

ACC

10000/142/316

RESTORATION OF
AUG. - OCT. 1944

0728

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

785016

10000/142/316

RESTORATION OF PROPERTY CONFISCATED BY FASCIST REGIME
AUG. - OCT. 1944

0727

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

BEST COPY POSSIBLE

HEADQUARTERS
ALLIED CONTROL COMMISSION
ITAL SUB-COMMISSION
AFC 394

(10A)

ACC/4034/7/L.

RHW/mt
5 Oct 44.

SUBJECT: Defascistization.

TO : Regional Legal Officer (thru R.C.) Abruzzi-Marche Region.

1. Reference your ACC/511/18 dated 2 Oct 44.
2. I am not aware of any ruling of ACC to which you refer. Do you refer to private or ex-fascist party or institutional property?
3. Private property wrongfully acquired by fascists may be confiscated to the State under D.L. 159, and property of certain dissolved statal, parastatal or fascist national party organs has been allocated by decree to certain departments of state.

13

RICHARD H. WILMER,
Colonel, CAC
Chief Legal Advisor

: DeFascistization
 : CLO HQ ACC
 FROM : ABRUZZI - MARCHE REGION

4034/7 *Legal*

AMR/51/18

2 Oct. 44

9A

1. Will you please inform this HQ if there has been a ruling from ACC that all former Fascist Property is now the property of the Italian State.

For the Regional Commissioner

HEADQUARTERS
 3 OCT 1944
 A. C. C.

Johnnie

J. I. WILKES
 Lt. Colonel
 RIO

LEGAL SUBCOM

CLO

PROG

Legal Ed

ED

Legal Ed

CL RKS

6579

(8A)

HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

HRW/pa.
1 Sept 44.

ACC/1034/7/1.

SUBJECT : Restoration of Property Confiscated by Fascist Regime.
TO : The Acting Chief Commissioner.

1. Yesterday I had a long conference with the Committee which has been working with the Italian Government relative to the restoration of property and other rights confiscated for racial reasons by the Fascist Regime. The long decree in proposed form referred to in my memorandum to you of 26 Aug 1944 deals entirely with racial situation and does not deal with property and other rights taken away from Italians on purely political grounds as distinguished from racial grounds.

2. Generally the proposed decree covers the situation adequately to the extent of the racial matters sought to be remedied. In fact it is much more complete than the one referred to in Mr. BERKEI's letter of 22 Aug 44 which was passed by the Italian Government in January and never published. Certain amendments have been suggested to the Committee by the Legal Sub-Commission.

3. I am enclosing a suggested form of letter to be sent to Mr. BERKEI in answer to his letter to you of 22 Aug 1944.

11

RICHARD H. WILSON,
Colonel, OAC,
Chief Legal Officer.

88

EWS/ocp

A/CC 250

My dear Mr. Prime Minister,

Your letter of 22nd August 1944 was received at the time ^{when} ~~that~~ this Commission was considering a proposed form of decree restoring various rights taken away by the Fascist regime on racial grounds. Yesterday certain suggestions were made to the Committee sponsoring the proposed decree and which I am given to understand is working directly with your Government on this matter.

In your letter above referred to it is indicated that the second decree which was approved by the Italian Government in January last was not published because the Allied Control Commission thought to do so might prejudice the rights of Jews in the north still under German domination. I understand that such was the view of the Italian Government as then constituted and not that of the Allied Control Commission. The latter, while not having the same misgivings, did not then press the matter, as little Jewish property was believed to be located in the territory up to that time liberated from German domination.

I entirely agree that a decree dealing with the matter above referred to should now be promulgated and published in such form as is satisfactory to your Government and at the same time meets the exigencies of the situation. I am glad to note also that you have in mind the necessary measures to afford remedies where there have been loss of rights solely on political grounds as distinguished from racial grounds. I assume that if you do not propose to enact any legislation to bring about such remedies, your Government will have it become known publicly that those who suffered loss of property or other rights through their political opposition to Fascism will be afforded adequate means for restoration of their property and other rights or compensation for their losses.

Yours very truly,

HENRY W. STONE
Captain, USNR
Acting Chief Commissioner

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

Prepared by: Col. R.H.WILMER, CLO, Legal Sub-Commission.

Colonel. C.A.C.

file *4034/7*

ALIED CONTROL COMMISSION
INTER OFFICE MEMO

MA
23 AUG 1944

From: Office of the Acting Chief Commissioner

SUBJECT: Restoration of Property Confiscated
by Fascist Regime.

FILE No. A/CC 250

28 Aug. 1944

TO: Legal Sub-Commission
(Through Admin. Section)

- attached*
1. Reference your ACC/4034/7/L, of 26 Aug, subject as above.
 2. In answer to your query, postpone a reply to the Prime Minister's letter until the draft you mentioned has been considered.

