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Revised E.O. 12356 Section 2.3/MHD No.

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OPER.
APR. 1

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OPERATION OF MINISTERIAL CIRCULARS IN AMG TERRITORY
APR. 1944 - APR. 1945

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

785016

FILE CLOSED :23 April 1945

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.
29 April 1945.

AC/4113/3/L.

SUBJECT : Gratifica Speciale.

TO : Regional Commissioner (Attn: Regional Legal Officer),
TOSCANA Region.

1. I am grateful to you for your informal memorandum drawing my attention to the technical irregularity which has developed in the operation of the Italian Ministerial Circulars Protocol No. 100450 (Div XVI) of 5 Jan 45 and No. 102151 of 24 Jan 45.

2. You are correct in saying that no proper step has been taken for the authorization in AMG Territory of the payments established in the circulars.

3. I have raised the matter with Finance Sub-Commission; they desire that the payments should be made and the necessary action to legalize them will be taken in due course. Meanwhile, it will only serve to create confusion and dissatisfaction if these payments are withheld, so will you please advise the RFO that the payments are in order.

4. The whole question of Ministerial Circulars, which are not officially implemented and indeed are not seen by the Legal Sub-Commission, is being investigated.

By command of Rear Admiral STONE:

W. E. BEHRENS.
Colonel.
Deputy Chief Legal Advisor.

AC/4113/3/L

HEADQUARTERS, ALLIED FORCE IN I.T.A.

ITALY - ROME

SUBJECT

Opinion on acts dispersing public funds.

Accompanying papers:

See Attached letters Ed directive

Item Date

No 1945

From

To

Item or minute

To: Chief Legal Advisor
Headquarters, A.C.attention: Edmund Behrens

I frankly need your assistance in connection with the attached.

Up to now, authority for disbursement of public monies has been evidenced by Decree Laws (Italian), duly implemented by the Chief Commissioner, or General Orders issued in his name.

The attached correspondence, presumably under authority of A.C., makes the circulars issued by authority of the Italian Ministry equally binding on Occupied Government. At least that is the impression we have gained after reading and re-reading the same, though it does not say so with the

Item No.	Date	From	To	Topic or Subject
	1945			

clarity which a change of this nature should state.

The Finance are in a quandary as to what protection, if any, it has if disbursements are made thereunder. They have asked this office for an opinion. The doctrine announced in the letter and directive is a wide departure from procedure followed up to now. It is the studied opinion that if it is now intended to ipso facto accept these Ministerial decrees as automatically binding on AMG, an act of the same dignity of implementing D.L.'s in occupied territory should be issued evidencing the same, for the guidance of those who are charged with the safeguarding of public funds.

As the score now stands, the language used in

HEAD OFFICE, TOSHIWA, SECTION 1, R. G.

INTERNAL MEMORANDUM

SUBJECT

Accompanying papers:

Item Date

No

1945

From

To

Item or Memo

The directive and the letter are far from decisive and leave much to be desired by those who are called upon to fulfill these requirements.

It is asked, therefore:

- (a) Is the interpretation we have placed thereon the one legally intended?
- (b) Is the evidence attached of sufficient weight to be treated forthwith as an act of implementation of these decrees of the Ministers?
- (c) What safeguards will be taken to insure the distribution of such bona fide decrees in the future, to the end that unauthorized decrees may be foreclosed against?

H.W.

Over

[illegible]

HEADQUARTERS ALLIED COMMISSION

APO 394

FINANCE SUB-COMMISSION

13006/F

19 March 1945.

SUBJECT: Gratifica Speciale ai Dipendenti Statali.

TO : All Regional Finance Officers and
Senior Finance Officers.

1. Subject bonus was granted to State employees under authority of Ministero del Tesoro Protocol No. 100450 (Div. XVI) dated 5 January 1945 and amended by Protocol No. 102151 dated 24 January 1945.
2. In view of the fact that authorization was not made the subject of a decree, automatic implementation in Military Government territory was not possible.
 - (a) The governing directives cited in paragraph 1 above were not submitted to us by the Italian Government.
 - (b) No direct request for extension to Military Government territory was received. Such a request would have permitted transmission of the circulars through AMG channels.
3. Protocol No. 100450 grants to all State civil and military personnel a bonus of 2,000 lire, with certain modifications.
 - (a) Personnel employed on a wage basis are granted this bonus, in lieu of the 53rd week, in an amount equal to one month's pay (wages, temporary integrations and the relative increases, including that of "disagiatissima residenza" where applicable).
 - (b) Personnel not employed under a proper appointment (supplementary jailkeepers, "incaricati", etc.) and certain military personnel are excluded from the provision of this directive.
 - (c) The bonus is payable in addition to ordinary "premi di operosità" and to the semi-annual grant under Circular 105200, dated 9 November 1944. It is not payable to personnel receiving a similar "one-time" bonus granted by an agency generally, such as Reconstruction Bonus, Christmas or End of Year Bonus, except that where these bonuses are less than that granted by subject directive, the difference may be paid.
 - (d) The bonus is reduced 50% to personnel receiving a food ration in kind.
 - (e) In the case of low salaried personnel, the payment is limited to an amount not in excess of a month's pay as defined in 3(a) above.

