimento si propone.

Nell'attesa di un suo cortese cenno al riguardo Le rinnovo l'espressione della mia viva considerazione

2.5.2

All'Ammiraglio

Declassified E.O. 12356 Section 3.3/NND No. 785015

commissariale delle imprese editoriali, è in corso la nomi_
na dell'avv. Mario Giacone, Vice Avvocato dello Stato, a commissario della Società Anonima Editrice.

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2509

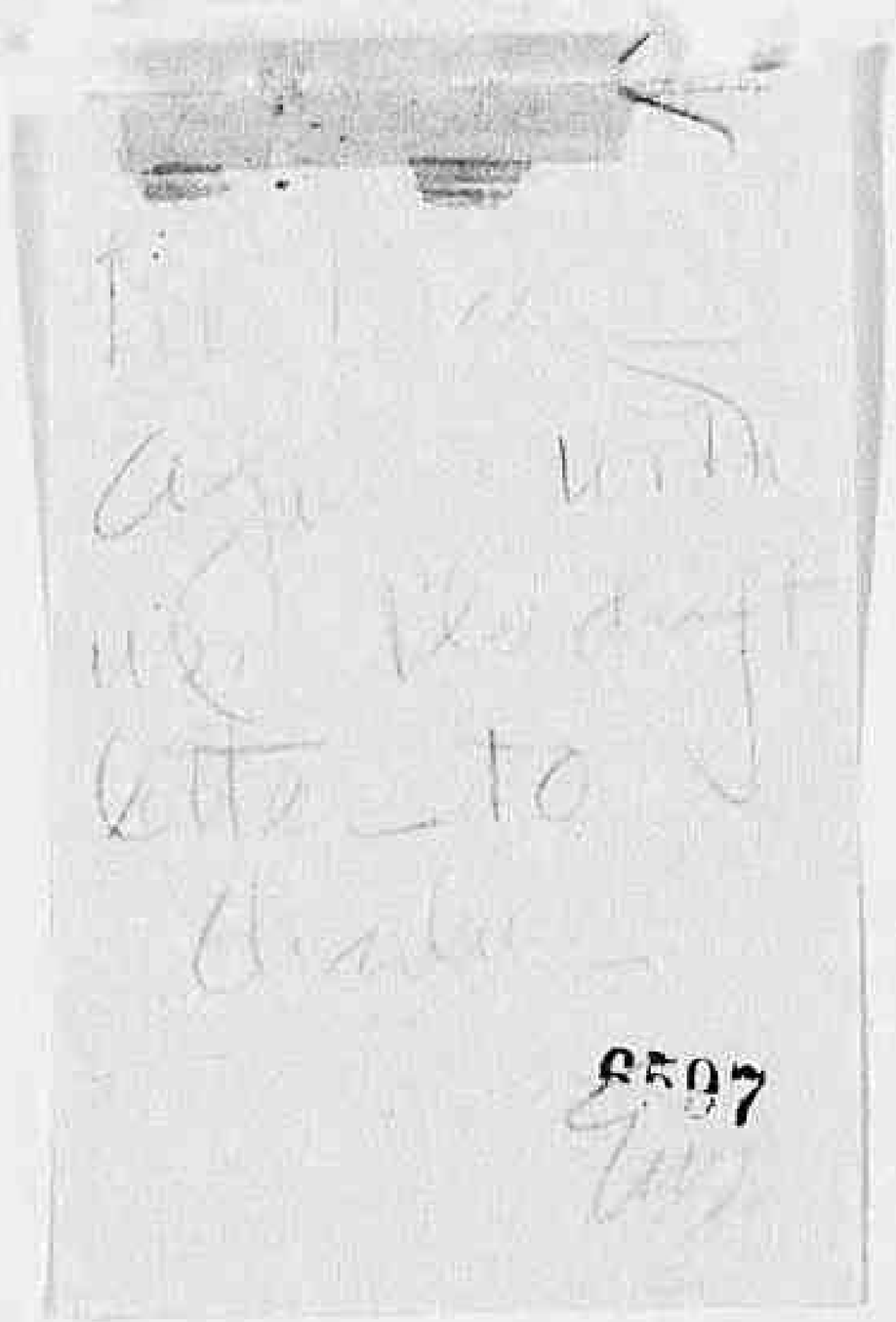
All'Ammiraglio
Ellery W. STONE
ff.Presidente Commissione
Alleata di Controllo

R o m a

Declassified E.O. 12356 Section 3.3/NND No. 785015

1275

Declassified E.O. 12356 Section 3.3/NND No. 785015



8507

1276

Declassified E.O. 12356 Section 3.3/NND No. 785015

EWS/dfe

A/CC 250.

16 September 1944

Dear Count Sforza,

Thank you very much for your letter of the 13th September enclosing a message about epuration which you wish to have broadcast to the North of Italy. We have given very careful thought to this proposal and of course agree that it will be necessary to hasten in the North, as here, the work of epuration. At the same time our feeling is that at this stage of predominantly military nature there are other things which it may be more useful for Committees of Liberation and all men of goodwill in the North of Italy to concentrate upon. For instance, their primary duty must be to do everything to expedite and harry the German withdrawal. This, however, is a matter which mainly concerns the Commander-in-Chief and any instructions must be sent at his instance to fit in with his military plans. There may later be other points of great importance and urgency. For the moment therefore I do not think that it would be helpful to our common cause to divert loyal citizens from the pressing needs of the moment to gather documentary evidence against the Fascists or collaborators.

On reflection I hope that you will agree with me.

Believe me,

Sincerely yours

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

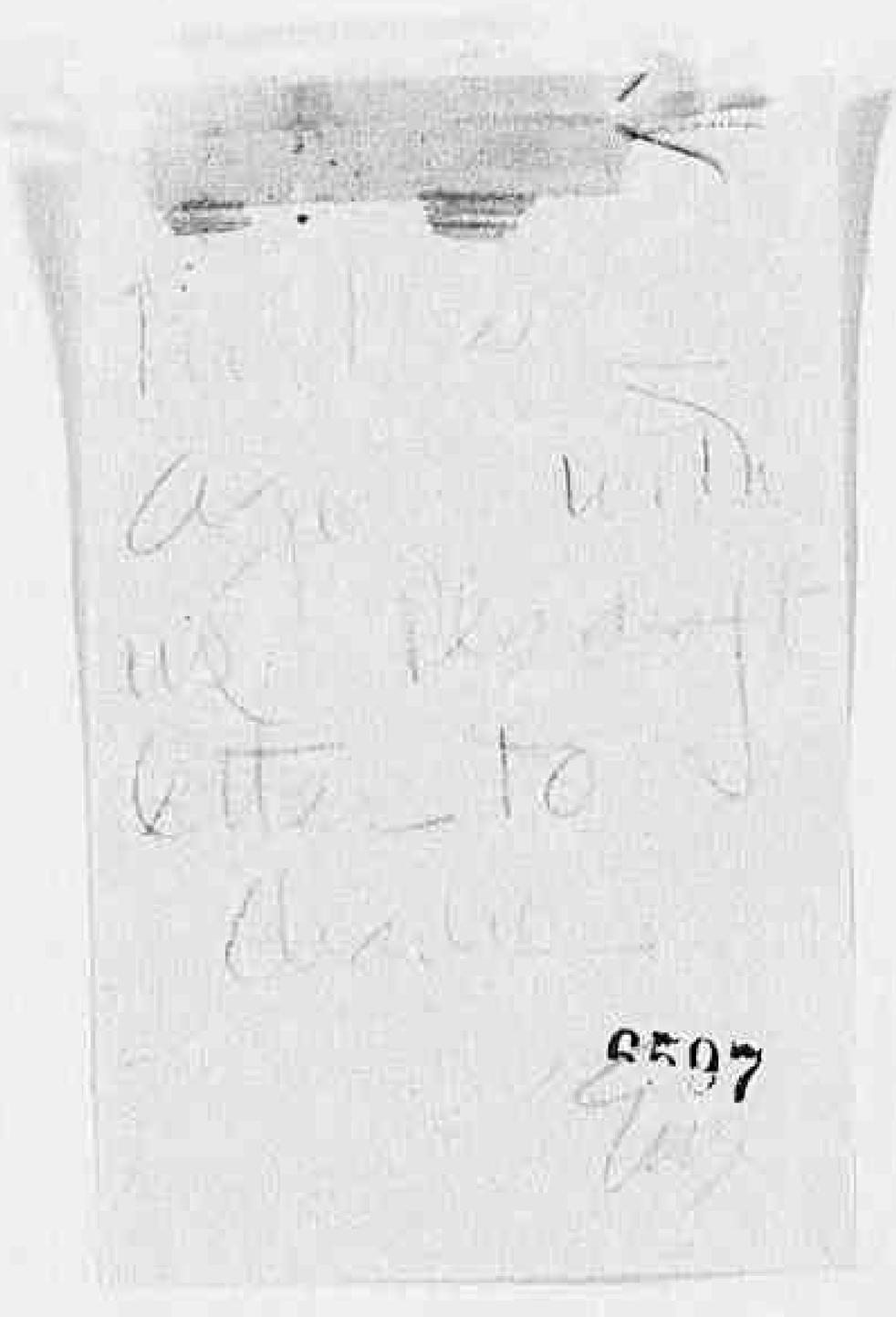
H. E. Sen. Conte Carlo Sforza
Minister without Portfolio
Italian Government
Rome

FILES A B

Hq ACC Sec'y Gen.
DISPATCHED
Date-Time 16 Sept 1520
By
WKR

1277

Declassified E.O. 12356 Section 3.3/NND No. 785015



5597

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Declassified E.O. 12356 Section 3.3/NND No. 785015

L'ALTO COMMISSARIO PER LE SANZIONI CONTRO IL FASCISMO - PALAZZO DEL VIMINALE - ROMA

A 290
13 SEP 1944

Roma, Sptember 13 1944

177 13 Sept/1800
by Dver

Dear Captain Stone,

I have received from northern Italy urgent recommendations to send the enclosed message through the B.B.C.

Indeed it is most necessary to hasten for the North the work of epuration.

If you agree, my message might be sent from any London voice; or I might read it on a record here in Rome - So that it might be broadcast from London a number of times.

Please let me know your preferency - in order also to act quickly.

Believe me

Sincerely yours

Sforza

Captain ELLERY W. STONE
Acting Chief Commissioner
Headquarters Allied Control Commission
= R O M E =

(63) MPP A

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Declassified E.O. 12356 Section 3.3/NND No. 785015

The punishment of fascist crimes and the confiscation of the unlawful gains of the fascist leaders and of their accomplices is being executed with swift justice in the liberated provinces.

In the North of Italy, treason, offences, and unlawful gains of fascist leaders and their accomplices are much more numerous than in Rome or in the South.

As liberation is getting near, it is necessary that everything should be ready in the North also, for the swift and severe liquidation of a past of treason and shame. Therefore, I ask the Committees of Liberation of the Provinces which are still occupied by the Germans to gather with the greatest care - everyone for his province - the proofs of fascist crimes, of collaboration with the nazi-fascists and of unlawful gains. I trust that the Committees of Liberation will immediately set about gathering the evidence of the witnesses, and other useful documents: newspapers, proclamations, pamphlets, They must not forget to gather also reliable documents which might be used for another urgent work: the epuration of the personnel of the public administrations which has been found guilty of serving fascism. By following with zeal all these indications, the Committees of Liberation will greatly help me in my task: sanctions against fascism.

It is the Government's wish that not only offences and crimes should be punished, but also that punishments and epurations should be quickly inflicted so that the Italian nation - when justice will be done - will be able to dedicate itself entirely to the national reconstruction.

One last word, not to the Committees of Libaration, but to those who have been erring and now feel remorseful for the harm they have done; they can redeem themselves or at least get the greatest indulgence: let them help to drive away and ruin the German, by exposing themselves if necessary, and I promise them

(63)

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that it will be remembered in their favour. But this is the eleventh hour. In a few days, it will be too late.

Trans. _ E.C.

2504

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L'opera di punizione dei delitti fascisti e di confisca degli illeciti guadagni dei capi fascisti e loro complici prosegue con rapida giustizia nelle provincie liberate.

Nell'Italia del nord i tradimenti, i delitti e gli indebiti arricchimenti dei capi fascisti e loro complici sono molto più numerosi che a Roma e nel sud.

Poichè la liberazione si approssima occorre dunque che tutto sia pronto anche al nord per una rapida severa liquidazione di un passato di tradimento e di vergogne. Prego quindi i Comitati di Liberazione delle Provincie ancora occupate dai tedeschi di raccogliere con la più meticolosa cura - ognuno per la propria provincia - prove di delitti fascisti, di collaborazione coi nazi-fascisti e di illeciti arricchimenti. Conto sui Comitati di Liberazione perchè comincino subito a riunire dichiarazioni di testimoni, ed ogni altra documentazione utile, come giornali, proclami, opuscoli, ecc. Non dimentichino nelle loro indagini di raccogliere anche documentazioni serie che ci possano servire per un'altra opera urgente: l'epurazione del personale delle pubbliche amministrazioni che si sia colpevolmente compromesso al servizio del fascismo. Seguendo con urgenza tutte queste raccomandazioni i Comitati di Liberazione aiuteranno validamente l'opera mia per le sanzioni contro il fascismo.

E' ferma volontà del Governo che non solo ogni delitto ed ogni colpa siano severamente puniti ma che le punizioni e le epurazioni siano rapide perchè il popolo Italiano possa - dopo che giustizia sarà fatta - consacrarsi tutt'intero all'opera della ricostruzione nazionale.

Un'ultima parola, infine, non per i Comitati di Liberazione, ma per quanti errarono e sentono ora il rimorso del male compiuto; essi hanno un modo di redimersi o di assicurarsi le più larghe attenuanti: collaborino anche con vero rischio personale alla cacciata e alla rovina dei tedeschi e io assicuro loro che di ciò sarà tenuto il conto più generoso. Ma siamo all'undicesima ora. Fra qualche giorno sarebbe troppo tardi.

TRANSLATION

191 1449 1450 MDR

THE PRESIDENT OF THE
COUNCIL OF MINISTERS

Rome,

44 51 A 311

28

Dear Admiral Stone,

I answer your letters of August 29th and September 4th.

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

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

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

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

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

5592

As for the observations made after your letter, during the interview between Col. Mite and the Counsellor of State Sorrentino, about the revocation of the Commissioners and the limitations of the epuration, I beg you to note that the modifications in question, might be made in the executive measures [illegible] issued at the earliest possible time, as the measure in

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this measure has been modified accordingly, as can be seen from the copy enclosed with this letter. For clarity's sake, the modifications have been underlined.

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

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

As for the observations made after your letter, during the interview between Col. Kitz and the Counsellor of State Borrentino, about the revocation of the Commissioners and the limitations of the epuration, I beg you to note that the modifications in question, might be made in the executive measures which will have to be issued at the earliest possible time, as the measure in question has already been signed by the Lieutenant

I shall gladly hear your opinion on the scheme I am sending you.

Sincerely Yours,

/s/ I. Bonomi

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

FILES A-B

Trans. E.C.

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

UMBERTO OF SAVOIA
Prince of Piedmont
Lieutenant General of the Kingdom

By the authority intrusted to us;
Considering our law-decree of June 25th, 1944, n. 151;
Considering the deliberation of the Council of Ministers;
On the proposal of the President of the Council of Ministers, Prime Minister Secretary of State, together with the Ministers of Justice, Finance, Treasure, Public Works, Communications, and Industry, Commerce and Work;

WE HAVE SANCTIONED AND WE PROMULGATE WHAT FOLLOWS:

Art. 1

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

1) That their functioning should be impeded by the absence of their managers or titularies, absence caused by the present circumstances;

2) That they should have suspended their activity, for any motive whatever, and reduced it in a way that could be prejudicial to the full co-operation that the State expects from private enterprises.

3. That they could not be relied upon to work effectively for the national reconstruction, because of the fascist precedents of their titularies or managers, or because of unlawful speculations connected with their political activity.

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

Art. 2

The Commissioner mentioned in the preceding article is appointed by decree of the President of the Council of Ministers, after consulting the competent Minister; the decree of nomination mentions the duration of the management which cannot last longer than six months after the cessation of the state of war.

Declassified E.O. 12356 Section 3.3/NND No. 785015

or of property belonging to the state, or which have an activity of general interest, also of the societies which have financial help or share or guarantee participation from the State, when one of the following conditions occurs:

1) That their functioning should be impeded by the absence of their managers or titularies, absence caused by the present circumstances;

2) That they should have suspended their activity, for any motive whatever, and reduced it in a way that could be prejudicial to the full co-operation that the State expects from private enterprises.

3. That they could not be relied upon to work effectively for the national reconstruction, because of the fascist precedents of their titularies or managers, or because of unlawful speculations connected with their political activity.

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

Art. 2

The Commissioner mentioned in the preceding article is appointed by decree of the President of the Council of Ministers, after consulting the competent Minister; the decree of nomination mentions the duration of the management which cannot last longer than six months after the cessation of the state of war.

The decree is published in the 'Gazzetta Ufficiale' of the Kingdom and a copy of it is consigned to the chancery of the Tribunal in the jurisdiction of which is the main seat of the enterprise. When the enterprises do not constitute a society, and when they own real estate, the decree of nomination of the Commissioner has to be registered by the competent hypothecary office.

Art. 3

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

Art. 4

The governmental Commissioner undertakes to represent and manage the enterprise, and in the case of commercial societies, he takes the place of the ordinary administrative organs. The articles 2636 and following of the civil code apply to this.

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

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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

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

Upon separation must be made in the enterprises mentioned by the present decree, the rules of title II of the legislative decree of the Lieutenant, July 27th 1944, n. 159 on sanctions against fascist are to be applied by analogy. The epuration is limited to the ~~heads~~ personnel having managing functions only.

Art. 5

The Commissioner takes possession of the property constituting the enterprise, after having an inventory made in the presence of the titulary of the enterprise or of a representant of his.

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

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

Before the decision of the Minister is consulted a commission instituted by the Presidency of the Council of Ministers and composed of two councillors of State, among whom a president, of a magistrate whose grade cannot be inferior to the fifth, and of four members designated respectively by the Ministers of Finance, Treasure, Public Works, and Industry, Commerce and Work.

Art. 6

Should the hypothesis of n. 5 art. 1 occur, it is possible to appoint a syndic as foreseen in art. 2.

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

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

The decree of nomination is published in the 'Gazzetta Ufficiale' of the Kingdom and a copy is deposited in the chancery of the Tribunal in the jurisdiction of which is the principal seat of the enterprise.

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by a notary, in the presence of two witnesses.

Should the titulary of the enterprise and the governmental commissioner disagree about the property constituting the enterprise, the ministers mentioned in the preceding article will decide, [illegible] if the person it concerns has not taken legal action with competent legal authorities.

Before the decision of the Minister is consulted a commission instituted by the Presidency of the Council of Ministers and composed of two Councellors of State, among whom a president, of a magistrate whose grade cannot be inferior to the fifth, and of four members designated respectively by the Ministers of Finance, Treasure, Public Works, and Industry Commerce and Work.

Art. 6

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

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

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

The decree of nomination is published in the 'Gazzetta Ufficiale' of the Kingdom and a copy is deposited in the Chancery of the Tribunal in the jurisdiction of which is the principal seat of the enterprise.

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

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

Art. 7

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

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

Art 8

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

The revocation takes place automatically or on the request of the titula ies

Declassified E.O. 12356 Section 3.3/NND No. 785015

or managers of the enterprise.

In the case foreseen by art.1, n.3, in the case of shareholders companies, joint-stock companies, and limited companies the partners can request the convocation of a meeting to appoint new managers; the dispositions of art. 2367 civil code are to be applied. The managers who have been discharged are not entitled to the compensation established by art. 2385 civil code.

Art. 9

The Government can issue regulations which will complete the present decree and the legislative decree of septembe 6th, 1944 on the management of the commissioners in publishing firms and information or distribution agencies.

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

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

Made in

Declassified E.O. 12356 Section 3.3/NND No. 785015

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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Declassified E.O. 12356 Section 3.3/NND No. 785615

FILE UNDER NO. 250-2 DEFASCISTIZATION
383.7 REFUGEES

INDEX SHEET

SYNOPSIS

Memo Stone 13 Sept 44 for Files.

