

ACC

10000/142/315

BARON FRANCHET  
PREFECTS' DECR  
JULY 1944

10000/142/315

BARON FRANCHETTI, DISPOSITION OF PROPERTY BY  
PREFECTS' DECREE  
JULY 1944

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APC 394

MJC/gmf

ACC/1034/6/L

20 Jul 44.

SUBJECT: Case of Bar. Franchetti.

TO : Regional Legal Officer (thru RC) Region 4.

1. Supplementing ours of 14 July 1944 ACC/1034/6/L, which was in response to your letter 12 July 1944 RA/IE/Reg/C/02.

2. Although as we have indicated the Legal Subcommittee cannot concern itself with individual cases, the following observations may be of interest to you.

3. Two lines of thought are held by experts on Italian law as to the effect of General Order No. 18. The first: that RDL No. 25 of 20 January 1944 (and made the law of occupied territory by General Order No. 18) repealed all fascist laws which were discriminatory as to the Jewish people including those affecting property as well as civil and political rights. Those who hold this view maintain that without further legislation an aggrieved person may secure redress thru the Italian Courts. It is conceded by them however that further legislation is desirable for the purpose of clarifying the issue, and providing a more expeditious method of procedure. The second view is that RDL No. 25 (supra) and accordingly General Order No. 18 which extended its operation to occupied territory was not intended to and did not touch the property rights of the Jews, but pertained to their civil and political rights only. Under this view, new substantive legislation would of course be required to provide any redress to them.

4. In view of the sharp difference of opinion indicated above and at the same time a common agreement that new legislation is desirable even if not essential the entire matter has been referred to the Italian Government for its consideration.

5. If the first view above set forth is correct, it may be that under existing legislation Baron Franchetti could presently pursue his remedy thru the Italian Courts but that is a matter for determination by his personal counsel.

6. A further answer to your enquiry is impossible until the subject has received the consideration of the Italian Government.

MARC J. GROESMAN, Lt. Col.  
For Acting Chief Legal Officer.

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
Legal Subcommittee  
APO 394

MJG/ap

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ACC/4034/6/L

15 July 44

SUBJECT : Case of Baron Franchetti

TO : Regional Legal Officer(thru RC) Region IV

1. Further with respect to your letter 12 July 1944 R4/LE/Reg/C/O2.

2. Will you kindly promptly supply copies of decrees of Prefects of Rieti and Terni which are essential to an adequate study of this case.

MARC J. GROSSMAN,  
Lt. Colonel,  
Chief Counsel,  
for Acting Chief Legal Officer.

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

2A  
/rlp.  
14 July 1944.

ACC/4034/6/L.

SUBJECT : Case of Baron Franchetti.

TO : Regional Legal Officer, (THRU: Regional Commissioner), Region IV.

1. Your letter of 12 July 1944 RL/IS/Reg/c/02.

2. Although it is not believed that this sub-commission should concern itself with individual cases, your letter raises certain general questions which will have our prompt consideration.

MARC J. GROSSMAN.  
Lt. Colonel, AUS.  
Chief Counsel,  
for Acting Chief Legal Officer.



HEADQUARTERS REGION IV  
Allied Control Commission  
A.P.O. 394

*Legal*  
*V-5030*

*1A*

TO : Chief Legal Officer, Legal Sub-Commission, A.C.C.  
FROM : Regional Legal Officer. *Region 4.*  
SUBJECT: Case of Baron Franchetti.  
REF : R4/Le/Reg/C/02.  
DATE : 12 July 1944.

1. On the instructions of the Regional Commissioner I submit to you herewith, for your consideration and advice, the case of Baron Franchetti.
2. The case is submitted partly because it is of itself a difficult case to deal with, and partly because it is a sample of many that are likely to be encountered and will have to be dealt with in recently occupied territory. It is thought that the matter is one which calls for a clear statement of policy for the Guidance of officers who encounter similar cases.
3. It will be seen from the attached letter of the Baron that he claims to have been dispossessed of his estates in the Provinces of Rieti and Terni through Decrees made by the Prefects of the respective provinces.
4. The documents sent with the letter are not forwarded, but I have myself examined them and am able to give you the following further information which does not appear from the Baron's letter.
5. The Decree of December 1943 made by the Prefect of Rieti was made in purported pursuance of
  - (a) Art. 10 of the Decree of 17 Nov. 1938, No. 1728:
  - (b) Art. 5 of the Decree of 9 Feb. 1939, No. 126.

