

ACC

10000/142/507

1793
/142/507

GENERAL ORDER NO. 35, DEFASCISTIZATION
OCT. 1944 - JULY 1946

Governo Militare Alleato

del Territorio Occupato

ORDINANZA GENERALE N. 35-A

CONSIDERATO che, ai sensi dell'Ordinanza Generale N. 35, tutti coloro ai quali si applicano le disposizioni dell'Ordinanza stessa devono essere sospesi dal loro ufficio o impiego e che in tal caso è loro corrisposto, durante il periodo di sospensione, a titolo alimentare, lo stipendio base, esclusa ogni altra indennità;

E CONSIDERATO che il Governo italiano col Decreto-Legge Luogotenenziale 23 febbraio 1945, n. 44, ha disposto che taluni aumenti di stipendio e indennità in aggiunta allo stipendio base sono da corrispondersi anche a coloro che sono sospesi dal loro ufficio o impiego in applicazione delle sanzioni contro il fascismo;

IO, ELLERY W. STONE, Contrammiraglio, R.N.S.U., in nome e per conto del Comandante Supremo Alleato e Governatore Militare, con la presente ordino quanto segue:

ARTICOLO I.

Nei confronti di coloro che, essendo compresi nelle categorie di cui all'articolo 1 dell'Ordinanza Generale N. 35, ricoprono un ufficio o un impiego in qualità di avventizi, deve essere disposto il licenziamento dall'ufficio o dall'impiego e non la sospensione. Gli articoli II, VI, VII, VIII, IX, X e XI della detta Ordinanza Generale devono considerarsi modificati in conformità.

ARTICOLO II.

lo stipendio base, esclusa ogni altra indennità,

E CONSIDERATO che il Governo italiano col Decreto-Legge Luogotenenziale 23 febbraio 1945, n. 44, ha disposto che taluni aumenti di stipendio e indennità in aggiunta allo stipendio base sono da corrispondersi anche a coloro che sono sospesi dal loro ufficio o impiego in applicazione delle sanzioni contro il fascismo;

IO, ELLERY W. STONE, Contrammiraglio, R.N.S.U., in nome e per conto del Comandante Supremo Alleato e Governatore Militare, con la presente ordino quanto segue:

ARTICOLO I.

Nei confronti di coloro che, essendo compresi nelle categorie di cui all'articolo I dell'Ordinanza Generale N. 35, ricoprono un ufficio o un impiego in qualità di avventizi, deve essere disposto il licenziamento dall'ufficio o dall'impiego e non la sospensione. Gli articoli II, VI, VII, VIII, IX, X e XI della detta Ordinanza Generale devono considerarsi modificati in conformità.

ARTICOLO II.

Nessun funzionario o impiegato avventizio che sia stato licenziato ai sensi delle disposizioni dell'articolo precedente ha diritto allo stipendio o ad indennità alcuna dalla data in cui ha effetto il suo licenziamento come sopra indicato.

ARTICOLO III.

Gli stipendi base ai sensi dell'articolo XI dell'Ordinanza Generale N. 35 verranno determinati in conformità alle istruzioni da emanarsi di volta in volta dal Commissario Provinciale.

ARTICOLO IV.

La presente ordinanza entrerà in vigore in ciascuna provincia o parte di provincia nel territorio del Governo Militare alla data della sua prima affissione nella stessa.

*Per il Comandante Supremo Alleato
e Governatore Militare*

ELLERY W. STONE

Contrammiraglio, R. N. S. U. Ufficiale Capo degli Affari Civili

Allied Military Government of Occupied Territory

GENERAL ORDER No. 35-A

WHEREAS under the provisions of General Order 35 it was ordered that persons to whom such provisions applied be suspended from their office or employment and in that event and during the period of such suspension receive for their support their basic salary without any further allowance;

AND WHEREAS the Italian Government by D. L. No. 44 of 23 February 1945 have provided that certain increases of salary and allowances in addition to their basic salary shall be payable to persons suspended from their office or employment in the course of sanctions against fascism;

NOW, THEREFORE, I, ELLERY W. STONE, Rear Admiral, U. S. N. R., for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows:

ARTICLE I.

In the case of all persons listed in Article I of General Order 35 who held office or employment on a temporary basis the order to be made against such persons shall be one of dismissal from office or employment and not one of suspension and Articles II, VI, VII, VIII, IX, X and XI of the said General Order shall be considered as modified accordingly.

ARTICLE II.

No temporary official or employee dismissed under the provisions of the preceding article

1797

provided that certain increases of salary and allowances in addition to their basic salary shall be payable to persons suspended from their office or employment in the course of sanctions against fascism;

NOW, THEREFORE, I, ELLERY W. STONE, Rear Admiral, U. S. N. R., for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows:

ARTICLE I.

In the case of all persons listed in Article I of General Order 35 who held office or employment on a temporary basis the order to be made against such persons shall be one of dismissal from office or employment and not one of suspension and Articles II, VI, VII, VIII, IX, X and XI of the said General Order shall be considered as modified accordingly.

ARTICLE II.

No temporary official or employee dismissed under the provisions of the preceding article shall be entitled to any salary or allowance from the date of dismissal as aforesaid.

ARTICLE III.

Basic salaries under Article XI of General Order 35 shall be calculated in accordance with instructions to that effect which shall be issued from time to time by the Provincial Commissioner.

ARTICLE IV.

This Order shall come into operation in any province or part thereof within the Military Government Territory on the date of its first posting therein.

*For the Supreme Allied Commander
and Military Governor*

ELLERY W. STONE

Rear Admiral U. S. N. R. Chief Civil Affairs Officer

MAPS FILMED ON
35MM ROLL

FILE CLOSED 8 July 1946

FILE

HEADQUARTERS ALLIED COMMISSION
APO 794
LEGAL SUB-COMMISSION

11A

/mda.

AC/4074/18/L.

8 July 1946.

OGGETTO : Proclama A.M.G.

AL : Sig. Paolillo Eugenio, Via Tasso 34 - SALERNO.

In risposta a Vostra lettera del 20 giugno 1946, indirizzata al Comando Supremo Allente, Vi comunico che le Vostre indicazioni non sono sufficienti per poter individuare il Proclama o l'ordine in questione, e che la Vostra domanda dovrebbe piuttosto essere indirizzata alle Autorita' Governative Italiane.

MUSGRAVE THOMAS,
Italian Branch,
for Chief Legal Advisor.

FILE

FILE

for translation

FILE 10A

Subject : AMG Proclamation
To : Sig. Eugenio Pasillo
Via Tasso 34
Salerno

With reference to your letter of 20th June '46 addressed to the Supreme Allied Command I have to inform you that the particulars given are not sufficient to identify the Proclamation or Order in question, and further that your request is one that would be more appropriately addressed to the Italian Government authorities.

FILE

ALLIED CONTROL COMMISSION

INTER-OFFICE MEMORANDUM

FILE

SUBJECT:

FILE No.

TO :

Legal Sec.

5th

July 1946.

I think you might write & find out more about it. It may be that it was a Regional or Provincial Order or may be only a letter, or it might be one of the original Proclamations namely No. 7 of which no copy remains at this time. I think we should find out more & then forward the letter direct to the Italian Govt. All these proc. orders were superseded by Italian Law on the subject & you might consider writing to Paolillo & telling him to take the matter up with his own Government. It is now really none of our business.

J. C. A. Becton

74/18

FILE

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

LEGAL

8832

G-5: 930.10

1 July 1946

SUBJECT: AMG Proclamation.

