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BADOGGIO LEG
NOV. 1943 - JA

10000/142/998

BADOGGIO LEGISLATION, REPEALING DISCRIMINATORY LAWS
NOV. 1943 - JAN. 1944

HEADQUARTERS
ARMED MILITARY GOVERNMENT
APO 394
LOCAL SUB-COMMISSION

CGH-BJP/rjp
17 January 1944.

AMG/4113/1.

SUBJECT : DIGEST of Proposed Decree re Restoration of Property Rights.
TO : GLO, HQ, AOC, Brindisi.

1. We are sending herewith a digest of the proposed decree dealing with the restoration of property rights to Italian Jewish citizens.

2. This decree appears to us to be sufficient and proper. It is broad in its application and generous in its purposes. The persons discriminated against are given every feasible means of being restored to their status quo ante with a minimum of inconvenience and expense.

3. There are two matters which are left open:

- a. The rules and regulations necessary to implement the decree (Art. 21); and
- b. The exact powers and functions of the ~~SPM~~ (Art. 2).

4. We believe these matters can be dealt with effectively at a later date, and without the necessity of issuing another decree.

G. C. HARTFORD,
Major,
Officer in Charge of Italian Crts.

EDWARD J. PALMERI,
Major, AUS,
Asst. O in Charge of Italian Crts.

Copy by Courier Service
(Original sent by hand of
Col Hartford)

20 JAN 1944 2393

REPORT OF DEBATE

ROYAL DECREE LAW
provisions for the reincorporation into the field of property law the Italian
citizens already declared to be of Jewish race or considered to be of Jewish race.

containing

VIctor Emmanuel, King of Italy

By the Grace of God and by the Will of the Nation,
King of Italy

Considering the Royal Decree Law of 17 November 1938, number 1785;
Considering the Royal Decree Law of 9 February 1939, number 126;
Considering the Royal Decree Law of 15 July 1939, number 1024;
Considering the Royal Decree Law of 9 October 1940, number 1440;
Considering Article 1, 3rd paragraph of the Civil Code;
Considering Article 10 of the Law of 15 January 1939, number 123;

Having regard to the urgent and absolute necessity of reincorporating into
their former rights Italian citizens belonging to the Jewish race, of remedying
urgently the grave inequalities in the field of property rights which were
created by a political outlook unjustly directed to the defense of the race;

Considering the Royal Decree Law of 30 October 1943, number 213;
Considering the Royal Decree Law of 10 November 1943, number 513;
Considering Article 7 of the Constitution approved by the Royal Decree
of 20 September 1931, number 1256;

Having heard the Council of Ministers on the proposal of the Head of the
Government, and in agreement with the Undersecretaries for Finance & Justice
and for Science;

WE HAVE DECREED AND WE ENJOIN:

ARTICLE 1

This decree with the abrogation of certain laws and here is also a general
abrogation clause annulling all provisions of law of a racial character relating
to property rights. There is a further provision dealing Jewish citizens
and these citizens considered to be of Jewish race as reincorporated into the full
enjoyment of property rights on an equal basis with other citizens.

ARTICLE 2

The portion of property management and Legislation (hereinafter referred to
for convenience as the laws) is preserved for certain purposes set forth in the
law, and as otherwise indicated.

ARTICLE 3

Within one year of the promulgation of these laws the transferred real property
to the State and the real representatives of such persons are assigned to a special

Considering the Royal Decree Law of 9 February 1939, number 125;
Considering the Royal Decree Law of 13 July 1939, number 1064;
Considering the Royal Decree Law of 9 October 1942, number 1340;
Considering Article 1, and paragraph of the Civil Code;
Considering Article 19 of the Law of 19 January 1959, number 123;

Having regard to the urgent and absolute necessity of reintegrating into their former rights Italian citizens belonging to the Jewish race, of remedying promptly the grave inequalities in the field of property rights which were created by a political outlook unjustly directed to the defence of the race;

Considering the Royal Decree Law of 30 October 1943, number 2/2;
Considering the Royal Decree Law of 10 November 1943, number 5/2;
Considering Article 7 of the Treaty signed approved by the Royal Decree of 24 September 1937, number 1256;

Having heard the Council of Ministers on the proposal of the Head of the Government, and in agreement with the Undersecretaries for Law & Justice and for Finance;

4- HAVE DECIDED AND WE ENACT:

ARTICLE 1

This deals with the abrogation of certain laws and here is also a general abrogation clause annulling all provisions of law of a racial character relating to property rights. There is a further provision declaring Jewish citizens and those citizens considered to be of Jewish race as reinstated into the full enjoyment of property rights on an equal basis with other citizens.