Conference with Bonomi 11 Sept re question local elections & dismissing civil service employees & recruiting specialist workmen & establishing refugee camp for Hungarian Jews.

DOCUMENT FILED UNDER NO. 000.1-2 ITALIAN POLITICS

2508

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When these index sheets become numerous under a subject they will be entered on te consolidated index sheet and then destroyed.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

EWS/ajp

A/CC 250

9 September 1944

MEMORANDUM TO: Vice President, Administrative Section (60) Incl 1

1. Reference is made to attached letter from H. E. Bonomi, dated 7 September 44, which is in reply to A/CC 250 of 25 August 44 drafted by your section. 43

2. Please provide appropriate action and draft reply for my signature. My recollection is that, with Agreement of Finance Subcommission, we were not going to ask for a change.

Stone.

2 Incls:
1 - Ltr fr HE Bonomi dtd 7 Sept 44
2 - Ltr to HE Bonomi dtd 25 Aug 44

FILES (A-E)

(60)

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Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

THE PRESIDENT OF THE
COUNCIL OF MINISTERS

Rome, 7 September 194..

A 214
12 SEP 1944

HQ ACC. APO 394
104 Sec'y Gen.
Rec'd 12 Sep 1944
By ...

Dear Admiral,

In answer to your letter of August 29th A/cc 20, I want to tell you that it does not seem advisable to me to make important modifications to the decree n. 159, 27 July, of the Lieutenant, so soon after its being issued, because of its difficulty and of its political importance, the wording of this decree has been carefully studied and considered both by my government and by the ACC.

I take the liberty of expressing my way of thinking about the subject of your letter.

The art. 22 of the decree deals with the payment to the suspended employees, not of their whole retribution, but of their salary only, which is now but a part, and not always the most important, of their retribution. The present law has taken this measure for reasons of alimentation, for it is neither human nor just to take away every means of living from those whose guilt has not yet been proved, even if they are strongly suspected.

For prudence sake, it has been decided last June to suspend every payment to all those who were in the conditions foreseen by the art. 11 of the decree, till the matter should be settled by a law. Now that this has happened with the full approval of the ACC, it seems that we might pay their salary only for alimentation purposes to the suspended categories, and the whole retribution to those who are not suspended.

You must remember that the inquests which have been made have shown that the qualifications foreseen by art. 11 have often been attributed in a general way without corresponding to a real responsibility; therefore it does not seem advisable to suspend everybody's salary without distinction. In time, the inconveniences is getting more and more serious, for in the present difficult moment, these people find themselves without means, sometimes without sufficient motives, and are therefore encouraged to take part in activities which are hostile to the Government, and might manifest itself by inconsiderate actions.

You must also remember that the people mentioned in art. 11 are not always the most responsible; art. 12 and 13 of the decree foresee more serious cases. For these total suspension of every kind of retribution is not possible, because of the lack of a precise qualification which would individualize them; the individualization can only take place in opposition with the decree of suspension, and in a certain case, by the judgement of epuration.

The following is therefore happening: those who had a qualification (belonging to the party before the march on Rome, littorio squad, etc) as a simple formality, have been deprived for month of every economic resource; many of them are very simple people and not at all well off; those who have a greater responsibility get their whole retribution till the decree of suspension and then at least an allowance.

FILES A-B

INCL 1

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To my mind, the law ought to be enforced, while the Government making a wary use of its power of suspension, will go on removing those who are seriously compromised, and will hasten (I have made a circular to that purpose) the judgement of epuration on which depend the sacking, and in serious cases, the right to an allowance.

I shall be glad to know your opinion on this matter.

Yours truly

/s/ Ivanoe Bonomi

Admiral Ellery. W. Stone

Chief Commissioner

Allied Control Commission

R O M E

CAPS.

TWans E.O.

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SECRET

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

EWS/ajp

A/CC 250-2

9 September 1944

Subject: Epuration of Italian Officials

To : Vice President, Administrative Section.

1. Reference attached letter dated 6 September 44 from G-5 AFHQ, subject as above, which is in reply to A/CC 250 of 22 August 44, drafted by your section.

2. Forwarded to your section for appropriate action.

Stone.

1 Incl:
Ltr fr G-5 AFHQ dtd 6 Sept 44.

FILES (A) D

SECRET

Roma, 7 settembre 1944

Il Presidente
del Consiglio dei Ministri

HQ ACC. APO 394
104 Sec. v. Gen.
Rec'd 8 Sept 1945
By BER.

Mio caro Ammiraglio,

in relazione alla Sua lettera del 25 agosto A/CC 250 Le comunico che non mi sembra opportuno procedere, per ora, a così breve distanza di tempo dalla sua emanazione, a modifiche sostanziali del decreto luogotenenziale n. 159 del 27 luglio, decreto la cui formulazione, per la sua stessa difficoltà e per la sua portata politica, fu oggetto di laborioso studio e di attenta considerazione sia da parte del mio governo, sia da parte dell'A.C.C.

Mi consenta peraltro di esprimerle il mio pensiero sulla questione oggetto della Sua lettera.

L'art. 22 del decreto concerne il pagamento, a favore degli impiegati sospesi, non dell'intera retribuzione, ma del solo stipendio, che, nelle attuali contingenze, costituisce soltanto una parte e non sempre la parte maggiore della retribuzione. La corresponsione avviene, come la legge testualmente dispone, per ragioni alimentari, non apparendo umano nè equo togliere ogni risorsa economica a chi, anche gravemente indiziato, non è stato ancora riconosciuto colpevole.

La misura di sospendere ogni pagamento a coloro che si trovano nelle condizioni previste nell'art. 14 del decreto fu adottata nello scorso mese di giugno in via cautelare, in attesa che la legge disciplinasse la materia. Ora che essa è intervenuta, e con la piena approvazione

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de distanza di tempo dalla sua emanazione, a modifiche sostanziali del decreto luogotenenziale n.159 del 27 luglio, decreto la cui formulazione, per la sua stessa difficoltà e per la sua portata politica, fu oggetto di laborioso studio e di attenta considerazione sia da parte del mio governo, sia da parte dell'A.C.C.

Mi consenta peraltro di esprimerle il mio pensiero sulla questione oggetto della Sua lettera.

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La misura di sospendere ogni pagamento a coloro che si trovano nelle condizioni previste nell'art.14 del decreto fu adottata nello scorso mese di giugno in via cautelare, in attesa che la legge disciplinasse la materia. Ora che essa è intervenuta, e con la piena approvazione dell'A.C.C., sembra debba darsi senz'altro esecuzione, disponendosi il pagamento, a favore delle categorie indicate, del solo stipendio a titolo alimentare, se sospese, dell'intera retribuzione, se non sospese.

Si consideri al riguardo che le indagini, che nel frattempo sono sta

./.

All'Ammiraglio
Ellery W. STONE
Jf.Presidente della Commissione
Alleata di Controllo
ROMA

Declassified E.O. 12356 Section 3.3/NND No. 785015

Deve tuttavia tenersi presente che la persone previste dall'art.14
non sempre sono le maggiormente responsabili; ..it art.12 e 13 del de=
creto presidenziale cui più sopra. Per questi ultimi la sospensione gene=
rale di ogni pertinenza non è possibile, mancando una qualifica per=
male che li individui; l'individuazione può aversi solo in via di
supposizione, col decorso di sospensione e in via di cessazione,col giu=
dizio di epurazione.

Si verifica, pertanto, attualmente questa incongruenza: che colore
che spesso hanno avuto una qualifica (antemarcia, squadre ittorio
esc.),in via soltanto formale, sono da mesi privi di ogni risonanza ecc=
nomica; molti di essi appartengono ai gradi meno elevati e quindi al=
le categorie meno abbienti; colpire che vuole una responsabilità mag=ia
re hanno l'intera retribuzione fino al decreto di sospensione è dopo
almeno un assegno alimentare.

A ciò accisa quindi necessarie sono attinenze integralmente al=
la legge mentre da parte sua il governo, altrettanto un peculato esercit=

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Spirito necessariamente ad un'attività ostile al governo, che può mani=
festarsi anche con atti incensurati.

Deve inoltre tenersi presente che la persone previste dall'art. 14
non sempre sono le moglie mente responsabili; ~~It~~ artt. 12 e 13 del de=
creto prevedono casi più gravi. Per questi ultimi la sospensione cere=
nale dell'agente relativa non è possibile, mancando una qualifica pr=
male che lo individui; l'individuazione può aversi solo in via di
supposizione, col decorso di sospensione e in via di cessazione,col ritu=
dizio di espulsione.

Si verifica, pertanto, attualmente questa incongruenza: che colui
che spesso manca anche anche una qualifica (ambasciata, sciarpa littorio
ecc.), in via cautelare formale, sono da mesi privati di ogni risorsa eco=
nomica; molti di essi appartengono di gradi meno elevati e quindi al=
le categorie meno abbienti; coloro che siano una responsabilità magi=
re hanno l'interna restituzione fino al decreto di sospensione e dopo
almeno un assegno alimentare.

A ciò andrebbe quindi accompagnata anche attuazione integralmente al=

Graditò conoscere il Suo parere sulle questioni che Le ho prospettato.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

58 9/7-1410 Sum

D.S.O.

T 8143

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5/AGE/jw

6 September 1944

A 211
12 SEP 1944

SUBJECT: Epuration of Italian Officials.

TO : Headquarters, Allied Control Commission
APO 394, (Attn: Acting Chief Commissioner)

(40)

Your letter on the above subject, A/CC 220 of 22 August, has been considered by the Supreme Allied Commander in a meeting of the Political Committee. The recommendations set out in your letter were approved. A question was raised as to whether the terms of your letter were limited in their application to persons employed by a subcommission of the Allied Control Commission, rather than extended to include Italians employed by any agency essential to the allies. In the interest of entire clarity I write to state that the Supreme Allied Commander views it to be borne in mind that Italians are employed in important positions by agencies essential to the Allied other than subCommissions of the Allied Control Commission, and the provisions of your letter respecting prior notice of intended suspension must be considered to apply to them.



CHARLES W. BROWNELL
Colonel, G. S. C.
Asst. Chief of Staff, G-5.

A292

(59) INCL

Confidential

1300

Declassified E.O. 12356 Section 3.3/NND No. 785015

FILE UNDER NO. 250.2 - DEFASCISTIZATION

INDEX SHEET

SYNOPSIS

Cbl ACC Stone S-321 of 7 Sept 44 to AFHQ.

No objection military inquiry by Sforza in regards to Rome ~~XXXXX~~ by developments in Naples trial related to Del Tetto & Pentimalli case.

DOCUMENT FILED UNDER NO. 091.1 - ITALIAN GOVERNMENT

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When these index sheets become numerous under a subject they will be entered on te consolidated index sheet and then destroyed.

2581

58

1301

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

EHS/hjp

A/CC 250-2 6 September 1944

SUBJECT: Elimination of Fascist elements from the Italian Air Force

TO : Commander-in-Chief, Allied Armies in Italy

S 7 Apr B

1. I refer to your HQ Signal DCCS/277 of 28 August 1944 addressed to the Allied Control Commission for action.

2. The Air Forces Sub-Commission, acting in accordance with the recent provisions concerning the elimination of Fascist elements from the Italian Air Force, had issued instructions through the Italian Air Ministry for the return of Lt. Col. Luigi Rusco and Capt. Pietro Saulini from Sardinia to the Mainland to await their trial.

3. The Brigadier General Commanding the Allied Garrison of Sardinia objects to the removal of these officers on the score that they are indispensable, having occupied key positions as Italian Commanders at the Air Bases of Decimomannu and Alghero respectively for several months. It was also stated that they had rendered excellent services to the Allied war effort and have been co-operative in every way. The views of this Commanding General have apparently received your support through the medium of your Signal quoted in paragraph 1.

4. I wish to point out that the defascization of the Italian Air Force is a matter of considerable political importance, and we are being pressed from all sides for it to be carried out with the utmost despatch. Moreover I cannot agree that any officers are entirely indispensable or irreplacable. These two officers, having had records of Fascist activities, would be naturally only too willing to accept shelter from the Allies, and would endeavor to ingratiate themselves by working hard in their aid.

5. On recommendation of the Air Forces Sub-Commission, I have, therefore, to request that these officers may be relieved at once and sent back to the Mainland.

S-E 1 7

Hq ACC, Sec'y Gen.
DISPATCHED
Date/Time 7 Sept. 1030
Via Msg CC
Initials JLS

2-3-0-2 X-3-44-3 (Sardinia)

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

cc: Air Forces Sub-Commission

Drafted by Air Forces Sub-Commission

Confidential

(57) J S (A) B -pa

1302

Declassified E.O. 12356 Section 3.3/NND No. 785015

LOOSE MINUTE.

HQ A.C.C. APO 394
64 Sec/1 Con.
Rec'd 6 Sept 0900 PMS
By

SECRET.

TO: CAPTAIN ELLERY STONE,
ACTING CHIEF COMMISSIONER.

With reference to our conversation of yesterday, herewith a draft letter to the Commander in Chief A.A.I. on the subject of the two I.A.F. Officers whom we wish returned from Sardinia for trial under the recent revisions concerning the elimination of Fascist elements.

W.A.B. Bowen-Buscarlet

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

Air Forces Sub-Commission,
Allied Control Commission,
Rome.
Ref: AFSC/INT/17.
Date: 5th September 1944.

8579

57 APP A 012, —

1303

Declassified E.O. 12356 Section 3.3/NND No. 785015

TOPSEC

Acting Chief Clerk

SECY GEN

ACC ROME FOR ACTION RPT AAI FOR INFO TO TAF CORSICA, ALLIED GARRISON COMMANDER, SARDINIA

ADV AAI

NONE

AUG 28/1800

HQ ACC ARCO 194
870
Rec 29 Aug
By ehr.

73/28

TOP SECRET

OPERATIONAL PRIORITY

CITE: DCOS 277

A-1-1
30 AUG 1944

IT IS EXPECTED THAT ALLIED AIR ACTIVITIES IN SARDINIA WILL BE CLOSED OUT IN NEAR FUTURE. ITALIAN AIR AND ARMY OFFICER PERSONNEL NOW ASSOCIATED WITH THOSE ACTIVITIES ARE GIVING EXCELLENT COOPERATION AND SERVICE DISCHARGE, TRANSFER OR OTHERWISE REPLACING THIS PERSONNEL IS HIGHLY UNDESIRABLE AT THIS TIME SINCE ALLIED COMMANDERS WILL NOT HAVE TIME TO BECOME ACQUAINTED WITH NEW PERSONALITIES WHO WOULD THEMSELVES NOT HAVE TIME TO BECOME FAMILIAR WITH NEW ASSIGNMENTS. IN ANY EVENT NO ITALIAN AIR OR ARMY OFFICER NOW ENGAGED IN WORK PRIMARILY ASSOCIATED WITH ALLIED ACTIVITIES IN SARDINIA SHOULD BE RELIEVED OR DISCHARGED FROM HIS PRESENT ASSIGNMENT TO DUTY WITHOUT FIRST OBTAINING CONCURRENCE OF GENERAL WEBSTER, ALLIED GARRISON COMMANDER IN SARDINIA. IT IS DESIRED THAT YOU ISSUE APPROPRIATE INSTRUCTIONS TO THAT EFFECT TO ITALIAN AIR AND WAR MINISTRIES EARLIEST

Acc II
5578

ACTION: ARMY SC
AIR SC
INFO: SECY GEN
A/CC
FILE (SKELETON)
Brig Lush

Confidential

AFHQ-T 29/0023

1304

Declassified E.O. 12356 Section 3.3/NND No. 785015

FILE UNDER NO. 000.7-1 Publ & Pub Press
250-2 Defascism
000.1-2 Ital Pol

INDEX SHEET

SYNOPSIS

Cable S-319 Stone to AFHQ 6 Sept 44 ref S-315 of 2 Sept

Sforza urges that Ital Govt be permitted to form committee to pursue investigation into facts of 8-9-10 Sept in Rome, as result of prosecutions of Naples traitors. Says it may force him to resign as he would have to carry on his own investigations any way.

Comments: our recommendations that this investigation be held up still stand (see S-315)

DOCUMENT FILED UNDER NO. 091.1 Ital Govt

D-0-52

2577

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When these index sheets become numerous under a subject they will be entered on te consolidated index sheet and then destroyed.

1305

Declassified E.O. 12356 Section 3.3/NND No. 785015

EWS/a.lp

A/CC 250

6 September 1944

My dear Mr. Prime Minister:

There is no objection to the proposed nominations of Dr. Giovanni Senerchia, Dr. Ulderico Trillo, and Dr. Francesco Papa as the Commission for the Epuration of the Central Institute of Statistics, of which you informed me in your letter of the 22 August 1944.

Yours very truly,

41

EILEEN W. STONE
Captain, USNR
Acting Chief Commissioner

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

(Drafted by Admin. Section)

c.c. Admin. Section.

Hq A C C - Sec'y Gen.
DISPATCHED
Date-Time 6 Sept 1830
VIA Hdq.
Initials DMR

FILES

1306

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS
ALLIED CONTROL COMMISSION
AFO 394
ADMINISTRATIVE SECTION

HQ ACC, APO 394
53 Secty Gen.
Rec'd 5 Sept 1645
By DHR

5 Sep 44.

MEMO:

Acting Chief Commissioner.

Appended below is the draft reply which I suggest should be sent to Prime Minister Bonomi.

G.R. UPJOHN, Brigadier,
Vice President, Adm Sec.

Ext 525
SHW/gal

My dear Prime Minister,

I have no objection to offer on the proposed nominations of Dr Giovanni Senerchia, Dr Ulderico Trillo and Dr Francesco Papa as the Commission for the Epuration of the Central Institute of Statistics, of which you informed me in your letter of the 22 Aug 44.

His Excellency, Ivanoe BONOMI,
President of the Council of Ministers,
Italian Government,
R O M A

Security Branch
Rec'd 2/9
Book No. 1912
File No. 140.10
Action .....

525

1307

Declassified E.O. 12356 Section 3.3/NND No. 785015

Notes of a Meeting
between

Brigadier UNION and HE MONTGOMERY

4 Sept 44

A175
7 SEP 1944

(50)

Brig UNION said that while it is thought that the proposals HE has made for an alternative method of epurating senior officials have some attractive features it is considered that it might cause some dislocation which we are anxious to avoid. For this reason among others it is thought that to proceed under the present decree and endeavour to make that work. It was appreciated that the present decree was causing a considerable amount of dislocation but steps should be taken to lessen that. Only if it proved impossible to make the present scheme work should alternative methods be considered. It was desirable to get out the rules of procedure for proceedings before the Commissions immediately.

HE hoped we could help him on that matter. The Draft rules had been submitted to the Ministry of Justice some time ago since when he had heard no more.

Brig UNION said that another manner in which assistance might be afforded was by the appointment by AFHQ of an officer with special liaison functions on defascism. If this officer attended the deliberations of Commissions it might impress upon them that the Allies were interested not only in what they did but how they did it. He would of course be only a spectator or reporteur and not partake in the deliberations.

HE said that he thought that such an appointment might be very useful. Not only might it act as a spur it would also be a means by which HE could easily keep AFHQ informed of difficulties.

Brig UNION said that if after increased effort the present scheme did not work it might become desirable to consider stronger measures such as those HE had suggested. Brig UNION said that Lt Col WHITE would introduce Major PARRETT the officer for the appointment mentioned to HE and an appointment for that purpose at 1700 hrs 6 Sep was made.

HE in answer to suggestion said that the records of Salvatore MORMINA, CODO, EULA and CONFORTI members of the judiciary would be investigated.

Brig UNION asked that Ministries might be instructed to make returns in a standard form so that we receive standard information for compilation of statistics.

HE handed a list of persons appointed to Commissions. HE said that there was difficulty with regard to prosecutions under Part I of the Decree, the prisons were full of fascists but they could not get on because trials do not come on nor could they proceed with arrests as they had nowhere to hold the arrested. They had everything ready to proceed but were prevented. Those in prison in Rome included a large number whose cases were under investigation. Proceedings before the Court of Assize were too slow. Would AFHQ take up

0579

HE asked AFHQ to take up the case of the Peroni Deer Co where an Allied officer a Lt JOHNSON was insisting on the retention of seven fascists who had been suspended.