TO : Chief Commissioner
Allied Commission
(Attn: Legal Sub-Commission)
APO 794

Attached request from Eugenio Paolillo for copy
of proclamation forwarded for acknowledgment and appropriate
action

BY COMMAND OF LIEUTENANT GENERAL MORGAN:

A. L. Hamblen
A. L. HAMBLEN
Colonel, G.S.C.
Assistant Chief of Staff, G-5.

Incl:
as above.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian - Section	
CL RKS	
JUL 2 - 1946	

4 21

TRANSLATION

Salerno, 20 June 1946

TO: Honorable Allied Supreme Command - Caserta -

I, the undersigned, Eugenio Paolillo, son of Antonio, am asking your Command to send me - with kind expedition - a copy of proclamation emanated in September 1943 regarding the deactivation of some Fascist economic units and organizations.

Certain of receiving a solicitous answer I thank you very much.

With my best regards,

s/ Eugenio Paolillo

Via Tasso 34
Salerno

Salerno 20/6/946

Spett.le Comando Supremo
Caserta

Il sottoscritto Ingegnere Paolo di Antonio prega
il Sesto Comando di volergli rimettere - con cortese
sollecitudine - una copia dell'ordinanza emanata
nel settembre 943 relativa allo scioglimento di alcuni
enti ed organizzazioni fasciste a carattere economico.
Sicuro in una sollecita risposta, ringrazia e
distintamente saluta.

Eugenio Paolo
Via Casso 3H
Salerno

4074/18 26

0 (SA)

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

9 July 45

DE/3.39/CA

SUBJECT : Defascism - Epuration of the Professions.

TO : See Distribution

Enclosed for your information are copies, in English and Italian
of General Order No 35 - B.

[Signature]
G.R. UFFONI Brig,
VP CA Section.

DISTRIBUTION :-

VP CA Sec		Agriculture S/C (2)	Air S/C (2)
Educ S/C (2)		Commerce S/C (2)	Army S/C (2)
Local Govt S/C (2)		Labour S/C (2)	Naval S/C (2)
Legal S/C (2)		Finance S/C (2)	Comms S/C (2)
Pub Saf S/C (2)		Pub Work S/C (2)	PRB (2)
Econ Sec (2)		Transpt S/C (2)	

RCs Piemonte, Lombardia, Emilia, Liguria, Venezia Regions
For Info : SCACs 5 Army, 8 Army, IV Corps, Venezia Giulia.

Scale of Distribution : RMQ (4) - MMQ (2)

✓
10 JUL 1945

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

GENERAL ORDER NO 35 - 14

REGULATION OF THE PROFESSIONS

WHEREAS it is desirable to suspend certain former members of the Fascist Party from the exercise of their professions or callings:

I, ELLERY WHEELER STONE, Rear Admiral, United States Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor hereby order as follows:

ARTICLE I

Any person exercising such of the professions referred to in Article 23 of D.L. 159 of 27 July 1944 as may be specified by order of the Regional Commissioner of the Allied Military Government shall be subject to proceedings under General Order No 35 of the Allied Military Government as modified by this Order and the provisions and principles of General Order No 35 shall apply by analogy to all such persons and proceedings.

ARTICLE II

For the purposes of this Order, Article IV, Section (a) of General Order No 35 shall be modified to read as follows:

Not later than 7 days after the coming into operation of this Order the keeper of the Rolls in a Province of, or (as the case may be) the provincial authority supervising the professions to which this Order applies or has been made applicable by order of the Regional Commissioner mentioned in Article I hereof shall give notice to all members of the profession as may be specified by the Regional Commissioner that this Order has come into operation in that Province.

Provided that the omission to give such notice shall not affect a

any person exercising the powers of DML 159 of 27 July 1944 as may be specified by order of the Regional Commissioner of the Allied Military Government shall be subject to proceedings under General Order No 35 of the Allied Military Government as modified by this Order and the provisions and principles of General Order No 35 shall apply by analogy to all such persons and proceedings.

ARTICLE II

For the purposes of this Order, Article IV, Section (a) of General Order No 35 shall be modified to read as follows:

Not later than 7 days after the coming into operation of this Order the Keeper of the Rolls in a Province of, or (as the case may be) the provincial authority supervising the professions to which this Order applies or has been made applicable by order of the Regional Commissioner mentioned in Article I hereof shall give notice to each member of the profession as may be specified by the Regional Commissioner that this Order has come into operation in that Province.

Provided that the omission to give such notice shall not afford a defence to a person charged with non-compliance with the provisions of General Order No 35 as modified by Article III of this Order.

17

ARTICLE III

(a) Members of professions are not divided into categories as provided in Article V, Section (c) of General Order No 35, but any member of a profession subject to Article 23 of DML 159 who may from time to time be ordered by or on behalf of the Regional Commissioner of Allied Military Government through the authority mentioned in Article II hereof to complete a schedule personnel shall complete, sign and lodge the same with the aforementioned authority within 7 days of receiving notice of such order. The said authority shall, within 2 days of the receipt of any such schedule, cause a list of such schedule to be prepared and transmitted with the schedule personnel to the appropriate Commission established under General Order No 35.

(b) For the purpose of Article V, Section (b) and (c) of General Order No 35, the authorities mentioned in Article II hereof shall be substituted for the "head of the administrative organization".

ARTICLE IV

For the purpose of Articles VI and IX of General Order No 35 the authorities specified in Article II hereof shall be substituted for the "employer".

ARTICLE V

Effect of Suspension Order -- A Suspension Order made against any person suspends that person from the exercise of his profession as from the date of the Order.

ARTICLE VI

This Order shall come into effect in any Province or part thereof on the date of its first posting therein.

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR :

sa/

ELLERY WHEELER STONE,
Rear Admiral,
United States Naval Reserve,
Chief Civil Affairs Officer.

Dated : - 9 LUG 1945

GOVERNO MILITARE ALLEATO
DEL TERRITORIO OCCUPATO

ORDINANZA GENERALE NO. 35 - B

ESERCIZIO DELLE PROFESSIONI

DATO che conviene sospendere alcuni elementi già appartenenti al Partito Fascista dall'esercizio della loro professione, arte o mestiere,

Io, ELLERY WHEELER STONE, Contrammiraglio della Riserva della Marina degli Stati Uniti, Ufficiale Capo degli Affari Civili, in nome e per conto del Comandante Supremo Alleato e Governatore Militare, ordino quanto segue:

ARTICOLO I

Sono soggetti ai procedimenti previsti dall'Ordinanza Generale No. 35 del Governo Militare Alleato, salvo le modifiche apportate dalla presente Ordinanza, coloro che esercitano, tra le professioni di cui all'Art. 23 del D.L. 27 Luglio 1944, No 159, quelle che saranno specificate con ordinanza del Commissario Regionale del Governo Militare Alleato; alle persone ed ai procedimenti suddetti si applicheranno per analogia le disposizioni ed i principi dell'Ordinanza Generale No 35.

ARTICOLO II

Agli effetti della presente Ordinanza, la lettera (a) dell'Art. IV dell'Ordinanza Generale No 35 è modificata come segue:

Nei 7 punti successivi all'entrata in vigore della presente Ordinanza, l'organo incaricato nella Provincia della tenuta degli Albi per l'esercizio delle professioni, arti o mestieri nei cui confronti la presente Ordinanza si applica o e' resa applicabile d'ordine del Commissario Regionale menzionato all'Art. I o, se del caso, l'organo provinciale di controllo sulle dette professioni, arti o mestieri, darà' avviso della entrata in vigore della presente Ordinanza nella Provincia stessa e coloro che esercitano una professione, arte o mestiere e siano specificati dal Commissario Regionale.