ARTICLE 2

The fiction of property management and liquidation (hereinafter referred to for convenience as the Law), is preserved for certain purposes set forth in the law, and as otherwise indicated.

ARTICLE 3

Within one year of the conclusion of peace those who transferred real property to the RSM, and the legal representatives of such persons are required to demand the return of the transferred property, against the surrender of the certificates or bonds previously given in payment by the RSM.

The RSM is entitled to be reimbursed for any monies paid out for the extinguishment of any rights of usufruct and any such extinguishment is considered irrevocable.

ARTICLE 4

Under the provisions of Article 37, L.O.L., 9 Feb 1932, number 156, the owner of an individual share of real property may have received a sum of money from the RSM, in which contingency this Article provides that he must pay of this sum for the return of his share; he may also have received the transfer from the RSM of property of equal value, in which case the transfer is considered (Art. 5) final.

20 JAN 1944 2393

ARTICLE 5

Any property exchange effectuated by Article 37 of R.D.L. 9 February 1939 is final (see Article 4).

ARTICLE 6

In cases in which the *ENTE* may have transferred real property to third parties the latter are bound to surrender the property in favour of the former owners or their legal representatives, and such third parties will receive from the *ENTE* the restitution of the purchase price.

Where the property sought to be restituted has been the subject of successive transfers in the course of which higher prices may successively have been paid after the first transfer out of the hands of the *ENTE*, the original owner is bound only to reimburse the *ENTE* for the money received by him. The successive owners are to look for reimbursement from their predecessors in interest to the extent of the price paid by them. The price appearing from the Notarial deed is considered binding on the parties and is not permitted to be questioned.

ARTICLE 7

Where the property is burdened with a mortgage interest, the person demanding the return of his property will withhold the amount of the mortgage from the amount owed for restitution: the amount withheld, whether in money or bonds, as the case may be, is to be paid into the hands of the notary who holds the mortgage deed.

Provisions are made for the deposit of the moneys or the amount of the bonds so received by the notary.

ARTICLE 8

The *ENTE* or the third party will have the right to be paid for any improvement made to the property. However, the restoration of the property may not be delayed because of any question regarding the existence or value of the improvement; and, in the event of controversies arising from such matters the owner having a claim for the improvement may have it noted by the Registrar of Mortgages in the deed of Transfer.

ARTICLE 9

Certain forms of legal proceedings relating to the property of Italian Jewish citizens (viz. *ex suits* for taxes, or interest due on a mortgage) and which were suspended by Article 8, R.D.L. 9 February 1939, number 126, may be resumed without limitation and in accordance with the usual rules.

ARTICLE 10

The rights derived from grants made pursuant to Art. 6 and Art. 55 of R.D.L. 9 February 1939, number 126, are preserved. (These provisions deal with the rights of persons affected by the discriminatory laws, to make donations of real property, commercial enterprises or shares therein).

In cases in which the party has transferred real property to another person, the latter are bound to surrender the property in favour of the former owner or their legal representatives, and such third parties will receive from the latter the restitution of the purchase price.

Where the property sought to be restored has been the subject of successive transfers in the course of which higher prices may successively have been paid after the first transfer out of the hands of the latter, the original owner is bound only to reimburse the latter for the money received by him. The successive owners are to look for reimbursement from their predecessors in interest to the extent of the price paid by them. The price appearing from the notarial deed is considered binding on the parties and is not permitted to be questioned.

Article 7

Where the property is burdened with a mortgage interest, the person demanding the return of his property will withhold the amount of the mortgage from the amount due for restitution: the amount withheld, whether in money or bonds, as the case may be, is to be paid into the hands of the notary who holds the mortgage deed.