(54)

File A/207

1308

Declassified E.O. 12356 Section 3.3/NND No. 785015

EMS/ajp

A/CC 250-2

5 September 1944

My dear Mr. Prime Minister:

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

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

a) a list of fascist societies which it was proposed to dissolve and

b) a list of societies which were under consideration by the Cabinet.

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

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

Yours very truly,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

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

(Drafted by Admin. Section)

c.c. Legal Sub-Com

1309

Declassified E.O. 12356 Section 3.3/NND No. 785015

EHS/ajp

A/CC 250-2

4 September 1944

My dear Mr. Prime Minister:

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

(44)

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

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

292.1

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

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

Yours very truly,

EILERY W. STONE
Captain, USNR
Acting Chief Commissioner

(51)

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

4 Sep

4 Sept 1630 Hrs.

1310

Declassified E.O. 12356 Section 3.3/NND No. 785015

EWS/ajp

A/CC 250-2

5 September 1944

My dear Mr. Prime Minister:

The services of certain technicians or experts are of exceptional value to the Allies in their war effort and the sudden removal of them from office might well have a serious effect on the work on which they are engaged. If it becomes necessary therefore either to eparate them or arrest any of them for a crime it is necessary that we should be forewarned and that action should be taken against them only with our approval. The primary object is of course that an efficient and acceptable substitute may be found so that essential work may continue uninterrupted.

I would ask you therefore to warn your Ministers that technicians or experts employed by the Allied Forces in positions of high responsibility will not be suspended, dismissed or arrested except after consultation with and the approval of Headquarters Allied Control Commission.

Yours very truly,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

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

(Drafted by Admin. Section)

c.c.Brig. Upjohn.

Sec'y Gen.
5 Sept 1944
DRR

Declassified E.O. 12356 Section 3.3/NND No. 785015

1311

946 3 Secret 1800 DER.

Notes of a meeting
between
Brig GR UPJOHN and HE BOGOMOLOV

5 SEP 1944

23

Sec. Gen

Brig. Upjohn would like to have an opportunity to discuss with Capt Stone the new proposals for defascism which have recently been made.

The appended notes of the interview at which the proposals were made are submitted for Capt Stones information so that he may see the proposal and arguments

3 SEP. 1944 for CSO

H E emphasised that his talk was only exploratory to ascertain AMG reaction to the proposal should it be made. It was not yet before the government. Briefly what H E had in mind was a decree dismissing with pension all officials of grade I - IV with a proviso that dismissed officials might forthwith submit to their Ministry an application for re-employment which would be considered by the Ministerial defascising Commission. Those re-employed would be re-instated with all rights and privileges as if their service had not been interrupted. Those refused re-employment would be deprived of their pensions. The proposal was not purging if an official was convicted of a fascist past he would not jeopardise his pension by applying for re-employment. The object was to purge the higher offices of fascism as rapidly as possible with as little ill feeling, friction and labour as possible.

Brigadier Upjohn said that the proposal seemed attractive in many ways but he would want time to consider the matter before giving a definite answer, would not the sweeping removal of all senior officials at one moment cause chaos it was essential for the country and the war effort that effective administration should continue unbroken.

H E replied that though the decree would affect several hundred officials, the defascising commissions (of which some 30 or more exist) should be able to cope with the applications for re-employment in two days. Firstly many would not apply for re-instatement. Secondly it would not apply to recent appointments of which there were a fair proportion. By planning it would be possible to consider these cases quickly and to have ready lists of persons for promotion to the vacancies.

NO

1312

Declassified E.O. 12356 Section 3.3/NND No. 785015

3 Sept 1800
DICR.

4

H.E. stated that the Italian Govt was encountering considerable difficulty because the more senior officials were firmly entrenched; because records had been carried off, lost or destroyed, which caused considerable delay in investigation and because a suspended official could not be dismissed and his place filled until his case had finally been dealt with. All this was the cause of much considerable disorganisation in the Ministries as seriously to affect administration and under the present procedure it would appear that this state of relative chaos must continue for several months.

H.E. continued that in consequence his Govt had under consideration an alternative method of purging the senior officials by which it was hoped that the whole process of purging these officers would be completed within a few days the chaos ended and that there after with non fascists senior officers there would be little opportunity for junior officials even if they were willing to further materially the fascist cause.

H.E. emphasised that his talk was only exploratory to ascertain his reaction to the proposal should it be made. It was not yet before the government. Briefly what it had in mind was a decree dismissing with pension all officials of grade I - IV with a proviso that dismissed officials might forthwith submit to their Ministry an application for re-employment which would be considered by the Ministerial Defascising Commission. Those re-employed would be re-instated with all rights and privileges as if their service had not been interrupted. Those refused re-employment would be deprived of their pensions. The proposal was self purging if an official was conscious of a fascist past he would not jeopardise his pension by applying for re-employment. The object was to purge the higher offices of fascism as quickly as possible with as little ill feeling, friction and labour as possible.

H.E. said that the proposal sounded attractive in many ways but he would want time to consider the matter before giving a definite answer, would not the sweeping removal of all senior officials at one moment cause chaos it was essential for the country and the war effort that effective administration should continue uninterr.

H.E. replied that though the decree would affect several hundred officials, the defascising commissions (of which some 30 or more exist) should be able to cope with the applications for re-employment in two days. Firstly many would not apply for re-instatement. Secondly it would not apply to recent appointments of which there were a fair proportion. By planning it would be possible to consider these cases quickly and to have ready lists of persons for promotion to the vacancies.

NO

SC 1312

(50)
2 Sept 45

1313

Declassified E.O. 12356 Section 3.3/NND No. 785015

H S considered that appointments could be filled and the Ministries working within two or three days. Order could quickly be produced out of a chaos which might otherwise last for many months. The feeling of instability would be ended. The Government was completely assured that there would be no hiatus - that the whole revision could be effected in two days and that other permanent officials could carry on during that time. The present system of suspension was causing more chaos now than he anticipated from this change, and if the change was not made the present chaos would continue for months.

Brig Usher said that he would like to see H S on Monday evening when he hoped to be able to say something more definite.

H S In response to enquiries stated that it was not proposed to include the Armed Forces in this Decree, they would have to be dealt with separately. That the army had given way on their proposal that only acts committed after 8 Sep 43 should be taken into account for civil activities prior to that date would be considered.

Brig Usher said that most ACC Sub-Commissions were complaining that the process of de-nazification was not proceeding fast enough and that the prosecution of members dealt with was not satisfactorily as compared with that of the Judges. The objective was to remove these in authority. He understood that the draft Regulations as to procedure had been re-written. On being informed that that was not so he said that he would send his comments on the original draft at once. It appeared to him that many articles in the draft would require the authority of a Judge to make them effective. He suggested that a contributory cause for delay might be that Legislators sitting as Commissions were better paid than when exercising their normal functions. He also pointed out that instead of definitely incriminating Allied and Neutral nose Commissions contented themselves with a finding of fact e.g. that the "accused" was a supporter it would be better if they held, as they could, a positive recommendation.

Brig Usher requested H S that he was in urgent need of a list of types of bodies to be declassified provisionally.

8328

(5)

1314

Declassified E.O. 12356 Section 3.3/NND No. 785015

Acting Chief Commissioner

A/Co 250

Appointments to Commission for the Epuration of Central Institute of Statistics

Vice President, Administrative Section 31 August 4

1. Reference attached:

a. Copy letter N. 10124.8.5/1.7 of 22 August from H.E. Bonomi, relative to above subject.

b. Statement ES/7A Economic Section, 30 Aug, relative to a.

2. Request your recommendations.

3. May this be treated as urgent due to delay.

49 ANCE

2 Incls:
as above

Stone

A-1

No. A.C.C. Secy Gen.
DISPATCHED
Date-Time 1 Sept
Dispr. No.

FILES A-B

250.2 Epuration

Suspend 3/9/44

OK 47 Ton

Ton

49

31 Aug

1315

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ ACC. AFO 394
922 Hq & Hq Co
Rec'd 31 Aug 0915
By DHF

Tel: 550

HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

CWA/ml

ES/7A

30 August 1944

SUBJECT: Appointments to Commission for the Epuration of Central Institute of Statistics.

TO : Acting Chief Commissioner

1. Reference A/CC 250 dated 25 Aug 44.

2. Of the three nominees referred to by the Prime Minister only one, Dr. Ulderico Trillo, is known to Economic Section and it is considered that he is qualified for the appointment.

A. G. ANTOLINI
Executive Director
Economic Section

5586

49 INCL 2

1316

Declassified E.O. 12356 Section 3.3/NND No. 735015

FILE UNDER NO. 250-2 Defascism

INDEX SHEET

SYNOPSIS

Ltr A/CC 250.1 30 Aug fr Stone to Mott-Radcliffe

Countess Paolucci's complaint about her husband being relieved of his post unjustly without chance of appeal is not quite true because he will automatically have a chance to appeal when his case comes up before the Ital Govt commission as it invariably must.

APPENDIX: Ltr Mott-Radcliffe, 370/2/44 26 Aug to Stone enclosing ltr on above subj

DOCUMENT FILED UNDER NO. 250-1 Morals & Conduct Legal etc

250-1

48

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When these index sheets become numerous under a subject they will be entered on te consolidated index sheets and then destroyed.

30 Aug

1317

Declassified E.O. 12356 Section 3.3/NND No. 785015

FILE UNDER NO. 250-2 Defascism

INDEX SHEET

SYNOPSIS

Ltr A/CC 500 30 Aug fr Stone to VPs Econ & Admin Section

Appointment Commissioner for Sud-Est Railroad System under take-over laws now being formulated as part of the De-fascistization program.

Plans are to appoint a Commissioner. Legislation is not yet completed: our views attached. Pls let me know of any intentions so that I may take action.

DOCUMENT FILED UNDER NO. 500 Transportation

250-2

47

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When [illegible] index sheets become numerous under a subject they will be entered on te consolidated index sheets and then destroyed.

30 Aug

1318

Declassified E.O. 12356 Section 3.3/NND No. 785015

Acting Chief Commissioner

Enforcement of Italian laws on matters of defascistisation.

A/CC 250

30 August 4

Vice President, Administrative Section

1. Re attached letter N. 13057/M0124/7/1.7 of 29 Aug 44 from H.E. Bonomi, which is in reply to A/CC 250 of 1/ July, prepared by your section for A/CC's signature, relative to the above subject.

2. For appropriate action by your Section.

Stone

1 Incl:
as in para 1 above

Hq A C C · Sec'y Gen.
DISPATCHED
Date · Time 31 AUG 1944
Via ... 0530
Initials ...

FILES

30 Aug

1319

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

THE PRESIDENT OF THE COUNCIL
OF MINISTERS

29 August 1944

N. 13057/10124/7/1.7

A 105
30 AUG 1944

21

Dear Admiral Stone,

In your letter A/CC of July 14th last, following our previous correspondence and talks, you confirmed your intention, that in the various Italian territories, as they were being freed, only Italian laws should be enforced in matter of defascistization.

These laws as you know, have now been gathered into a legislative decree, which unifies and completes all the dispositions previously issued, thus giving a sufficiently complete and legal basis to the work of defascistization.

This will be the best way to obtain regularity and uniformity for these measures.

I shall be most grateful to you, dear Admiral, if you will kindly give the necessary instructions.

Yours sincerely

/s/ Ivanoe Bonomi

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

FILES (A-B)

Trans. E.C.

45

Il Presidente
del Consiglio dei Ministri
N. 13057/10124/7/1.7

29 AGO 1944

HQ ACC. APO 394
915 Sec y Gen.
Rec'd 30 Aug 1025
By ... IORR

Mio Caro Ammiraglio Stone,

con Sua lettera A/CC del 14 luglio scorso, facendo seguito a carteggio e conversazioni precedenti, Ella gentilmente mi confermava la Sua intenzione a che nei vari territori italiani, via via liberati, fossero applicate in materia di defascistizzazione soltanto le norme di legge italiane.

Tali norme, come Le è noto, sono state ora riunite in un decreto legislativo, che unifica e perfeziona tutto il complesso di disposizioni emanate in precedenza, fornendo così una base giuridica sufficientemente completa e precisa all'opera di defascistizzazione.

Ritengo pertanto che si possa ora restare d'intesa per l'applicazione esclusiva di tali norme, e cioè del Decreto Legislativo 27 luglio 1944 n.159, a tutta l'opera di defascistizzazione svolta nei vari territori da parte delle autorità, volta a volta, competenti.

Tale sistema assicurerà certo nel modo migliore la regolarità e l'uniformità dei provvedimenti.

Le sarò grato, caro Ammiraglio, se vorrà dare le opportune istruzioni in proposito.

Molto cordialmente

Declassified E.O. 12356 Section 3.3/NND No. 785015

con Sua lettera 4/60 del 11 luglio scorso, facendo seguito a carteggio e conversazioni precedenti, Ella gentilmente mi confermava la Sua intenzione a che nei vari territori italiani, via via liberati, fossero applicate in materia di defascistizzazione soltanto le norme di legge italiane.

Tali norme, come Le è noto, sono state ora riunite in un decreto legislativo, che unifica e perfeziona tutto il complesso di disposizioni emanate in precedenza, fornendo così una base giuridica sufficientemente completa e precisa all'opera di defascistizzazione.

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Tale sistema assicurerà certo nel modo migliore la regolarità e l'uniformità dei provvedimenti.

Le sarò grato, caro Ammiraglio, se vorrà dare le opportune istruzioni in proposito.

Molto cordialmente

Samuel Sumner

Ammiraglio HILLRY W.STONE
ff.Presidente della Commissione
Alleata di Controllo
R O M A

(45)

Declassified E.O. 12356 Section 3.3/NND No. 785015

1322

Declassified E.O. 12356 Section 3.3/NND No. 785015

EMS/cjp

A/CC 250

26 August 1944

My dear Mr. Prime Minister:

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

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

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

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

Yours very truly,

To: ACC Sec'y Gen.
DISPATCHED
Date time 28 Aug 1700 hrs.
By: AFHQ

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

(47)

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

c.c. Administrative Section.

FILES A-B
250

1323

Declassified E.O. 12356 Section 3.3/NND No. 785015

DF/3.1/AS

TRANSLATION

APPOINTMENT OF EXTRAORDINARY COMMISSIONERS FOR THE MANAGEMENT OF PRINTING FIRMS WHO FAVORED THE FASCISTS AND THE NAZIS

A 64
30 AUG 1944

UMBERTO DI SAVOIA
Prince of Piedmont,
Lieutenant-General of the Realm

By virtue of the authority delegated to us;

In view of Royal Decree-Law of the Lieutenancy of the Realm 25 June 1944, No. 151;
In view of Royal Decree-Law 30 October 1943, No. 2/B;
In view of Royal Decree-Law 29 May 1944, No. 141;
In view of the deliberation of the Council of Ministers;
Upon the proposal of the President of the Council of Ministers, Prime Minister, Secretary of State;

We have sanctioned and promulgate what follows:

Art. 1

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

Art. 2

The provisions of Articles 2, 4, and 5 of the lieutenancy legislative decree . . . . . apply.
Supervision over the commissionary administrations is exercized by the Undersecretary of State for the Press and Information.

Art. 3

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

Given at . . . . .

8/20 Upon drafting letter approved J Ins

Trans Sgt Shenfield/lws

6559

40

APP A

1324

Declassified E.O. 12356 Section 3.3/NND No. 785015

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

UMBERTO DI SAVOIA
Principe di Piemonte
Luogotenente Generale del Regno

A 64
30 AUG 1944

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

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

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

Art. 2

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

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

Art. 3

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

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

Dato a . . . . .

A 8

(COPY)

(44) NPPA

1325

Declassified E.O. 12356 Section 3.3/NND No. 785015

LWS/ajp

A/CC 250

25 August 1944.

My dear Mr. Prime Minister:

I understand that certain amendments to DLL 159 are in contemplation and I would like the Council of Ministers to consider making a further amendment to deal with the following inconsistency.

The arrangements for the pay of persons suspended by ACC or your Ministries prior to the coming into force of this decree were laid down by the Treasury with the approval of ACC in the month of June.

One of those provisions was that persons in certain categories (e.g. Fascists or Nazis) should receive no pay. Art 22 contains no such limitations and creates the impression that this decree restores pay to persons of these categories. I think you will agree that this is undesirable and that it may possibly give rise to unfavourable comment both here and overseas.

I therefore ask you to consider the amendment of paragraph 3 of Art 22 so that persons of the classes mentioned in Art 14 shall not be entitled to pay. You may also like to consider putting in a clause permitting payment to those categories in special cases e.g. where a title has been conferred in recognition of process in sport.

Hq ACC Secy Gen
DISPATCHED
Date Time 26 Aug 0915
VIA HQ.
TO SCAEF

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

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

(43)

cc: Admin Sec.

[3.2 6]

Declassified E.O. 12356 Section 3.3/NND No. 785015

D R A F T

HQ ACC, APO 394
797 Sec'y Gen.
Rec'd 25 Aug 44 50
By ..... OPR.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
OFFICE OF THE ACTING CHIEF COMMISSIONER

A/CC 250

..... August 44

Dear Mr. Prime Minister -

I understand that certain amendments to DLL 159 are in contemplation and I would like the Council of Ministers to consider making a further amendment to deal with the following inconsistency.

The arrangements for the pay of persons suspended by ACC or your Ministries prior to the coming into force of this decree were laid down by the Treasury with the approval of ACC in the month of June.

One of these provisions was that persons in certain categories (e.g. Marcia su Roma) should receive no pay. Art 22 contains no such limitations and creates the impression that this decree restores pay to persons of these categories. I think you will agree that this is undesirable and that it may possibly give rise to unfavourable comment both here and overseas.

I therefore ask you to consider the amendment of paragraph 3 of Art 22 so that persons of the classes mentioned in Art 14 shall not be entitled to pay. You may also like to consider putting in a clause permitting payment to those categories in special cases e.g. where a title has been conferred in recognition of prowess in sport.

Prime Minister Ivanoe Bonomi,
President of the Council of Ministers,
Italian Government.

Captain Stirn
From C.C. Virgin
In approval of draft
15/ Ramsbotham

Copy to: H.E. Scoccimarro,
L'Alto Commissariato per le Sanzioni
contra il Fascismo,
Palazzo del Viminale,
ROMA.

CC-6

OK
Gross

1327

Declassified E.O. 12356 Section 3.3/NND No. 785015

Office of the Acting Chief Commissioner

Appointments to Commission for the Epuration of Central Institute of Statistics Economic Section

A/CC 250
25 Aug 4

1. Attached is letter No. 10124.8.5/1.7 of 22 August from Prime Minister Bonomi concerning appointments to the committee for the epuration of the Central Institute of Statistics.

2. Your comments are requested please.

41

Stone.

Encl: as above.

Sect Q action
Suspense 31
29 Aug 7

352 Epurazione

(42)

Hq ACC - Sec'y Gen.
DISPATCHED
Date - Time 26 Aug 0915
VIA Msgr.
Initials DAKR.

FILE COPY

250.5

1328

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. AND M.G. SECTION
APO 394

HQ ACC. APO 394
Secretary Gen.
Rec'd 25 Aug. 1600
By

Ref/320/51/CA

A 35
27 AUG 1944

24 August 1944

SUBJECT: Screening of Italian Officials encountered in advance northwards.

TO : R.C's Regions IV,V,VIII,and IX and "Z".
S.C.A.O's AMG 5th and 6th Armies
A/Chief Commissioner
Admin Section
Economic Section
Security Branch
P.R.O.

1. We refer to our letter of 1 August 44. Ref/320/47/CA.

2. The Admin Section has informed us that they have received no list called for in paragraph 4 of that letter.

3. It is requested that we be informed when this rescreening will be completed and when these lists may be expected.

for NORMAN E. FISKE.
Colonel
Deputy Executive Commissioner.

Copy to Admin. Section.

1329

Declassified E.O. 12356 Section 3.3/NND No. 785015

A/G0 230.

