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10000/142/557
(VOL. 2)

10000/142/557
(VOL. 2)

SANCTIONS AGAINST FASCISM
NOV. 1944 - JAN. 1945

50A

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AG/4082/5/L

/mt.
12 January 1945.

SUBJECT : Epurational proceedings in Allied Military
Government Territory.

TO : H.E. the Minister ofardon and Justice.

1. At the meeting of Tuesday 9 Jan 45 Your Excellency expressed the opinion that the implementation of DLL 159 and of the subsequent complementary legislation in territory not yet restored to Italian Government did not "ipso iure" authorize the competent commissions to proceed against Italian officials in function in territory under AMG.

You requested therefore the Allied Commission to write to the Prime Minister in order to make it clear that in the opinion of the Allied authorities all Italian legislation dealing with defascism was fully operative in Military Government Territories.

2. However, in view of the fact that an exchange of correspondence on this very subject ~~had~~ place between H.E. Bonomi and Brigadier Upjohn, it appears that it will not be necessary to write further to the Prime Minister requesting him to confirm an opinion which he has already expressed.

3. From the enclosed copies of Brig. Upjohn's letter and the Prime Minister's reply you will see that perfect agreement exists between the Allied and Italian authorities for the establishment of Provincial Epuration Commissions in Siena and other provinces under AMG.

4. ~~It is~~ ~~that~~ that this information will enable Your Excellency to give the necessary instructions to the various Commissions concerned.

G. G. HANBARD,
Lt. Col.,
Officer i/c Italian Branch,
for Chief Legal Advisor.

2 Incis:

- 1 Incl -1 letter, 29 Dec 44, Brig. Upjohn.
- 1 Incl -1 letter, 11 January 45, H.E. Bonomi.

MINUTES OF MEETING HELD ON 9 JANUARY 1945

AC/4013/3/L.

ES/ap.

10 January 1945.

PRESENT : Col. Behrens
 Lt. Col. Hannaford
 Lt. Col. Thackrah
 S/Sgt. Stein

H. E. The Minister
 Dott. Bonelli

Meeting opened at 1120.

1. Epuration proceedings against judicial officials in AMG territory.
 In Minister's view the laws 159 and 257, even though made effective in AMG territory, do not contemplate the above proceedings before the territory is restored to the Italian Government; if, however, the Legal Sub-Commission so desires, the Epuration Commission will be instructed to proceed against officials in AMG territory; the Legal Sub-Commission should write to this effect to the Prime Minister copy to Minister of Justice.
 In the case of Primo Presidente CAMASSO there will be no need for completion of the epuration proceeding in view of his application for retirement. The decree for his retirement is pending before the Court of Accounts.

2. Personnel.- Scarcity and recruitment.
 Minister complains of the behaviour of Primo Presidente LIPONATTI. Agreed that he will be promoted and removed from Naples. Minister submits a memorandum on LIPONATTI, VOLPE, RIZZO and LEPORE and requests approval in writing. Answering DCIA's question the Minister states that he has not been asked to supply additional magistrates for the High Court of Justice and that in his view the request of Count SPORZA for two additional judges should be ignored both because it is unjustified and because of Sig. SPORZA's resignation. The Minister also submits a memorandum answering this Sub-Commission's letter AC/4039/L of 29 December on scarcity of judicial personnel. The Minister adds that all judges retired pursuant to Ministry's general policy

49A

In Minister's view the laws 159 and 257, even though made effective in AMG territory, do not contemplate the above proceedings before the territory is restored to the Italian Government; if, however, the Legal Sub-Commission so desires, the Epuration Commission will be instructed to proceed against officials in AMG territory; the Legal Sub-Commission should write to this effect to the Prime Minister copy to Minister of Justice.

In the case of Primo Presidente CAMASSO there will be no need for completion of the epuration proceeding in view of his application for retirement. The decree for his retirement is pending before the Court of Accounts.

Personnel.- Scarcity and recruitment.

Minister complains of the behaviour of Primo Presidente LIBONATTI. Agreed that he will be promoted and removed from Naples. Minister submits a memorandum on LIBONATTI, VOLPE, RILLO and LEPORE and requests approval in writing. Answering DCI's question the Minister states that he has not been asked to supply additional magistrates for the High Court of Justice and that in his view the request of Count SPORZA for two additional judges should be ignored both because it is unjustified and because of Sig. SPORZA's resignation. The Minister also submits a memorandum answering this Sub-Commission's letter AC/4039/L of 29 December on scarcity of judicial personnel. The Minister adds that all judges retired pursuant to Ministry's general policy will be called back into service provided they are fit and politically acceptable. Furthermore, a "concorso" of uditori will be made and more stranded judges will be ordered to fill the vacancies.

Bari Courts.

The Minister states that pursuant to this Sub-Commission's request he has asked the Primo Presidente of Bari to submit a report on the Primo Pretore APICELLA with a view of effecting his substitution at soonest. The decrees appointing the First President and Procuratore Generale for Bari are at the Court of Account for registration. Consigliere CHIARPA of the Bari Court of Appeal went to Lucera and instructions have been issued to recall into service the retired Presidente of the Tribunale of Lucera to sit on the Appeal Bench of Lucera. The Minister stresses that as the Lucera Court is a mere detached section of Bari

its personnel must necessarily be supplied by the Bari Court of Appeal.

4.

Prostitution and Offences against Allied interests.
The Minister agrees with the conclusion of Prof. VASSALLI's memorandum submitted by this Sub-Commission in respect of the 2 proposed circulars, one of which will deal with the use of the optional power of arrest, the other with granting of provisional liberty to prostitutes on condition of establishing their residence outside of certain places.

5.

Tribunale of Vasto.
The Minister apologizes for the oversight of his cabinet officials to submit to this Sub-Commission the decree establishing the above court. In Minister's opinion the complaint of the sindaco of Lanciano in respect of the establishment of this court are not justified. The Minister exhibits petitions of lawyers and mayors of all 5 communes for which the court was established. The jurisdiction of the Lanciano Tribunale has not been unduly curtailed as the largest of the "doubtful" mandamenti was left under its jurisdiction. No new judicial personnel will be required as the Lanciano Tribunale will be simply split in two.

6.

Executions of Italian citizens by Allies.
The Minister requests that he be given the name of each person executed and the reasons for the execution. DCLA promises to contact the military authorities on this subject but points out that the great majority of death penalties was imposed for espionage and the names of the executed spies are not released for publication for security reasons. Minister presents two letters citing two instances of the above.

7.

"Avventizi di cancelleria" hired by AMG in Naples and denied salaries.

The Minister presents a memorandum on this subject and points out that the Court of Accounts has refused to authorize the salaries as there are no proper decrees

establishing the above court. The Minister of the Lanciano in respect of the complaint of the sindaco of Lanciano are not justified. The Minister establishment of this court are not justified. The Minister exhibits petitions of lawyers and mayors of all 5 communes for which the court was established. The jurisdiction of the Lanciano Tribunale has not been unduly curtailed as the largest of the "doubtful" mandamenti was left under its jurisdiction. No new judicial personnel will be required as the Lanciano Tribunale will be simply split in two.