(b) No direct request for extension to Military Government territory was received. Such a request would have permitted transmission of the circulars through AMG channels.

3. Protocol No. 100450 grants to all State civil and military personnel a bonus of 2,000 lire, with certain modifications.

(a) Personnel employed on a wage basis are granted this bonus, in lieu of the 53rd week, in an amount equal to one month's pay (wages, temporary integrations and the relative increases, including that of "disagiata senza residenza" where applicable).

(b) Personnel not employed under a proper appointment (supplementary jailkeepers, "incaricati", etc.) and certain military personnel are excluded from the provision of this directive.

(c) The bonus is payable in addition to ordinary "premi di operosità" and to the semi-annual grant under Circular 108200, dated 9 November 1944. It is not payable to personnel receiving a similar "one-time" bonus granted by an agency generally, such as Reconstruction Bonus, Christmas or End of Year Bonus, except that where these bonuses are less than that granted by subject directive, the difference may be paid.

(d) The bonus is reduced 50% to personnel receiving a food ration in kind.

(e) In the case of low salaried personnel, the payment is limited to an amount not in excess of a month's pay as defined in 3(a) above.

(f) Payment to personnel under suspension is withheld pending final settlement of their status.

4. Protocol No. 102151 amends paragraph 4 of Protocol 100450 to the extent that payment is reduced 20% to personnel in communes with a population under 100,000, and 25% in communes of less than 25,000 population.

5. In view of the general situation it was decided to request the Italian Government for copies of the pertinent directives. These are now transmitted to you for application in your Region.

By Command of Rear Admiral STONE.

J. J. Stone
Joint Director,
Finance Sub-Commission.

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MINISTERO DEL TESORO
Rag. Generale dello Stato.
I.G.O.P.

Roma, 24 Gennaio 1945

Divisione XVI
Prot. n. 102151

ALLE AMMINISTRAZIONI GENERALI DELLO
STATO

e.p.c.

ALLE RISPETTIVE RAGIONERIE GENERALI
ALLA PRES. DEL CONSIGLIO DEI MINISTRI
ALLA CORTE DEI CONTI
ALL'ALTO COMMISSARIO PER LA SICILIA
ALL'ALTO COMMISSARIO PER LA SARDEGNA

OGGETTO:
Gratifica Speciale ai
Dipendenti Statali.

Con riferimento alla circolare n. 100450, in data 5 corrente mese, - con la quale è stata disposta la concessione di una speciale gratifica fi fine d'anno, nell'importo di lire 2.000, ai dipendenti statali sia civili che militari, ridotta a lire 1000 per i personali provvisti di viveri in natura, - si dispone che la riduzione di detti importi secondo le aliquote del 30% e del 25%, indicate nel paragrafo n. 4 della circolare medesima, venga applicata al personale residente in comuni con popolazione inferiore rispettivamente ai 100.000 (anziché 300.000) e 25.000 (anziché 100.000) abitanti.

IL MINISTRO SOLENI

HEADQUARTERS
TOSCANA REGION
ALLIED MILITARY GOVERNMENT

File Ref: R8/1717

Date: 9 April 45

SUBJECT: Gratifica Speciale ai Dipendenti Statali.

TO: PFO - Grosseto Province

Livorno "
Arezzo "
Siena "
Pisa "

1. Instructions have been received authorizing the application of Italian Government circulars relating to Gratifica Speciale ai Dipendenti dello Stato in Toscana Region. Pertinent circulars are attached together with Finance Sub-Commission covering letter 13006/F Subject: Gratifica Speciale ai Dipendenti Statali, dated 19 Mar 45 for your information and necessary action.

For the Regional Finance Officer:


W.H. Geedcke
Capt., CMP.,
Finance Officer.

Copy to: Regional Labor Office.

HEADQUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION
Tel: 478604

RLO

13006/F

4 April 1945

SUBJECT: Gratifica Speciale ai Dipendenti Statali.

TO : Regional Finance Officer, Toscana.