22 Aug 44.

Hq ACC Sec'y Gen.
DISPATCHED
Date-Time 23 Aug 1000
Via HQ
Initials DFR

SUBJECT : Epuration of Italian Officials.

TO : AFHQ. Attention: G-5 Section.

1 I acknowledge your letter of the 8 Aug 44 on the above mentioned subject matter.

2 The Italian Authorities concerned are of course entirely sympathetic to the attitude of the Allied Authorities in this matter and I have arranged that the appropriate Sub-Commission shall be informed of the intention of the Italian Government to suspend any technician holding an important position directly assisting the military effort and that no such suspension shall become effective until a replacement acceptable to the Allied Control Commission is made available.

3 The question of retaining indefinitely those whose services are unique (referred to in para 3 (b) (i) of your letter) has been fully discussed with my technical Sub-Commissions. It was felt to be out of the question to lay down a category of such officials because it would be impossible to define in practical terms and because the total number would be so small that the matter was essentially one to be worked out on an individual basis.

4 However, the Sub-Commissions most nearly concerned (Transportation, Communications and Public Utilities) each expressed the opinion that no one who was presently employed really came within your classification in para 3 (b)(i) and they would not feel justified in putting forward any names for deferment from evacuation proceedings during the continuance of hostilities.

5 In these circumstances I suggest that the matter can safely be left to the discretion of my Sub-Commissions.

6 It is submitted that there is no real difference of principle but only of a degree between the cases set out in your para 3 (b) (i) and (ii); it is a practical question in each case, namely can a suitable replacement be found and if not suspension will not be carried into effect until a suitable successor is made available.

HENRY W. STORK
Capt USNR
Acting Chief Commissioner

GRU/ia

"Prepared by G.R. URJOHN, Col"
Admin Section

1330

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

THE PRESIDENT OF THE
COUNCIL OF MINISTERS

Rome, 22 August 1944

N. 16124.8.5/1.7

HQ A.C.C. APO 394
8/0 Navy Gen.
Rec'd 25 Aug 1944
By DPK

A 19
26 AUG 1944

Dear Admiral Stone,

According to article 18 of the Lieutenant's legislative decree 27 July 1944, n. 259, this Presidency must nominate the Commission for the epuration of the Central Institute of Statistics.

I mean to nominate; dr Giovanni Generchia, Counsellor of the Court of Appeal, as President; Dr Ulderico Trillo, head of section of the Institute and Dr Francesco Papa, designated by the High Commissioner for the sanctions against fascism.

Will you kindly let me know whether you have anything against these nominations.

/s/ I. Bonomi

Admiral ELLERY W. STONE
Acting Chief Commissioner of the
Allied Control Commission

R o m e

(41)

1331

Declassified E.O. 12356 Section 3.3/NND No. 785015

1012.H.8-4
1-T

IL PRESIDENTE
DEL CONSIGLIO DEI MINISTRI

Roma, 22 agosto 1944

HQ ACC APO 394
Cont y Com.
810
Rec'd 25 Aug 1430
By DRR.

Caro Ammiraglio Stone,

questa Presidenza deve provvedere, ai sensi dell'articolo 18 del decreto legislativo luogotenenziale 27 luglio 1944, n.259, alla nomina della Commissione di epurazione per l'Istituto Centrale di Statistica.

E' mia intenzione di chiamare a farne parte: il dr. Giovanni Senerchia, Consigliere di Corte d'Appello, quale presidente; il dr. Ulderico Trillò, capo sezione dell'Istituto e il dr. Francesco Papa, designato dall'Alto Commissario per le sanzioni contro il fascismo.

La prego di volermi far conoscere se nulla osti.

Bonomi

Ill.mo
Ammiraglio Ellery W. Stone
ff. Presidente della Commissione
Alleata di Controllo

ROMA

25-2

253 Filed

Acting Chief Commissioner
(thro Secy-Gen.)

LF/9.10/MC

NOTES OF A MEETING OF DEFASCISM - 19 AUGUST 1944

A137
4 SEP 1944

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 ACC had the view that no person might be indispensable it was necessary, in the Allied interest that Army operations should not be adversely affected. 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 then 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.

25-C-2

I 3 3 2

Declassified E.O. 12356 Section 3.3/NND No. 785015

Col. Brown then referred to the telegram received and said while Col had the view that no person might be indispensable it was necessary, in the Allied interest that Army operations should not be adversely affected. 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 provision and arrange according with the Ministry. The Sub-Commissions most likely to be effected by this were Communications, Transportation and Public Works.

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DISTRIBUTION: Acting Chief Commissioner
PC & MG SECTION
Agriculture Sub-Comsn.
Legal Sub-Comsn.
Commerce Sub-Comsn.
Communication Sub -Comsn.
Education Sub-Commission
Finance Sub-Comsn.
Admin Section
Army Sub-Comsn.
Public Works & Utilities Sub-Comsn.
Transportation Sub-Comsn.
Political Section
Air Sub-Comsn.
Navy Sub-Commission
Shipping Sub-Comsn.
File

39a

19 Aug

Declassified E.O. 12356 Section 3.3/NND No. 785015

1334

Declassified E.O. 12356 Section 3.3/NND No. 785015

EWS/hjp

Acting Chief Commissioner

Col. Upjohn, Acting Head, Administrative Section 18 Aug 4

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

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

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

39

Hq ACC · Sec'y Gen.
DISPATCHED
Date · Time 18 Aug 1415
Via Courier
Initials EWS

9559

1335

Declassified E.O. 12356 Section 3.3/NND No. 785015

DRAFT
TRANSLATION

A 2421

19 AUG 1944

HQ ACC, APO 394
696 Secty Gen.
Rec'd 18 Aug 1145
By ....

UMBERTO DI SAVOIA
Prince of Piedmont,
Lieutenant-General of the Realm

By virtue of the authority delegated to Us;

In view of the decree-law of the lieutenancy of the realm 25 June 1944, No. 151, concerning the Assembly for the new constitution of the State, the oath of the members of the Government and the power of the Government to issue judicial procedures;

In view of Royal Decree-Law 30 October 1943, No. 2/B, concerning the suspension of the procedures relative to the issuance, promulgation, registration and publication of the Royal decrees and other provisions;

In view of Royal Decree-Law 29 May 1944, No. 141, which establishes at the seat of the Government a Special Control Section of the Court of Accounts;

It being considered necessary, under the present circumstances, to discipline the management of private enterprises involving public services or which engage in activities recognized to be of general interest;

In view of the deliberations of the Council of Ministers;

Upon the proposal of the President of the Council of Ministers, Prime Minister Secretary of State, in collaboration with the Ministers for Grace and Justice, for Public Works, for Communications and for Industry, Commerce and Labor;

WE HAVE SANCTIONED AND DO PROMULGATE WHAT FOLLOWS:

Art. 1

Power is given to the governing authority to entrust to a Commissioner the administration of private enterprises which involve the public services or which engage in an activity recognized to be of general interest when one of the following conditions apply:

1) that because of the dispersion of their management personnel or directors, caused by present circumstances, they find it impossible to function;

2) that they have, for any reason whatever, suspended their activity or have reduced it in such a way as to prejudice that full cooperation of private enterprise on which the State must count;

3) that because of previous fascists among their management or directors and because of their work of illegal speculation connected with their political activity, they do not give a guarantee of serving efficaciously in the urgent tasks of national reconstruction.

Art. 2

The Commissioner provided for by the preceding article is appointed by decree of the President of the Council of Ministers, with the consent of the competent minister; in the decree of appointment is fixed the duration of the management, which will not continue beyond six months from the cessation of the State of War.

(1)

1336

Declassified E.O. 12356 Section 3.3/NND No. 785015

The decree is published in the Official Gazette of the Realm and a copy filed with the chancellery of the court in whose jurisdiction the chief establishment and head offices of the concern lie. When it is a question of concerns not formed into corporations, and whose premises contain immovable goods, the decree of appointment of the Commissioner is transcribed, in his care, with the competent receivership office.

Art. 3

In the case provided for by the number 2 of the first sentence of article 1, the appointment of the Commissioner can be made only after the concerns therein provided for are unreliable for rejuvenating their activity under the provisionary supervision of an overseer and have not improved upon their reliability in the alloted time.

Art. 4

The governing Commissioner assumes the representation of the establishment and the management and, when it is a question of commercial corporations, takes the place of the usual organs of administration. The provisions of articles 2636 and following of the civil code apply to him.

The administration of the Commissioner is subject to the supervision of the Minister designated in the appointment decree. This can confirm the overseers already at their posts or else replace them in whole or in part.

The Commissioner cannot carry out acts exceeding the ordinary administration except in case of proven necessity and previous authorization of the Minister indicated in the preceding paragraph.

In cases in which it is necessary to proceed to the expropriation of the concerns provided for by the present decree, the criteria of title 2 of the legislative decree of the lieutenancy of the realm 27 July 1944 No. 159, for the sanctions against fascism, are applicable by analogy.

Art. 5

The Commissioner takes possession of the goods comprising the concern, being provided with a note of inventory made out with the intervention of the manager of the concern or of one of his representatives.

If there is no manager of the concern or his representative, the inventory is made out by a notary, in the presence of two witnesses.

In the case of dissension between the manager of the concern and the governing Commissioner about the goods which constitute the establishment, the Minister of whom to the preceding article decides, except for the action of the interested party at the competent location.

The decision of the Minister is preceded by the opinion of a commission established with the Presidency of the Council of Ministers and composed of two Councellors of State, of whom one is the president, by a magistrate non inferior in grade to the fifth and by two members designated one by the Minister for public works and the other by the Minister for Industry, Commerce, and Labor.

6557

Art. 6

If the hypothesis of No. 3 of the first paragraph of article 1

1337

Declassified E.O. 12356 Section 3.3/NND No. 785015

applies, there can be appointed, in less serious cases, an overseer in the ways prescribed by article 2.

The overseer has the right to control the activity of the concern, to examine the books, acts, and correspondence, and to proceed to any kind of ascertainment.

The overseer exercises his activities under the supervision of the Minister designated in the appointing decree.

The appointing decree is published in the Official Gazette of the Reich and a copy filed with the chancellery of the court under whose jurisdiction the main office of the concern comes.

For the duration of the powers of the overseer the first paragraph of article 2 apply.

Art. 7

The Commissioners of firms provided for by article 1, which, at the act of the entrance into force of the present decree, are already functioning, are subjected to the provisions which regulate the commissionary administration within the meaning of the present decree.

Art. 8

Power is given to the Government to issue the complementary procedures and integrating procedures of the present decree.

The present decree comes into force the day of its publication in the Official Gazette of the Reich, special series.

We order whomsoever it may concern, to observe the present decree and to have it observed as a Law of the State.

Given at

Draft Translation - Sgt Shenfield/lws

65-8

1338

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/4B/AS

19 Aug 44

A 21
26 AUG 1944

HQ ACC, APO 394
Sec'y Gen.
717
Rec'd 19 Aug 1940
By DRP

SUBJECT : Defascism.

TO : Acting Chief Commissioner.

(39)

Reference your inter-office Memo dated 18 Aug 44.

1 The decree has not been discussed with me and I have not previously seen it. It appears however to be based partially on some suggestions which I made to Count Sforza.

2 It empowers the Council of Ministers in certain cases to appoint receivers with full powers to do anything that a company or firm has powers to do or Managers who have only limited powers of management and retrospectively regularises the position of receivers already appointed.

3 The circumstances in which these appointments can be made are where owing to the managers having fled the concern cannot carry on, where a business engaged on government work has shut down or where on account of fascist sympathies or corrupt practices the management cannot be trusted.

4 The decree contemplates that the appointment shall be made for stated periods not extending to six months after the cessation of the state of war. Presumably fresh appointment may be made from time to time as appointment expire if the need continues.

5 My suggestion dealt only with the third class of case and provided for an appointment indefinite in length of time with the provision that on the firm obtaining from the Epuration Commission a certificate that it was free from fascist taint the Receiver would re-assign the business to its previous owners.

6 I have retained the copy as I which to examine it in detail; in principle it seems to be sound.

Ext: 525
SHW/ie

G.R. UPJOHN, Col
A/Head Admin Sec.

(38) Acting Chief Commissioner

2 Bulls - I have
other short one on mortgages pay relation

8/25 Upjohn

(37) 39

FILES A-B

525

1339

Declassified E.O. 12356 Section 3.3/NND No. 785015

Hq ACC · Sec'y Gen.
DISPATCHED
Date · Time 19 Aug 0900
VIA Msgr
Initials DPR

Office of the Acting Chief Commissioner A/CC 250

Payment of Salaries to Certain
Italian Government Employees.
Finance Sub Comm
~~Administrative Section~~.

37

18 August 4

1. Reference to attached "Aide Memoire" 1/217 of 2 Aug 44 from the Minister of Foreign Affairs, relative to the payment of the salaries of certain employees etc.

2. It is requested that appropriate action be taken and acknowledgement and reply made to the Minister.

38 37

Stone.

1 Incl-
as in para 1 above.

B X 1-100 252 Italian Govt Employees
65-4
file DPR/ar

T 3 4 0

Declassified E.O. 12356 Section 3.3/NND No. 785015

Hq ACC · Sec'y Gen.
DISPATCHED
Date · Time 12 Aug 0900
Via Msgr
Initials [illegible]

Office of the Acting Chief Commissioner

A/CC 250

Payment of Salaries to Certain
Italian Government Employees.
Finance Sub Comm
~~Administrative Section~~.

37

18 August 4

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2. It is requested that appropriate action be taken and acknowledgement and reply made to the Minister.

38

37

Stone.

1 Incl-
as in para 1 above.

R. MINISTERO
DEGLI
AFFARI ESTERI

A I D E M E M O I R E

The Ministry of Foreign Affairs wishes to draw the attention of the Allied Control Commission on the following questions, all of which are of a serious and urgent character. Their equitable solution is however hampered by the contradictory and constant interventions of some of the Allied members, who consider themselves competent to judge them.

I. - The present conditions of the employees are extremely difficult. It is urgent and necessary to give them aid. The feeling of discontent, already profound, could, before very long, break out in reactions all the more serious because in a great measure justified.

By Circular dated June 4th, 1944, previously approved by the Allied Control Commission, the Government announced the payment of the salaries (implying naturally also the payment of all arrears) to those employees who, at the time, had refused to accept any salary from the socalled Fascist authorities. The Allied Control Commission now opposes the payment of these arrears. Only after long negotiations it has been possible to

Declassified E.O. 12356 Section 3.3/NND No. 785015

consider themselves competent to judge them.

I. - The present conditions of the employees are extremely difficult. It is urgent and necessary to give them aid. The feeling of discontent, already profound, could, before very long, break out in reactions all the more serious because in a great measure justified.

By circular dated June 4th, 1944, previously approved by the Allied Control Commission, the Government announced the payment of the salaries (implying naturally also the payment of all arrears) to those employees who, at the time, had refused to accept any salary from the socalled Fascist authorities. The Allied Control Commission now opposes the payment of these arrears. Only after long negotiations it has been possible to obtain that two month's arrears shall be paid. The balance is to be paid , after the purge, only to those who come out clean. The others will have to return the two months arrears already received.

This system is very complicated. Moreover, it is to be borne in mind that the majority of those who will be dismissed are in fact those who have received their regular pay after September 8th, by reason of their having continued to work at the orders of the neo-fascist government. The ones directly

./.

Declassified E.O. 12356 Section 3.3/NND No. 785015

affected would, therefore, be the most deserving, namely the employees who have remained loyal and have refused to co-operate.

It is requested that the Government be placed in a position to carry out the engagement taken on June 4th.

2. - The neo-fascist authorities proceeded to the dismissal of about 30,000 temporary employees, mostly on account of their anti-fascist attitude. Apart from the latter circumstance, the Government cannot, for obvious reasons, recognise these measures taken by the illegal, self-styled republican government. It is also a fact, on the other hand, that the present situation does not consent the recall or maintenance in office of all those employees who have been dismissed by the neo-fascist authorities. An equitable solution it had been proposed to consider them all on active service up to July 31st, and to dismiss definitely the superfluous as from that date (naturally giving the preference to those who have maintained a loyal attitude.)

The Allied Control Authorities have rejected this proposal, consenting only the payment of one month's salary to

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The Allied Control Authorities have rejected this proposal, consenting only the payment of one month's salary to the temporary employees dismissed by the neo-fascist authorities. This solution is considered utterly inadequate to the really distressing conditions of these unfortunate people, and represents, in most cases, an unfair treatment in respect of the most deserving.

3. - The Legislative Decree n.159, dated 22nd July, 1944 on sanctions against fascism, lays down, in art. 22, that suspended employees shall receive, pending the result of the enquiry, a subsidy, equal to their salaries without special allowances. It is to be noted that the salary itself, without allowance for high cost living, etc. wil be reduced thereby to about one-half.

./.

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This measure is dictated by principles of equity inasmuch as nobody can be punished without trial.

The Allied Control Authorities do not agree: it is maintained that all suspended employees awaiting examination must receive no salary whatsoever and it is asked that art. 22 of the Legislative Decree is amended.

It is pointed out that the Decree was approved, in agreement with Control Authorities, and that its modification is not advisable inasmuch as it would show a constant change of standards and uncertainties in its application.

ROME, August 12th, 1944

Declassified E.O. 12356 Section 3.3/NND No. 785015

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ROME, August 12th, 1944

[illegible]

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DF/3B/AS

NOTES OF A MEETING ON DEFASCISM - 6 AUG 44

H60 8 Aug 0745 HRR.

A 2157
13 AUG 194

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 ardent 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-Comms 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 practises. 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.

The Italian Government proposes to use local Committees of National Liberation

Declassified E.O. 12356 Section 3.3/NND No. 785015

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The Italian Government proposes to use local Committees of National Liberation to assist in obtaining local information for it.

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)

(36)

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1349

Declassified E.O. 12356 Section 3.3/NND No. 785015

RED/ajp

SG 000.1 3 August 1944

SUBJECT: Definition of the Word "Fascist"

TO : Brigadier M. Carr, Regional Commissioner, Region VI

1. Reference your L/1423 of 24 July 44, subject as above, when the memoranda of the Chief Commissioner dated 24 May 1944 were prepared, one of them contained a list of fascist officials. This list was taken from an article of a proposed General Order dealing with the broad subject and therefore contained references to another article of this same proposed General Order. However, this General Order was not issued and when the Article 3 was made into the list you referred to, references to Article 4 were not cut out. You may disregard all references to Article 4.

2. You will appreciate the fact that the above mentioned memoranda as well as Executive Memorandum No. 67 were intended for use only in Military Government Territory and particularly in the forward areas.

ROBERT E. DOE
Major, A.G.D.
Secretary General

(A) Hq ACC - Secy Gen. B
DISPATCHED
Date-Time 3 Aug 1415
Via AG M/C
Initials [illegible]

(B) For Assisted by Legal M/C

File A-145 f00

2559

Legal Sec Gen

7261

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

HQ ACC, APO 394
28 Sec'y Gen.
Rec'd 30 July 1944

24th July 1944.

To : H.Q., A.C.C., Office of the Secretary General.

Subject : Definition of the Word "Fascist".

Reference: L/1423.

HEADQUARTERS
29 JUL 1944
A. C. C.

Ref. your SG 000.1 dated 8th July 1944 enclosing copy of Executive Memorandum No. 67 the following points arise:

1) Para. 1 of ~~the~~ Executive Memorandum No. 67 refers to the directive and "the separate "Memorandum" of the Chief Commissioner both dated 24 May 1944. All that was received at this Headquarters along with the Chief Commissioners letter CC/G/331 dated 24 May 1944 was an undated list defining categories of persons who should be regarded as Fascists. Is this list, what is referred to as "the Separate Memorandum"? If not, this H.Q. has not been in possession of all the essential information relative to this matter.

2) Executive Memorandum No. 67 and lists "A" and "B" thereto annexed do not answer the question raised in my L/1423 dated 6 June 1944. List "B" contains a reference at para D to "Art.IV" which was also referred to in paras. (e), (f) and (g) of the undated list (referred to in para. 1 hereof) annexed to the Chief Commissioner's letter of 24th May. Assuming this latter list is now superseded by list "B", the reference to Art. IV in para D of list "B" still remains to be explained. May the matter be clarified, please?