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7. "Avvertizi di cancelleria" hired by AMG in Naples and denied salaries.
The Minister presents a memorandum on this subject and points out that the Court of Accounts has refused to authorize the salaries as there are no proper decrees appointing such "avvertizi". The Ministry has ordered them dismissed and the question is who will pay the arrears for the past months. Agreed that this Sub-Commission will take it up with the Finance Sub-Commission.

8. Case of Del Fante.
The Minister states that only new evidence would warrant reopening of the case. DCLA enquires whether the mere fact that 12 witnesses named in the denunciation have not been heard would not suffice for ordering a revision. The Minister answers that some party would have to ask for the reopening. He also points out that not a single paper has criticized the acquittal.

9. Examination for Procuratori Legali in AMG territory.
Lt. Col. Hanneford states that the examinations have been authorized in Florence; no answer received as yet from Ancona.
10. Circuit Sections for Court of Appeal Ancona.
The Minister states that there is no law which would expressly forbid the "flying sections" sitting in various places outside of the seat of the Court of Appeal. If Primo Presidente agrees the Minister has no objection.
11. Electricity for magistrates.
Lt. Col. Hanneford states that a new and detailed request has been made in this respect.

Meeting closed at 1200.

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8 JAN 1945

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CA SEC (3 COPIES)

RNF/VAG

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ALLIED FORCE HEADQUARTERS
AFO 512

- 8 GEN 1945

AG 000.5/003 GSI-C

4 January 1945

SUBJECT: Handing Over of Persons Interned by Allies to High Commission for
Punishment of Fascist Crimes

TO : President, Allied Commission, AFO 394 ✓ (b)

1. The Italian Government has passed various decrees against Fascism, the principle one of which declares certain acts to have been crimes and sets up courts to try them. It has appointed a High Commissioner to supervise and co-ordinate the work and conduct investigations. His department, the High Commission for the "Senzioni contro il Fascismo", contains four branches:

- a. For the punishment of Fascist crimes;
- b. For the removal of Fascists from positions of authority;
- c. For the forfeiture of improperly obtained wealth;
- d. For disposing of the property of Fascist Bodies.

2. Commissions are set up, in every ministry, province and concern of national importance to consider the evidence against alleged Fascists and recommend whether particular persons should or should not be dismissed from positions of authority. In the Ministry of Interior there is, for instance, a Commission to deal with the cases of public security personnel, and in the Ministry of War, one to deal with the CC.RR. (Carabinieri).

3. The Italian authorities are entirely responsible for dealing with all 18 cases under the decrees against Fascism but the Allies will, if requested, assist them where they can reasonably do so by supplying such information as may be given without breach of security requirements. There can normally be no justification for asking Allied personnel to give evidence in person in such proceedings and evidence will not be given by Allied personnel without sanction from higher authority.

4. Authority may be granted through the releasing authorities (in the case of internees from Number 1 Internee Camp through G-2 CI AFHQ, in the case of Number 2 Internee Camp through GSI(E), 15th Army Group).

a. For accredited representatives of the Italian Government to visit Number 1 Internee Camp and Number 2 Internee Camp for the purpose of interrogating internees in order to procure evidence;

b. For internees to be released temporarily from the above mentioned camps to Italian custody to proceed to Rome or elsewhere with the object of giving evidence at trials;

HEADQUARTERS

8 JAN 1945 - 1 -

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Ltr, AFHQ, AG 000.5/003 GBI-O,
dated 4 January 1945 (Cont'd)

c. For internees in the custody of the Allies to be handed over to Italian custody in order that they may stand trial before any of the Commissions mentioned above.

5. In any such case, the releasing authority will reserve the right to reintern any person if the sentence received by him is insufficient to meet Allied security needs. The releasing authority will make this fact clear to the accused before release. It will also be a condition of any such release that the Italian authorities shall not, after any hearing or completion of any sentence imposed, release any internees before obtaining the consent of the releasing authorities to such release.

6. The channel of communication for applications should be from the Italian authorities through the Allied Commission to the releasing authorities (G-2 C1 AFHQ in the case of Number 1 Internee Camp, and GSI(b) 15th Army Group in the case of Number 2 Internee Camp). The releasing authority can then, if deemed advisable, consult the internment authorities concerned (district, base section headquarters, etc).

7. When authority is given for the temporary release of internees under the terms of paragraph 4 b and c above, the Italian authorities will be responsible for making the necessary arrangements to provide transportation and escort for the internees from, and if necessary, to the Internee Camps, and for their safe custody while they are at the disposal of the Commission of the Italian authority concerned.

By command of Field Marshal ALEXANDER:

A. B. King
A. B. KING,
Major, AGD,
Asst Adjutant General

DISTRIBUTION:

- 3 - Addressee
- 3 - No 1 Internee Camp
- 3 - No 2 Internee Camp
- 2 - SIM/CS Liaison Officer, Rome
- 6 - G-1 (A)
- 3 - G-1 (B)
- 6 - G-2
- 6 - G-5
- 3 - PWG
- 2 - AG Records
- 1 - AG & D
- 3 - 15th Army Group
- 3 - PRS
- 3 - No 3 District
- 3 - Rome Area

	LEGAL SUB-COMMISSION
	CLO
→	DCLO
→	Chief Counsel <i>ngg</i>
	CJO
	Italian Section
	CL RKS

- 2 -

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8 JAN 1945

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(47A)

AC/408276/L.

ES/ap.

8 January 1945.

SUBJECT : Epuration of Officials Grade I - IV.

TO : Epuration Commission, Ministry of Pardon
and Justice.

It would be appreciated if the enclosed form could be filled out according to the State of proceedings on December 31, 1944 and returned to this Sub-Commission at your earliest convenience.

BF/29/1

G. G. HANNAFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

17

Incl.

4082/6.15

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

45A

Ref: DE/38/CA

6 Jan 45.

SUBJECT: Defascism - Grades I-IV Officials.

TO: Education S/C Army S/C
Legal S/C Naval S/C
Public Safety S/C PRB
Economic Section

45A

Reference DE/3.10/CA para 2, dated 30 Dec 44.

6

JAN 1945

It is requested that the summary called for, which was not produced at the meeting on 3 Jan 45 be submitted to this office as soon as possible. 16

COMMISSION

Lt Col.

Col. Humphreys ←

S.H. WHITE, Lt Col.
for VP CA Section.

H-43

H0821/6 ✓

45A

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DF/3.10/CA

30 Dec 44

SUBJECT : Defascism - Meetings.

TO : Educ S/C Air S/C
 Legal S/C Land F. S/C
 Loc Govt S/C Naval S/C
 Pub Saf S/C IRB

- 1 A Meeting to discuss the compilation of reports will be held in room 56 (not 58), Fifth floor at 0900 on Wednesday 3 Jan. The attendance of your representative is requested. Please bring specimen report form with you.
- 2 The time limit for the compilation of proceedings against officials of the first four grades (and equivalent rank in the State Railways) expired on 30 Dec. Will your representative please bring with him a summary in the following form

Sub Coman

Grade 1-4 Officials	cleared	-
	dismissed	-
	time extended	-

Total Grade 1-4 Officials -

LEGAL SUB COMMISSION	
CLO	/
DELO	✓
Chf Counsel	/
CIO	/
Italian Section	/
CL RKS	/
30 DEC 1944	/

S.H. WHITE Lt Col 15
for CSO CA Sec.

Col Hammerford act

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

44A

AG/4082/6/L.