Provisions are made for the deposit of the moneys or the discount of the bonds so received by the notary.

Article 8

The party or the third party will have the right to be paid for any improvement made to the property. However, the restoration of the property may not be delayed because of any question regarding the existence or value of the improvement; and, in the event of controversies arising from such matters the owner having a claim for the improvement may have it noted by the Registrar of Mortgages in the book of Transfer.

Article 9

Certain forms of legal proceedings relating to the property of Italian Jewish citizens (viz. op. Suits for taxes, or interest due on a mortgage) and which were suspended by Article 8, R.D.L., 9 February 1939, number 126, may be resumed without limitation and in accordance with the usual rules.

Article 10

The rights derived from grants made pursuant to Art. 6 and Art. 55 of R.D.L., 9 February 1939, number 126, are preserved. (These provisions deal with the rights of persons affected by the discriminatory laws, to make donations of real property, commercial enterprises or shares therein). 5

Article 11

For one year after the conclusion of peace there shall be except from taxes or other fiscal burden any deed of voluntary restitution of donations made under Art. 6 and Art. 55 (see Art. 10).

Article 12

Jewish citizens who have alienated commercial enterprises or shares therein in accordance with Art. 28, R.D.L., 9 February 1939, number 126, are given the privilege of demanding restitution against the surrender of their shares, the State assuming the obligation to liquidate the shares in favour of the party receiving them at their price of issue.

20 JAN 1944

2393

In case of any improvements to the concern the persons demanding restitution must pay the equivalent in money. In case of dispute, the obligation to restore is not thereby superseded, the parties being relegated to judicial settlement.

The person making the improvement, is protected in his right to have the claim recorded in the office of the Court clerk where the property is situated (so that the person securing restitution and ~~the~~ ^{him} persons are put on notice).

Normal profits and losses in administration of the business cannot give rise to claims by either side.

Article 12.

In cases of the restitution of businesses alienated under Article 60, it is brought about by the restoration of the price paid by the acquiring enterprises.

(Article 60. Certain enterprises were of a public interest (ex bank) and the Minister of Finance was given the right to have them absorbed by certain other enterprises against payments made to the state.)

Article 14.

Jewish citizens who alienated property in contemplation of the passage of discriminatory laws, and who have written proof of the fact that the sale was intended to protect him from the application of the law, can demand restitution. (Counter declaration of non-intention to acquire title, customarily passed from "vendor" to "vendor" in these transactions).

Article 15.

Taxes paid on sale under the discriminatory laws are reimbursed by the State. Government tax stamps, registration and transcription fees required in order to make restitution of property and those paid when property was alienated, are exempted in the first instance, and reimbursed in the latter instance.

Fees to notaries are reduced by half.

Article 16.

Refers to persons who possessed shares or real property after the dates of decrees prohibiting Jewish citizens from owning them. Such persons are permitted to surrender such property to original owners and the stockbroker or notary can receive only half of the prescribed fees.

Article 17.

The Jewish citizen has one year after conclusion of peace to make demand for restitution. The objecting party has six months after demand. Either party loses his rights by failure to act within the prescribed time.

Article 18.

Any mortgage entered into subsequent to this law and prior to the restitution of the property is null and void.

50

Article 13.

In cases of the restitution of businesses alienated under Article 60, it is brought about by the restoration of the price paid by the acquiring enterprises.

(Article 60. Certain enterprises were of a public interest (as bank) and the Minister of Finance was given the right to have them absorbed by certain other enterprises against payments made to the State.)

Article 14.

Jewish citizens who alienated property in contemplation of the passage of discriminatory laws, and who have written proof of the fact that the sale was intended to protect him from the application of the law, can demand restitution. (Counter declaration of non-intention to acquire title, customarily passed from "vendeur" to "acheteur" in these transactions).

Article 15.

Fees paid on sale under the discriminatory laws are reimbursed by the State. Government tax stamps, registration and transcription fees required in order to make restitution of property and those paid when property was alienated, are exempted in the first instance, and reimbursed in the latter instance.

Fees to notaries are reimbursed by half.

Article 16.