Declassified E.O. 12356 Section 3.3/NND No. 785015

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M Carr Brigadier 6.6.44

M· CARR·
Brigadier·
Regional Commissioner·

MC/cjm

(35) APP A

24/6/44

Declassified E.O. 12356 Section 3.3/NND No. 785015

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Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ ACC, APO 394
Sec'y Gen.
Rec'd 9 Aug 44
By

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

A 1994

AF/2-B/AS

2 Aug. 44

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. UPJOHN, Col
A/Head, Admin Sec.

DISTRIBUTION:

	Copies of enclosure
Secretary General	(2)
ALL Sections	(2)
ALL Sub-Commissions	(2)
ALL Regions *	(6)
S. AFHQ	(6)

*-Regione I & II - 2 extra each

250 Defascistization

5557

34

Ext: 525
CH:W/gs

HQ ACC, APO 394
Sec'y Gen.
Rec'd 3 Aug 0815
By

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. 785015

Part II - Purging

Part III - Enrichment

Part IV - Fascist Funds

Part V - The High Commissioner

Part VI - Miscellaneous

250 Fascists

9556

(1) + B

(34) APP A

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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 personal 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 taking 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.

Declassified E.O. 12356 Section 3.3/NND No. 785015

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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. 8555

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 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 whatsoever 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 [illegible] holdings or concerns having nation wide interests.

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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 confiscation. In other cases referred to thereby the High Commissioner, by the Tribunals territorially competent.

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(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 (1) The following shall be dismissed from service:
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 "antemarcia", "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 guilty he 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 or 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 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.

The Commissions, or any member delegated by them, shall have [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785015

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19 Not less than ten days shall be allowed to an employee whose dismissal is proposed to prepare his defence.

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.

6554

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.

Declassified E.O. 12356 Section 3.3/NND No. 785015

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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 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.

Declassified E.O. 12356 Section 3.3/NND No. 785015

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 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 office 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 [illegible] Section from bankruptcy in cases set out in Art 362 of

Declassified E.O. 12356 Section 3.3/NND No. 785015

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.

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The [illegible] shall be subject to [illegible] cases set out in Art 352 of

Declassified E.O. 12356 Section 3.3/NND No. 785015

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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. 8553

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.

Declassified E.O. 12356 Section 3.3/NND No. 785015

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 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

Declassified E.O. 12356 Section 3.3/NND No. 785015

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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.

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.

Declassified E.O. 12356 Section 3.3/NND No. 785015

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 bound mandatorius 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 [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785015

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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 of 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 6.
(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.

Declassified E.O. 12356 Section 3.3/NND No. 785015

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. 785015

1 3 7 0 1

1371

Declassified E.O. 12356 Section 3.3/NND No. 785015

Memo:

TO : Acting Chief Commissioner.

HQ ACC APO 394
360 Secy Gen
Recd 2 Aug. 1640
OPR 3
A1995

Under the new decree all except purely local bodies (i.e. bodies depending from Provinces or Communes) will be purged nationally, therefore SFT will be purged by a National Commission.

G.R.UPJOHN, Col
A/Head, Admin Sec.

ADMIN SEC
2 Aug 44.

Files A B

33

1372

Declassified E.O. 12356 Section 3.3/NND No. 785015

UP.

SET is the Southern Italian Telephone.
Concern of which Pallegrini is manager.

The appropriate descriptions in the act under one of which it must come are:

~~Concerns firms~~ "dependant" from the Central administration

Private ~~firms~~ concerns engaged in the public service.

Firms recognised as being of "national" interest.

In this context I do not think that national means state nor need it concern every corner of the country. I think it means substantially more than merely local and of moment to the national interest.

SET could be considered to come under any of these. They are all defascised nationally the only bodies defascised locally are bodies for which communes or provinces are themselves responsible - bodies described as "dependant" from them

-1 AUG. 1944

8.

1373

Declassified E.O. 12356 Section 3.3/NND No. 785015

COPY OF NOTE, ADDRESSED TO VP, ADMINISTRATIVE SECTION BY ONE OF HIS STAFF.

VP.

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/s/ ?

1 Aug 1944

See - Note made by Capt Stone on DF/2.13/A5 of 30 Jul 44

8549

Files A B

(33) NRC A

16 Aug 44

C O P Y

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

358
Rec'd 2 Aug 1500
By OMG

Ref/320/47/CA

1 August 1944

A 1772

SUBJECT: Treatment of Italian Officials Ecountered in Advance Northwards.

TO : R.C's Regions IV, V, VIII and IX and "Z"
SCAO's AMG 5th & 8th Armies
A/Chief Commissioner
Admin. Section
Economic Section
Security Branch
P.R.O.

(12) (19) (19b) 250 Defacilitation Congress

1. I refer to para 5 of Executive Memorandum No. 67 which supercedes para 4 of Chief Commissioner's directive of 24 May 1944.

2. For the sake of uniformity of procedure and records, when AMG officers consider that an Italian official (or other civilian) should be interned as potentially dangerous to our security, they shall normally arrange for the necessary action to be taken by the nearest F.S. Section/C.I.C. Detachment. Where this is impracticable such man should be handed over to FSS/CIC as soon after the arrest as possible together with the arrest forms and all relevant documents.

3. It is emphasized that all persons potentially dangerous should be interned, and that all internees whether interned on military or political grounds will be sent through PW channels to Padula Camp. It is very desirable that proper investigation and enquiries should be made in every case before arrest. This investigation should be done whenever possible by FSS/CIC personnel in respect of those thought to be dangerous both from a military and from a political standpoint. Where FSS/CIC personnel are not available this investigation will have to be done by AMG officers and for this purpose use should be made of the Anti-Fascist advisers, the names of which have been sent to SCAO's Fifth and Eighth Armies and Region VIII in respect of FLORENCE, PISA, LUCCA and LA SPEZIA. Lists of other names for other towns will be sent when available.

250 Refugees 8 Dec 45

5548

4. After the investigation referred to in para 3 above has been made and a decision reached as to who should be interned

Declassified E.O. 12356 Section 3.3/NND No. 785015

(12)

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2548

4. After the investigation referred to in para 3 above has been made and a decision reached as to who should be interned, a list of such persons, giving brief reasons and particulars, should be forwarded to V.P. Admin. Section.

5. It is probable that, as a precautionary measure, a number of persons will be arrested, before a proper investigation can be made, because they are suspected of being dangerous. In such cases, any investigation should be made as early as possible after their arrest in accordance with the principles described in para 3 above. Those who are no longer considered, after such investigation, to be potentially dangerous, will be released immediately.

NORMAN E. FISKE
Colonel
Deputy Executive
Commissioner

Copy to:

(32)

HQ. AAI (GSI(b) Ref AAI/1402/5/GSI(b) of 18 July 44. With the request that FSS/CIC be asked whenever possible to make the investigation mentioned in para 3 & 5 and to prepare the lists in para 4.

Declassified E.O. 12356 Section 3.3/NND No. 785015

1376

Declassified E.O. 12356 Section 3.3/NND No. 785015

Col. Upjohn
See my Question - file.
Guy

Secretary's Channel

298 30 July 1940 DRR.

A 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DE/2.IV/AS. 30 JUL 44.

SUBJECT : Defascism.

TO : RCWC 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 Comms mentioned in Col 2 of A/CC 250 of 15 Jul is drawn to the fact that there is no longer even a puristically 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".

SET a Mathematical Question

5 Sept A.C.C. 252 Appointment of Commissioners

G.R. UPJOHN Col,
A/Hd Admin Sec.

Copy to : Acting Chief Commissioner
Administrative Section (10)

SHW/pol. Ext 608.

(31)

Files (A) B

13.77

Declassified E.O. 12356 Section 3.3/NND No. 785015

HQ ACC, APO 394
11th Sec'y Gen.
Rec'd 13 Jul PM
By DFE

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
A.P.O. 394

H - 1826

25 JUL 1944

Ref/313/—/CA

22 July 1944

SUBJECT: Italian Advisors on Defascistization.

TO : SCAO 5th Army and R.C. Region VIII

1. I refer to my Signal No.631 of 18 July to AFHQ 5th Army in which was set out the names of four antifascist citizens of Florence who should be consulted as to the removal of fascists in that City.

2. I am now in a position to give three names for PISA and LUCCA which are as follows:

PISA Avv. ALESSANDRO DELLO SBARBA — Former Cabinet Minister.
Prof. VINCENZO ROSSI — Director of Clinics, Camilloice University.

LUCCA Prof. MANCINI — Former RP of Pisa University.

3. I must emphasize that these names are given to you to assist you by advice and it is not intended that they should hold any office. It is necessary that consultation with them be kept strictly secret so as not to compromise either the persons themselves or their future usefulness.

Herbert Reed

HERBERT B. REED
Colonel
Deputy Executive
Commissioner

Copy to:
Admin. Section
A/Chief Commissioner.

2546

(30)

313/—/CA
22 July 44

H.Q./7401

SUMMARY OF DEFASCISING

BY AMG.-

1 Defascising commenced in Sicily by removal of various officials by PSS and AMG officers on no co-ordinated plan :

21Oct / 1Dec — soon after the region was formed the PC began to attack the problem in a more methodical way and HQ AMG issued an instruction to Regions I & II which required Italian officials to fill in a questionnaire on their past, the Scheda personale, which if completed correctly without reservation, enabled the political record of the officer concerned to be fairly accurately assessed.

2 This work had not progressed very far when the first restoration of territory took place. Shortly thereafter, the Italian Government appointed a High

11Feb / 23Feb — Commissioner for Defascism and discussions for co-operation commenced.

17Mar 3 In March the scheme which had been applied to Region I & II was extended to Regions III, IV, V, & VI & VII by Exec Memo 45.

1May — Region III then proposed the setting up in Provinces of Committees of Italian Nationals, this was agreed in principle and Region III set up these committees by Admin Order No.3.

25Jun

24May / 2Jun 4 On the eve of the new attack the CG issued an instruction as to the automatic removal by Armies of senior officials, which was amplified by an instruction of the Exec. Commr. showing the division of officials into classes and this was replaced by Exec. Memo. 67 of 5 Jul.

26Jun 5 Rome Region issued an order on lines similar to that of Region III and extended and amplified the original order by later orders of 15 & 16 Jul.

RESULTS under — Investigated Cases: Dismissed - Retained — not completed

Region I	by 11 Feb	5671	205	3466	723
Region II		no cases completed			
Region III	by 30 Jun	incomplete unable to supply figures.			
Region VI		has never been under AMG.			

6 It will be seen therefore that AMG for various reasons, has not made very great progress in screening Italian officials and removing those of strong Fascist background.

BY ITALIAN GOVERNMENT.-

2Dec 1 The Italian Government issued a decree (which was later amended in Apl) for removing from office officials who had held certain positions in — Fascist organisations or had taken part in certain fascist activities. For the — existing Council of Ministers was to deal with

Declassified E.O. 12356 Section 3.3/NND No. 785015

1378

2 May – 2 Jun 4. On the eve of the new attack the CC issued an instruction as to the automatic removal by Armies of senior officials, which was amplified by an instruction of the Exec. Comnr. showing the division of officials into classes and this was replaced by Exec. Memo. 62 of 5 Jul.

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THE ITALIAN GOVERNMENT.-

26 Dec 1. The Italian Government issued a decree (which was later amended in Apl) for removing from office officials who had held certain positions in fascist organisations or had taken part in certain fascist activities. For the purpose of achieving this, the existing Council of Ministers was to deal with officers down to Grade VI i.e. down to the equivalent of Vice Prefect; lower officials were to be dealt with by Ministerial Commission under Presidency of Crodeo.

2. Quasi Public Institutions were purged on a Provincial level by the Prefect.

3. So far as is known, neither the Council of Ministers nor the Ministerial Commission have ever met, the Ministerial Commission has never even been appointed.

25 May 4. A decree for punishment of fascist offences was published making the taking part in certain fascist activities a crime punishable for certain offences by death & others by imprisonment up to a life term.

5. A few persons have been arrested; investigation of their cases is proceeding as is investigation of other cases. No trial has yet taken place. Work has been suspended pending the issue of the new decree

(29)

-1- 24/Oct .....E/-

21 Jul 44

Declassified E.O. 12356 Section 3.3/NND No. 785015

E After negotiations a new decree has been agreed and approved and is now in the hands of Legal draftsmen to implement the agreed policies. This decree will supercede the decrees of 28 Dec and 26 May. It deals with -

a the removal of fascist officials from office;
b the punishment for partaking in certain fascist activities;
c improper enrichment.

F The first is proposed to be dealt with by each Ministry setting up a commission to purge not only the ministry officials but also the Provincial officers. Purging therefor is entirely a central Government matter and will not concern regions.

G The second and third are dealt with partly by a Special Court and others by the ordinary courts; but ACC regards these as more of a domestic matter with which it is not so intimately concerned so long as the purging of officials is effectively carried out.

H No measures have yet been issued dealing generally with the property or business activities of so called parastatal concerns, suggestions have been made to the Italian Government but no reply has as yet been received.

21 Jul 44.

8544

Declassified E.O. 12356 Section 3.3/NND No. 785015

Chief Commissioner

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DF/4/1A/AS

f 1639
25 JUL 1944

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.E.UPJOHN, Col
A/Head, Adm Sec.

8543

250 Refers

DISTRIBUTION.

Declassified E.O. 12356 Section 3.3/NND No. 785015

are unable to proceed with the formation of the Ministerial defenceising 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
i/Head, Adm Sec.

6543

250 Reference

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)

SHW/vb
Ext: 469.

(28)

DF/4/1A/AS
20Jul44

Declassified E.O. 12356 Section 3.3/NND No. 785015

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Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET & CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

126 20 July 1005 TRR

A 1817

24 JUL 1944

DF/4/1.1/AS

19 Jul 44

SUBJECT : SCAO's Advisers.

TO : Executive Commissioner.

(24)

Further to my DF/4/1N/AS of 14 Jul.

1 I submit the names of six other italians who are in a position to give useful advice to SCAO's when composing the lists of fascists in respect of the towns under which their names appear.

PISA Avv. ARNALDO DELLO SBARBA — Former Cabinet Minister.
Prof. VINCENZO ROSSI — Director of Clinica Oculistica, University.

LUCCA Prof. MANCINI, — Former MP of Pisa University.

SPEZIA Avv. PAOLO BORACCHIA
Dott. R. GAMBINI
Dott. BECHI

2 It is of course understood that the above would act as advisers only, and not that they should hold any office. It is desired that consultation shall be as secret as reasonably may be, so as not to compromise either the persons named or their future usefulness.

G.R.UPJOHN, Col
A/Head, Adm Sec

Copy to: Acting Chief Commissioner.

(27)

DF/4/1.1/AS
19 Jul 44

1384

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

681

97

19 July 1125 CMP.

EIGHT ARMY RPTD FIVE ARMY

ACC ADV

681

18 July 1944

A 1790
21 JUL 194

SECRET

PRIORITY

Civil Affairs Branch

AS RESULT OF NEGOTIATIONS BETWEEN ACC AND ITALIAN GOVERNMENT LATTER HAS GIVEN FOLLOWING FOUR NAMES OF FAIR AND JUST BUT FIRM ANTI FASCISTS WHO MAY BE EXPECTED TO BE FOUND IN FLORENCE PD PAREN TO EIGHT ARMY FOR AMG RPTD FIVE ARMY FOR AMG FROM ACC ADVANCE FOR LUSH PAREN FIRST DOCTOR PIERACCINI FORMER MP WELL KNOWN AND MUCH RESPECTED BY FLORENTINES PD SECOND AMBASSADOR G CORA CMA VIA DEL BOBOLINO FIVE CMA RETIRED SPEAKS ENGLISH PD THIRD PROFESSOR PIETRO CALAMANDREI CMA NOTED JURIST PD FOURTH AVVOCATO GIORGIO MIGLIORINI CMA VIA GIUSEPPE GIUSTI ONE EIGHT CMA HAS ENGLISH MOTHER CMA KNOWS ONE BY ONE ALL MEMBERS OF FLORENTINE SOCIETY CMA MAY ALSO GIVE RELIABLE INFORMATION FOR BOLOGNA AND MILAN PD YOU SHOULD CONSULT THESE CITIZENS AS TO THE PRINCIPAL FASCISTS IN IMPORTANT POSITIONS IN FLORENCE PD WHILE BASIC POLICY AS TO DEFASCIZATION REMAINS AS LAID DOWN IN EXECUTIVE MEMORANDUM SIX SEVEN YOU SHOULD ATTACH THE GREATEST WEIGHT TO THE ADVICE OF THESE MEN PD I MUST EMPHASISE THAT YOU SHOULD CONSULT THESE MEN IN THE GREAT SECRECY AND ON NO ACCOUNT CAN THEIR NAMES BE MADE PUBLIC

0541

Region VIII (BY LLS)
Admin Sect.
Secy-Gen.
Security Br.

L.T.LIEUTANT, Jr.
1st Lieut. AGD
ADJUTANT.

SECRET

26

6 F1
18 Jul 44

1385

Declassified E.O. 12356 Section 3.3/NND No. 785015

FASCIST PURGE EXTENDED TO JOURNALISTS

ROME, July 15 — Powers of the recently established Rome Commission for the Purging of Fascism were extended today to permit the removal of Fascists from newspapers, publishing houses, and libraries.

In a supplement to his original order, Rome Regional Commissioner Charles Poletti made this enlargement of the scope of the commission which had been limited before to removal of Fascists from public and semi-public offices.

« The Commission is empowered to adopt appropriate measures concerning all those who, during the Fascist regime and the Fascist Republican regime, carried on activities in any field whatsoever that were directed toward sustaining, defending, or realizing the idea and results of Fascism or Republican Fascism, » the amended order reads in part. The amendment then specifies that those engaged in publishing houses, newspaper concerns, and libraries are subject to the order.

The amended order further amplifies the classifications of persons who are to be considered prima facie as Fascists. These are all persons with the qualification of Corporal of Honor of the Fascist Militia; members of the Duce's Musketeers; all Ministers of State named during the Fascist regime; all Prefects, Questores, Diplomatic Representatives and Consuls « though Fascist merit »; all Chiefs of Cabinet or private secretaries of ministers and sub-secretaries; and all who took any part in the work of the OVRA, Fascist secret police. (PWB - PRO)

(25)

15 July

1386

Declassified E.O. 12356 Section 3.3/NND No. 785015

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SECRET CONFIDENTIAL.

ADVANCE HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

13 14 July

DF/4/1A/AS. 14 Jul 44.

17 JUL 1944

SUBJECT : Defascistisation.

TO : Executive Commissioner.

1 Reference para 3a of my DF/4/1A/AS dated 12 Jul addressed to the Acting Chief Commissioner, copy to you, Count SFORZA has given me the names of the following fair and just but firm anti-fascists who may be expected to be found in the City of Florence.

Dr PERACCINI - former M.P. - most loved and respected in the popular classes.

Ambassador G. CORA - via del Bobolino 5 - Retired; speaks English.

Professor PIERO CALAMANDREI - a noted jurist.

Avv. GIORGIO MIGLIORINI - via Giuseppe Giusti 18 - has an English mother; knows one by one all members of Florentine Society. May also give reliable information for Bologna and Milan.

2 The procedure as I understand it will be as follows - SCAOs, Armies and RCs Regions will continue basically to employ Executive Memorandum No 67 BUT before making final decisions they will consult the above persons for their advice and they may advise that certain names be added to or substracted from the list. The decision rests of course with AMG but naturally the advice of these citizens is entitled to the greatest weight.

3 In issuing the appropriate instructions to SCAOs and RCs please make it plain that the above mentioned citizens are to be consulted SECRETLY and that their names will in no case be made public.

50 (22)

G.R. UPJOHN Col,
A/Hd. Admin Sec.

2529

Copy to Acting Chief Commissioner.