Resta comunque fermo che il mancato invio del suddetto avviso

ARTICOLO II

Agli effetti della presente Ordinanza, la lettera (a) dell'Art. IV dell'Ordinanza Generale No 35 e' modificata come segue:

Nei 7 giorni successivi all'entrata in vigore della presente Ordinanza, l'organo incaricato nella Provincia della tenuta degli elbi per l'esercizio delle professioni, arti o mestieri nei cui confronti la presente Ordinanza si applica o e' resa applicabile d'ordine del Commissario Regionale menzionato all'Art. I o, se del caso, l'organo provinciale di controllo sulle dette professioni, arti o mestieri, dara' avviso della entrata in vigore della presente Ordinanza nella Provincia stessa a coloro che esercitano una professione, arte o mestiere e siano specificati dal Commissario Regionale.

Resta comunque fermo che il mancato invio del suddetto avviso non potra' essere adatto a discarico da chi sia imputato per trasgressione alle disposizioni dell'Ordinanza Generale No 35, modificate dall'Art III della presente Ordinanza.

16

ARTICOLO III

(a) Gli esercenti una professione, arte o mestiere non sono ripartiti nelle categorie previste dall'Art V, (a) dell'Ordinanza Generale No 35, ma chiunque, esercitando una delle professioni, arti o mestieri contemplati dall'Art. 23 del D.L. 27 luglio 1944, No 459, ricorra, tramite l'autorita' menzionata all'Art. II, del Commissario Regionale del Governo Militare Alleato, o in suo nome, l'ordine di ricevere una scheda personale, dove' riempirla, firmarla e presentarla alla suddetta autorita' nei sette giorni dalla data di ricezione dell'ordine stesso. Tale autorita', nei due giorni dalla ricezione di ciascuna scheda, ne cura l'autorizzazione in una lista da essere trasmessa, con le schede personali, alla Commissione competente istituita a norma dell'Ordinanza Generale No 35.

(b) Agli effetti dell'Art. II, (b) e (c) dell'Ordinanza Generale No. 35, "il Capo dell'Amministrazione od Azienda" viene sostituito dagli organi specificati nell'Art. II della presente Ordinanza.

ARTICOLO IV

Agli effetti degli Art. VI e IX dell'Ordinanza Generale No. 35 "il datore di lavoro" viene sostituito dagli organi specificati nell'Art. II della presente Ordinanza.

ARTICOLO V

Effetti dell'ordine di sospensione. -- L'ordine di sospensione contro chiunque curante sospende la persona dall'esercizio della sua professione, arte o mestiere a partire dalla data dell'ordine stesso.

ARTICOLO VI

La presente Ordinanza entra in vigore in ogni Provincia o parte di essa alla data della sua prima affissione nella stessa.

PER IL COMANDANTE SUPREMO ALLIATO E GOVERNATORE MILITARE :

sa/

ELMER WHEELER STONE,
Contrammiraglio,
Riserva della Marina degli Stati Uniti,
Ufficio Capo degli Affari Civili

20 4074/18 (1A)

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

GENERAL ORDER NO. 35-B

EXERCISE OF THE PROFESSIONS

former members of the Fascist Party
WHEREAS it is desirable to suspend ~~xxxxxxx~~ fascists from the exercise
of their professions or callings

I, MILITARY CHIEF OF STAFF, Rear Admiral, United States Naval Reserve,
Chief Civil Affairs Officer, for and on behalf of the Supreme Allied
Commander and Military Governor hereby order as follows:

ARTICLE I

Any person exercising such of the professions referred to in Article
23 of D.L. 159 of 27 July 1944 as may be specified by order of the Regional
Commissioner of the Allied Military Government shall be subject to pro-
ceedings under General Order No. 35 of the Allied Military Government as
modified by this Order and the provisions and principles of General Order
No. 35 shall apply by analogy to all such persons and proceedings.

ARTICLE II

For the purposes of this order, Article IV, Section (a) of General
Order No. 35 shall be modified to read as follows:

Not later than 7 days after the coming into operation
of this Order the Keeper of the Rolls in a Province of, or
(as the case may be) the provincial authority supervising
the professions to which this Order applies or has been made
applicable by order of the Regional Commissioner mentioned
in Article I hereof shall give notice to such members of the
profession as may be specified by the Regional Commissioner
that this Order has come into operation in that Province.

Provided that the omission to give such notice shall not
afford a defense to a person charged with non-compliance with
the provisions of General Order No. 35 as modified by Article
III of this Order.

For the purposes of this Order, Article IV, Section (a) of General Order No. 35 shall be modified to read as follows:

Not later than 7 days after the coming into operation of this Order the keeper of the Rolls in a Province of, or (as the case may be) the provincial authority supervising the professions to which this Order applies or has been made applicable by order of the Regional Commissioner mentioned in Article I hereof shall give notice to such keepers of the profession as may be specified by the Regional Commissioner that this Order has come into operation in that Province.

Provided that the omission to give such notice shall not afford a defence to a person charged with non-compliance with the provisions of General Order No. 35 as modified by Article III of this Order.

ARTICLE III

(a) Members of professions are not divided into categories as provided in Article V, Section (a) of General Order No. 35, but any member of a profession subject to Article 23 of MIL 159 who may from time to time be ordered by or on behalf of the authority mentioned in Article II hereof to complete a schedule personnel shall complete, sign and lodge the same with the aforementioned authority within 7 days of receiving notice of such order. The said authority shall, within 2 days of the receipt of any such schedule, cause a list of such schedule to be prepared and transmitted with the schedule personnel to the appropriate Commission established under General Order No. 35.

(b) For the purpose of Article V, Sections (b) and (c) of General Order No. 35, the authorities specified in Article II hereof shall be substituted for the "head of the administration or undertaking."

ARTICLE IV

For the purpose of Articles VI and IX of General Order No. 35 the authorities specified in Article II hereof shall be substituted for the "employer."

ARTICLE V

Effect of Suspension Order -- A Suspension Order made against any person suspends that person from the exercise of his profession as from the date of the Order.

ARTICLE VI

This Order shall come into effect in any Province or part thereof on the date of its first posting therein.

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR:

ELLERY THARLES SPONE,

Rear Admiral,

United States Naval Reserve,

Chief Civil Affairs Officer.

Dated:

ELMER WHALER STONE,
Rear Admiral,
United States Naval Reserve,
Chief Civil Affairs Officer.

noted:

14

7B

ARMED MILITARY ALLIANCE
OF THE TERRITORY OCCUPATION

ORDINANZA GENERALE N. 35 - B

ESERCIZIO NELLE PROFESSIONI

DATO che conviene sospendere alcuni elementi appartenenti al Partito Fascista della loro professione, arte o mestiere, già appartenenti al Partito Fascista

Io, ELMER WHEELER STONE, Contrammiraglio della Riserva della Marina degli Stati Uniti, Ufficiale Capo degli Affari Civili, in nome e per conto del Comandante Supremo Alleato e Governatore Militare, ordino quanto segue:

ARTICOLO I

Sono soggetti ai provvedimenti previsti dall'Ordinanza Generale N. 35 del Governo Militare Alleato, salvo le modifiche apportate dalla presente Ordinanza, coloro che esercitano, tra le professioni di cui all'art. 23 del D.L. 27 luglio 1944, n. 159, quelle che saranno specificate con ordinanza del Commissario Regionale del Governo Militare Alleato; alle persone ed ai procedimenti suddetti si applicheranno per analogia le disposizioni ed i principi dell'Ordinanza Generale n. 35.