1. The receipt of your letter R8/1717 of 26 March 1945 on the above Subject is acknowledged.
2. Paragraph 5. of circular 13006/F of 19 March states that copies of the Italian Government circulars are transmitted for application in your Region. It is quite incorrect to assume that any general order is necessary to give effect to these directions.
3. To issue a General Order would be most undesirable as it would make the grant of such payments permanent, whereas they are restricted and limited to a single occasion. It is considered most imprudent to introduce any more legislative complications than are strictly necessary, and if in the juridical opinion of the Italian Government these payments should properly be authorized by Ministerial circular, the extension of the circular is the proper method for applying the provisions to territory under Allied Military Government.

By Command of Rear Admiral STONE

/s/ B.E.L. TIMMONS
Joint Director,
Finance Sub-Commission

Roma, 5 Gennaio 1945

C O P I A

MINISTERO DEL TESORO
Ragioneria Generale del ~~Stato~~
I.G.O.P.

Divisione XVI
Prot. n. 100450

e.p.c.

ALLE AMMINISTRAZIONI CENTRALI
DELLO STATO

ALLE RISPETTIVE RAGIONERIE CENTRALI
ALLA PRESIDENZA DEL CONSIGLIO DEI
MINISTRI

ALLA CORTE DEI CONTI.

OCCETTO: Gratifica Speciale
ai Dipendenti Statali."

Come è noto, nella tornata del 30 dicembre 1944, il Consiglio dei Ministri ha deliberato la concessione di una speciale gratifica di fine d'anno a favore dei dipendenti statali.

In ordine a tale concessione si dispone quanto segue:

1. L'importo della gratifica è stabilito, salve le riduzioni e le esclusioni di cui appresso, in L. 2.000 per tutti i dipendenti statali sia civili che militari.

Per i salaristi, dipendenti delle amministrazioni statali la gratifica è concessa in luogo della 53^a settimana (che resta assorbita) ed è commisurata ad una mensilità di trattamento complessivo (per salario, integrazione temporanea e relativo aumento ed indennità di disagiatissima residenza, nelle località in cui spetti.)

2. Premesso che dalle concessione di cui trattasi vanno esclusi i personali nei cui confronti non sussista un vero e proprio rapporto d'impiego o di lavoro con l'amministrazione statale (ad es: personale aggregato delle carceri, incaricati contemplati dall'Art. 57 del R.D. 8 Maggio 1924, n. 843, graduati e militari di truppa delle forze armate raffermetti o vincolati a ferma speciale, ecc.) la gratifica in oggetto, mentre è cumulabile con gli ordinari premi di operosità e con compensi e premi regolati da apposite norme attribuite in corrispettivo di particolari prestazioni straordinarie di singoli dipendenti, nonché con la gratifica semestrale consentita con circolare di questo Ministero n. 108200, del 9 Dicembre 1944, non è invece cumulabile con altri benefici straordinari una tantum.

in ordine a tale concessione si dispone quanto segue:

1. L'importo della gratifica è stabilito, salve le riduzioni e le esclusioni di cui appresso, in L. 2.000 per tutti i dipendenti statali sia civili che militari.
Per i salariati, dipendenti delle amministrazioni statali la gratifica è concessa in luogo della 53^a settimana (che resta assorbita) ed è commisurata ad una mensilità di trattamento complessivo (per salario, integrazione temporanea e relativo aumento ed indennità di disagiatissima residenza, nelle località in cui spetti.)
2. Premesso che della concessione di cui trattasi vanno esclusi i personali nei cui confronti non sussiste un vero e proprio rapporto d'impiego o di lavoro con l'amministrazione statale (ad es: personale aggregato delle carceri, incaricati contemplati dall'Art. 57 del R.D. 8 Maggio 1924, n. 843, graduati e militari di truppa delle forze armate raffermați e vincolati a ferma speciale, ecc.) la gratifica in oggetto, mentre è cumulabile con gli ordinari premi di operosità e con compensi e premi regolati da apposite norme attribuite in corrispettivo di particolari prestazioni straordinarie di singoli dipendenti, nonché con la gratifica semestrale consentita con circolare di questo Ministero n. 108200, del 9 Dicembre 1944, non è invece cumulabile con altri benefici straordinari una tantum da talune amministrazioni recentemente concessi, con carattere di generalità, ai dipendenti addetti ad uno stesso Ufficio o ramo di servizio (premio di ricostruzione, gratifica natalizia o di fine d'anno, ecc.). S'intende che, ove questi ultimi benefici risultino d'importo inferiore a quello della gratificazione in oggetto - tenuto conto delle condizioni di cui ai paragrafi seguenti - dovrà procedersi al conguaglio ed al pagamento della differenza.
3. L'importo della gratifica in oggetto va ridotta alla metà (e cioè fissato in L. 1.000) nei riguardi del personale (militare civile e salariato) che fruisca di regione viveri in natura.
4. La misura della gratifica, va, altresì, ridotta del 20% e del 25% nei confronti del personale residente in Comuni con popolazione inferiore, rispettivamente, a 300.000 e 100.000 abitanti.
5. Per i dipendenti statali provvisti di retribuzione modesta in relazione alla tenuta delle prestazioni, (insegnanti, supplenti

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con poche ore settimanali di lezione, talune categorie di salariati dalle carceri e riformatori, ecc.) l'entità del beneficio di cui trattasi non potrà superare l'ammontare di una mensilità del trattamento complessivo per retribuzioni e paga, integrazione temporanea e relativo aumento e indennità disagiatissima residenza nelle località in cui spetti.