(24)

DF/4/1A/AS
14 July

1387

Declassified E.O. 12356 Section 3.3/NND No. 785015

U.S. CONTROL FILE
Formals British CONFIDENTIAL

Files A--B

HEADQUARTERS
ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 194

15 JUL 1944

EWS/AJD

A/CC 250

14 July 1944

SUBJECT: Defascistization of Governmental Institutions in Rome

TO : Vice Presidents
Independent Sub-Commissions
Regional Commissioner, Rome Region
Regional Commissioner, Region IV

1. The responsibility for the removal of Fascist officials and employees of governmental institutions in Rome and their replacement is established as follows:

Municipal Institutions - Rome Region

Provincial Institutions - Region IV (with the concurrence of Rome Region where indicated)

National Institutions - Allied Control Commission

2. Initially, and until such time as the Italian Government can itself undertake the task of defascistization of national ministries and parastatal institutions, this work will be carried on by the relevant subcommission. The director or deputy director of each subcommission should, in consultation with the minister or under-secretary, set up and supervise the necessary machinery within each ministry.

3. Orders of dismissal and appointment will be promulgated by the ministry concerned.

4. Included as national institutions are all bodies of a national character which have heretofore been under the control of a ministry of the National Government but shall not include regional subdivisions thereof.

DISTRIBUTION:
10 - Brig. Lush, RC & MG Sec.
10 - Col. Upjohn, Admin. Sec.
11 - Mr. Grady, Econ. Sec.
2 - Naval S/C (1-Commo. Palmer
(1-Admiral Morgan
2 - Army S/C (1-Gen. Browning
(1-Lt Col Campbell
1 - Communications S/C
1 - PRB
2 - Pol. Sec. (1-Mr. Caccia
(1-Mr. Reber
6 - Reg. Com. Rome Region
6 - Regional Cgs., Region IV

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

A/CC 250

U.S. CONTROL FILE
Formals British CONFIDENTIAL

1388

Declassified E.O. 12356 Section 3.3/NND No. 785015

EWS/hjp

15 JUL 1944

14 July 1944

A/CC 250

Dear Prime Minister Bonomi:

I have to acknowledge your letter of the 26 June relating to your request for the implementation of your defascistization decrees in newly liberated territories as soon as possible.

I asked Colonel Upjohn (Acting Head of the Administrative Section in the absence of Lord Stansgate) to discuss this matter with you, which he did last Saturday morning. I should like to affirm once again the points pressed by Colonel Upjohn to you, namely that:

a. ACC is only too anxious to use, even in territory not yet restored to your administration, Italian Government decrees and agencies.

b. The matter is vitally urgent and we rely on the Government to complete its plans at the earliest possible moment.

Colonel Upjohn also saw H.E. Count Sforza on Tuesday when the following conclusions were reached subject to your approval:

a. H.E. Count Sforza undertook, after discussion with you, to supply in a very few days the names of 3 or 4 fair and just firm anti-fascists who may be expected to be found in each of the principal localities as we move North, and who would be secretly consulted by my officers for advice as to the immediate suspension from office of the important fascists in the locality.

b. That the amending decree (without which we cannot proceed) will be passed at the meeting of ministers on Saturday next, subject to any small amendments that might be agreed between H.E. Count Sforza and ACC.

You will, I am sure, agree that the above proposals form a basis for a quick and efficient handling of the problem before us and I again urge on you the vital necessity for immediate action in this matter.

Finally, I understand that each Minister has, or is about to set up, a committee to advise him on the defascistization of his own Ministry

A/CC 250
14 July 44

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and I am issuing instructions to my Sub-Commissions to assist in this work with all the power at their means.

Yours very truly,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

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

cc: ~~Col. Upjohn, Admin Section~~

8526

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Declassified E.O. 12356 Section 3.3/NND No. 785015

DRAFT

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

... Jul 44

Bonomi

I have to acknowledge your letter of the 26 June relating to your request for the implementation of your defascistisation decrees in newly liberated territories as soon as possible.

I asked Colonel Upjohn (Acting Head of the Administrative Section in the absence of Lord Stansgate) to discuss this matter with you, which he did last Saturday morning. I should like to affirm once again the points pressed by Col Upjohn to you, namely that;

(i) ACC is only too anxious to use even in territory not yet restored to your administration, Italian Government decrees and agencies.

(ii) The matter is vitally urgent and we rely on the Government to complete its plans at the earliest possible moment.

Colonel Upjohn also saw H.E. Count SFORZA on Tuesday when the following conclusions were reached subject to your approval.

(i) H.E. Count SFORZA undertook, after discussion with you, to supply in a very few days the names of 3 or 4 fair and just but firm anti-fascists who may be expected to be found in each of the principal localities as we move North, and who would be secretly consulted by my officers for advice as to the immediate suspension from office of the important fascists in the locality.

(ii) That the amending decree (without which we cannot proceed) will be passed at the meeting of ministers on Saturday next, subject to any small amendments that might be agreed between H.E.Count Sforza and ACC.

You will I am sure agree that the above proposals form a basis for a quick and efficient handling of the problem before us and I again urge on you the vital necessity for immediate action in this matter.

Finally, I understand that each minister has or is about to set up a committee to advise him on the defascistisation of his own ministry and I am issuing instructions to my Sub-Commissions to assist in this work with all the power at their means.

2523

GWS

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

(2) AFPC

1391

Declassified E.O. 12356 Section 3.3/NND No. 785015

DSJ 1631

11 JUL 1944

A/cc.

Defascitization Committee Nafle

Ysfohr to Cd Wilmer who, on behalf of Cd Ufjohn, agreed to Cd Chafman issuing the necessary Administrative Instructions to this Committee in order to enable them to function forthwith.

Ihave directed Cd Chafman accordingly.

TS/1017.

2510 Supersedes

1/7

2592

(21)

File/Yad
on 17 Sep

1392

Declassified E.O. 12356 Section 3.3/NND No. 785015

AJC/dfe

8 JUL 1944

SG 000.1

8 July 1944

Regional Commissioner
Region VI

Enclosed for your information is a copy of Executive Memorandum No. 67, which will answer the question raised in your letter L/1423 of 6 June 1944.

A. J. COLLINS
Captain, R.E.
Assistant Secretary General

250 Reference Copy

2521

Files

20

SG000.1
8 Jul 44

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Declassified E.O. 12356 Section 3.3/NND No. 785015

959

13 Jul 1505

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTATIVE SECTION

LF/4/1A/AS 12 Jul 44

SUBJECT : Defascistisation.

TO : Acting Chief Commissioner.

1 I had a conversation with Count SFORZA yesterday on the above subject.

2 The urgency of the matter was pressed upon the Count and he entirely agreed. IF his actions approximate in any degree to his words, the defascistisation problem will be rapidly solved.

3 The following points were covered:

(a) The Count will see Bonomi and in a very few days, let us have lists of 3 or 4 fair and just but firm anti-fascists who may be expected to be found in each of the principal cities in the North. Such lists to be passed on to SCAO's AMG and RC's who would consult these persons as to the principal fascists in important positions in the locality who should be instantly dismissed. The names of such anti-fascists to be kept secret so as to avoid local pressure being brought upon them.

(b) The new amending decree will be passed at the Cabinet meeting on Saturday subject to any amendments on minor points that SFORZA and ACC may agree. SFORZA will then see me on Sunday or Monday with one of his staff officers (a hopeful feature) with a view to immediate action being taken thereon.

(c) The Count also informed me that in each Ministry a committee had been or would be set up to advise each Minister in defascistising his Ministry. The boards are to deal only with the Ministries their work being confined to that level. To my own knowledge, such committees have been set up in the Ministries of Justice and Foreign Affairs.

2510

4 As I consider that this Commission is vitally concerned in the cleansing of ministerial personnel and that we must ensure that this work is carried out speedily and effectively, I submit the attached draft memorandum for your approval and signature . It is addressed to all Sections and branches concerned, who have dealings with Ministries.

5 I also attach for your consideration a draft of a reply to the Prime Minister's letter of the 26 June 44.

2525

G.R. Upjohn

G.R. UPJOHN, Colonel
Acting Head Admin Section.

(22)

PF/4/1A/AS
12 July 44

CONFIDENTIAL

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

MEMORANDUM

.. Jul 44

Col Lippincott
Ass Deputy

SUBJECT : Defascistisation.

TO : Administrative Section. (10)
Economic Section. (10)
Political Section (2)
Navy Sub-Commission (2)
Army Sub-Commission (2)
Air Sub-Commission (2)
Communications Sub-Comm (2)

1 This memorandum is concerned solely 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 are the ministries for which Sections and Sub-Commissions will be responsible. It is appreciated that in some instances e.g. Public Safety in Ministry of Interior, Air in Ministry of War and Aviation, other Sub-Commissions than those named below are concerned. In these instances, the named Sub-Commission will be responsible for co-operation and co-ordination with the other Sub-Commissions.

ITALIAN GOVERNMENT
Foreign Office
Ministry of Interior
Ministry of Grace and Justice
Ministry of Treasury

ACC HQ.
Political Section.
Interior Sub-Commission
Legal Sub-Commission
Finance Sub-Commission

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Declassified E.O. 12356 Section 3.3/NND No. 785015

concerned with local bodies nor with governmental representatives in the field e.g. prefects.

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ITALIAN GOVERNMENT	ACC HQ.
Foreign Office	Political Section.
Ministry of Interior	Interior Sub-Commission
Ministry of Grace and Justice	Legal Sub-Commission
Ministry of Treasury)	Finance Sub-Commission
Ministry of Finance)	
Ministry of Industry & Commerce	Industry & Commerce Sub-Commission.
Ministry of Public Works	Public Works & Utilities Sub-Comm.
Ministry of Agriculture	Agriculture Sub-Commission.
Ministry of Public Instruction	Education Sub-Commission
Ministry of ~~War & Aviation~~	Army Sub-Commission Air Sub Com
Ministry of Marine	~~Navy~~ Sub-Commission.
Ministry of Labour	Labour Sub-Commission.
Ministry of Communications)	
Post & Telegraph)	Communications Sub-Commission.
Railways & Roads	TN Sub-Commission.

5 Vice Presidents will ensure that the above instructions are carried out in their respective sections. Progress reports to be rendered weekly commencing MONDAY 24 July 44, to Vice President Administrative Section who will be the co-ordinating authority.

(22 APP 44)

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner.

Copy to: Acting Chief Commissioner.
RC & MG Section (12) For Regions.
File (2)

Declassified E.O. 12356 Section 3.3/NND No. 785015

259
for CSO

SECRET

PEAR HARBORS
ALLIED CONTROL COMMISSION
H.Q. A.M.G. Section
APO 394

5 July 1944.

EXECUTIVE MEMORANDUM)
)
NUMBER 67)

TREATMENT OF ITALIAN OFFICIALS ENCOUNTERED IN ADVANCE NORTHWARDS.

1. Inasmuch as the Directive and the separate Memorandum of the Chief Commissioner both dated 24 May 1944 have given rise to a few questions, the following constitutes a revised and consolidated directive, designed to meet those questions and possibly to forestall others.

2. Many of the Italian officials in the area north of the line marking the beginning of the recent offensive were placed in office by the so called Republican Fascist Government or by the Germans. Others however, may, despite their hostility to the Fascist Government, have been compelled through coercion to remain in office or through devotion to duty may have chosen to remain and serve their people. Others stayed at their posts for some months and then for alleged fear of persecution deserted. It is impossible at a glance to say in which of these classifications a particular public servant should be placed. Obviously many of the first classification, particularly those highly placed, will have fled before our advancing troops, but on the other hand many will remain and these must be dealt with in accordance with this directive.

3. The object of AGC is to rid the country as we go through it of the important fascists and of persons put in office by the Republican Government. While many important fascists are not necessarily men who are now holding important administrative posts considerations of expediency make it necessary for SCAOs and RCs to confine themselves to an examination of those holding the more important posts.

For this purpose two lists have been prepared and are attached hereto. List A contains a list of Italian governmental and ministerial offices which should be cleaned of fascist personnel as quickly as possible as the offices are important. The list contains three categories in order of importance.

List B contains a list of purely fascist offices and serves as a guide as to what type of fascist party members are particularly obnoxious.

4. These two lists will normally be used together. Thus if you find a person who occupied one of the offices in List A and who has had on of the party [illegible] he is likely to be an official to be removed at

250 before
5530

Declassified E.O. 12356 Section 3.3/NND No. 785015

fascist Government of [illegible] hostility to the Fascist Government, have been enrolled through coercion to remain in office or through devotion to duty may have chosen to remain and serve their people. Others stayed on the posts for some months and then for alleged fear of persecution deserted. It is impossible at a glance to say in which of these classifications a particular public servant should be placed. Obviously many of the first classification, particularly those highly placed, will have fled before our advancing troops, but on the other hand many will remain and these must be dealt with in accordance with this directive.

3. The object of ACC is to rid the country as we go through it of the important fascist and of persons put in office by the Republican Government. While many important fascists are not necessarily those who are now holding important administrative posts considerations of expediency may make it necessary for SCAOs and RCs to confine themselves to an examination of those holding the more important posts.

For this purpose two lists have been prepared and are attached hereto. List A contains a list of Italian governmental and ministerial offices which should be cleaned of fascist personnel as quickly as possible as the offices are important. The list contains three categories in order of importance.

List B contains a list of purely fascist offices and serves as a guide as to what type of fascist party members are particularly obnoxious.

4. These two lists will normally be used together. Thus if you find a person who occupies one of the offices in List A and who has had one of the party affiliations contained in List B he is likely to be an official to be removed at once.

However an official holding office in list A who has newly been put into office by the Fascist Republican Government should be dismissed whether or not he belongs to one of the fascist offices mentioned in List B.

5. Officials(as well as any other persons) regarded as potentially dangerous should in addition be locked up immediately. They may be interned or if the Italian Government requests that they be turned over to it suitable arrangements should be made to comply with the request. Whenever a person is interned a report must forthwith be made to HQ ACC, AG & MG Section.

6. It is emphasized that in carrying out the important duty of ridding the country of fascists nothing herein is intended to prejudice the right of SCAOs and RCs to dismiss and/or intern individuals at their discretion in proper cases without reference to their present official position or past fascist office.

7. In Rome officials of the Ministries and members of the Court of Cassation and of special courts of national, as opposed to local, jurisdiction will be dealt with by HQ ACC direct and not by Rome Region. Such offices in List A are marked with an asterisk.

8. SCAOs and RCs have full discretion in exceptional cases to retain as a purely temporary expedient a fascist in office where the immediate administration

.....Sheet Two..

250 Reproductions

5530

(14) b

17 Corr Memo
5 Jul 44

Declassified E.O. 12356 Section 3.3/NND No. 785015

of any locality renders this essential. In all such cases the work of the individual should be closely supervised and application should be made at once for a replacement to the appropriate Sub-Commission.

M. S. LUSH.
Brigadier,
Executive Commissioner,
for Chief Commissioner.

320/42/CA.

DISTRIBUTION :

R.C.s Regions IV, V, VIII, IX, SCAOs AMF 5th and 8th Armies.
A/Chief Commissioner.
Executive Commissioner.
Deputy Executive Commissioner
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Economic Section (3 Copies)
Security Branch (3 Copies)
P.R.O.
Civil Affairs Branch (2 Copies)
Spares (20 Copies)

1368

Declassified E.O. 12356 Section 3.3/NND No. 785015

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 Opere 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 (presidi) of the province and vice-president(vice-presidi).

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.

~

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Declassified E.O. 12356 Section 3.3/NND No. 785015

Inspectors General and respective private secretaries of the Inspectors General, Vice-Secretary.

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.

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).

6529

1400

Declassified E.O. 12356 Section 3.3/NND No. 785015

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 Nacionale 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.

Declassified E.O. 12356 Section 3.3/NND No. 785015

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. Intendents of Finance.

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

Declassified E.O. 12356 Section 3.3/NND No. 785015

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 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.

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 desciplinary 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.

6528

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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 riondo 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 desciplinary 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.

P. A person who was a provincial fiduciaria 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.

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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Declassified E.O. 12356 Section 3.3/NND No. 785015

1405

Declassified E.O. 12356 Section 3.3/NND No. 785015

C.S.O
LE 4483

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DSU 1565

- 8 JUL 1944

ACC/4039/1/L

6 Jul 44

SUBJECT : Definition of the word "FASCIST".

TO : CSO., Office of the Acting Chief Commissioner.

(19)

1 Reference your inter office memo A/CC 000.1 dated 2 Jul 44.

2 The Acting Vice President states that he answered the question verbally to Major DOE on 10 Jun.

(11)

3 The point is that the original CC/G/331 dated 24 May was not entirely clear. It is now to be superceeded by an Executive Memorandum which will be issued forthwith, if NOT already done from ADV HQ.

4 The Exec Memo is more explicit in its instructions and should clear the point raised by Brigadier CARR when he receives it.

R.R.CRIPPS, Colonel,
CSO Admin Section

250

(19a)

Acc/4039/1/L
6 Jul 44

File/Govt

1406

Declassified E.O. 12356 Section 3.3/NND No. 785015

ALLIED CONTROL COMMISSION

INTER OFFICE MEMO

2 JUL 194

From: Acting Chief Commissioner

FILE No. A/CC 000.1

SUBJECT: Definition of the Word "Fascist"

2 July 194 4

TO: Colonel Upjohn, Acting Head,
Administrative Section

1. Attached letter from Regional Commissioner, Region VI.

2. The Regional Commissioner's letter L/1423 of 6 June was sent to you on 9 June, together with a copy of the Chief Commissioner's memorandum CC/G/331, of 24 May.

3. Would you kindly state how the matter stands at present.

L. D. DENSMORE
Colonel, Sig C
CSO

1 Inal.
Ltr Reg VI, L/1423 of 29 Jun

S9
Sent to
6 July

2526

1407

Declassified E.O. 12356 Section 3.3/NND No. 785015

HEADQUARTERS
ALLIED CONTROL COMMISSION
REGION 6

29th June 1944.

To : Headquarters, Allied Control Commission.
(Office of the Chief Commissioner)

Subject : Definition of the Word "Fascist".

Reference : L/1423.

May a reply now be received to this Headquarters letter of even number dated 6th June 1944, please? Your Memo CS/G/331 dated 24th May 1944 refers.

M Carr Brigadier

M. CARR.
Brigadier.
Regional Commissioner.

RGSA/ajs.

(19) Encl 1

L/1423
29 Jun 44

6525

1408

Declassified E.O. 12356 Section 3.3/NND No. 785015

BAS/hjp

A/CC 250

30 June 1944

DOCU 4/20
30 JUN 1944

Dear Prime Minister Bonomi:

Your letter No. 7336 of 26 June has been received and I have referred it to the Administrative Section of the Allied Control Commission for appropriate action.

Yours very truly,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

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

9524

(5)

A/CC 250
30 Jun 44

File/Lbs

250 Italy (Bonomi)

1409

Declassified E.O. 12356 Section 3.3/NND No. 785015

30 JUN 1944

Office of the Acting Chief Commissioner

Defascistization A/CC 250

Administrative Section, Rear Hq ACC 30 June 4
(Attention: Col. Upjohn)

1. Reference is made to translation of letter No. 7336 of 26 Jun from Prime Minister Bonomi relative to defascistization.

2. The Acting Chief Commissioner has placed the following instructions on the original translation:

"Acknowledge. Refer to Upjohn for draft reply and instructions. E.W.S."

3. Attached is copy of Acting Chief Commissioner's acknowledgment. Will you please draft a reply and instructions as per direction of Acting Chief Commissioner.

For the Acting Chief Commissioner:

L. D. BRINSMADE
Colonel, Sig C
PA to A/CC

2 Incls:
As per paras 1 and 3 above.

Filed MLP

Suspense July 14

(17)

A/CC 250
30 June 44

6523

1410

Declassified E.O. 12356 Section 3.3/NND No. 785015

Ld D. Acknowledge. Refers to my ltr to Draft Treaty + Instrument Trans.

TRANSLATION

THE PRESIDENT
OF THE COUNCIL OF MINISTERS

DSG 1428

No. 7336

Salerno, 26 June 1944.

My dear Captain Stone,

(14)

Marshal Badoglio, with letter dated 6 June addressed to General Sir Noel Mason MacFarlane, explored the possibility that the provisions emanating from the Italian government for the defascistization of the public administration be applied also in the territory administered by AMG. And indeed the simultaneous existence in Italian territory of two different sets of provisions was likely to entail serious inconveniences and constituted an obstacle to that healthy reorganization of the Italian administration which is our common aim.