Refers to persons who possessed shares or real property after the date of decrees prohibiting Jewish citizens from owning them. Such persons are permitted to surrender such property to original owners and the stockbroker or notary can receive only half of the prescribed fees.

Article 17.

The Jewish citizen has one year after conclusion of peace to make demand for restitution. The objecting party has six months after demand. Either party loses his rights by failure to act within the prescribed time.

Article 18.

Any mortgage entered into subsequent to this law and prior to the restitution of the property is null and void.

Article 19.

All legal questions are to be decided by the judicial authorities in accordance with their normal jurisdiction.

Article 20.

The present decree is not to be published in the Gazzetta Ufficiale until so provided.

Article 21.

The Head of the Government is authorized to provide by his own decrees,

20 JAN 1944 7393

in accord with the Ministers of Grace and Justice, and of Finance, the complement rules and provisions and administrative instructions for the carrying into effect of the present decree which becomes operative the day on which hostilities with Germany are declared to cease.

The present decree will be presented to Parliament for its conversion into law.

The Head of Government is authorized to present the appropriate bill (to Parliament).

We order whoever it concerns to observe the present decree and to have it obeyed as a law of the State.

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 394
LEGAL SUE-COMMISSION

CGH-EJP/rfp
17 January 1944.

AMC/4118/L.

SUBJECT : DIGEST of Proposed Decree re Restoration of Property Rights.
TO : CIG, Hq, AGC, Brindisi.

1. We are sending herewith a digest of the proposed decree dealing with the restoration of property rights to Italian Jewish citizens.

2. This decree appears to us to be sufficient and proper. It is broad in its application and generous in its purposes. The persons discriminated against are given every feasible means of being restored to their status quo ante with a minimum of inconvenience and expense.

3. There are two matters which are left open:

- a. The rules and regulations necessary to implement the decree (Art. 21); and
- b. The exact powers and functions of the EMTE (Art. 2).

4. We believe these matters can be dealt with effectively at a later date, and without the necessity of issuing another decree.

G. G. Fairman
G. G. FAIRMAN,
Major,
Officer in Charge of Italian Crts.

Edmund L. Palmieri
EDMUND L. PALMIERI,
Major, AUS,
Asst. C in Charge of Italian Crts.

ROYAL DECREE LAW

provisions for the reincorporation into the field of property law the Italian Citizens already declared to be of Jewish Race or considered to be of Jewish Race, containing

VICTOR EMANUEL THE THIRD

By the Grace of God and by the Will of the Nation
KING OF ITALY

Considering the Royal Decree Law of 17 November 1938, number 1728;
Considering the Royal Decree Law of 9 February 1939, number 126;
Considering the Royal Decree Law of 13 July 1939, number 1024;
Considering the Royal Decree Law of 9 October 1942, number 1420;
Considering Article I, 3rd paragraph of the Civil Code;
Considering Article 48 of the Law of 19 January 1939, number 129;

Having regard to the urgent and absolute necessity of reincorporating into their former rights Italian Citizens belonging to the Jewish Race, of remedying promptly the grave inequalities in the field of property rights which were created by a political outlook unjustly directed to the defence of the race;

Considering the Royal Decree Law of 30 October 1943, number 2/3;
Considering the Royal Decree Law of 10 November 1943, number 5/B;
Considering Article 7 of the Testo Unico approved by the Royal Decree of 24 September 1931, number 1256;

Having heard the Council of Ministers on the proposal of the Head of the Government, and in agreement with the Undersecretaries for Grace & Justice and for Finance;

WE HAVE DECREED AND WE DECREE :

ARTICLE 1

This deals with the abrogation of certain laws and here is also a general abrogation clause annulling all provisions of law of a racial character relating to property rights. There is a further provision declaring Jewish citizens and those citizens considered to be of Jewish Race as reinstated into the full enjoyment of property rights on an equal basis with other citizens.

ARTICLE 2

The Office of Property Management and ^{Liquidation} ~~Legislation~~ (hereinafter referred to for convenience as the OMPE) is preserved for certain purposes set forth in the law, and as otherwise indicated.