ES/mt.
23 December 44.

SUBJECT : Implementation of D.L.L. 159 in AMG territory.
TO : Ministry of Transports, Rome.

With reference to your FM/IX/365-1/17919 of 22 Dec 1944 please find below the list showing the effective dates of D.L.L. 159 in the individual Provinces as requested.

FIRENZE	11 Oct	L'AQUILA	14 Aug
PISA	18 Oct	TERAMO	28 Aug
SIENA	21 Sept	CHIETI	16 Aug
LUCCA	10 Nov	PESCARA	14 Aug
APUANIA	not yet implemented	CAMPORASSO	-Province restored to the Italian Gov.t before the decree 159 was published
GROSSETO	25 Aug		
PISTOIA	11 Nov	ANCONA	6 Nov
AREZZO	21 Oct	ASCOLI PICENO	11 Sept
PERUGIA	23 Aug	MACERATA	2 Sept
TERNI	14 Aug	PESARO	6 Nov
RIETI	13 Aug		

Ref

14

A. R. THACKRAH,
Lt. Col.,
Italian Branch
for Chief Legal Advisor.



MINISTERO DEI TRASPORTI

GABINETTO

22 DIC. 1944

Roma,

N. FM/IX/365-1 179/9

Risposta al N.

OGGETTO: D.L.L. 27.7.1944 n° 159 -

— ALLA SOTTOCOMMISSIONE LEGALE PRESSO LA COMMISSIONE ALLEATA

R O M AALLA COMMISSIONE "A" PER L'EPURAZIONE DEL PERSONALE
delle Ferrovie dello StatoR O M A

(rif. nota C.E.A.A./894 del 16.12.1944)

Con l'ordinanza del Governo Militare Alleato in data 29 luglio 1944 è stato stabilito che il Decreto Legislativo Luogotenenziale 27.7.1944 n° 159 riguardante le sanzioni contro il fascismo, nonché tutti gli altri provvedimenti legislativi adottati dal Governo italiano e pubblicati nel n° 41 della Gazzetta Ufficiale in data 29/7/1944, "entrino in vigore ed abbiano piena forza ed effetto di legge in ogni provincia del territorio soggetto al Governo Militare Alleato a partire dalla data in cui il Prefetto di tale Provincia riceverà dalla Commissione Alleata di Controllo una copia del suddetto numero della Gazzetta Ufficiale".

Per averne norma nell'applicazione del decreto in oggetto nei confronti del personale delle Ferrovie dello Stato appartenente ai Compartimenti di Firenze e di Ancona corrispondenti approssimativamente alle Province di Firenze, Pisa, Siena, Lucca, Apuania, Grosseto, Pistoia, Arezzo, Perugia, Terni, Rieti, L'Aquila, Teramo, Chieti, Pescara, Campobasso, Ancona, Ascoli, Macerata e Pesaro si prega compiacersi far conoscere la data in cui la Gazzetta Ufficiale n° 41 è stata ricevuta dai Prefetti delle suddette Province.

43A

ALLA COMMISSIONE "A" PER L'EPURAZIONE DEL PERSONALE
delle Ferrovie dello Stato

R O M A

R O M A

(rif. nota C.E.A.A/894 del 16.12.1944)

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d'ordine di S.E. IL MINISTRO
/ IL CAPO DI CABINETTO



DT/2B/CR

Tel: 489081
Dxt 469

SUBJECT: Defascism.

27 Nov 44.

TO:

RC Tuscane Region,
RC Lazio-Umbria Region,
RC Abruzzi-Marche Region,
RC Piemonte Region
SCAO 5 Army

RC Liguria Region,
RC Lombardia Region,
RC Venetia Region,
RC Emilia Region,
SCAO 8 Army.

HEADQUARTERS ALLIED COMMISSION
120 534
CIVIL AFFAIRS SECTION

1 Much difficulty has been occasioned in some provinces in the matter of epuration of officials through an improper understanding of the relative responsibilities and procedures of AMB and Italian Government officials. This Memo is intended to clarify the position.

2 On first entry into a territory, AMB officers will put Exec Memo 67 into operation and in doing so it is important that lists A and B should be used together, that is to say that an official in list A should only be suspended if he is also within a description in list B and vice versa. AMB officers will be careful to refrain from a wholesale sacking of officials for administrative chaos would only result. They must only worry about major officers as appearing in list A and neglect the fascist character of minor officials.

3 Thereafter in AMB territory two phases may be distinguished.
a) There is no immediate probability of DLL 159 being implemented
b) Where conditions have been so far restored that DLL 159 can be implemented. **12**

*In no case will AMB set up methods of epuration except as described in this Memo. See 319/167/CA of 4 Aug 44.

4 In the former case defascism by AMB under General Order 35 (which will shortly be circulated) may be authorized by HQ AM.

5 Where DLL 159 is in force (*) the responsibility is that of the Italian Government working through the machinery set up by that decree. This is that

424
Lepa

- 1 Much difficulty has been occasioned in some provinces in the matter of epuration of officials through an improper understanding of the relative responsibilities and procedures of AMF and Italian Government officials. This Memo is intended to clarify the position.
- 2 On first entry into a territory, AMF officers will put Exec Memo 67 into operation and in doing so it is important that lists A and B should be used together, that is to say that an official in list A should only be suspended if he is also within a description in list B and vice versa. AMF officers will be careful to refrain from a wholesale sacking of officials for administrative reasons would only result. They must only worry about major officials as appearing in list A and neglect the fascist character of minor officials.
- 3 Thereafter in AMG territory two phases may be distinguished.
 - a) Where there is no immediate probability of DIL 159 being implemented
 - b) Where conditions have been so far restored that DIL 159 can be implemented.
- 4 In no case will AMG set up methods of epuration except as described in this Memo. See 315/167/CA of 4 Aug 44.
- 5 In the former case defascism by AMF under General Order 35 (which will shortly be circulated) may be authorized by HQ AG.
 - a) There DIL 159 is in force (*) the responsibility is that of the Italian Government working through the machinery set up by that decree. This is that the cases of:
 - a) Government servants and employees of concerns of national importance though they may work in the provinces will be dealt with by Epuration Commissions sitting in Rome. The AG bodies responsible for ensuring the efficient working of these Commissions are the appropriate Sub-Comms of this HQ.
 - b) AMF officers in the field therefore can only influence the actual process of defascism through the Sub-Comms concerned which they must keep informed on local conditions and requirements.

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Though they have no direct local responsibility for defascising these classes of employees this does not mean that they cannot, for good reasons, suspend persons (including fascists) but it does mean that they will not occupy themselves with any general removal of fascists from office.

b) Employees of entirely local concerns such as the PCA, Hospitals and local public utility undertakings will be dealt with by Provincial Exemption Commissions appointed by the central Govt. but sitting locally. The AC officers responsible for seeing that these Commissions work efficiently and rapidly is the RC through his appropriate PCs..

He is also responsible for keeping HQ AC informed on local conditions and progress.

HQ 46 will be his channel of communication for any representations he may wish to make with regard to the appointment of personnel of Provincial Commissions.

6 6 It must be realised that where AMG officers act they will only suspend. Dismissal will in all cases be dealt with by the Italian Government under DLL 159.