(15)

General MacFarlane, with letter CC 000.1 of 16 June, communicated the granting of the abovementioned request and, reserving to the Allied authorities only the right to carry out in individual cases, independently of the Italian laws, the discharging of public officials, has shared the point of view set forth by my predecessor. He has consequently given satisfaction by the extension of the validity of the Italian legislation on this subject to the provinces of Naples, Benevento, Avellino, Campobasso, and Foggia.

It is with pleasure that I take note of this decision, for which I am very grateful.

Because the reasons which advised the extension of the criteria for defascistization in force in the territories placed under the direct control of the Italian government to the abovementioned provinces are furthermore valid also for the recently liberated provinces, I ask of you to be good enough to consider the advisability of directing, as a matter of course, the application of the legislation promulgated by the Italian government on this subject to all Italian territory, little by little as it is liberated.

I thank you sincerely and send you my cordial greetings.

/s/ Ivanoe Bonomi

To: Captain Ellery W. Stone, USNR
Allied Control Commission

(16)

Trans - Sgt Shenfield/lws

7336
26 Jun 44

File 820.8

IL PRESIDENTE
DEL CONSIGLIO DEI MINISTRI

Salerno, 26 giugno 1944

N.7336

Mio caro Comandante Stone,

il Maresciallo Badoglio, con lettera in data 6 corrente diretta al Generale Sir Noel M.Mac Farlane, ha prospettato l'opportunità che i provvedimenti emanati dal Governo Italiano per la defascistizzazione delle Pubbliche Amministrazioni trovino applicazione anche nei territori amministrati dall'A.M.G. Ed invero la contemporanea esistenza nel territorio italiano di due diversi provvedimenti era idonea a provocare seri inconvenienti e costituiva un ostacolo a quella sana riorganizzazione delle amministrazioni italiane, che è nel comune intendimento.

Il Generale Mac Farlane, con lettera n.C.C.0001 del 16 corrente, ha comunicato la propria adesione alla menzionata richiesta e, pur riservando alle Autorità Alleate la facoltà di procedere, in casi individuali, all'allontanamento di funzionari indipendentemente dalle leggi italiane, ha condiviso il punto di vista esposto dal mio predecessore e, conseguentemente, ha dato il benestare per l'estensione della efficacia della legislazione italiana in materia alle provincie di Napoli, Benevento, Avellino, Campobasso e Foggia.

Prendo atto con compiacimento di siffatta determinazione, della quale sono molto grato.

652

Declassified E.O. 12356 Section 3.3/NND No. 785015

menti emanati dal Governo Italiano per la defascistizzazione delle Pubbliche Amministrazioni trovino applicazione anche nei territori amministrati dall'A.M.G. Ed invero la contemporanea esistenza nel territorio italiano di due diversi provvedimenti era idonea a provocare seri inconvenienti e costituiva un ostacolo a quella sana riorganizzazione delle amministrazioni italiane, che è nel comune intendimento.

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Prendo atto con compiacimento di siffatta determinazione, della quale sono molto grato.

Poichè peraltro le ragioni che hanno consigliato l'estensione alle sopraricordate provincie dei criteri per la defascistizzazione vigenti nei territori sottoposti al diretto controllo del Governo Italiano sussistono anche per le provincie di recente liberate, La prego di voler considerare l'opportunità di disporre, in via generale, la applicazione della legislazione proveniente dal Governo Italiano in materia a tutto il terri

(16)

Declassified E.O. 12356 Section 3.3/NND No. 785015

IL PRESIDENTE
DEL CONSIGLIO DEI MINISTRI

torio italiano, mano a mano che viene liberato.

La ringrazio sentitamente e Le porgo cordiali saluti.

Ivanoe Bonomi

5520

Al Capitano di Vascello
ELLERY W. STONE
Commissione Alleata di Controllo

Declassified E.O. 12356 Section 3.3/NND No. 785015

Francesco Saverio

8820

Al Capitano di Vascello
ELLERY W. STONE
Commissione Alleata di Controllo

S A L E R N O

Declassified E.O. 12356 Section 3.3/NND No. 785015

1415

Declassified E.O. 12356 Section 3.3/NND No. 785015

FBI /213
20 JUN 1944

CC 000.1

16 June 1944

(14) SF

Thank you for your letter of 6 June 1944.

I have carefully considered your suggestion regarding the necessity for a uniform system for carrying into effect defascistization in Naples and have come to the conclusion that the best solution will be to make effective the Italian Government decrees dealing with this matter into the provinces of Naples, Benevento, Avellino, Foggia and Campobasso so that the need for a special system in Naples will disappear.

At the same time this will not of course prejudice the right of my officers in the provinces in individual cases to dismiss fascists from their posts without going through the procedure contained in the decrees and I have no doubt that in the territory we are now invading this right will have to be exercised in the interests of a due and proper administration of liberated territory.

NOEL MASON MACFARLANE
Lieutenant General
Chief Commissioner

55 19

H.E. Marshal Pietro Badoglio
Salerno

(15)

Cy CLO
NF

DSG MCC
TO MILITARY
MCC Secy Gen.
RECEIVED DISPATCHED
Date Time 16 June 0900
Init. DSG

1416

Declassified E.O. 12356 Section 3.3/NND No. 785015

6 June 1730
TOD

THE PRESIDENT OF THE COUNCIL OF MINISTERS — Salerno, 6 June 1944

1069
8 JUN 1944

My dear General Mac Farlane:

As you know the Italian Government, by successive Decrees, has provided for the integration of regulations issued under R.D.L. 28 December 1943, No. 29/B, on the defascistization of public Administrations.

The legislation now in effect, supplemented by another measure now in preparation, is inspired by criteria of particular severity in regard to personnel who appear compromised with respect to the defunct fascist regime; such as demanded by the entire Italian People, in unity of purpose with the United Nations, and in conformity with the interests of the public Administration anxious to free itself from any fascist taint whatsoever.

You, dear General, have certainly learned from the Daily Press that the various Ministries have already adopted concrete provisions for the elimination of fascist employees; on my side I can assure you that the expurgative action will be carried out quickly and sternly.

Nevertheless, your high sense of justice will not overlook the necessity to have the individual provisions conform to criteria which will render them uniform for all Italians, for whatever administration and in all the regions of Italy, keeping in mind that possible variations of judgment in analogous cases, in addition to impairing the right of all citizens to an identical treatment, would risk to compromise the effectiveness of the expurgation.

I am lead to these considerations by the knowledge gained of the regulations issued by the Naples A.M.G. for carrying into effect of the defascistization in that territory; regulations which differ in many points from those elaborated by the Italian Government after careful study of the XXXXXX situation.

In the higher interests of justice, I therefore believe it my duty to call your attention to these circumstances and to beg of you, dear General, to kindly examine, with that sense of equity which distinguishes your every action, the necessity to render uniform the ordnances on defascistization adopted in the territories still subject to the Allied Military Government with the legislation issued on the subject by the Italian Government.

I thank you in advance and extend to you my cordial greetings.

/s/ BADOGLIO

Gen. Sir Noel Mason MACFARLANE
President of the Allied Control Commission
S A L E R N O

6 Jun 44

SECRET

TMB/hj

MEDITERRANEAN ALLIED CONTROL COMMISSION
Office of the Chief Commissioner
AMG 394

Ref. CC/G/345.

26th. May. 1944.

DSM 982
3 JUN 1944

MEMORANDUM:

To: H.Q.s.C. AMG 5 Army.
H.Q.s.C. AMG 8 Army.
Regional Commissioner, Region III
Regional Commissioner, Region IV
Regional Commissioner, Region V
Italian Refugee Branch, A.F.C.
Executive Commissioner.
Army Sub-Commission.

1. I enclose a directive on the subject of the disposal of Italian military personnel encountered during our advance Northward.

2. Categories (a) and (b) call for no comment.

3. In the case of category (b), the Director, Army Sub-Commission, A.F.C. will arrange with the local Army or Corps the [illegible]

252 Pt

Declassified E.O. 12356 Section 3.3/NND No. 785015

Regional Commissioner, Region III
Regional Commissioner, Region IV
Regional Commissioner, Region V
Italian Refugee Branch, A.C.C.
Executive Commissioner.
Army Sub-Commission.

1. I enclose a directive on the subject of the disposal of Italian military personnel encountered during our advance Northward.

2. Categories (a) and (b) call for no comment.

3. In the case of category (b), the Director, Army Sub-Commission, A.C.C. will arrange with General Bedeo as regards the West Coast refugee route and with O.C.C. G.H.Q. Italian Corps as regards the East Coast refugee route for the appointment of representatives at Aversa and Foggia refugee camps.

4. As regards (c). It will obviously take time to get the Italian machinery into action but it is very necessary to do so as we must obviously avoid a situation in which Italian internal security divisions containing men of older age groups are stationed in areas in which younger men of military age remain civilians and earn bigger money than the soldiers.

(13)

MAJOR GENERAL MACFARLANE.
Lieutenant-General,
Chief Commissioner.

Copy to:
Commander-in-Chief, Allied Armies in Italy.

(1)

25'0 Refugees

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

REFERENCE:

RECRUITMENT OF ITALIAN MILITARY FORCES

REPORT NO. 1 DATED 4TH AUGUST INTERPRETED

1. These fall into the following categories:-

(a) Blackshirt or Army personnel in uniform taken prisoner.

(b) Army personnel who present themselves as having been in hiding or even operating against the enemy and who wish to rejoin the Italian Army.

(c) Men of military age who are liable to service in the Italian Army but who do not voluntarily come forward.

2. As regards (a), these will be taken prisoner and dealt with as prisoners of war in the ordinary way unless it is agreed with the Italian government that they should receive more severe treatment.

3. As regards (b), personnel in this category will be evacuated along normal refugee channels to the camps at Aversa or Regnia.

Representatives of the Italian Army will be located at Aversa and Regnia and attached to the staffs of these camps.

They will assist in "screening" this category of personnel and will arrange for those liable to service in the Italian Army to be forwarded to the appropriate Italian Army depots.

4. As regards (c), these will be dealt with in due course by the normal Italian Army administrative organisations. Deserters or absentees will be apprehended and dealt with by Italian military courts. Young men who have not yet been called up but who are liable for military service will be called up for service by classes in the normal way.

A certain amount of time lag will be inevitable before the Italian military authorities are able to establish their administrative machinery in the areas liberated.

5. Embodying these men will inevitably raise the strength of the Army above its authorised ceiling and this will have to be adjusted by demobilising older age groups. It is, however, doubtful if the numbers of (c) will be very great at any

Declassified E.O. 12356 Section 3.3/NND No. 785015

4. As regards (c), these will be taken prisoner and dealt with as prisoners of war in the ordinary way unless it is agreed with the Italian Government that they should receive more severe treatment.

5. As regards (b), personnel in this category will be evacuated along normal refugee channels to the camps at Averna or Foggia.

Representatives of the Italian Army will be located at Averna and Foggia and attached to the staffs of these camps.

They will assist in screening this category of personnel and will arrange for those liable to service in the Italian Army to be forwarded to the appropriate Italian Army depots.

6. As regards (c), these will be dealt with in due course by the normal Italian Army administrative organisation. Deserters or absentees will be apprehended and dealt with by Italian Military Courts. Young men who have not yet been called up but who are liable for military service will be called up for service by classes in the normal way.

A certain amount of time lag will be inevitable before the Italian military authorities are able to establish their administrative machinery in the areas liberated.

7. Embodying these men will inevitably raise the strength of the Army above its authorised ceiling and this will have to be adjusted by demobilising older age groups. It is, however, doubtful if the numbers of (c) will be very great in any/ rate south of the line Pisa/Rimini, as a large proportion of the men of military age will have probably been deported by the Germans.

NOEL MASON MACPHERSON.
Lieutenant-General.
Chief Commissioner.

26th. May, 1944.

(13) INCL

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

FHB/rj

HEADQUARTERS ALLIED CONTROL COMMISSION
OFFICE OF THE CHIEF COMMISSIONER
APO 394

SF

DIRECTIVE:

24th. May. 1944.

TO: S.C.A.C. 5 Army.
S.C.A.C. 8 Army.
Regional Commissioner, Region IV.
Regional Commissioner, Region V.

OSU 957
27 MAG 1944

1. We must differentiate between Italian officials encountered during our present Northward advance and those who we found in office during our initial occupation of Southern Italy.

2. North of the line where operations remained static for several months Italian officials have been serving the Republican/Fascist government throughout a period when liberated Italy under a properly constituted Government was co-belligerent with us.

3. It is to be anticipated that many of these officials will flee before our advance but a proportion will doubtless remain and these should all be dismissed from their posts automatically and replaced by anti-Fascist personnel. As we move North the possibility of finding suitable anti-Fascist personnel should become much greater than it has been hitherto.

4. A list is being prepared and will be issued very shortly showing under the following categories the way in which Italian officials encountered duping our Northward advance should be disposed of:-
(a) Senior officials who will be arrested and handed over to the Italian Government.
(b) Officials who will be arrested and interned.
(c) Officials who will be dismissed but who will be allowed to retain their

Declassified E.O. 12356 Section 3.3/NND No. 785015

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(a) Senior officials who will be arrested and handed over to the Italian Government.

(b) Officials who will be arrested and interned.

(c) Officials who will be dismissed but who will be allowed to retain their liberty.

5. S.C.A.C.s. and Regional Commissioners are authorised to make exceptions to the above instructions at their own discretion but only in exceptional cases in which they are convinced either that the individual concerned is entirely free of any Fascist tendencies or that his temporary retention in office is absolutely essential from the war effort angle. It is emphasised that such action should be taken only in the most exceptional cases.

6. Pending the issue of the list referred to in para 4. and subject to the latitude allowed in para 5. all officials encountered during our advance will be arrested and held in custody.

MAJ. GEN. MASON MACFARLANE.
Lieutenant-General.
Chief Commissioner.

Declassified E.O. 12356 Section 3.3/NND No. 785015

1423

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET

TNCm/rj

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Chief
Commissioner.

Ref. CC/G/331.

24th. May, 1944.

MEMORANDUM:

TO: Regional Commissioner, Region I
" " " II
" " " III
" " " IV
" " " V
" " " VI
" " " VII
S.C.A.C. A.M.G. 8 Army (Field)
" " 5 Army (Field)
" " 5 Army (Home Hq)

PSH 757
27 MAY 1944

In dealing with the always difficult question of deciding whether an individual should be considered "Fascist" and, therefore, debarred from employment in a public capacity, unless the circumstances are most exceptional, the attached list which defines categories of persons who should be regarded as Fascist is issued as a guide.

NOEL MASON MACFARLANE.
Lieutenant-General,
Chief Commissioner.

CC/G/331
24 May 44

fac/fid

21 MAR 1944 DSH 957

a. a person who had the title or qualification of "Consepolcrista", "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 Defense 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 national secretary or national vice-secretary of the fascist party, or a member of the national Directory or a national inspector;

e. 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 Article IV;

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 in any administration or undertaking included in Article IV;

g. a person who was a fascist member of parliament or who was a national Counsellor;

h. a person who was a federal secretary, 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 center 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 or the federal disciplinary 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 center of a province;

n. a person who was, during the fascist regime, a mayor of a commune which had, at the date of the last census, a population of more than 50,000;

o. a person who was a political secretary;

p. a person who was a provincial fiduciaria of the female fasci;

2512

q. a person who was, during the fascist regime, a president, a vice-president, a director or a manager of an administration or undertaking included in Article IV of this Order;

r. a person who was, during the fascist regime, a political radio commentator;

Declassified E.O. 12356 Section 3.3/NND No. 785015

Counsellor;

h. a person who was a federal secretary, 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 center 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 or the federal disciplinary 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 center of a province;

n. a person who was, during the fascist regime, a mayor of a commune which had, at the date of the last census, a population of more than 50,000;

o. a person who was a political secretary;

p. a person who was a provincial fiduciaria of the female fasci;

q. a person who was, during the fascist regime, a president, a vice-president, a director or a manager of an administration or undertaking included in Article IV of this Order;

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 19[illegible], 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

(1) a member of the Milizia Contraerea or the Milizia Costiera; 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.

Declassified E.O. 12356 Section 3.3/NND No. 785015

1426

Declassified E.O. 12356 Section 3.3/NND No. 785015

CONFIDENTIAL

FNMM/rj

Ref. CC/G/311.

20th. May. 1944.

MEMORANDUM.

DSM 928
25 MAY 1944

TO: Political Section.

1. Mr. Berlinguer, Assistant High Commissioner to Count Sforza, called this morning.

2. He talked a good deal about Sardinia and it is clear that it will be a good thing having him in the Government as he is obviously very alive to the unsatisfactory situation in the Island and most anxious to get on with the necessary action. I have given him the names of the two OVRA men referred to in Solodovnik's report on Sardinia and he has promised to see that they are suitably dealt with at once.

3. He brought with him a letter from Sforza in which the latter tells me that he is contemplating judicial proceedings against Signor Lauro, the shipping magnate, and Signor Frigniani, late of the Bank of Naples and as you know one of the biggest 'shots' in Southern Italy. Sforza is anxious to take rapid action but is afraid of doing so unless he can be sure of his case. He is naturally unwilling to risk failure to secure conviction in his cause celebre. He had asked Berlinguer to ascertain my views. I naturally refused to be drawn but said that I agreed entirely that to start his proceedings by making a mess of his first big case would obviously be most unfortunate.

4. Berlinguer is an intelligent little lawyer who talks passable French and whose son was recently locked up as a Communist in Sardinia.

NOEL MASON MACFARLANE.
Lieutenant-General,
Chief Commissioner.

10

CC/G/311

1427

Declassified E.O. 12356 Section 3.3/NND No. 785015

FMM:rj

Ref. CC/F/312.

20th. May. 1944.

OSS 9417
25 MAG 1944

Thank you for your letter of today. I was very glad to have the opportunity of a talk with you last night.

2. I was very glad to make the acquaintance of Mr. Berlinguer and we had a useful talk together.

3. As regards action against the big Fascist adventurers, I can only say that I agree that if you have a strong case against them action should be taken as early as possible. On the other hand, I agree equally that it would be a great mistake to start with a cause celebre and fail to secure an exemplary conviction.

4. I am not in a position to give an opinion one way or the other in either of the cases you contemplate but any evidence at my disposal which might be of use to you will naturally be made available

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Count Carlo Sforza,
6. Via Carducci,
N A P L E S.

CC/P/312
20 May 44

1428

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S 501 52 1203

SF

ACC MAIN (GEN MACFARLANE'S COMM) 20th. MAY. 1944.

SECRET

PRIORITY 726

GEN MACFARLANE

DS/S 100
21 MAY 1944

A.F.H.Q.