ARTICOLO II

Agli effetti della presente Ordinanza, la lettera a) dell'art. IV dell'Ordinanza Generale n. 35 è modificata come segue:

Nei 7 giorni successivi all'entrata in vigore della presente Ordinanza l'organo incaricato nella Provincia della tenuta degli Albi per l'esercizio delle professioni, arti o mestieri nei cui confronti la presente Ordinanza si applica o è resa applicabile d'ordine del Commissario Regionale menzionato all'art. I, o, se del caso, l'organo provinciale di controllo sulla detta professione, arti o mestieri, darà avviso dell'entrata in vigore della presente Ordinanza nella Provincia stessa a coloro che esercitano una professione, arte o mestiere e siano specificati dal Commissario Regionale.

Resta comunque fermo che il mancato invio del suddetto avviso non potrà essere addotto a discarico da chi sia imputato di trasgressione alle disposizioni dell'Ordinanza Generale n. 35.

de Ordinanza, coloro che esercitano, tra le professioni di cui all'art. 23 del D.L.L. 27 luglio 1944, n. 159, quelle che saranno specificate con ordinanza del Commissario Regionale del Governo Militare Alleato, alle persone ed ai procedimenti suddetti si applicheranno per analogia le disposizioni ed i principi dell'Ordinanza Generale n. 35.

ARTICOLO II

Agli effetti della presente Ordinanza, la lettera a) dell'art. IV dell'Ordinanza Generale n. 35 e' modificata come segue:

Nei 7 giorni successivi all'entrata in vigore della presente Ordinanza l'organo incaricato nella Provincia della tenuta degli Albi per l'esercizio delle professioni, arti o mestieri nei cui confronti la presente Ordinanza si applica o e' resa applicabile d'ordine del Commissario regionale menzionato all'art. I, o, se del caso, l'organo provinciale di controllo sulle dette professioni, arti o mestieri, dara' avviso dell'entrata in vigore della presente Ordinanza nella Provincia stessa a coloro che esercitano una professione, arte o mestiere o siano specificati dal Commissario Regionale.

Resta comunque fermo che il mancato invio del suddetto avviso non potra' essere addotto a discarico da chi sia imputato di trasgressione alle disposizioni dell'Ordinanza Generale n. 35 modificate dall'art. III della presente Ordinanza.

ARTICOLO III

(e) Gli esercenti una professione, arte o mestiere non sono ripartiti nella categorie previste dall'art. V, a) dell'Ordinanza Generale n. 35, ma chiunque, esercitando una delle professioni, arti o mestieri contemplati dall'art. 23 del D.L.L. 27 luglio 1944, n. 159, ricorra, tramite l'autorita' menzionata all'art. II, del Commissario Regionale del Governo Militare Alleato, o in suo nome, l'ordine di riaprire una scheda personale, dovrà' riempirla, firmarla e presentarla alla suddetta autorita' nei sette giorni dalla data di ricezione dell'ordine stesso. Tale autorita', nei due giorni dalla ricezione di ciascuna scheda, manderà' l'iscrizione in una lista da essere trasmessa, con le schede personali, alla Commissione competente istituita a norma dell'Ordinanza Generale n. 35.

(b) Agli effetti dell'art. V, b) e c) dell'Ordinanza Generale n. 35, "il Capo dell'Amministrazione di Azienda" viene sostituito dagli organi specificati nell'art. II della presente Ordinanza.

ARTICOLO IV

Agli effetti degli art. VI e IX dell'Ordinanza Generale n. 35 "il datore di lavoro" viene sostituito dagli organi specificati nell'art. II della presente Ordinanza.

ARTICOLO V

Effetti dell'ordine di sospensione. -- L'ordine di sospensione contro chiunque emanato sospende la persona dall'esercizio della sua professione arte o mestiere a partire dalla data dell'ordine stesso.

ARTICOLO VI

La presente Ordinanza entra in vigore in ogni Provincia o parte di essa alla data della sua prima affissione nella stesso.

PER IL COMANDANTE SUPREMO ALLIATO E GOVERNATORE MILITARE:

WILBERT WHEELER STONE,
Contrammiraglio,
Riserva della Marina degli Stati Uniti
Ufficiale Capo degli Affari Civili

40 74/18.

6A *Byel*
2/16

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

DE/2.A/CA

18 June 45

SUBJECT : General Order No 35.

TO : RC Emilia Region
RC Liguria Region
RC Piemonte Region
RC Lombardia Region
RC Venezia Region

- 1 Interpretation has been requested of sub-para (e) of Art 2 of GO 35.
- 2 GO 35 is entirely founded on DL 159 and this particular item is derived from the first para of Art 17 of that decree.
- 3 The intention is that in considering disqualification from service the same criteria shall be observed by AMG Commissions as will ultimately be observed by the Commissions under DL 159, so that the position will be avoided that AMG suspends employees who are ultimately declared not to be fascists. This is made clear by the introduction to the Handbook for Epuration Commissions.
- 4 It should be understood that there is more than one form of oath that to the Republican Fascist Government which is only taken by certain senior officials and party members and that to the "Repubblica Sociale Italiana" which is taken by hosts of minor officials. Only the first is within the wording of sub-para (e) of Art 2.
- 5 Attention is particularly directed to
 - a) para 5 of the High Commissioners circular No 1 of 20 Aug 44 and
 - b) para 5 of Circular No 2 of 8 Sep 44 and
 - c) para 4 of Circular No 3 of 26 Octall of which are printed in the Handbook and the attention of Commissions should be drawn to them and to the preface to the Handbook.
- 6 The attention of AMG Officers concerned is drawn to the summary of these paras which was issued with DE/3.32/CA of 1 Feb 45

from the first para of Art 17 of that decree.

3 The intention is that in considering disqualification from service the same criteria shall be observed by AMF Commissions as will ultimately be observed by the Commissions under DL 159, so that the position will be avoided that AMF suspends employees who are ultimately declared not to be fascists. This is made clear by the introduction to the Handbook for Epuration Commissions.

4 It should be understood that there is more than one form of oath that to the Republican Fascist Government which is only taken by certain senior officials and party members and
b) that to the "Repubblica Sociale Italiana" which is taken by hosts of minor officials.
Only the first is within the wording of sub-para (e) of Art 2.

5 Attention is particularly directed to
a) para 5 of the High Commissioners circular No 1 of 20 Aug 44 and
b) para 5 of Circular No 2 of 8 Sep 44 and
c) para 4 of Circular No 3 of 26 Oct
all of which are printed in the Handbook and the attention of Commissions should be drawn to them and to the preface to the Handbook.

6 The attention of AMF Officers concerned is drawn to the summary of these paras which was issued with DF/3.32/CA of 1 Feb 45. 11

7 Suspension under GO 35 is not appropriate where there is a reasonable possibility that a lesser punishment than dismissal will ultimately be awarded, but only where ultimate dismissal appears to be probable.

BY COMMAND OF THE CHIEF COMMISSIONER :

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

Copies for Info to : SCAO 5 Army
SCAO 3 Army
IV Corps
XIII Corps

(scale of Distribution : RHQ (5), PHQ (2))

Copy to : All Defascising Sub-Commissions

LEGAL SUB-COMMISSION	
CLO	
PHQ (2)	
Chief Counsel	
CJO	
Italian Section	

State

4c File

5A

HEADQUARTERS ALLIED COMMANDER
 200 354
 LEGAL SUB-COMMISSION

10/10/1.

10/10/1.
 30 May 1945.

SUBJECT : General Order 39.

TO : Regional Commissioner (also: Regional Legal Officer),
 200 354.

1. Reference General Order 39.

2. There is no objection to the Regional Commissioner making an
 order that cases in category "prejudged" should be proceeded with.

3. 01/02 Officer Section orders.