6. Dalla concessione sono esclusi i dipendenti che non si trovino in posizione di attività di servizio (ad esempio: in aspettative per motivi di salute o per ragioni di famiglia, sospesi dall'impiego, ecc.)

Relativamente al personale che risulti sospeso dal servizio anteriormente al 29 Luglio s.a. con provvedimento formale delle autorità Militari Alleate o successivamente, dagli organi competenti in applicazione delle disposizioni contenute nel decreto legislativo 27 Luglio 1944, n. 159 il pagamento delle gratifiche suddette, analogamente a quanto stabilito con la citata circolare n. 108200, in data 3 Dicembre 1944, per la erogazione del compenso straordinario semestrale agli impiegati e della gratifica natalizia ai salariati non va disposto in attesa che siano note le risultanze definitive del giudizio di epurazione nei confronti del personale medesimo.

Rimango in attesa delle proposte per gli, occorrenti stanziamenti di bilancio, con l'indicazione delle riduzioni da operare su altri capitoli, a compensazione della spesa.

IL MINISTRO
f.to SOLERI

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CIVIL AFFAIRS
SECTIONCirculation Slip: Date. 23 April

Displaced Pers. & Repat. S/C _____

Education S/C _____

Legal S/C _____ (1) ~~WIL~~

Local Government S/C _____

Monuments, & Fine Arts S/C _____

Patriots Branch _____

Public Health S/C _____ (2)

Public Safety S/C _____

Devastated Areas Branch _____

For : Signature _____

Recommendation _____

Information ☒ _____

Approval or Disapp. _____

Appropriate Action _____

Investig. & Report _____

File _____

Return to Cent. Filed ☒ _____

Transmission _____

Comments:

CSO
CAS

Tel Ext: 93.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
NORTH ARMY

18 April, 45.

Dear *General*.

23 APR 1944

In case this never gets to press and you have not seen it,
it might interest you to read the attached.

There is nothing we can do about it, and it is being
investigated, but I fear that if we meet the gentleman whose name
is mentioned, you will not be bothered by any trial.

*Yours
C.*

Brigadier G.R. Upjohn,
Civil Affairs Section,
H.Q. A.C. APC 394.

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7 FEB/R36.

PRESS RELEASE -- IMMEDIATE.

1900 Hrs.

PRO AMG 8th ARMY 17TH APRIL 45 (UNCENSORED)

Sixteen anti-fascists and patriots, victims of the fascist "Black Brigade's" brutality were buried today in Imola, the town in which they had been murdered and tortured. Only two of the bodies have been tentatively identified, the mutilation in all other cases being too great to allow identification with any certainty. The men were murdered on the night of 13th April, prior to the retreat of the enemy from Imola, and their bodies thrown into a well in a local factory.

The bodies of the victims were completely mutilated, injuries in every case consisting of broken limbs, cut throats, petrol burns and gouged out eyes. In each case all toe and finger nails had been torn off.

8th Army AMG's Public Safety Branch in Imola, which is ^{investigating} the crime, say that the screams of the victims were heard on the night of the murders but the German imposed curfew and patrols prevented anyone making personal investigation. The sixteen victims included a priest and the member of the Committee of National Liberation of Imola who would have been nominated as Sindaco on the town's liberation. Major J.C. Read, AMG's Public Safety Officer,

KIED of Aberdeen.

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who inspected the bodies, said " I have never in my life seen so horrible a sight. It is unbelievable that cruelty could so exist in human beings !

It is known by AMG's Public Safety Branch that originally 40 anti-fascists and patriots were imprisoned in the jail in which the murders took place. Of these, 10 were released, 16 murdered and mutilated and tortured and one found alone in the jail on the morning after the enemy retreated. In addition to these, 30 prisoners were removed to Belagaa for the purpose of " putting against a wall " the Germans said.

Among the fascists named as responsible for these horrible crimes is Federico Ravielli, a prominent member of the " Black Brigade " who previously had denounced his commanding officer as a patriot in order to take over his appointment.

Today thousands of people of Imola turned out to honour the 16 dead and tortured patriots of the town. All shops were shut in mourning and the cars which carried the coffins were covered with flowers. The procession behind the coffins was led by groups of patriots and followed by the people of the town.

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