I SAW SFORZA LAST NIGHT FD HE DESCRIBED SITUATION FI PARA TO ABLE FOR MYR ONA RESIGN
AND RIGHT MINISTER AND AMBASSADOR POLITICAL ACTIVITY FROM ACC MAIN FROM MACFARLANE PERSONAL
EYES ONLY FOR FI I STRESSED THE NECESSITY FOR DEALING WITH SARDINIA AND APULIA AS
RAPIDLY AS POSSIBLE FI HE AGREED THAT THE FAILURE OF THE LATE GOVERNMENT TO DEAL
ADEQUATELY WITH THESE TWO AREAS SHOULD BE AND WOULD BE REMEDIED AT ONCE FI PARA HERE FI
I TOLD HIM THAT IT SEEMED CLEAR TO ME THAT AS AN ADVANCE FURTHER NORTHWARD ALL OFFICIALS
FOUND BY US WOULD BE GUILTY OF HAVING SERVED THE REPUBLICAN SLANT FASCIST GOVERNMENT AT
A TIME WHEN LIBERATED ITALY POSSESSED A GOVERNMENT OF ITS OWN AND WAS COBELLIGERENT FI
THAT UNDER THESE CIRCUMSTANCES THEY WOULD ALL HAVE TO BE DISMISSED AUTOMATICALLY FD I
TOLD HIM THAT I CONSIDERED THAT THE HIGHER OFFICIALS SHOULD BE HANDED OVER TO THE
ITALIAN GOVERNMENT SO THAT PROCEEDINGS COULD BE TAKEN AGAINST THEM AS MIGHT BE NECESSARY
FD SFORZA WAS IN COMPLETE AGREEMENT FD HE SAID THAT AS WE MOVED NORTH WE OUGHT TO HAVE
MUCH LESS DIFFICULTY IN FINDING SUITABLE REPLACEMENTS FOR DISMISSED OFFICIALS AND HE
PROMISED TO LET ME KNOW THE CLASSES OF OFFICIALS WHICH HE WOULD LIKE US TO HAND OVER TO
THE ITALIAN AUTHORITIES FD PARA FOUR FI SFORZA SAID THAT CROCCO WAS GETTING ON VIGOROUSLY
WITH HIS TASK OF STRAIGHT EPURATION WHILE HE HIMSELF WAS SETTING UP HIS JUDICIAL

C.C.S. 319

(8)

M 208
20 May

1429

Declassified E.O. 12356 Section 3.3/NND No. 785015

MACHINERY FOR DEALING WITH ONLY THE MORE FLAGRANT AND CULPABLE CASES WE SHOULD NATURALLY BE TAKING PROCEEDINGS AGAINST NON DASH OFFICIAL INDIVIDUALS AS WELL AS OFFICIALS WE HE HAD HAD GREAT DIFFICULTY IN GETTING THE DEATH PENALTY APPROVED BY THE CABINET BUT MOSLEY HAD SPOKEN MOST STRONGLY IN ITS FAVOUR AND HAD EVEN THREATENED TO ORGANISE PUBLIC DEMONSTRATIONS IF IT WAS NOT ACCEPTED WOODCOCK HAD CALLED ON SFORZA YESTERDAY TO CONGRATULATE HIM UPON OBTAINING THE DEATH XXXXXXXX PENALTY APPROVED AT PARA FIVE WE AS REGARDS EPURATION IN THE FIGHTING SERVICES AND SFORZA THOUGHT THAT IN PRACTICE IT WOULD NOT BE POSSIBLE TO DO MORE THAN DEAL WITH A FEW OUTSTANDING CASES AMONG SENIOR OFFICERS WE AS FAR AS I COULD ASCERTAIN NO OFFICERS OF PARTICULAR VALUE TO US ARE LIKELY TO BE AFFECTED

9809

NOEL MASON MACFARLANE
Lieutenant-General.
Chief Commissioner

1430

Declassified E.O. 12356 Section 3.3/NND No. 785015

SECRET FNBC/rj 1191

DSM 815
15 MAY 1944

ACC MAIN (GEN MACFARLANE C COMM) 12th. May, 1944.

SECRET V16

PRIORITY GEN MACFARLANE

A.F.H.Q.

I ASKED BADOGLIO WHEN I SAW HIM TENTH INST HOW HE PROPOSED TO DEAL WITH THE FIGHTING SERVICES AS REGARDS EPURATION PD PARIN TO AFHQ FOR MOS FROM ACC MAIN FROM MACFARLANE PERSONAL PARIN HE TOLD ME THAT HE INTENDED TO APPOINT A COMMITTEE OF RELIABLE OFFICERS OF COMPLETELY ANTIFASCIST HISTORY WHO WOULD DEAL WITH ALL CASES OF DEFASCISTISATION IN THE SERVICES PD HE HOPED TO GET HIS CABINET TO AGREE THIS AS HE FELT THAT TO ALLOW A CIVILIAN TRIBUNAL TO PURGE THE SERVICES WOULD HAVE VERY BAD EFFECT ON THEM PD PARA TWO PD I DISCUSSED BARE SUBJECT WITH MESSE YESTERDAY PD HE DID NOT ANTICIPATE THAT THE PURGE WOULD CLAIM MANY VICTIMS IN THE SERVICES AND WAS CLEARLY NOT IN THE LEAST WORRIED OVER THE QUESTION

0508

NOEL MASON MACFARLANE
Lieutenant-General
Chief Commissioner

SECRET

(1)

AM 1911
12 May

1431

Declassified E.O. 12356 Section 3.3/NND No. 785015

TRANSLATION

PSB #16
15 MAG 1944

File No. 1389

Salerno, 9 May 1944

Chief of the Government

To: General Noel Mason MacFarlane
Chief of the Allied Control Commission
Naples

NFG AGO, APO 394
Sec'y Gen.
Rec'd 11 May 10 45 Transl.
By JKS

Dear General,

The Italian Supreme Command informs me that the Consul General Ezio Garibaldi has been arrested by the English Authorities.

I know, on the other hand, that a brother of his, Ricciotti, had established contact with the Allied Authorities.

I am anxious to tell you what I know regarding these two gentlemen:

1. Ricciotti - Apparently in disagreement with the fascist regime. He was in France, instead, as an agent of the fascist police who mainly reported activities of the antifascist refugees on French soil.

2. Ezio - Consul General of the Fascist Militia. He was one of the most conspicuous exponents of the Party.

It would be well if both of them were to be put out of circulation and placed where they could do no harm.

Very Cordially Yours,

/s/ Badoglio

(6)

1432

Declassified E.O. 12356 Section 3.3/NND No. 785015

TOP SECRET AND PERSONAL

VNEdy/rj

Ref. CC/P/274.

8th. May. 1944.

Reference my Cable No. 1190 of 7th. inst..

1. I enclose herewith a copy of a document submitted to the Advisory Council by Bogomolov and a copy of an Aide Memoire which I submitted in reply. This Aide Memoire, I think, explains itself.

2. As regards the document submitted by Bogomolov, the question was again discussed at the last meeting of the Advisory Council. Bogomolov withdrew paragraph 3. entirely and it was noted that of the individual fascists mentioned by name two had been already dismissed and strong representations regarding the others had been made to the late Italian Government.

3. The Bogomolov document was based on information supplied to him by Soldovnik after a visit to Sardinia where he appears to have met some of his friends.

4. The situation as regards epuration and of the administration of justice is much worse in Sardinia and in Apulia, which have never been under proper military government control, than in the remaining provinces and Sicily. A.C.C./A.M.G. have not had the chance of acting executively in these two areas and the late Italian Government was most ineffective as regards carrying out the advice and suggestions we made to them. We have every reason to believe that certainly as regards epuration the new Government will probably do everything that is necessary without much further pressure from us. As their new epuration decree will not issue until the end of this week it may naturally take another few weeks before we see the tangible results thereof.

5. The judiciary is a much more difficult business and the delay in dealing with prisoners and the overcrowding of prisons is due to a lack of courts and judges. In A.M.G. Regions we have pretty well caught up by means of working Allied courts and Italian courts at full pressure side by side. But in the Regions which have never been under A.M.G., such as Sardinia, they are badly in arrears and the main

difficulty .....

CC/P/274

File/200

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difficulty is the shortage of judges and officials competent to try cases.

6. This situation looks like getting worse. As we hand over more territory to the Italians our A.M.G. courts will cease to function in such areas, thus throwing more work on the Italian courts. Furthermore, there is every likelihood that a certain number of judges now functioning may fall below the Epuratore Acts.

7. You will see that the problem is one of great difficulty and we are exploring every means of trying to cope with the situation. We should at any rate be able to count on much more effective collaboration in this respect from the new Government than we could from the old.

8. I hope that the above and the attached will provide you with adequate information with which to answer any questions that may have been put to you.

NOEL MASON MACFARLANE.
Lieutenant-General.
Chief Commissioner.

Lieut-General James A.H. Gammell,
CB, DSO, MC,
Chief of Staff,
Allied Force Headquarters.

F.2.1.1
6505

DSC-304

TRANSLATION OF DOCUMENT AT 708. SECRET

The political situation in Sardinia, from information in our possession, can be stated as follows:-

1. Officials who held office under the Fascist Govt. of MUSSOLINI remain in the majority of cases. No purge has been made of Fascist officials continuing on the old system.

2. Since the Allied occupied Sardinia the prisons have not been controlled and they contain thousands of arrested persons. For example in the prison of CAGLIARI most of the prisoners await trial but the powers of the judiciary have not been decided.

3. Officials of ACC in Sardinia do not show the energy indispensable to a "democratization" of the political order in Sardinia conforming with the Armistice terms. Any action taken must comply with Articles 29, 30 and 31 of the Armistice of 26.Aug.43.

4. On this subject the Advisory Council for Italian Affairs recommends to the Allied Commander-in-Chief:-

(a) That ACC makes the following proposals to the Italian Govt. for the execution of Articles 29, 30 and 31 of the Armistice of 26.Aug.43:-

(i) To proceed immediately with the purging of Fascist officials still concerned in local administration in Sardinia and particularly officials in the local councils, police, gendarmerie, justice, and

(ii) To remove M. ATTAVIALLI, Prefect of the Province of Sassari, who has held this position since the time of the Mussolini Govt.,

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Declassified E.O. 12356 Section 3.3/NND No. 785015

"democratization" of the political order in Sardinia conforming with the Armistice terms. Any action taken must comply with Articles 29, 30 and 31 of the Armistice of 26.Aug.43.

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(ii) To remove M. ATTAVIALLI, Prefect of the Province of Sassari, who has held this position since the time of the Mussolini Govt.,

(iii) To remove, arrest and bring to trial, OVRA officials who continue to hold office in Sardinia, e.g., M. FARBIS, Commissioner of Police at Sassari, and M.M. Eugenio COLONNA and Salvatore URZI, vice commissioners of the police.

(iv) Conduct a public enquiry as quickly as possible into the cases of persons arrested at Sassari on 15.Jan.1944 on the occasion of a demonstration.

(b) To direct that ACC will supervise the execution on the part of the Italian Govt. of the terms of paras (a) (i, (ii) (iii) & (iv) above.

OVRA

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DSD 178
10 MAG 1944

ACC MAIN (GEN MACFARLANE C COMM) 7th. May. 1944.

TOP SECRET W16 MACFARLANE

PRIORITY

A.F.H.Q.

4 2 1 3 0 — Not yet received

YOUR NUMBER FOX FOUR TWO ONE THREE ZERO PD PAREN TO AFHQ FOR GENERAL GAMBELL FROM ACC MAIN-FROM MACFARLANE PERSONAL PAREN AM SENDING YOU BY BAG COPY OF MY MEMORANDUM TO THE ADVISORY COUNCIL ON THIS SUBJECT PD THE GIST OF THE SITUATION IS AS FOLLOWS PD ACC CMA ESPECIALLY IN AREAS SUCH AS SARDINIA AND APULIA WHERE AMG NEVER FUNCTIONED PROPERLY CMA NEVER SUCCEEDED IN GETTING THE LATE GOVERNMENT TO TAKE SUFFICIENTLY VIGOROUS ACTION AS REGARDS EPURATION AND ADMINISTRATION OF JUSTICE PD IN POINT OF FACT AS YOU WILL SEE FROM MY MEMORANDUM A GOOD DEAL WAS ACCOMPLISHED IN SARDINIA PD THE SHORTAGE OF JUDGES IS ACUTE EVERYWHERE PD THERE IS EVERY REASON TO HOPE THAT THE NEW ITALIAN GOVERNMENT WILL TAKE MUCH MORE VIGOROUS ACTION THAN ITS PREDECESSOR

fr 8/400

5503
NOEL MASON MACFARLANE
Lieutenant-General.
Chief Commissioner

TOP SECRET

EM 1170
7 7424 47

1437

Declassified E.O. 12356 Section 3.3/NND No. 785015

TOP SECRET

M185

Capt. Stone

OCB 747

8 MAG 1944

6th. May, 1944.

V16

GEN MACFARLANE

ACC MAIN (GEN MACFARLANE/COMM C)

TOP SECRET

PRIORITY

A.F.H.Q.

BADOGLIO TOLD ME YESTERDAY THAT HIS CABINET HAD SPENT NEARLY THREE HOURS ON THE PREVIOUS DAY DEALING WITH THE QUESTION OF DEFASCISTISATION PD PAREN TO AFHQ FOR GENERAL WILSON CMA BRITISH RESIDENT MINISTER AND AMERICAN POLITICAL ADVISER FROM ACC MAIN FROM MACFARLANE PERSONAL PAREN THEY HAD REACHED AGREEMENT IN PRINCIPLE AND A COMMITTEE WITH OMODEO AS CHAIRMAN AND A REPRESENTATIVE OF EACH OF THE PARTIES WAS NOW ENGAGED ON DRAFTING A DECREE WHICH WOULD BE TAKEN CMA AND HE CONFIDENTLY THOUGHT PASSED CMA AT THE CABINET MEETING NEXT WEEK PD ZANIBONI IS BEING REMOVED FROM HIS APPOINTMENT AND WILL PROBABLY BE GIVEN SOME LESS EXACTING ONE PD A CABINET MINISTER WILL BE PLACED IN CHARGE OF EPURATION AS A WHOLE AND BADOGLIO TOLD ME IN CONFIDENCE THAT THIS WOULD ALMOST CERTAINLY BE SFORZA PD OMODEO WOULD BE PLACED IN CHARGE OF THAT PORTION OF THE EPURATION SCHEME DEALING WITH STATE OFFICIALS PD BADOGLIO CONFIRMED THE FACT THAT THE GOVERNMENT INTENDED TO CONCENTRATE ON THE MORE NOTORIOUS AND PROMINENT FASCISTS STILL AT LARGE AND THAT THEY DID NOT INTEND TO CONDUCT A GENERAL CRUSADE AGAINST OLD AND SUNDRY WHO HAD BEEN CONNECTED WITH FASCISM

(3)

file/200

TOP SECRET

NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

FILE UNDER NO. 250 DEFASCITIZATION

INDEX SHEET

SYNOPSIS

Declaration of Italy contained in The Moscow Conference of 30 October 1943.

Inclusion by Ital Govt of people who always opposed Fascism.

Restoration of Freedom Speech, Worship & Press.

Suppression of institutions & organizations by Fascist regime.

DOCUMENT FILED UNDER NO.

000.1 - ITALIAN POLITICS

740.0011 EW 1939/1258

501

INSTRUCTIONS - Under «Synopsis» make brief entry showing date of communication and from whom received and synopsis sufficient to identify the papers. When these index sheets become numerous under a subject they will be entered on te consolidated index sheets and then destroyed.

(2)a

SECRET

AIDE MEMOIRE.

TOP SECRET

.DSB 730
27 MAG 1944

SUBJECT: Epuration of Fascists and Prison Conditions in Sardinia. (Reference request for information on an aide memoire on this subject made by the Advisory Council at its last meeting)

1. A.C.C. control of Sardinia commenced on 1st. February, 1944. Prior to that date the Island was under the direct control of AFHQ and it is presumed that the Advisory Council informed itself of conditions in the Island through AFHQ.

2. Epuration of Fascists.

Of the officials who held office under the Fascist Government 68 have been removed up to date. 25 cases are still under consideration by the Italian Government. These results are largely due to constant pressure applied by the A.C.C. representatives in Sardinia.

Attiavalle and Fabris have been removed as have 5 officers of the OVRA and 7 officers of the Fascist Militia.

To ensure the efficient working of the Carbonia coal mine the head of the mines has had to be retained in his appointment although he is known to have held Fascist views.

Colonna and Urzi, both members of the OVRA, continue to hold office though with different functions and in spite of requests to remove them.

It should be remembered that Fascism was not so strongly supported by the Sards as by the Italians on the Mainland. I am satisfied that since A.C.C. took over control in Sardinia the A.C.C. representatives have done their best to urge the Italian authorities to carry out an effective purge of Fascist officials. It must be remembered that in this respect the A.C.C. representatives have no executive power and that the late Italian Government was weak.

It is to be anticipated that under the new Italian Government the requests of the A.C.C. will receive speedier and more effective response

3. State of the Courts in Sardinia.

The state of the courts at the end of January was deplorable. It was with the greatest difficulty that the Italian judges who had taken

Declassified E.O. 12356 Section 3.3/NND No. 785015

the OVRA and 7 officers of the Fascist Militia.

To ensure the efficient working of the Carbonia coal mine the head of the mines has had to be retained in his appointment although he is known to have held Fascist views.

Colonna and Urzi, both members of the OVRA, continue to hold office though with different functions and in spite of requests to remove them.

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It is to be anticipated that under the new Italian Government the requests of the A.C.C. will receive speedier and more effective response

3. State of the Courts in Sardinia.

The state of the courts at the end of January was deplorable. It was with the greatest difficulty that the Italian judges who had taken refuge in the interior could be persuaded to return to Cagliari and the Italian officials were most lethargic in finding alternative accommodation for the courts of justice and other judicial bodies whose buildings had been destroyed or occupied by the Italian Army.

An Allied officer of the Legal Sub-Commission who visited the Island in March with the object of re-establishing the courts of justice succeeded in persuading the Italian authorities to re-open the Civil Court of Appeal and the Criminal and Civil Tribunals and Pretura courts during April. There is, however, still a grave shortage of judges which would have continued had not the Chief Legal Officer of the Allied Control Commission persuaded the Minister of Justice to promote 12 local uditori and despatch 6 new judges to the Island.

The condition of the jails is bad, although there are slight signs of improvement. In the penal colonies there is no congestion but in the Judiciary Prisons, especially at Sassari, there is considerable overcrowding, and 2437 persons are detained in prisons of which the capacity is 1427 only.

Confidential

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Declassified E.O. 12356 Section 3.3/NND No. 785015

TOP SECRET

The two chief reasons for overcrowding are the stagnation in the courts and the number (564) of military personnel awaiting trial. At the beginning of April 1554 civilians were awaiting trial: 500 however were granted an amnesty during the month at the instigation of A.C.C. Officers and the figure is probably considerably less at present. Arrangements have also been made through the efforts of A.C.C. Officers (though they are not yet complete) to detain military personnel in special military camps.

During March the Officers of the Legal Sub-Commission and the Regional Commissioner held numerous meetings with the High Commissioner and his officers at which they insisted on immediate action. As will be seen some success has been achieved.

There is no doubt that the presence in Sardinia of a very large number of Italian troops whose general conduct has been in certain instances unsatisfactory has contributed substantially and adversely to the Island's problems.

The new Italian Government is being urged to take drastic action immediately and to support effectively the efforts of the Regional Commissioner and his staff who, it must again be remembered, had and have no executive powers.

NOEL MASON MACFARLANE,
Lieutenant-General
Chief Commissioner.

4th May, 1944.

TO: The Secretariat
of the Advisory Council for Italy.

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NOEL MASON MACFARLANE,
Lieutenant-General
Chief Commissioner.

4th May, 1944.

TO: The Secretariat
of the Advisory Council for Italy.

Confidential

Declassified E.O. 12356 Section 3.3/NND No. 785015

1443

Declassified E.O. 12356 Section 3.3/NND No. 785015

CC/P/137(210)

CONFIDENTIAL

PSJ 3/4
15 MAR 1944

FNMM/rj

11th. March, 1944.

You asked me in your letter of February 22nd. to enquire into the case of Signor A. Lauro, the shipping magnate. I am afraid I have taken some time to reply but I have had the case very carefully reviewed from several different angles.

2. The conclusion which my advisers have reached and with which I agree is that Lauro is a big business man of few scruples who would embrace any political creed and assist any cause for money. His character as such, and his close and recent associations with Fascism and Nazis rendered his internment on security grounds abundantly justified, and his early release unwise.

3. At the same time you may care to tell Gibson-Graham that I shall have his case reviewed with others of the same calibre after Rome has fallen and if, or when, the political situation is more stable. I should then of course consult the Italian Government.

NOEL MASON MACTARNAGHE.
Lieutenant-General,
Chief Commissioner.

Rear-Admiral J.A.V. Morse, C.B., D.S.O.,
Flag Officer, Western Italy,
N A P L E S.

(1) Complete case file kept by Brig Lush

14 MAR 1944

1444

Declassified E.O. 12356 Section 3.3/NND No. 785015

Q. M. C. Form 353 (Old No. 400)
Revised July 20, 1918

LIST OF PAPERS

File under No. _____

R—49788

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS

5107

INSTRUCTIONS.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.

1445

Declassified E.O. 12356 Section 3.3/NND No. 785015

INCOMING

Cables

INFO

~~D.S.G. Office~~

Vol I


1446