By command of Major General 200354

Copy to: LITHUANIA, LITHUANIA,
 LITHUANIA, LITHUANIA
 Regions.

W. A. WILSON,
 Colonel,
 Deputy Chief Legal Officer 16

4A

RE CHARTERS ALLIED COMMISSION
AFO 394
CIVIL AFFAIRS SECTION

7 April 45

Ref : DF/2.A/CA

INSTRUCTIONS ON GENERAL ORDER NO 35

- 1 This complementary order has been rendered necessary by the fact that temporary employees (Avventizi) do not have, under Italian legislation, the same privileges as permanent officials (di ruolo).
- 2 There exists no provision enabling the Italian administration to suspend its temporary employees, but only the right to dismiss them with the usual notice; it has therefore been found necessary to conform to the existing legislation in order that Italian officials belonging to the same categories may receive equal treatment, whether they were under Allied or Italian jurisdiction. (Articles 1 and 2 of General Order No 35 A refer).
- 3 Article 3 of GO No 35 A deals with the question of the calculation of the basic salary to be paid to permanent officials during the period of their suspension. The first provisions of the Italian Government on which General Order No 35 was based were subsequently amended by D.L. 44 of 23 Feb 45 which raised the amount to be paid to suspended officials by adding to their basic salaries the increases granted under RIL 18/B and D.L. 328.
- 4 While RIL 18/B has been implemented in territory under AMG, D.L. No 320 only becomes operative in provinces where the Provincial Commissioner so orders by Provincial Order. At present it is the intention not to implement this decree in North Italy.
- 5 It is understood that the Italian Government is preparing legislation with a view to embodying the recent increases of salaries in a consolidated decree (Testo Unico). Pending the promulgation of this decree, when calculating the basic salary of suspended officials, Provincial Commissioners in provinces where D.L. No 320 has been implemented should take into account the increases granted under both RIL 18/B and D.L. 320; in provinces where D.L. 320 has not been implemented, the increases granted under RIL 18/B only.
- 6 Copies of the order on the same scale as GO 35 will be circulated shortly as will a print of the Italian version for inclusion in the Handbook.

It is understood that the Italian Government is preparing legislation with a view to embodying the recent increases of salaries in a consolidated decree (Testo Unico). Pending the promulgation of this decree, when calculating the basic salary of suspended officials, Provincial Commissioners in provinces where D.L. No 323 has been implemented should take into account the increases granted under both RIL 18/5 and D.L. 323; in provinces where the increases granted under both RIL 18/5 and D.L. 323 have not been implemented, the increases granted under RIL 18/5 only will be circulated.

Copies of the order on the same cover as the Italian version for inclusion in the book shortly as will a print of the book.

G. R. UPJOHN ERIS,
UP-CL. Section

NOTIFICATION :-

RC Umbria-Marche Reg
RC Toscana Region
RC Emilia Region
RC Liguria Region
RC Piemonte Region
RC Lombardia Region
RC Valcizia Region
SCA.3 5 army
SCA.3 6 army

Scale of Distribution :- R. HQA (4)
P. HQA (2)
S/Os (2)

Air S/C
 Army S/C
 Naval S/C
 Census S/C
 Trans S/C
 PRB
 C. Sec
 Icon Sec
 Lic Govt S/C
 Legal Sec —
 Educ S/C
 Commerce S/C
 Pub Works S/C
 Finance S/C
 Agriculture S/C

Planted

REGISTRATION AND ADMISSION

○

Q11

CONCLUSIONS

5

10

10

© 2006 H&M

785016

3A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

9 Feb 45

Ref DW/7.32/04

SUBJECT : Defacement - GO 55

: See Diarrhoeal diseases

attached are summaries of three directives which the IC for Defense has issued on the subject of operation which are issued for the information of Regional and Provincial Officers and Sub-Commanders so that they can ensure that operation, for which they are responsible in the territory, proceeds along the correct lines.

BY COMING OF THE CIVIL COMMISSIONER

G.R. URSINI Bldg
VP Collection
DOCS 40

NOTIFICATION :-

HRC Tostant Region
 HRC Lazio Region
 HRC Castel-Marche
 HRC
 CA Section
 Teen Section
 Adult Section

Public Safety S/C
Local Govt S/C
Legal S/C
Gen. Co S/C
Public Works S/C
Finance S/C
Agriculture S/C

Air S/C
Army S/C
Naval S/C
Communications S/C
Transportation S/C
Educ S/C

Scale of Distribution
Regions 4 (incl. Basis of Division); Provinces 2; Sub Comm. 2.

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

IN COMMAND OF THE CHIEF COMMISSIONER

C.R. UGONIN Brig
VP Ch. Section
DOCS 40

DISTRIBUTION :-

RC Torrem. Region
RC Lazio Region
RC Abruzzi-Marche Region
RCB
CA Section
Tech Section
Polit Section

Public Safety S/C
Local Govt S/C
Municipal S/C
Commerce S/C
Public Works S/C
Finance S/C
Agric S/C

Air S/C
Army S/C
Naval S/C
Communications S/C
Transportation S/C
Educ S/C

Scale of Distribution

Regions 4 (incl Heads of Division); Provinces 2; Sub Commis 2.

Copies for info : RC Southern Region
RC Sicilian Region
RC Sardinia Region

"APPENDIX I" to DS/3.32/24 of 1 Feb 45

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

Explains and expounds difficulties and apparent inconsistencies in the text of IL 159. References commencing 4 are to Articles of IL 159 those beginning 5 are to the corresponding Sections of GO 35.

1 4 12 (2) and 4 15 - 5 2(b). Two degrees of improper preferment are recognized. The first includes the more gross cases of favouritism, where the preference is personal and with no shadow of justification, and the second where there may be colourable justification and there is a preference rather because of membership of a group than of the individual as such.

2 4 13-5 2(c) is intended to cover every form of bias incompetence and corruption and several examples are given.

3 4 14-5 2(d) is intended to apply to those who were in fact "squadrista", "antemarcia" etc, and not to those to whom such titles were awarded as honorary distinctions because they were notable athletes, sculptors, etc; but if an honorary title was solicited, this exception does not apply. Nor is the article intended to apply to persons who were transferred to the Militia "en bloc" because the unit to which they belonged was so transferred, except where the transfer was in accord with a request made by them.

4 4 16-5 3(b) The expression "distinguished" is defined as having accomplished something particularly notable and useful. The test is suggested of whether the man is of an honest type, who has done what he did in good faith and is sincere in his beliefs and not a mere time-server who will serve whenever he has a present advantage.

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

5 4 17-5 2(e) does not deal with collaboration with the Germans, that can only be dealt with under Art 5, but if such collaboration imports also collaboration with the Republican Government, Art 17 will apply.

Collaboration does not include such cases as a civil servant remaining at his post and carrying on with his job; the continuation of administration is a necessary part of the life of a State and should not be regarded as a simple excuse.

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

4. 16-S 3(b) The expression "distinguished" is defined as having accomplished something particularly notable and useful. The test is suggested of whether the man is of an honest type, who has done what he did in good faith and is sincere in his beliefs and not a mere time-server who will serve whenever any have a present advantage.

5. Caution is sounded against accepting too easily the claim of self-styled "patriots" and of being too easily satisfied by claim that sets of lively true importance should excuse persons from punishment for a long fascist past.

6. Similar caution is sounded against accepting too readily the excuses of unscrupulous persons.

7. 17-S 2(c) does not deal with collaboration with the Germans, that can only be dealt with under Art 5; but if such collaboration imports also collaboration with the Republican Government, Art 17 will apply.

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

The phrasing of allusions refers to the oath of fidelity and loyalty.

Three grades of extenuating circumstances are recognized.