(The Decree of the Prefect of Terni was not with the Exhibits, but is presumed to have been similar). I have had no opportunity of studying the two Decrees referred to, but it is understood that they both form part of the discriminatory fascist legislation against the Jews. At all events the Decree of the Prefect of Rieti makes it clear that it is based on the Baron's Jewish race, and not on any suggestion that the estate was not properly managed.

The further Decree of the Prefect of Rieti referred to (which was made in April 1944) purports to be made in pursuance of Art. 6 of the Decree of the Duce of 4 Jan. 1944, No. 2. Its effect is to enact that the action of the Baron in transferring his possessions to his wife's name was null and void. I have not had an opportunity of studying the Decree of the Duce referred to.

7. The Decree of 17 Nov. 1938, No. 1728, is specifically revoked by General Order No. 18, but this General Order does not mention the Decree of 9 Feb. 1939, No. 126, nor of course the Decree of the Duce of 4 Jan. 1944, No. 2. Orders have now been received that General Order No. 18 is to be posted in all Region IV and 8th Army territory. This will include the provinces of Rieti and Terni. It is presumed that on posting of this General Order, the Decrees of the Prefects of Rieti and Terni of December 1943 are automatically annulled, seeing that they depended for their validity, in part at least, on a Decree now revoked. Is it proposed to set up any machinery whereby a Claimant such as the Baron can file a claim before the Italian Court claiming the return of his property? Or is it sufficient for him to call upon the Italian Police to eject the persons in possession (now deemed to be trespassers) from the property, using no more force than is reasonably necessary for the purpose? It is thought that the former is the correct view - viz. that some form of Judicial proceeding is required to prove the Baron's title, otherwise we may be faced with endless claims and counterclaims ending, possibly, in civil strife.

8. The above leaves untouched the question of the later Prefect's Decree which was based on the Decree of the Duce of 4 Jan. 1944. This must have been a piece of legislation passed by the Fascist Republican Government, and as such prima facie something which ought to be revoked. It is understood that the whole subject of legislation by the Fascist Republican Government is now under review. Cases such as the present would seem to render it desirable that some definite ruling and some specific instructions be issued at the earliest possible date.

9. I should be glad if you would give your careful consideration to this case and let me have your instructions at the earliest possible date, so that I may be in a position to advise the Regional Commissioner as to the course he should adopt.

W.G.R. Oates

Colonel,  
for Regional Legal Officer  
Region IV.

Via Gallustiana 25  
Roma

July 8th, 1944

Dear Sir,

With reference to my memorandum of the 30th June, I ask to add the following notes:

In view of the impending return of the estates to their rightful owner, I hereby enclose a copy of the decree of the Prefect of Rieti ordering the seizure of the estate of Piediluco.

This was the last link of a whole chain of vexatious measures, and I feel it my duty to give some documentary proof of the statements I made in the memorandum of the 30th June, thereby illustrating both sides of the question. On the one side my incessant efforts to bring the estate to a maximum of efficiency, on the other side the parallel continual endeavours of the fascist authorities to hinder this work, with the ultimate object of seizing the estate.

Here a few examples:

1.) In the year 1933 the Prefect of Terni, Antonio Le Pera (who subsequently acquired a sinister fame, as head of the General Direction for Racial Affairs of the Home Office), under the pretext that the estate was badly conducted, suddenly decided to send me to confinement and at the same time to seize the estate.

I was able to forestall this measure through the help of the Holy See.

A similar attack, which immediately afterwards came from the authorities of Rieti, was frustrated through the combined intervention of the Holy See and of General Di San Marzano, who was then Commander in Chief of the Carabinieri Corps for the whole of Italy.

I enclose a certificate of the Cattedra Ambulante of Terni, and a number of the Magazine "Bonifica Integrale" - page 40 - both documents of that year, which had nothing but praise for the conduction of the estates and the works which had been done there. (See documents A, B.)

2.) In the year 1939 the fascist authorities of Terni over and over again came to Piediluco with the express object of inducing peasants and workmen to quit the estate, in order to be able to make it appear to be neglected, and to have an excuse for seizing it. (See document C.)

These are only details; life had become absolutely impossible, as every day brought new surprises and new dangers.