7 Though the responsibility for dismissal is that of the Italian Govt, AMG officers have an over-riding duty to see that essential services are not disorganised either by wholesale dismissals or by dismissals of key employees, where no substitute is available. This does not mean that every proposal of the Commission requires prior approval by an AMG officer but the AMG officers must arrange to be kept in the picture and be prepared to interfere if dis-organisation is seriously threatened.

BY COMAND OF THE CHIEF COMMISSIONER

G. N. UPTON, Brig.,
 VC CA Sec.
 1895 AD

Copy to: EOs, Sardegna, Sicilia and Southern Regions.

DISTRIBUTION: (7) NEARBY (2) PROVINCIAL (2)

* This decree has been implemented as follows:

In Regions : In the Province of:

7 Though the responsibility for dismissal is that of the Italian Govt, AMG officers have an over-riding duty to see that essential services are not disorganised either by wholesale dismissals or by dismissals of key employees, where no substitute is available. This does not mean that every proposal of the Commission requiring prior approval by an AMG officer but the AMG officers must arrange to be kept in the picture and be prepared to interfere if dis-organisation is seriously threatened.

BY COMMAND OF THE CHIEF COMMISSIONER

R. P. L. H. H.
G. R. W. J. H. H. H.
VP CJ Sec.
DCOS JC

Copy to: HQs, Sardegna, Sicily and Southern Regions.

DISTRIBUTION: Region HQ (4) Provinces (2)

This decree has been implemented as follows:

In Regions :
Lazio-Umbria
Abruzzi-Marche
Toscana
Southern
Napoli.

In the Provinces of:
Terni, Perugia, Ascoli;
Macerata, Ancona, Pesaro;
Grosseto, Siena, Arezzo, Livorno, Pisa, Florence,
Lucca, Pistoia;

DISTRIBUTION FOR INFO: 14 DEC 1944

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Pol Sec
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Army S/C
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Coast S/C
PAS

LEG SUB COM-500

CJO

CJO

Chief Comd

CJO

Italian Region

CL RKS

15 DEC 1944

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HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

LT/3.10/CA

30 Nov

SUBJECT: Defascism - CA Meeting.

TO: 1. See Distribution.

1. A meeting to discuss the progress of Defascising will be held in room 58 Fifth floor at 0900 hours on Sat 2 Dec. The attendance of your representative is requested.
2. The following matters will be discussed or dealt with:
 - a) Progress under D.L. 257 (Senior Officials)
 - b) General Progress
 - c) Issue of - Rules of Procedure - GO 35 - Admin Instructions.

JAWA

S.H. WHITE Lt Col,
for VP CA Section

DISTRIBUTION: - VP CA Sec Econ Sec Pol Sec
 Educ S/C Air S/C Air S/C
 Legal S/C ✓ Commerce S/C Army S/C
 Local Govt S/C Finance S/C Naval S/C
 Pub Saf S/C Pub Works S/C Comm S/C
 File C/S Transit S/C PRS

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LEGAL SUB-COMMISSION	
CLO	☒
DELO	☒
Chief Counsel	☒
CLO	☒
Italian Section	☒
C. RKS	☒
30 NOV 1944	

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HEADQUARTERS ALLIED COMMISSION

AR 394

OFFICE OF CHIEF OF STAFF

REV/DE/2.4/AS.

28 November 1944.

SUBJECT: Epuration in occupied territory.

TO: Regional Commissioner, Lazio-Umbria, Abruzzi Marche, Toscana, Emilia, Liguria, Piemonte, Lombardia and Venezia Regions.

1. In view of the strong anti-Fascist feeling which is likely to prevail in Northern Italy you may find it necessary to ensure and to satisfy the public that Epuration and the removal from office of suspected persons are proceeding as quickly as possible.

2. Epuration is being undertaken by the Italian Government under D.L.L. 159 and subsequent decrees. Moreover in June 1944 an agreement was made between the Italian Government and AC that AC would leave this work to the Government and would not operate an independent scheme of their own. However, the Italian Government has experienced many delays in working their scheme in Southern Italy and you may find it desirable in the North to ensure more rapid progress. With this and in view General Order No. 35 has been prepared which provides for the suspension of fascists through Provincial Commissions.

This Order follows the lines of the Italian Government Scheme and does not therefore infringe the spirit of the June agreement. Moreover, the Italian Government has been informed of and has welcomed the Order. It is, however, important that the Order if put into operation should be enforced in its entirety so as to ensure uniformity throughout all Regions. The Order will be put into operation at the discretion of Regional Commissioners but such discretion will not be exercised without the previous consent of HQ AC.

3. The Order is in no way intended to prevent the suspension or dismissal of any person from office by a member of the Allied Military Government as heretofore. No system of epuration, however, will be employed by any Regional or Provincial Commissioner or any other member of the Allied Military Government except under Executive Memoranda No. 67 and 76 and/or this General Order.

4. It is important that the work under the Order should be done by the Italians themselves, but great care must be taken that the Epuration proceedings shall not become the basis of vindictive or unfair action by any Commission or persons connected with it. These proceedings must not be allowed to become witch hunts. Close supervision will be necessary particularly in the initial stages.

It is very important that Commissions concentrate on the officials of high grades. Experience so far under the Italian Government Scheme has shown that the tendency is to curtail the work on the officials of high grades.

404

and you may find it desirable in one instance to prepare a separate order which provides for the this and in view General Order No. 25 has been prepared which provides for the suspension of fascists through Provincial Commissions.

This Order follows the lines of the Italian Government Scheme and does not therefore infringe the spirit of the June agreement. Moreover the Italian Government has been informed of and has welcomed the Order. It is, however, important that the Order if put into operation should be enforced in its entirety so as to ensure uniformity throughout all Regions. The Order will be put into operation at the discretion of Regional Commissioners but such discretion will not be exercised without the previous consent of HQ 40.

3. The Order is in no way intended to prevent the suspension or dismissal of any person from office by a member of the Allied Military Government as heretofore. No system of expiation, however, will be employed by any Regional or Provincial Commissioner or any other member of the Allied Military Government except under Executive Memoranda No. 67 and 76 and/or this General Order.

4. It is important that the work under the Order should be done by the Italians themselves, but great care must be taken that the expiation proceedings shall not become the basis of vindictive or unfair action by any Commission or persons connected with it. These proceedings must not be allowed to become witch hunts. Close supervision will be necessary particularly in the initial stages.

It is very important that Commissions concentrate on the officials of high grade. Experience so far under the Italian Government Scheme has shown that the tendency is to pursue the small men occupying low grade and unimportant posts, and to pass over the more important officials.

Article 7 of the Order is designed to meet this problem but Provincial Commissioners must ensure that even within categories immediate and Routine the officials and employees are considered in order of importance.

It is normally desirable for school personnel to be expiated as quickly as possible. Regional Commissioners will, therefore, if so advised by the Regional Educational Officer, make an order for one section of Provincial Commissions to devote themselves to these officials.

In no circumstances will any attempt be made to commence expiation proceedings against persons in category postponed without the previous consent of HQ 40.

5. Generally, it is not to be expected that Commissions will be set up in Army Areas unless they become static and the particular SCAG shall so approve.

6. In some provinces it may not be possible to find locally enough commissioners or commission staffs with the requisite qualifications. While it is preferable to employ local personnel this is not obligatory and any Italian may be appointed even though he resides in another province or region, provided he

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BY W. Allen, NARS, Date 6/16/86

possesses the requisite qualifications.