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

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

c) Threats merely of dismissal, in which case the degree of excuse would vary with the degree of want in which the employee and his family might find themselves. There follows a large number of paragraphs dealing with details of administration. They refer to Arts 13-22 of II, 159 and are of no interest to the Commission.

APPENDIX II" to DRY, 9. 1. of 1 FEB 45

Circular No 2 of 8 Sep. From the Just NO to 1. Ministers
2. Members of Judging Commissions

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

- 1 The law is political; undue severity will be harmful; the spirit should prevail over the letter. The aim is not to punish (punishment is dealt with by Part I of DL 159) but to remove the corrupt and to re-build an honest serious and diligent service. The expression "unworthy to serve the state" occurs more than once and is the test to be applied.
- 2 The persons to be removed are those who are corrupt and intolerant. Two classes are distinguished, those who regard an office as a means of enrichment and who buy and sell (whether or not for money) favours and take improper profits or other advantages and corrupt and bribe. The second class are those who have been intolerant or representative or violent, those who have shown extreme partisanship and have coerced or curbed the liberty of others. Persons of both such classes should be removed even though their fascism is not obvious.
- 3 Other cases should be treated more tolerantly; the object is to set up a clean and honest administration. The argument that all fascists are tainted and should be removed is not accepted. Those who were conscientious and honest are still such and may be worthy of retention. A converted fascist need not necessarily be removed if the conversion is honest and not pretended.
- 4 The types of ex-fascists to be leniently dealt with are discussed. Squadrists, antimacchia etc who are still of low grade. A man who joined the party in its early days and is still of low grade cannot have been a very ardent fascist. Cases of persons in receipt of small salaries should be carefully considered especially where dismissal will condemn them and their families to complete destitution. It is considered better that a few undesirables should escape their deserts rather than many should suffer more than is deserved. The ex-fascist is not to be removed merely as such, but only if took part in the corruptness of the fascist regime.
- 5 A further test is the conduct of the individual after the 8 Sep 43. Those who then voluntarily associated themselves with and assisted the Republican Govt must be dismissed, but those who only did so under direct pressure or because of the economic necessity of retaining their appointments, may be awarded lesser punishment.
- 6 Suspension prior to trial shall not influence the hearing; suspensions are frequently ordered on evidence available at the time, which may later prove false or capable of explanation. Cases of persons suspended should be given priority of hearing.

7 The word "unworthy to serve the state" is suitable phrase that no punishment

3 should be removed even though their fascism is not obvious.

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

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

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

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

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

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

"PRELIMINARY" to 28/02/83 of 1 Feb 45

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

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

Censure is generally the most appropriate lesser sanction.

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

3 In considering cases of "consistent apology for conduct" 12(1)-5 2(a) of 20 35 the place or manner in which the apology is made is not to be given weight whether it be in the Chamber of the Senate or in private conversation, whether by book or a writing never intended to be published. The offense consists of the course of conduct, not in one ill considered episode.

4 Collaboration 17-5 2(e) includes not only intentional and continued support or assistance of the Republican Govt but also single acts which are or are related to be of assistance to that Govt whether the act is material or is only intended to influence the attitude or conduct of others towards it.

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

5 Claims under 16 & 17 - 55 2(e) and 5(e) that previous conduct should be excused or less severe sanction applied, on the ground that persons who were apparently collaborating with the Republican Govt have in fact been sabotaging that effort, need particularly careful investigation and only as to the authenticity of the documents relied upon but also as to the antecedents and reliability of the persons making the statements. Many such documents purporting to be made by individuals, partisan voices and other associations have been shown to be quite worthless. The only body authorized to issue such statements is the Ministerial Committee and only documents issued by that body should be accepted in evidence.

6 Personnel removed from office by and are regarded as suspended, the hearing of their cases should be expedited (and they are entitled to ask that this should be done) so that it may quickly be decided whether they are to be dismissed or re-employed; many have already been out of work for considerable time. Until such

35 the place of the Chamber of the Senate of the United States. The offense consists of the whether it be in the Chamber of the Senate of the United States. The offense consists of the book or a writing never intended to be published. The offense consists of the source of conduct, not in any bill considered episode.

4 Caliberation. 17-2 2(1) includes not only intentional and continued support or assistance of the Republican Govt, but also single acts which are or are calculated to be of assistance to that Govt whether the assistance is material or is only intended to influence the attitude or conduct of others towards it.

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

6 Personnel removed from office by such a matter is suspended, the hearing of their cases should be expedited (and they are entitled to ask that this should be done) so that it may quickly be decided whether they are to be dismissed or not employed; they have already been out of work for a considerable time. Until such a decision has been reached they shall receive (and from the date of actual suspension) salary without allowances on the same scale as those suspended under art 22 of the 159 are entitled to receive.

7 A suspended official who is "acquitted" shall not be reinstated in his employment until the time for appeal against the decision has expired. (In such territory an "acquitted" officer who has been suspended by law will not unless approved by the President in the same appointment and if the approval is not forthcoming he may be reinstated in an equivalent job elsewhere).

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

2A

ORDER AS TO THE SUSPENSION OF FASCIST OFFICIALS AND EMPLOYEES

- 1 PERSONS TO WHOM THIS ORDER APPLIES.
Officials and employees of the following bodies shall be subject to proceedings under this Order:-
 - a) Civil State administrations, even if autonomous
 - b) Local authorities and other public bodies and institutions
 - c) Special concerns operating under public authorities or codes and private concerns recognised by the State as controlling public utility undertakings or concerns having nation wide interests.
- 2 CATEGORIES OF PERSONS.
The following persons shall be suspended from service:-
 - a) Any person who has shown that he is unworthy of serving the state either by having participated actively in the political life of fascism or by having shown himself a consistent apologist of fascism and particularly if he has so acted when holding high office.
 - b) Any person who has obtained an appointment or promotion through favouritism of the party or of fascist officials of high rank.
 - c) Any person who has been guilty of fascist bias or corrupt practices.
 - d) Any person who has held the position of squire, or squire's clerk, or entrepreneur, or mercantile firm, or Sottispa Littoria, or who has been an officer of the fascist militia.
 - e) Any person who after the 8th December 1943 moved to North Italy with or has pledged allegiance to or has in any way collaborated with the Republican fascist government.

3 APPOINTMENTS OF COMMISSIONS.

- a) Not later than 3 days after the coming into operation of this Order in any locality the Provincial Commissioner shall appoint a Commission of Italian citizens of integrity and non fascist antecedents to carry out the provisions of this Order within the locality and shall give public notice of the appointment of the Commission and the address of its office.
- b) Each Commission shall consist of a President who shall be designated by the Provincial Commissioner and of such other members as the Provincial Commissioner may appoint. 4 Commissioners may sit in separate sections.
- c) Any persons appointed to the Commission whether as President or member thereof may at any time be removed by the Provincial Commissioner.

4 NOTIFICATION OF ORDER.

- a) Not later than 7 days after the coming into operation of this Order the Head of each administration and undertaking included in Article 1 of this Order and carrying on business in a locality to which this Order applies shall post at the place or places of business one or more copies of this Order and shall give notice to all officials and employees of that locality that

3. APPOINTMENTS OF COMMISSIONERS.

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

4. NOTIFICATION OF ORDER.

- a) Not later than 7 days after the coming into operation of this Order the head of each administration and undertaking included in Article I of this Order and carrying on business in a locality to which this Order applies shall post at the place or places of business one or more copies of this Order and shall give notice to all officials and employees of that administration or undertaking employed in that locality that
 - i) this Order has come into operation in that locality, and
 - ii) the particular administration or undertaking is included in Article I of this Order. Provided that the omission by the head of such administration or undertaking to give such notice shall not afford a defence to a person charged with noncompliance with the provisions of Article V of this Order.
- b) Whenever this Order shall come into operation in any locality the Prefect shall cause a copy thereof to be posted in every commune of such locality.