So I was advised to put the whole bulk of my Italian possessions under the name of my wife. But this did not bring much change for the better. ●

3.) In January 1941 the head of the Inspectorate for Agriculture in Terni, Dr. Vecchiarelli (Squadrista, Marcia su Roma, Sciarpa Littorio), came in person to hold a harangue to the peasants, with the sole object of working them up against me, and excluding from this meeting all agents and employees.

I enclose a report of February 1941, sent to the Confederation of Farmers in Rome and Terni, trying to give an idea of the underground work of which Vecchiarelli and his staff were the instigators. (See document D).

4.) At the end of August 1941, Vecchiarelli sent a long report to the Direction of the Fascist Party in Rome, which was a long list of brazen lies and ignoble calumnies, with not one word of truth in it, in which he made the supreme effort of obtaining his long desired object : the seizure of the estate, with all the other consequences deriving therefore.

I should like to underline the fact that, though he depended only from the Ministry of Agriculture, it was not to this Ministry that he sent his report, but to the Direction of the Fascist Party.

The result could easily be foreseen : the Direction of the Fascist Party wrote to the Ministry of Agriculture, asking for the seizure of the estate, and to the Home Office, asking that I should be sent to confinement.

Luckily, the Ministry of Agriculture felt it his duty to hold first an enquiry and at the beginning of October 1941 sent Professor Fedele, a most honorable person, General Inspector of the Ministry, to see matters on the spot.

Professor Fedele, after minute and conscientious investigations, wrote two reports (which I enclose), in which he declared that the estate was in perfect order. He made even Vecchiarelli confess that all his former statements, of only a few weeks before, had been untrue. (See documents E, F, G, H.).

For all details, Professor Fedele can be called to witness at any moment.

5.) To end the story : Vecchiarelli was rewarded with the post of Inspector for Agriculture at Rieti.

In December 1943, the object at last was achieved : the Prefect of Rieti, contrary even to fascist and nazi laws, ordered the seizure of the estate of Piediluco, and appointed a certain Dr. Gaddini (Marcia su Roma, Sciarpa Littorio), the highest official of Vecchiarelli's staff, as administrator. (See document I.).

Later a similar decree was issued by the Prefect of Terni for all those estates of mine, which lie in that Province, and here again Dr. Gaddini was appointed administrator. (See document L).

6.) In the month of May 1944, shortly before the entry of the Allies into Rome, the same Dr. Gaddini, said that I had succeeded in having the decree of seizure annulled (which was totally untrue), but that other decree had already been issued by the Prefect of Rieti counteracting such a measure. (See documents M, N, O).

Now I want to stress the fact, that all these people who have waged this continual war against me, with all their staff, are still on the spot in Terni and in Rieti, that my administration is dependent from them in a thousand ways, and to work under such conditions will be most painful, if not altogether impracticable.

I presume that they know their job well, and that they could be usefully employed in some other province.

With my best regards, I am sincerely yours,

/s/ Paul Franchetti.

This the reward for all what the Franchettis had done for Italy in the last 40 years, including the following donations to the Italian State :

- 1) - The venetian palace "Ca' d'Oro", the finest example of gothic architecture in Venice, with all its collection of ancient masterpieces (Mantegna, Van Dyke, Titian etc.), gothic tapestries, coins and so forth.
  - 2) - 2.000 schools in the South of Italy.
  - 3) - An immense collection of ancient tapestries (to the Bargello Museum in Florence).
  - 4) - A large estate in Umbria, left to the peasants.
  - 5) - A Villa at Città di Castello, in Umbria, as a resthouse for old teachers.
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tion of Col. Grossman

Subject: Case of Baron Franchetti, and generally. the matter of  
Restoration of civil rights to the Jews in Italy.

1. - R.D.L. n: 25 of 20 January 1944, and laws referred to in the same R.D.L. and all other provisions enacted by the Fascist Government before and after the July 25th 1943 against the Jews have been examined.

2. - I am quite sure that the R.D.L. in question covers all the legislation of any kind issued at any time passed by the Fascist Government against the Jews: see art. 1, Para 1 & 2.

3. - With reference to letter of R.L.O., Region IV, of 12 July 1944, I share the opinion expressed by R.L.O., that Baron Franchetti should file a claim before the Italian Courts claiming the return of his property. ~~But how would such procedure be consistent with the order issued by Reg. Commissioner, Reg. IV, whereby a special~~

4. - It seems advisable, anyhow, to ask the Italian Government to examine the whole question from the point of view of the procedure, in order to pass ~~rules~~ special rules ~~to~~ so as to expedite such particular proceedings.