7. Hasty suspensions of persons in important positions in administrations or undertakings performing services essential to the Allied Forces may easily cause disruption of this work unless acceptable substitutes are immediately available. The civil administration and the judiciary may suffer likewise from such action. Therefore, particular care must be taken to avoid any such disruptions. Your attention is drawn to par. 17 of the Administrative Instructions in this respect.

8. In appointing Commissions only 5 or 3 members should be appointed for each Commission or for each Section when it is contemplated that a Commission will sit in Sections. Where vacancies occur they should not be filled unless it is necessary to do so.

9. Commissions when appointed must proceed speedily with their work and if any member thereof is not performing satisfactory service such member should be removed.

10. When the Order is to become operative in a certain locality the Provincial Commissioner should see that the Order and the separate order fixing the commencement date are posted together a sufficient time in advance of the commencement date and at the requisite places to give the public and all persons concerned reasonable advance notice. A suggested form of Provincial Order is attached.

11. The contents of this communication should be made available to officers of Allied Military Government who will perform services in connection with these Commissions, but NOT to the Italians.

12. Attached hereto are copies, in English and Italian, of General Order No. 35 and the Administrative Instructions. The Administrative Instructions which cover details of procedure, are for the use of members of the Commissions as well as members of the Allied Military Government. They are not in any way secret, but it is not thought necessary that they should be publicly posted.

By Command of Commodore STONE:

M. S. LUSH,
Brigadier,
Chief of Staff.

10. When the Order is to become operative in a certain locality the Provincial Commissioner should see that the Order and the separate order fixing the commencement date are posted together a sufficient time in advance of the commencement date and at the requisite places to give the public and all persons concerned reasonable advance notice. A suggested form of Provincial Order is attached.

11. The contents of this communication should be made available to officers of Allied Military Government who will perform services in connection with these Commissions, but NOT to the Italians.

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By Command of Commodore STONE:

M. S. LUSH,
Brigadier,
Chief of Staff.

CO. I IS TO: CA Sec
Econ Sec
Polit Sec
Loc Govt S/C
Legal Sec

Educ S/C
Commerce S/C
Public Works S/C
Finance S/C
Agric S/C

Air S/C
Army S/C
Naval S/C
Communication S/C
Transportation S/C

SCAO 5 Army

SCAO 8 Army

NOTE: Italian copies are in the press and will be forwarded later under separate cover.

ORDER FIXING DATE OF COMMENCEMENT OF GENERAL ORDER No. _____

Provincial }
Order No. }

I,, Provincial Commissioner for the
Province of do hereby order and direct that General
Order No. 35 shall commence and become operative in the Province/Locality of
..... beginning as of 0001 hours on the day of 1944.

Dated :

Signed :

.....
(Provincial Commissioner)

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:-

- Civil State Administrations, even if autonomous
- Local authorities and other public bodies and institutions
- Special concerns operating under public authorities or bodies and private concerns recognised by the State as controlling public utility undertakings or concerns having nation wide interests.

2. CATEGORIES OF PERSONS.

The following persons shall be suspended from service:-

- any person who has been found to be unworthy of carrying the State either by having participated actively in the political life of fascism or by having shown himself a consistent enemy of fascism and particularly if he has exercised then holding high office.
- any person who has obtained an appointment or promotion through favouritism of the party or of fascist officials of high rank.
- any person who has been guilty of fascist bias or corrupt practices.
- any person who has held the position of squadrista, or squadrista, or antisquadrista, or antisquadrista, or antisquadrista, or who has been an officer of the fascist militia.
- any person who after the 8th September 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.

- 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.
- 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.
- 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.

- Not later than 7 days after the coming into operation of this Order the head of each administration and an officer 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 and at more copies of this Order and shall give notice to all officials and employees of that administration or undertaking employed in that locality that

- b) any person who has obtained an appointment or promotion through favoritism 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 superintendent, or superintendent, or entrepreneur, or mercantile agent, or foreign director, or who has been an officer of the fascist militia.
- e) any person who after the 8th September 1943 moved to North Italy with or has pledged allegiance to or has in any way collaborated with the Revolutionary Fascist Government.

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 nominated 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 non-compliance 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. LOCOMOTION OF SOME PERSONNEL.

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

- 2 -

Managers, Technical Heads or Senior Technicians, Officials and employees in a Branch Office of any Administration or undertaking the occupy positions as Managers or Senior Technicians.

(ii) Category Fourteen, consisting of:

Civil Service Officials of Grades VII to IX (incl). Officials and employees employed in the Head Office of an Administration or undertaking the occupy positions as Assistant or Deputy Manager, or Assistant or Deputy Senior Manager, Heads of Departments or Senior Foremen, Officials and employees employed in the Branch Office of any Administration or undertaking the occupy positions as Deputy Assistant Manager, or as works manager or Assistant Works Manager, or as Heads of Department or Senior Foremen.

Such persons being officials or employees of Grades I to XII inclusive who are employed under the Ministry of Education and are dependent from Government or State funds as may be created by or on behalf of the Regional Commissioner of the Allied Military Government to complete, sign and lodge Schedule Personnel.

(iii) Category Fifteen, consisting of:

all other officials and employees.

- b) Within 14 days from the date of the coming into operation of this Order each person to whom this Order applies and who is a person included in Category Fifteen or Category Fourteen as above defined shall complete sign and lodge with the Head of his Administration or undertaking a Schedule Personnel in the prescribed form. The Head of such Administration or undertaking shall arrange the Schedule Personnel as received by him into the said two categories, and within 14 days from the coming into operation of this Order shall lodge the same so arranged with the office of the Commission together with a Schedule Personnel duly completed and signed by himself.
- c) Within 10 days from the date of the coming into operation of this Order the Head of each Administration or undertaking will sign and deposit with the Commission a list of all persons being officials or employees in his Administration or undertaking who come within the said two categories and a certificate that a Schedule Personnel has been completed and lodged in respect of each such official or employee or a statement to account for the absence thereof.
- d) Persons to whom this Order applies who are included in Category Fifteen are not required to complete sign or lodge a Schedule Personnel nor do they otherwise become liable to the terms of this Order without further order made by or on behalf of the Allied Military Government.

6 REVIEW OF SCHEDULE PERSONNEL.

The Commission shall thereupon review such Schedule Personnel together with such other evidence as may be brought before it and shall determine which persons it considers to be liable to suspension in accordance with the provisions of this Order and shall serve.

- a) Upon each of such persons a notice of proposed suspension and
b) Upon the employee if each of such persons a copy of such notice.

with the head of his administration or undertaking a Scheme Personnel in the prescribed form. The head of such administration or undertaking shall arrange the Scheme Personnel to be received by him into the said two categories, and within 16 days from the coming into operation of this Order shall lodge the same so exchanged with the office of the Commission together with a Scheme Personnel duly completed and signed by himself.

- c) Within 16 days from the date of the coming into operation of this Order the head of each administration or undertaking will sign and deposit with the Commission a list of all persons being officials or employees in his administration or undertaking who come within the said two categories and a certificate that a Scheme Personnel has been completed and lodged in respect of each such official or employee or a statement to account for the absence thereof.
- d) Persons to whom this Order applies who are included in category first-mentioned are not required to complete sign or lodge a Scheme Personnel nor do they otherwise become liable to the terms of this Order without further order made by or on behalf of the Allied Military Government.