5. LOIEMENT OF SCHEDULE PERSONNEL.

- a) All persons to whom this Order applies are divided into three categories as follows:-
 - i) Category Immediate, consisting of:
 - Civil Service Officials down to Grade VI
 - Officials and employees in the Head Office of any administration or undertaking who occupy positions as Directors, Managers, Works

$\therefore \text{arr} + 72 \text{ (incl.)}$

1. $\frac{1}{2}$ 2. $\frac{1}{3}$ 3. $\frac{1}{4}$ 4. $\frac{1}{5}$ 5. $\frac{1}{6}$ 6. $\frac{1}{7}$ 7. $\frac{1}{8}$ 8. $\frac{1}{9}$ 9. $\frac{1}{10}$ 10. $\frac{1}{11}$ 11. $\frac{1}{12}$ 12. $\frac{1}{13}$ 13. $\frac{1}{14}$ 14. $\frac{1}{15}$ 15. $\frac{1}{16}$ 16. $\frac{1}{17}$ 17. $\frac{1}{18}$ 18. $\frac{1}{19}$ 19. $\frac{1}{20}$ 20. $\frac{1}{21}$ 21. $\frac{1}{22}$ 22. $\frac{1}{23}$ 23. $\frac{1}{24}$ 24. $\frac{1}{25}$ 25. $\frac{1}{26}$ 26. $\frac{1}{27}$ 27. $\frac{1}{28}$ 28. $\frac{1}{29}$ 29. $\frac{1}{30}$ 30. $\frac{1}{31}$ 31. $\frac{1}{32}$ 32. $\frac{1}{33}$ 33. $\frac{1}{34}$ 34. $\frac{1}{35}$ 35. $\frac{1}{36}$ 36. $\frac{1}{37}$ 37. $\frac{1}{38}$ 38. $\frac{1}{39}$ 39. $\frac{1}{40}$ 40. $\frac{1}{41}$ 41. $\frac{1}{42}$ 42. $\frac{1}{43}$ 43. $\frac{1}{44}$ 44. $\frac{1}{45}$ 45. $\frac{1}{46}$ 46. $\frac{1}{47}$ 47. $\frac{1}{48}$ 48. $\frac{1}{49}$ 49. $\frac{1}{50}$ 50. $\frac{1}{51}$ 51. $\frac{1}{52}$ 52. $\frac{1}{53}$ 53. $\frac{1}{54}$ 54. $\frac{1}{55}$ 55. $\frac{1}{56}$ 56. $\frac{1}{57}$ 57. $\frac{1}{58}$ 58. $\frac{1}{59}$ 59. $\frac{1}{60}$ 60. $\frac{1}{61}$ 61. $\frac{1}{62}$ 62. $\frac{1}{63}$ 63. $\frac{1}{64}$ 64. $\frac{1}{65}$ 65. $\frac{1}{66}$ 66. $\frac{1}{67}$ 67. $\frac{1}{68}$ 68. $\frac{1}{69}$ 69. $\frac{1}{70}$ 70. $\frac{1}{71}$ 71. $\frac{1}{72}$ 72. $\frac{1}{73}$ 73. $\frac{1}{74}$ 74. $\frac{1}{75}$ 75. $\frac{1}{76}$ 76. $\frac{1}{77}$ 77. $\frac{1}{78}$ 78. $\frac{1}{79}$ 79. $\frac{1}{80}$ 80. $\frac{1}{81}$ 81. $\frac{1}{82}$ 82. $\frac{1}{83}$ 83. $\frac{1}{84}$ 84. $\frac{1}{85}$ 85. $\frac{1}{86}$ 86. $\frac{1}{87}$ 87. $\frac{1}{88}$ 88. $\frac{1}{89}$ 89. $\frac{1}{90}$ 90. $\frac{1}{91}$ 91. $\frac{1}{92}$ 92. $\frac{1}{93}$ 93. $\frac{1}{94}$ 94. $\frac{1}{95}$ 95. $\frac{1}{96}$ 96. $\frac{1}{97}$ 97. $\frac{1}{98}$ 98. $\frac{1}{99}$ 99. $\frac{1}{100}$ 100. $\frac{1}{101}$ 101. $\frac{1}{102}$ 102. $\frac{1}{103}$ 103. $\frac{1}{104}$ 104. $\frac{1}{105}$ 105. $\frac{1}{106}$ 106. $\frac{1}{107}$ 107. $\frac{1}{108}$ 108. $\frac{1}{109}$ 109. $\frac{1}{110}$ 110. $\frac{1}{111}$ 111. $\frac{1}{112}$ 112. $\frac{1}{113}$ 113. $\frac{1}{114}$ 114. $\frac{1}{115}$ 115. $\frac{1}{116}$ 116. $\frac{1}{117}$ 117. $\frac{1}{118}$ 118. $\frac{1}{119}$ 119. $\frac{1}{120}$ 120. $\frac{1}{121}$ 121. $\frac{1}{122}$ 122. $\frac{1}{123}$ 123. $\frac{1}{124}$ 124. $\frac{1}{125}$ 125. $\frac{1}{126}$ 126. $\frac{1}{127}$ 127. $\frac{1}{128}$ 128. $\frac{1}{129}$ 129. $\frac{1}{130}$ 130. $\frac{1}{131}$ 131. $\frac{1}{132}$ 132. $\frac{1}{133}$ 133. $\frac{1}{134}$ 134. $\frac{1}{135}$ 135. $\frac{1}{136}$ 136. $\frac{1}{137}$ 137. $\frac{1}{138}$ 138. $\frac{1}{139}$ 139. $\frac{1}{140}$ 140. $\frac{1}{141}$ 141. $\frac{1}{142}$ 142. $\frac{1}{143}$ 143. $\frac{1}{144}$ 144. $\frac{1}{145}$ 145. $\frac{1}{146}$ 146. $\frac{1}{147}$ 147. $\frac{1}{148}$ 148. $\frac{1}{149}$ 149. $\frac{1}{150}$ 150. $\frac{1}{151}$ 151. $\frac{1}{152}$ 152. $\frac{1}{153}$ 153. $\frac{1}{154}$ 154. $\frac{1}{155}$ 155. $\frac{1}{156}$ 156. $\frac{1}{157}$ 157. $\frac{1}{158}$ 158. $\frac{1}{159}$ 159. $\frac{1}{160}$ 160. $\frac{1}{161}$ 161. $\frac{1}{162}$ 162. $\frac{1}{163}$ 163. $\frac{1}{164}$ 164. $\frac{1}{165}$ 165. $\frac{1}{166}$ 166. $\frac{1}{167}$ 167. $\frac{1}{168}$ 168. $\frac{1}{169}$ 169. $\frac{1}{170}$ 170. $\frac{1}{171}$ 171. $\frac{1}{172}$ 172. $\frac{1}{173}$ 173. $\frac{1}{174}$ 174. $\frac{1}{175}$ 175. $\frac{1}{176}$ 176. $\frac{1}{177}$ 177. $\frac{1}{178}$ 178. $\frac{1}{179}$ 179. $\frac{1}{180}$ 180. $\frac{1}{181}$ 181. $\frac{1}{182}$ 182. $\frac{1}{183}$ 183. $\frac{1}{184}$ 184. $\frac{1}{185}$ 185. $\frac{1}{186}$ 186. $\frac{1}{187}$ 187. $\frac{1}{188}$ 188. $\frac{1}{189}$ 189. $\frac{1}{190}$ 190. $\frac{1}{191}$ 191. $\frac{1}{192}$ 192. $\frac{1}{193}$ 193. $\frac{1}{194}$ 194. $\frac{1}{195}$ 195. $\frac{1}{196}$ 196. $\frac{1}{197}$ 197. $\frac{1}{198}$ 198. $\frac{1}{199}$ 199. $\frac{1}{200}$ 200. $\frac{1}{201}$ 201. $\frac{1}{202}$ 202. $\frac{1}{203}$ 203. $\frac{1}{204}$ 204. $\frac{1}{205}$ 205. $\frac{1}{206}$ 206. $\frac{1}{207}$ 207. $\frac{1}{208}$ 208. $\frac{1}{209}$ 209. $\frac{1}{210}$ 210. $\frac{1}{211}$ 211. $\frac{1}{212}$ 212. $\frac{1}{213}$ 213. $\frac{1}{214}$ 214. $\frac{1}{215}$ 215. $\frac{1}{216}$ 216. $\frac{1}{217}$ 217. $\frac{1}{218}$ 218. $\frac{1}{219}$ 219. $\frac{1}{220}$ 220. $\frac{1}{221}$ 221. $\frac{1}{222}$ 222. $\frac{1}{223}$ 223. $\frac{1}{224}$ 224. $\frac{1}{225}$ 225. $\frac{1}{226}$ 226. $\frac{1}{227}$ 227. $\frac{1}{228}$ 228. $\frac{1}{229}$ 229. $\frac{1}{230}$ 230. $\frac{1}{231}$ 231. $\frac{1}{232}$ 232. $\frac{1}{233}$ 233. $\frac{1}{234}$ 234. $\frac{1}{235}$ 235. $\frac{1}{236}$ 236. $\frac{1}{237}$ 237. $\frac{1}{238}$ 238. $\frac{1}{239}$ 239. $\frac{1}{240}$ 240