ARTICLE 3

Within one year of the conclusion of peace those who transferred real property to the OMPE, and the legal representatives of such persons are empowered to demand the return of the transferred property, against the surrender of the certificates

Considering the Royal Decree Law of 17 November 1938, number 1728;
 Considering the Royal Decree Law of 9 February 1939, number 126;
 Considering the Royal Decree Law of 13 July 1939, number 1024;
 Considering the Royal Decree Law of 9 October 1942, number 1430;
 Considering Article I, 3rd paragraph of the Civil Code;
 Considering Article 18 of the Law of 19 January 1939, number 129;

Having regard to the urgent and absolute necessity of reincorporating into their former rights Italian Citizens belonging to the Jewish Race, of remedying promptly the grave inequalities in the field of property rights which were created by a political outlook unjustly directed to the defence of the race;

Considering the Royal Decree Law of 30 October 1943, number 2/B;
 Considering the Royal Decree Law of 10 November 1943, number 5/B;
 Considering Article 7 of the Feste Unico approved by the Royal Decree of 24 September 1934, number 1256;

Having heard the Council of Ministers on the proposal of the Head of the Government, and in agreement with the Undersecretaries for Grace & Justice and for Finance;

WE HAVE DECREED AND WE DECREE :

ARTICLE 1

This deals with the abrogation of certain laws and here is also a general abrogation clause annulling all provisions of law of a racial character relating to property rights. There is a further provision declaring Jewish citizens and those citizens considered to be of Jewish race as reinstated into the full enjoyment of property rights on an equal basis with other citizens.

ARTICLE 2

The Office of Property Management and ^{Liquidation} ~~Legislation~~ (hereinafter referred to for convenience as the ~~ENTE~~) is preserved for certain purposes set forth in the law, and as otherwise indicated.

ARTICLE 3

55
 Within one year of the conclusion of peace those who transferred real property to the ~~ENTE~~, and the legal representatives of such persons are empowered to demand the return of the transferred property, against the surrender of the certificates or bonds previously given in payment by the ~~ENTE~~.

The ~~ENTE~~ is entitled to be reimbursed for any sums paid out for the extinguishment of any rights of usufruct and any such extinguishment is considered irrevocable.

ARTICLE 4

Under the provisions of Article 37, R.D.L. 9 Feb 1939, number 126, the owner of an individual share of real property may have received a sum of money from the ~~ENTE~~, in which contingency this article provides that he make restitution of this sum for the return of his share; he may also have received the transfer from the ~~ENTE~~ of property of equal value, in which case this transfer is considered (Art. 5) final.

any property exchange effected by Article 57 of L.L.I. 9 February 1939 in Rome (see Article 4).

ARTICLE 5

In cases in which the State may have transferred real property to third parties, the latter are bound to surrender the property in favour of the former owners or their legal representatives, and such third parties will receive from the State the restitution of the previous price.

Where the property ought to be returned has been the subject of successive transfers in the course of which higher prices may successively have been paid after the first transfer out of the hands of the State, the original owner is bound only to reimburse the State for the money received by him, his successive owners are to look for reimbursement from their predecessors in interest to the extent of the price paid by them. The price appearing from the material deed is considered binding on the parties and is not permitted to be questioned.

ARTICLE 7

Where the property is burdened with a mortgage interest, the person demanding the return of his property will estimate the amount of the mortgage from the amount owed for restitution; the amount withheld, whether in money or bonds, so the owner may be, is to be paid into the hands of the Treasury and before the mortgage deed.

Provisions are made for the deposit of the moneys or the discount of the bonds so received by the Treasury.

ARTICLE 8

The State or the third party will have the right to be paid for any improvement made to the property. However, the restoration of the property may not be delayed because of any question regarding the expenses or value of the improvements; and, in the event of controversies arising from such matters the owner having a claim for the improvement may have it noted by the Registrar of Mortgages in the case of purchase.

ARTICLE 9

Certain forms of legal proceedings relating to the property of Italian Jewish citizens (vis. Suits for bonds, or interest due on a mortgage, and which were suspended by Article 8, L.L.I. 9 February 1939, under 126, may be resumed without limitation and in accordance with the usual rules.