6 REVIEW OF SCHEME PERSONNEL.

The Commission shall thereupon review such Scheme Personnel together with such other evidence as may be brought before it and shall determine which persons it considers to be liable to suspension in accordance with the provisions of this Order and shall serve:

- a) Upon each of such persons a notice of proposed suspension and
- b) Upon the employer of each of such persons a copy of such notice.

7 OBJECTION TO NOTICES OF PROPOSED SUSPENSION.

Where a notice of proposed suspension is served on any person, such person may within 10 days lodge at the office of the Commission an objection thereto which shall be in writing and may be accompanied by such statement and documents as it is desired to bring before the Commission.

8 PROCEEDINGS ON OBJECTIONS.

- a) The Commission shall consider the objection and shall, unless it is of opinion that the objection is frivolous, proceed to investigate and hear the objection in accordance with the rules provided therefore. At such hearing the person by whom the objection was lodged shall have the right to appear in person or by an advocate and to show cause why he should not be suspended.
- b) If such proceeding the Commission shall take into account among other matters:-
 - i) That any person who has after the 8th September 1943 distinguished himself in the struggle against the Germans may be excused from suspension, and
 - ii) That any person mentioned in Article II (c) hereof may be excused from suspension if he has not in fact been guilty of any fascist partisanship or improper conduct.

7. POWERS 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 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 Art. 159 for the purging of the administration shall otherwise direct.
- b) Nothing in this Order and no act, decision, notice or order and 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 Art. 159 in the consideration of the cases referred by that Commission.

13. MISCELLANEOUS PROVISIONS

- i) At the hearing of an objection the Commission shall:
 - ii) have power to administer oaths
 - iii) 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.
 - iiii) 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 Scheda Personale, objection notice, order or other document used or required for the purposes of this Order.

14. OFFENCES

any person who

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 set aside or order done, issued or made by a Commission in pursuance of an consequence of this Order shall be open to appeal and all such sets aside and orders shall be final and binding unless and until a Commission appointed under the 1957 for the purpose of the administration shall otherwise direct.
- b) Nothing in this Order and no set aside or order shall be taken issued or made in pursuance of consequence thereof may be used to influence, prejudice, limit or in any way upon the conduct of any Commission set up under the 1957 in the consideration of the cases heard by that Commission.

13. MISCELLANEOUS PROVISIONS.

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 - 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 take 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 Schede 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 Schede Personale fails either to complete or to sign or to lodge such Schede Personale;
 - ii) in any Schede Personale, objection or other document makes any false statement knowing the same to be false;
 - iii) gives false evidence before a Commission;
 - iv) officers, 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 each Court may determine.

15. SAVING OF THE POWERS OF THE ALLIED MILITARY GOVERNMENT

Nothing in this Order shall derogate from or affect 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. 95

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 has undertaken such removal and has enacted R.L. No 159 of 27 July 44 and

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 has undertaken such removal has entered RIL 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 affected shall become effective forthwith.

CA 500

26 Nov 44

ADMINISTRATIVE INSTRUCTIONS PURSUANT TO GENERAL ORDER NO. 35.

1. While many fascists who occupied prominent positions during the fascist regime have been removed, many others may be still remaining in positions described in General Order No. 35. That Order sets out the plan for suspending the remaining persons of this general category. However, that Order in no way prevents the suspension or dismissal of any person by a member of the Allied Military Government as heretofore.

2. The General Order is to be administered by separate commissions composed of Italians, who will be appointed by Provincial Commissioners. They will be chosen primarily on the ground that they are clear of all fascist taint, and they will also be men of good character, standing and ability. They need not be residents of the locality for which the particular Commission is appointed.

3. Each Commission will require an assistant staff and the Provincial Commissioner must see that an adequate but not excessive staff is secured. The members of the staff must be free of fascist taint.

4. The salaries of members of a Commission and their staff shall unless otherwise ordered by the Allied Military Government be paid out of the funds of the Prefecture and shall be as follows :-

The President of each Commission shall be paid the salary with allowances of an Italian judicial official of the 4th grade.

Other members of each Commission shall be paid the salary with allowances of an Italian judicial official of 5th grade.

Members of Staffs shall be paid a salary with allowances not exceeding that of an employee of the Italian Government, performing comparable work.

5. A Commission, if it thinks fit, may sit in separate sections and each of such sections will have powers of the Commission itself. The President of a Commission will, if so ordered by the Regional Commissioner, allot one or more of such sections to the investigation of officials or employees employed by any particular Ministry or Administration or undertaking and especially officials or employees of the Ministry of Education. The President of each Commission will appoint one member of the Commission to be Deputy President and one or more members as Vice President. The Deputy President shall preside over the Commission in the absence of the President and the Deputy President or a Vice-President shall preside over a separate section. The appointment of a Deputy President and Vice-President shall be subject to the approval of the Provincial Commissioner. Any vacancy occurring will be filled, if necessary, in the same manner as the original appointments.

6. Normally the Commission or a Section thereof should sit as a body of not more than 5 nor less than 3.

7. The absence of a member of the Commission from any sitting shall not invalidate the proceedings of the Commission provided that the number sitting is not reduced below 3.

The President of each Commission shall be paid the salary with allowances of an Italian judicial official of the 4th grade.

Other members of each Commission shall be paid the salary with allowances of an Italian judicial official of 5th grade.

Members of Staff shall be paid a salary with allowances not exceeding that of an employee of the Italian Government performing comparable work.

5. A Commission, if it thinks fit, may sit in separate sections and each of such sections will have powers of the Commission itself. The President of a Commission will, if so ordered by the Regional Commissioner, allot one or more of such sections to the investigation of officials or employees employed by any particular Ministry or Administration or undertaking and especially officials or employees of the Ministry of Education. The President of each Commission will appoint one member of the Commission to be Deputy President and one or more members as Vice President. The Deputy President shall preside over the Commission in the absence of the President and the Deputy President or a Vice-President shall preside over a separate section. The appointment of a Deputy President and Vice-President shall be subject to the approval of the Provincial Commissioner. Any vacancy occurring will be filled, if necessary, in the same manner as the original appointments.

6. Normally the Commission or a Section thereof should sit as a body of not more than 5 nor less than 3.

7. The absence of a member of the Commission from any sitting shall not invalidate the proceedings of the Commission provided that the number sitting is not reduced below 3.

8. Procedure under Article VI of the General Order shall be in private. The Commissions will base its decision in each case on a fair review of the facts appearing from the Scheda Personale and from other evidence in the possession of the Commission.

9. In every case in which the Commission decides that a Notice of proposed suspension shall be served, the Commission shall decide and shall state in the notice the grounds of such proposed suspension.

These grounds shall be stated in sufficient detail to enable the person affected to prepare his objection thereto.

10. Unless otherwise directed by the Provincial Commissioner or some other officer delegated by him, every hearing of an objection by a Commission shall be open to the public.

11. On the hearing of an objection both oral and documentary evidence shall be admitted save that the Commission shall never at any time or at any stage of any proceedings under the General Order receive in evidence or take cognizance of anonymous communications.