For the Acting Chief Commissioner:

See file in acc.
at:

RHY

L. D. DENSMORE
L. D. DENSMORE
Colonel, Sig C
Chief Staff Officer

sd.
889

(6A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL AND CONSTITUTIONAL
NOV 394

26 AUG
1945

500/10947/1.

SUBJECT : Restoration of Property confiscated by Fascist Germany.

MEMORANDUM TO : The Acting Chief Commissioner.

1. With reference to your memorandum of 24 Aug enclosing a translation of the letter of 22 Aug 1944 from the Prime Minister on the subject of restoration of property to those deprived of it on racial or political grounds, it is clear that the Prime Minister does not have complete knowledge of the situation.
2. It is correct, as he states, that two decree laws were promulgated at Brindisi one to restore civil rights to Jews and one to restore property rights. The former was published, because law and its provisions were made the subject of General Order No. 18 for occupied territory. The second decree law was not published. The reason for this was that Col. Jung then Minister of Finance felt very strongly that if it were published property of Jews in Italian Territory held by the Germans would be bound to suffer great damage. While the legal situation did not share entirely these fears, it did not press the matter as there appeared to be only a small amount of former Jewish property in territory that had up to that time been liberated from German domination. The non-publication was not at the instance of the Allied Control Commission but entirely at the instance of the Italian Government as then constituted.

3. The Regional Order of Rome Region (now Region 4) referred to in the Prime Minister's letter was promulgated and as it was of the type of order national in scope which was improper for a Regional Commissioner to issue and was otherwise improper all action under it was stopped and I was advised by the RCO of the region that no definitive action was taken under it.

4. After Rome fell and even before the Italian Government moved to Rome I advised the Minister of Justice to deal with this situation on a broad basis, particularly in view of Republican Fascist laws that had come to light, so as to bring about general legislation on the subject of deprivation of property rights not only racial but also on political grounds. As you know this was being worked on and to speed up this work I suggested your letter of 12 August.

5. A few days ago a Committee dealing with restoration of Jewish property rights brought to this Sub-Commission the draft of a long and comprehensive decree covering I understand the general field. The translation has just been completed and is being typed. As soon as this work is completed a study of the decree will be made. It may be found that it satisfactorily deals with the situation and recommendation for its enactment may be in order. It is understood that it has been examined and at least tentatively approved by some of the members of the Government. This will be verified through the Minister of Justice who is now familiar with it. It may be that this is the measure referred to by the Prime Minister at the end of the next to the final paragraph of his letter.

6. You may prefer to postpone a reply to the Prime Minister's letter until

1. With reference to your memorandum of 24 Aug enclosing a translation of the letter of 22 Aug 1944 from the Prime Minister on the subject of restoration of property to those deprived of it on racial or political grounds, it is clear that the Prime Minister does not have complete knowledge of the situation.
2. It is correct, as he states, that two decree laws were promulgated at Brindisi one to restore civil rights to Jews and one to restore property rights. The former was published, became law and its provisions were made the subject of General Order No. 18 for occupied territory. The second decree law was not published. The reason for this was that Col. Jung then Minister of Finance felt very strongly that if it were published property of Jews in Italian territory held by the Germans would be bound to suffer great damage. While the Legal Sub-Commission did not share entirely these fears, it did not press the matter as there appeared to be only a small amount of former Jewish property in territory that had up to that time been liberated from German domination. The non-publication was not at the instance of the Allied Control Commission but entirely at the instance of the Italian Government as then constituted.
3. The Regional Order of Rome Region (now Region 4) referred to in the Prime Minister's letter was promulgated and as it was of the type of order national in scope which was improper for a Regional Commissioner to issue and was otherwise improper all action under it was stopped and I was advised by the RCO of the region that no definitive action was taken under it.
4. After Rome fell and even before the Italian Government moved to Rome I advised the Minister of Justice to deal with this situation on a broad basis, particularly in view of Republican Fascist laws that had come to light, so as to bring about general legislation on the subject of deprivation of property rights not only racial but also on political grounds. As you know this was being worked on and to speed up this work I suggested your letter of 12 August.
5. A few days ago a Committee dealing with restoration of Jewish property rights brought to this Sub-Commission the draft of a long and comprehensive decree covering I understand the general field. The translation has just been completed and is being typed. As soon as this work is completed a study of the decree will be made. It may be found that it satisfactorily deals with the situation and recommendation for its enactment may be in order. It is understood that it has been examined and at least tentatively approved by some of the members of the Government. This will be verified through the Minister of Justice who is now familiar with it. It may be that this is the measure referred to by the Prime Minister at the end of the next to the final paragraph of his letter.
6. You may prefer to postpone a reply to the Prime Minister's letter until the above mentioned draft has been considered. However, if in the meantime you wish to make an interim reply to set the record straight I will be glad to prepare a reply for you setting forth briefly what I have stated in some detail above.