ARTICLE 10

The rights to land from grants made pursuant to Art. 6 and Art. 25 of R.D.I. 9 February 1939, number 126, are preserved. (These provisions make with the rights of persons affected by the discriminatory laws, to make decisions of real property, commercial enterprises or shares thereof).

36

In cases in which the sums may have transferred real property to third parties, the latter are bound to surrender the property in favour of the former owners or their legal representatives, and such third parties will receive from the latter the restitution of the purchase price.

Where the property sought to be restored has been the subject of successive transfers in the course of which higher prices have been paid than the first transfer out of the hands of the donor, the original owner is bound only to reimburse the sums for the money received by him. The successive owners are to look for reimbursement from their predecessors in interest to the extent of the price paid by them. The price appearing from the notarial deed is considered binding on the parties and is not permitted to be questioned.

Article 7

Where the property is burdened with a mortgage interest, the persons demanding the return of the property will likewise the amount of the mortgage from the amount owed for restitution. The amount withheld, whether in money or kind, at the time any he, is to be paid into the hands of the notary who holds the mortgage deed.

Provisions are made for the deposits of the money or the amount of the bonds so received by the notary.

Article 8

The wife or the third party will have the right to be paid for any improvement made to the property. However, the estimation of the property may not be delayed because of any question regarding the value of the improvement; and, in the event of controversy arising from such matters the court having a claim for the improvement may have it noted by the Registrar of Mortgages in the book of transfer.

Article 9

Certain forms of legal proceedings relating to the property of Italian Jewish citizens (vll. Suits for loan, or interest for on a mortgage) and which were suspended by Article 8, P.L., 2 February 1939, number 14, may be resumed without limitation and in accordance with the usual rules.

Article 10

The rights derived from grants made pursuant to Art. 6 and Art. 25 of L.D., 2 February 1939, number 14, are preserved. (These provisions are with the rights of persons affected by the discriminatory laws, to make donations of real property, commercial enterprises or shares therein).

Article 11

For one year after the cessation of peace there shall be except from taxes or other fiscal burden any case of voluntary restitution of donations made under Art. 6 and Art. 25 (see Art. 10).

Article 12

Italian citizens who have alienated ancestral enterprises or shares therein in accordance with Art. 25, P.L., 2 February 1939, number 14, are given the privilege of claiming restitution against the successors of their shares, the State assuming the obligation to liquidate the shares in favour of the party receiving them at their price of issue.

In case of any improvements to the known the person providing restitution must pay the equivalent in money. In case of diaphanous, the obligation to restore is not thereby suspended, the parties being relegated to judicial settlement.

The person making the improvement, is protected in his right to have the claim rendered in the office of the Court claim where the property is situated (so that the person securing restitution and third persons are put on notice).

Netual profits and losses in administration of the business cannot also be claims by either side.

Article 11

In cases of the restitution of businesses alienated under article 6), it is brought about by the redemption of the price paid by the acquiring entrepreneur.

(Article 6). Certain entrepreneurs were of a public interest (for health) and the Minister of Finance can give him the right to have that business by certain other entrepreneurs against payments made to the State.)

Article 12

Legal citizens who alienated property in violation of the public law of discrimination of Jews, and who have written proof of the fact that the sale was intended to protect him from the application of the law, can demand restitution. (Counter declaration of non-intention of no sales title, unilaterally passed from "vendor" to "buyer" in some transactions).

Article 13

Transfers made on sale under the discriminatory laws are red haired by the State. Government tax stamp, registration and transcription fees required in order to make restitution of property and those paid when property was alienated, are exempted in the first instance, and returned in the latter instance.

Fees to notaries are reduced by half.

Article 14

Refers to persons who purchased shares or real property after the date of decree prohibiting Jewish citizens from owning them. Such persons are permitted to acquire such property in original owner and the stockholder or seller can receive only half of the prescribed fees.

Article 15

The Jewish citizen has one year after conclusion of peace to make demand for restitution. The objecting party has six months after demand. Either party losing his rights by failure to act within the prescribed time.

Article 16

Any contract entered into subsequent to this law and subject to the

Article 11

In cases of the restitution of businesses alienated under article 5, it is brought about by the restitution of the price paid by the acquiring entrepreneur.