Where the person objecting wishes to give evidence in person he shall be permitted to do so, and he and the Commission may call such other relevant evidence as they think fit.

All questions to the person lodging the objection and to other witnesses giving evidence before the Commission will be put only through the President of the Commission or Section.

12. The Commission will NOT appoint any person to carry out functions analogous to a "Pubblico Ministero".

13. Any person may denounce another to whom the General Order applies. The denunciation must be in writing and sworn to before it can be received by the Commission. Hearing on a denunciation shall be had as in any other case.

14. If a person has previously been dismissed or suspended from employment in an administration or undertaking by the Allied Military Government on the sole ground that he had fascist connections, such person may lodge at the office of the Commission appointed for the locality a Scheda Personale duly completed and signed by him. With the approval of the Provincial Commissioner, the Commission may proceed with the case by hearing on the papers filed by such person as on an objection. In the event of the Commission finding that he is in fact not objectionable as a fascist and would not have been suspended on such grounds alone if he had still been employed at the time of the commencement of the General Order, the Commission may, with the consent of the Provincial Commissioner, order that he be restored to the position originally held by him or to such other position for which he may have applied or may later apply, and with the consent of the Provincial Commissioner may order that he be paid the whole or some part of such salary as he would have been entitled to receive had he remained in office.

15. If a person lodging a Scheda Personale under the requirements of the General Order has been appointed to a position by Allied Military Government the particular Commission shall not proceed with the case or enter an order of suspension of such person without the consent of the appropriate Provincial Commissioner.

16. As to persons included in categories Immediate and Routine, the General Order applies without distinction of grade, rank or salary. Nevertheless Commissions will initially concentrate on officials and employees occupying the more important positions in these categories.

In reviewing Scheda Personali, serving notices of proposed suspensions, hearing objections thereto, and making orders thereon Commissions will, save in exceptional cases, complete all proceedings in respect of persons in category Immediate before commencing proceedings in respect of persons in category Routine.

Commission appointed for the locality a Scheda Personale duly completed and signed by him. With the approval of the Provincial Commissioner, the Commission may proceed with the case by hearing on the papers filed by such person as on an objection. In the event of the Commission finding that he is in fact not objectionable as a fascist and would not have been suspended on such grounds alone if he had still been employed at the time of the commencement of the General Order, the Commission may, with the consent of the Provincial Commissioner, order that he be restored to the position originally held by him or to such other position for which he may have applied or may later apply, and with the consent of the Provincial Commissioner may order that he be paid the whole or some part of such salary as he would have been entitled to receive had he remained in office.

15. If a person lodging a Scheda Personale under the requirements of the General Order has been appointed to a position by Allied Military Government the particular Commission shall not proceed with the case or enter an order of suspension of such person without the consent of the appropriate Provincial Commissioner.

16. As to persons included in categories Immediate and Routine, the General Order applies without distinction of grade, rank or salary. Nevertheless Commissions will initially concentrate on officials and employees occupying the more important positions in these categories.

In reviewing Scheda Personali, serving notices of proposed suspensions, hearing objections thereto, and making orders thereon Commissions will, save in exceptional cases, complete all proceedings in respect of persons in category Immediate before commencing proceedings in respect of persons in category Routine.

17. If a suspension order is made against a person whom the Provincial Commissioner considers to be engaged in essential work and to be irreplaceable, the Provincial Commissioner may require the Commission to order the reinstatement of such employee until a suitable replacement is obtained.

18. The Commission shall have power, from time to time and at any time,

- a. to make rules, for the regulation of its proceedings, provided they are not inconsistent with the General Order or these instructions.
- b. to amend or revoke such rules, and to make rules in place thereof; and
- c. to publish such rules as for the time being are in force, the contents of which shall be available for inspection by the public.

All such rules or amendments shall be subject to the approval of the Provincial Commissioner.

19. While certain specific times are prescribed in the General Order for things to be done, a Commission has the right to extend the time whenever in its

judgment it is necessary to do so. However, such extensions of time should not be given as a regular course as it is highly important that this work should proceed as rapidly as possible.

20. Each Commission must keep full and accurate records and shall keep all "Schedule Personnel", objections, denunciations, notices, statements and documents lodged at its office and copies of all notices and orders served and made by it in such manner that they can easily be found, and shall dispose of all such records in such manner as the Provincial Commissioner shall direct. All such records shall at all times be open for the inspection of the Provincial Commissioner.

21. Copies of forms required for the full purposes of the General Order are attached and will be used by all Commissions without substantial change.

- a. SCHEDULE PERSONNEL
- b. NOTICE OF PROPOSED SUSPENSION
- c. NOTICE OF HEARING
- d. SUSPENSION ORDER
- e. ORDER SUSTAINING OBJECTION
- f. CERTIFICATE OF SERVICE.

For the Supreme Allied Commander and Military Governor:

Ellery W. Stone

ELLERY W. STONE,
Commodore, USNR,
Chief Civil Affairs Officer.

November 1944.

COMMISSION FOR REPARATION,

SCHEDA PERSONALE

(To be completed personally by the party concerned in accordance with provisions of General Order No.).

1. Surname Name Paternity
 Maternity Place and date of birth
 Place of residence
 Profession Present condition
 2. Date and place of entering the fascist party Ante Marcia?
 Sansepolcrista? Squadrista? Fascista?
 Marcia su Roma? Sciarpa Vittoria?
 3. Have you been a member of the Fascist Government? of the Grand
 Fascist Council? of the special Tribunal for the defense of the
 State?
 4. Have you been a member of the Accademia d'Italia and in what status?

 5. Have you been President, Vice President or Managing Secretary of any corporation,
 confederation, federation, or syndicate union?
 6. Have you been National Secretary or Vice Secretary, a member of the National
 Directory, or a national inspector of the fascist party?
 7. If you have been a member of the Senate of the Kingdom give the date of your ap-
 pointment to Senator and the date on which you took the oath, setting out in full
 your functions, duties, or public offices administrative or commercial. 4.

 8. Have you been a fascist deputy or a national councillor and for what legislature
 or period?
 9. Have you been federal secretary or a vice secretary, administrative, federal
 vice secretary, a member of the federal directory or federal inspector or zone
 inspector, a "fiduciario" of the sectional fascist group in the Capital
 of a province (when, where and for how long)?

3. Have you been a member of the Fascist Government?..... of the Grand Fascist Council?..... of the special Tribunali for the defense of the State?.....
4. Have you been a member of the Accademia d'Italia and in what status?.....
5. Have you been President, Vice President or Managing Secretary of any corporation, confederation, federation, or syndicate union?.....
6. Have you been National Secretary or Vice Secretary, a member of the National Directory, or a national inspector of the fascist party?.....
7. If you have been a member of the Senate of the Kingdom give the date of your appointment to Senator and the date on which you took the oath, setting out in full your functions, duties, or public offices administrative or commercial.....4.
8. Have you been a fascist deputy or a national councillor and for what legislature or period?.....
9. Have you been federal secretary or a vice secretary, administrative, federal vice secretary, a member of the federal directory or federal inspector or zone inspector, a "fiduciario" of the sectional fascist group in the Capital of a province (when, where and for how long)?.....
10. Have you occupied any of the following positions in the fascist party?
a. A position of authority in the CIL?.....
b. A position of authority in the SUP?.....
c. Any other office in the Party?.....
11. Have you been President, vice president or Rector (Governor) of a Province (when, where and for how long)?.....
12. Have you been "deputato", vice-deputato, Consultore, Commissario by royal appointment or by appointment by Prefetto, of any Capital of a Province (when, where and for how long)?.....