NICHOLAS H. WILLIAMS,
Colonel, GAC,
Acting Chief Legal Officer.

ALLIED CONTROL COMMISSION
IN ER OFFICE MEMO

From: Office of the Acting Chief Commissioner

Legal
25 AUG 1944

FILE No. A/CC 250

24 Aug 1944

SUBJECT:

TO: Administrative Section
(For Legal Sub-Commission)

1. Reference is made to attached letter dated 22 Aug from H. E. Bonomi which is in reply to A/CC 250 of 12 Aug., drafted by the Legal Sub-Commission for my signature. This is relative to prospective legislation to deal with the restoration of property or compensation therefor in cases where the fascists confiscated property, etc of persons because of their race, etc.

2. Request appropriate action be taken and a reply to H. E. Bonomi's letter of 22 Aug be drafted for my signature.

1 Incl -
as in para 1 above.

Stone.

803

Translation

THE PRESIDENT OF T

COUNCIL OF MINISTERS

Rome, Aug. 22nd 1944

Answer to note A/CC-250
of Aug. 12th 1944.

To Admiral Stone
Acting Chief Commissioner of the
Allied Control Commission

Dear Admiral Stone,

I answer your letter of Aug. 12th last, in which you drew my attention to the requests which are addressed to the Allied Control Commission, about the restitution of property and the bestowing of compensations to the victims of racial dispositions or of political persecution during the former regime.

For a long time, the Government has been thinking about the necessary measures; and by the law-decree of Jan. 20th last, in agreement with the Allied Authorities, laws for the reintegration of the people who were persecuted in their estate rights for racial reasons have now materialized. On the suggestion of this Commission, this decree was nevertheless not published; it was to be enforced when the hostilities with Germany would end; and this because this Commission meant to avoid that the publication of this measure should determine reprisals from the Germans against the Jews who had remained in the Italian territory still occupied, or who were somehow under their domination.

On the contrary, it is to be noted that on July 14th last, was published in the "Corriere di Roma" the regional order n. 13 of July 13th, which constituted the Commission for the property of the persons persecuted for political and racial motives, which had to decide about the retrocession of the property which had been taken from the above mentioned persons by the former regime.

Now that the Allied Authorities have handed over the power to this Government, there is no reason why the dispositions contained in the law-decree of July 20th 1944 should not be enforced out of fear of reprisals, when the principle of the retrocession of the property taken from the Jews has already been admitted in the regional order cited and made known by publication. Therefore, in the present situation, the non-publication of the law decree would have the sole effect of impeding the entire restoration of estate rights which has already been decided in the regional order.

By pointing out to the newspapers the serious reasons against this being spread, we could also avoid that a useless press publicity should follow the publication of the measure in the "Gazzetta Ufficiale".

If the consideration of the preceding facts make it possible to revise the preceding agreement that the publication was not to take place, it might be possible to add some other measures which are accessory for the integral reintegration of the persons who were persecuted for racial reasons; these measures are already being prepared.

I answer your letter of Aug. 12th last, in which you drew my attention to the requests which are addressed to the Allied Control Commission, about the restitution of property and the bestowing of compensations to the victims of racial dispositions or of political persecution during the former regime.

For a long time, the Government has been thinking about the necessary measures; and by the law-decree of Jan. 20th last, in agreement with the Allied Authorities, laws for the reintegration of the people who were persecuted in their estate rights for racial reasons have now materialized. On the suggestion of this Commission, this decree was nevertheless not published; it was to be enforced when the hostilities with Germany would end; and this because this Commission meant to avoid that the publication of this measure should determine reprisals from the Germans against the Jews who had remained in the Italian territory still occupied, or who were somehow under their domination.

On the contrary, it is to be noted that on July 14th last, was published in the "Corriere di Roma" the regional order n. 13 of July 13th, which constituted the Commission for the property of the persons persecuted for political and racial motives, which had to decide about the retrocession of the property which had been taken from the above mentioned persons by the former regime.

Now that the Allied Authorities have handed over the power to this Government, there is no reason why the dispositions contained in the law-decree of July 20th 1944 should not be enforced out of fear of reprisals, when the principle of the retrocession of the property taken from the Jews has already been admitted in the regional order cited and made known by publication. Therefore, in the present situation, the non-publication of the law decree would have the sole effect of impeding the entire restoration of estate rights which has already been decided in the regional order.

By pointing out to the newspapers the serious reasons against this being spread, we could also avoid that a useless press publicity should follow the publication of the measure in the "Gazzetta Ufficiale".

If the consideration of the preceding facts make it possible to revise the preceding agreement that the publication was not to take place, it might be possible to add some other measures which are accessory for the integral reintegration of the persons who were persecuted for racial reasons; these measures are already being prepared.