(Article 60. Certain enterprises were of a public interest (in brief) and the Minister of Finance was given the right to have them absorbed by court in which enterprises of that type made to the State.)

Article 12

Jewish citizens who alienated property in consequence of the passage of laws of 1938, and who have written proof of the fact that the sale was intended to protect him from the application of the law, can demand restitution. (Greater declaration of war intention is no more title, especially passed from "victims" to "victims" in these circumstances).

Article 13

Taxes paid on sale under the administration of Jews are reimbursed by the State. Government tax stamp, registration and transcription fees are also reimbursed to make restitution of property and those paid when property was alienated, are exempted in the first instance, and reimbursed in the latter instance.

Taxes to estates are reduced by half.

Article 14

Refers to persons who possessed shares or real property after the dates of decrees prohibiting Jewish citizens from owning them. Such persons are permitted to surrender such property to original owners and the shareholders or notary can receive only half of the prescribed fees.

Article 15

The Jewish citizen has one year after completion of peace to make demand for restitution. The objecting party has the same after peace. Either party loses his rights by failure to act within the prescribed time.

Article 16

Any mortgage entered into subsequent to this law and prior to the restitution of the property is null and void.

Article 17

All legal questions are to be decided by the judicial authorities in accordance with their normal jurisdiction.

Article 18

The present decree is not to be published in the Gazette officielle until so provided.

Article 19

The Head of the Government is authorized to provide by his own decrees,

in accord with the Ministers of Grace and Justice, and of Finance, the original rules and provisions and administrative instructions for the carrying into effect of the present decree which become operative the day on which hostilities with Germany are declared to cease.

The present decree will be presented to Parliament for its consideration later on.

The Head of Government is authorized to present the supplementary bill (to Parliament).

We order whoever is entrusted to observe the present decree and to have it obeyed as a law of the State.

by *Edmond Zolner* 1907
AUS.

effect of the present decree which increases operative the day on which hostilities with Germany are declared to cease.

The present decree will be presented to Parliament for its conversion into law.

The Head of Government is authorized to present the appropriate bill (to Parliament).

To order whenever it concerns to observe the present decree and to have it signed as a law of the State.

by *Edouard Zolner* 1904
Adj.

110

For Infant-BRANDSI File

MEMORANDUM FOR THE DEPT. OF JUSTICE, CIVIL RIGHTS DIVISION

LAW

12/1/77

16 January 1978

1. Scope of the Decree. The decree covers:

(a) The title of the decree refers only to Italian citizens of Jewish race. However, the law mentioned as abrogated in Art. 1 deals with foreign Jews. Thus the title would indicate a narrower scope than that actually covered and should be corrected.

(b) The decree does not repeal the Law of 13 July 1938 No. 822 on the Status of Aliens of Jewish Race. Perhaps this law has been consolidated with one of the repealed laws and abrogated therewith. However the case may be, the Italian Government should be asked to explain the status of persons of mixed race.

(c) The Italian Government should also explain the status of "nonaryans" other than Jews. The title of the decree wouldn't indicate that it undertakes to cover laws discriminating against "nonaryans" other than Jews. On the other hand, the abrogated articles of the Civil Code discriminate against all "nonaryan" races, not only against the Jews. Similarly the "entire all" clause of the first article undertaken to abrogate all "provisions or rules...of racial character". Is that so the title of the decree (very important from the publicity and political standpoint because the law is also referred to by its title) should be changed also in this respect so as to cover all nonaryans. We need clear information on the above, if for no other purpose, for the Italian Government which seems to be quite interested in how the Italians dealt with "nonaryans" other than Jews.

2. Discriminatory provisions which have not been expressly abrogated.

The following have not been expressly repealed:

rene. However, the law mentioned as abrogated in Art. 1 deals with
 Jewish Jews. This title would indicate a narrower scope than that so-
 far covered and should be corrected.

(b) The decree does not reveal the Law of 13 May 1940 No. 822 on the
 status of persons of mixed blood. Perhaps this law has been consolidated with one
 of the repealed laws and abrogated therewith. Whatever the case may be,
 the Italian Government should be asked to explain the status of persons of
 mixed blood.