13. Have you been President or a member of the Central Court or of the federal commission for Fascist party discipline (when, where and for how long)?.....
14. Have you been Podesta', Commissario by royal appointment or by appointment of the Prefect, or any commune with a population of more than 50,000 inhabitants (according to the last census)?.....
15. Have you been a fascist political secretary (when, where and for how long)?.....
16. Have you been Provincial fiduciaria of women fascists (when, where and for how long)?.....
17. Set out below any other offices national, provincial, or communal, governmental, or para-statal held by you since 1924.....
.....
.....
.....
.....
.....
18. Have you been a director or chief editor of any political periodicals or daily papers? (which ones, where and when)?.....
.....
.....
.....
.....
.....
19. Have you been a professional journalist, political writer and what has been your journalistic activity since 3rd January 1925?.....
.....
.....
.....
.....
.....
20. Have you ever made a radio political broadcast?.....
21. Set out your chief sources of income during the fascist regime.....
.....
.....
.....
.....
.....
22. Have you done military service?.....
a. In what arm?.....
b. Where?.....
c. What was your last rank?.....
d. Where did you do your service?.....
e. Were you a volunteer in the Spanish Civil War?.....
f. Were you a volunteer in the East African Campaign?.....
North African Campaign?.....

19. Have you been a professional journalist, political writer and what has been your journalistic activity since 3rd January 1935?

20. Have you ever made a radio political broadcast?

21. Set out your chief sources of income during the fascist regime.

22. Have you done military service?

a. In what arm?

b. Where?

c. What was your last rank?

d. Where did you do your service?

e. Were you a volunteer in the Spanish Civil War?

f. Were you a volunteer in the East African Campaign?

g. North African Campaign?

h. Have you enjoyed any exemption from military service?

i. For what reasons?

23. Have you been a member of the permanent service of the fascist militia and in what branch and for how long?

24. Have you received any German decoration of honor and what was the circumstance for which you were decorated?

25. Where were you and how were you employed on 8 September 1943?

26. Where have you been and how have you been employed since 8 September 1943?

I declare that all that I have stated above is the truth

Date

Signature of person making declaration

Form No. 35(b)

COMMISSION FOR EXPIRATION

NOTICE OF PROPOSED SUSPENSIONTO
(Name).....
(Address)

1. TAKE NOTICE that the Commission for Expiration has under consideration the PROPOSAL that you be SUSPENDED from the office or employment which you now hold with
(name of employing administration or undertaking)

2. AND FURTHER TAKE NOTICE that the grounds upon which the Commission is considering this proposal are :-

3. AND FURTHER TAKE NOTICE that you have the right within 10 days of the service upon you of this notice to put forward an objection in writing which should state the reasons why you consider that such proposal should not be put into effect. You may attach to your objection any documents you wish.

4. AND FURTHER TAKE NOTICE that unless you put forward such objection within such time and lodge the same with this office at
....., this Commission will proceed forthwith to make against you an order suspending you from your said office or employment.

Date :

Signed :

3. AND FURTHER TAKE NOTICE that you have the right within 10 days of the service upon you of this notice to put forward an objection in writing which should state the reasons why you consider that such proposal should not be put into effect. You may attach to your objection any documents you wish.

4. AND FURTHER TAKE NOTICE that unless you put forward such objection within such time and lodge the same with this office at
....., this Commission will proceed forthwith to make against you an order suspending you from your said office or employment.

Date :

Signed :

(Secretary of the Commission)

Copy to:

(employing administration or undertaking)

(address)

Form No. 35 o

COMMISSION FOR THE REFORMATION

NOTICE OF HEARINGTO
(name).....
(address)

1. You are hereby notified that the hearing of your case will take place at the office of the Commission, Vic
on the day of 1944 at hours.
2. You are at liberty to appear at the said hearing, with or without an attorney and to be heard by the Commission. At the said hearing you may call such witnesses and produce such documents as are relevant to the case as you may desire.
3. In default of appearance by you, the Commission will proceed to consider your objection in your absence.

Date :

Signed

.....
(Secretary of the Commission)

on the day of 1944 at hours.

2. You are at liberty to appear at the said hearing with or without an attorney and to be heard by the Commission. At the said hearing you may call such witnesses and produce such documents as are relevant to the case as you may desire.

3. In default of appearance by you, the Commission will proceed to consider your objection in your absence.

Date :

Signed

.....
(Secretary of the Commission)

Form No. 35 d

COMMISSION FOR EVALUATION FOR

SUSPENSION ORDER

TO (person suspended)

..... (private address)

1. TAKE NOTICE that with effect from the date of this Order .
you are ~~SUSPENDED~~ from your office or employment as
..... (state nature of
..... with or under
employment) (state name of employing administration or
.....
undertaking)

2. The reasons for making this order are that

Dated the _____ day of _____ 194 .

you are submitting from your office or employment as (state nature of
..... with or under
employment) (state name of employing administration or
.....
undertaking)

2. The reasons for making this order are that
.....
.....
..... 2
.....
.....

Dated the _____ day of _____ 194_.

.....
President of the Commission

Copy to
(employing administration or undertaking)

.....
(address)

FORM No. 35(e)

COMMISSION FOR EXPIRATION

ORDER SUSTAINING OBJECTION

The Commission for the Expiration above mentioned.....
 having considered the objection entered by
 (objector)

ORDER

that the notice of proposed suspension served against him and
 dated shall be cancelled and
 that no action shall be taken in respect of the office or employment
 held by the said
 (name)

With or under

(state name of employing administration or undertaking)

Date :

Signed:

.....
 (President of the Commission)

Copy to

(employing administrator undertaking)

(address)

that the notice of proposed suspension served against him and
dated shall be cancelled and
that no action shall be taken in respect of the office or employment
held by the said
..... (name)
..... (address)

With or under
.....
(state name of employing administration or undertaking)

Date :

Signed:

.....
(President of the Commission)

Copy to,
(employing administration or undertaking)

.....
(address)

Form No. 35 f

COMMISSION FOR PURIFICATION FORCertificate of service.I,
(name)of
(address)

hereby declare

(1) that on the ____ day of ____ 194__ I did serve

a Notice of Proposed Suspension)
 a Notice of Hearing)
 a Suspension Order)
 an Order sustaining objection)

of which a copy is attached

hereto on
(Name of person affected)

of

by { handing it to him personally

{ leaving it at

and

(ii) that on the ____ day of ____ 1944 I did also serve a copy

of the same document on
(employing administration or undertaking)

by { handing it to

a Notice of Proposed Suspension
a Notice of Hearing
a Suspension Order
an Order sustaining objection

of which a copy is attached

hereto on (Name of person affected)

of

by { handing it to him personally

{ leaving it at

and

(ii) that on the ____ day of ____ 1944 I did also serve a copy

of the same document on (employer's administration or undertaking)

by { handing it to

{ leaving it at

Dated the ____ day of ____ 1944.

.....
(signature of server)

.....
Office held by server: employee of
Commission: RE CC etc)

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