As for the persons who were persecuted for political motives, we note that on this subject there would be no legislation of a general character to abrogate, for the reintegration into the estate rights, as in the case of the Jews. These are isolated cases which are solved by the Government as they arise; for instance, we are preparing a measure for the restitution of the cooperative houses to such members as were deprived of them for political reasons.

I am waiting for your kind answer to my prayer, in order to avoid the justified demands of those whom this matter concerns.

I remain,

Yours sincerely
/s/ I. Bonomi

Trans. E.C.

4634/7

EWS/hjp

(4A)

A/GC 250

12 August 1944

LEGAL
12 AUG. 1944

My dear Mr. Prime Minister:

Frequent inquiry is being made of this Commission with respect to prospective legislation by Your Excellency's Government which will deal with the restoration of property or compensation therefor in cases where the fascists confiscated property or went through purely colorable and coerced sales at unfair prices to deprive persons of property because of their race or anti-fascist or anti-German political views or activities.

While I fully realize that any such legislation presents complications, growing out of further transfers of the same property in some instances, nevertheless, I regard it as highly desirable from every standpoint that such legislation be promulgated at a very early date. Such legislation, at this time, would be most fitting, coming as it would, at a time when your Government is showing its firm intention of ridding the country of fascism and the results of fascism.

Yours very truly,

5

ELMER W. STONE
Captain, USNR
Acting Chief Commissioner

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

cc: Administrative Section/
(for Legal)

30 718
Hq. A.G.C. Sec'y Gen.
DISPATCHED
Date-Time 12 Aug 1600
via msg. 2 PM
initials 1200

LEGAL SUB-COMMISSIO

CLO

DOLO

Chief Counsel

CIO

Italian Sec'y

CL RKS

(526)

HEADQUARTERS
LIED CONTROL COMMISSION
Legal Sub-Commission
AFO 394

3A

ACC/4034/7/L.

RHW/pa.
10 Aug 44.

MEMORANDUM TO : Acting Chief Commissioner.

1. Reference your Inter Office Memo dated 9 August 44.
2. I am sending herewith the letter which I suggest be sent to the Prime Minister.

Incl.

4

RICHARD H. WILMER,
Colonel, C.A.C.,
Acting Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

11 August 1944

My dear Mr. Prime Minister:

Frequent inquiry is being made of this Commission with respect to prospective legislation by Your Excellency's Government which will deal with the restoration of property or compensation therefor in cases where the fascists confiscated property or went through purely colorable and coerced sales at unfair prices to deprive persons of property because of their race or anti-fascist or anti-German political views or activities.

While I fully realize that any such legislation presents complications, growing out of further transfers of the same property in some instances, nevertheless, I regard it as highly desirable from every standpoint that such legislation be promulgated at a very early date. Such legislation, at this time, would be most fitting, coming as it would, at a time when your Government is showing its firm intention of ridding the country of fascism and the results of fascism.

ELMER W. STONE,
Captain, USMR,
Acting Chief Commissioner.

H. E. Ivance Bonomi
The President of the Council of Ministers
Italian Government

403417

ALLIED CONTROL COMMISSION
INTER OFFICE MEMO

2A
SUS/ajp

From: Acting Chief Commissioner

SUBJECT: Restoration of Property confiscated by fascists on political and racial grounds. FILE No. _____

TO: Administrative Section, Hq ACC
(For: Legal Sub-Commission)

9 August 1944

Ref ACC/4034/7/L of 6 Aug 44
Please prepare letter for my signature.

[Signature]
MILBY W. STONE
Captain, USNR
Acting Chief Commissioner

1 Incl:
Ltr, Hq ACC Legal S/C
ACC/4034/7/L, 6 Aug 44

2 Pm to legal. for action

9 Aug 44

[Signature]
Capt.

101

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 994.

6 August 1944.

ACC/4034/7/L.

SUBJECT : Restoration of Property confiscated by fascists on political and racial grounds.
TO : Acting Chief Commissioner, ACC.

1. For some time we have been pressing the Minister of Justice to have a decree law enacted which will deal with the restoration of property or compensation therefor in cases where the fascists confiscated property or went through proceedings only calculated to deprive persons of their property because of their race, or their anti-fascist, anti-german (partisans and patriots) political views. Such law would also set forth the procedure to be followed. The general question I am advised is under consideration by various Ministries so that when all their thoughts on this complicated question are collected a decree can be drafted and submitted to us for consideration. The Minister of Justice feels that action can be hastened by strong representation on your part to the President of the Council of Ministers.

2. Admittedly the matter has its complications, but politically here and abroad it seems to me advisable that such a decree law should be promulgated at an early date.

3. If you prefer to present the matter by letter rather than verbally please let me know and I will prepare a suggested form of letter for you to sign.

RICHARD H. WILMER,
Colonel, CAC,
Acting Chief Legal Officer.