- # THE FUTURE OF THE FUTURE

The Commission shall thereupon review such evidence and shall determine whether such other evidence may be brought before it and shall determine whether such other evidence may be liable to suspension in accordance with the provisions of the Act.

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

9. DECISIONS OF COMMISSION.

- a) At the expiration of 10 days from the service of a notice of proposed suspension the Commission shall in every case in which no objection has been lodged make a suspension order against the person named in the notice.
 - b) In every case in which an objection has been lodged the Commission shall after the consideration and where necessary the hearing of the objection either
 - i) sustain the objection and order that the notice of proposed suspension be cancelled, or
 - ii) dismiss the objection and make a suspension order against the person by whom the objection was lodged.
- Copies of the order will in every case be served upon the person in respect of whom the order is made and on his employer.

10. EFFECT OF A SUSPENSION ORDER

- a) A suspension order made against any person suspends that person from the date of the order from any office or employment with any administration or undertaking mentioned in Article I of this Order.
- b) No person who has been suspended as the result of a suspension order may be subject to Article 12 of this Order be employed or re-employed thereafter by the same or by any other administration or undertaking included in Article I of this Order without further order of the Commission.

11. SALARY OF PERSONS SUSPENDED.

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

12. NO APPEAL FROM DECISIONS OF COMMISSIONS.

- a) No act notice or order done, issued or made by a Commission in pursuance or in consequence of this Order shall be open to appeal and all such acts notices and orders shall be final and binding unless and until a Commission appointed under ILL 159 for the purging of the administrations shall otherwise direct.
- b) Nothing in this Order and no act decision notice or order done taken issued or made in pursuance or consequence thereof may be used to influence, prejudice, limit or in any way bind the conduct of any Commission set up under ILL 159 in the consideration of the suspension by that Commission.

13. MISCELLANEOUS PROVISIONS.

- a) At the hearing of an objection the Commission shall:
 - i) have power to administer oaths
 - ii) exercise the powers conferred on a Court of law by Articles 335, 342 and 343 of the Italian Code of Penal Procedure to the extent necessary for the purpose of this Order.
 - iii) have power to make such rules and orders and do all such acts as shall be necessary for the purpose of this Order.
- b) No stamp duty of any kind shall be payable upon any Notice, objection, notice, order or other document used or required for the purposes of this Order.

any person against whom a suspension order is made shall receive for his support his basic salary without any further allowances.

12. NO APPEAL FROM DECISIONS OF COMMISSIONS.

- a) NO set, notice or order made, issued or made by a Commission in pursuance of in consequence of this Order shall be open to appeal and all such acts, notices and orders shall be final and binding unless and until a Commission appointed under Ill 159 for the purpose of the administration shall otherwise direct.
- b) Nothing in this Order and no set, notice or order made taken issued or made in pursuance or consequence thereof shall be used to influence, prejudice, limit or in any way bind the conduct of any Commission set up under Ill 159 in the consideration of the case heard by that Commission.

13. MISCELLANEOUS PROVISIONS.

- a) At the hearing of an objection the Commission shall:
 - i) have power to administer oaths;
 - ii) exercise the powers conferred on a Court of law by Articles 338, 342 and 343 of the Italian Code of Penal Procedure to the extent necessary for the purpose of this Order;
 - iii) have power to make such rules and orders and do all such acts as shall be necessary for the purpose of this Order.
- b) NO stamp duty of any kind shall be payable upon any Schedule Personale, objection, notice, order or other document used or required for the purposes of this Order.

14. OFFENCES.

- a) any person who
 - i) being required under the provisions of this Order to complete, sign, and lodge a Schedule Personale fails either to complete or to sign or to lodge such a Schedule Personale;
 - ii) in any Schedule Personale, objection or other document makes any false statement knowing the same to be false;
 - iii) gives false evidence before a Commission;
 - iv) offers, seeks, gives or receives a bribe in connection with any matter covered by this Order;
 shall be guilty of an offence and upon conviction by an Allied Military Court may be punished by imprisonment or fine or both as such Court may determine.

15. SAVING OF THE POWERS OF THE ALLIED MILITARY GOVERNMENT

Nothing in this Order shall deprive the Allied Military Government of the powers of the Allied Military Government in this territory and those powers may at all time be exercised as if this Order had not been made.

16. EXTENT OF ORDER AND EFFECTIVE DATE.

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

GENERAL ORDER NO. 52

AS

to the

SUSPENSION

OF

FASCIST OFFICIALS AND EMPLOYEES

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

WHEREAS it is the policy of the Allied Military Government that persons who were fascists and occupied prominent or representative positions during the fascist regime or have since 1st Sep 43 collaborated with the Republican Fascist Government shall be removed from office

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

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

CA Sec

26 Nov 44

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-Commission

APO 394

WEB/pa.
5 Oct 44.

ACC/4074/10/L
ACC/1002/2/E.

SUBJECT : Defascistization in Northern Regions.
TO : Deputy Chief of Staff, Civil Affairs Sec.

1. Herewith are submitted for your consideration the English version of the documents recommended for issue in connection with the above.

2. The documents comprise :-

- (a) General Order No.35 . You will note the reduced time allowances.
- (b) Executive Memorandum and accompanying forms.
- (c) Letter to be written to Regional Commissioners.

3. If the General Order is approved as drafted the necessary certificate will be prepared.

RICHARD H. WIMMER,
Colonel, CAC,
Chief Legal Advisor.

1 Cy G.O. #35 removed from
very back of file for retention

Maj. Gen. W.H. Middleswart,
1706 De Pauw St., Orlando

Fla.

(Personal letter to Gen. Jones,
TAG, 13 Sep 57 from Gen M.)

23 Sep 57

1843