(c) The Italian Government should also explain the status of "nonaryans"
 other than Jews. The title of the decree wouldn't indicate that it was intended
 to cover laws discriminating against "nonaryans" other than Jews. On the
 other hand, the abrogated articles of the Civil Code discriminate against all
 "nonaryan" races, not only against the Jews. Similarly the "catch all" clause
 of the first article continues to abrogate all "provisions on religion...of racial
 character". If that is so the title of the decree (very important from the
 publicity and political standpoint because the law is also referred to by its
 title) should be changed also in this respect so as to cover all nonaryans.
 We need clear information on the above, if for no other purpose, for the Mid-
 dle Eastern Council which seems to be quite interested in how the Italians
 dealt with "nonaryans" other than Jews.

2. Discriminatory provisions which have not been expressly abrogated.

The following have not been expressly repealed:

(a) The law of 13 May 1940 No. 822 mentioned above under (b).

(2) ~~See para. of Art. 4 of Civil Code which reads as follows:~~

"A person of a nonaryan race may not apply for 'citizenship' (by way of
 adoption) saving where the minor is also of a nonaryan race."

3. The restoration of the decree.

The restoration of their civil and political rights to Jews is undertaken

51

- (a) Explicit repeal of the enumerated discriminatory laws. Art. 1 para. 14.
- (b) A "catch all" repealing clause which abrogates generally "all provisions which for whatever purpose require ascertainment and mentioning of race, as well as any other provision or rule, in whatever form enacted" of racial character in any way contrary to or incompatible with this doctrine. Art. 1, 2nd para.
- (c) As to Italian Jewish citizens by giving them expressly the same political and civil rights as those enjoyed by other citizens. Art. 1, 1st para.
4. Automatic restoration of citizenship.

Art. 2 restores the citizenship of Italians who have been deprived of it in consequence of the discriminatory laws. It does so ipso iure (by force of law). That doesn't seem to follow the view of the international law that all instances of possible double citizenship should be avoided. Under this provision the ex-citizens acquire their Italian citizenship automatically in matter whether they have acquired another citizenship in meantime or whether they care to reacquire their former Italian citizenship. It should be considered whether it is not advisable to restore the citizenship only upon application of the party.

5. Official entries of racial data.

Art. 3 allows the courts to request the communication of the entries concerning racial data made under the discriminatory laws in the registry of the civil status or in population registries without consent of the interested party. This would not seem to be an unreasonable provision due to the fact that in many a suit involving the effects of the repeal of the discriminatory legislation such data might be of some value. If not the only evidence of the civil status of persons involved. However, the Italians should be asked to explain the purpose of this reservation.

6. Restoration of ousted officials.

Art. 4 provides for readmission of all officials or other employees dismissed by the discriminatory legislation from their jobs; the readmission of state.

4. Automatic restoration of citizenship.

Art. 2 restores the citizenship of Italians who have been deprived of it in consequence of the discriminatory laws. It does so ipso iure (by force of law). That doesn't seem to follow the view of the international law that all instances of possible double citizenship should be avoided. Under this provision the ex-citizens acquire their Italian citizenship automatically in matter whether they have acquired another citizenship in accordance or whether they came to reacquire their former Italian citizenship. It should be considered whether it is not advisable to restore the citizenship only upon application of the party.

5. Official entries of racial data.

Art. 3 allows the courts to request the communication of the entries concerning racial data made under the discriminatory laws in the registry of the civil status or in population registries without consent of the interested party. This would not seem to be an unreasonable provision due to the fact that in many a suit involving the effects of the repeal of the discriminatory legislation such data might be of value, if not the only evidence of the civil status of persons involved. However, the Italians should be asked to explain the purpose of this reservation.

6. Readmission of ousted officials.

Art. 4 provides for readmission of all officials or other employees dismissed by the discriminatory legislation from their jobs; the readmission of state, provincial and communal employees in one "d'office". The readmission of other employees will be done upon application only.

There is no provision in the decree indicating that the readmitted employees would be given a seniority status which would honor the period of their forced absence from service. It would seem only just to give the repealing decree a retroactive effect in this direction if that is possible from the administrative view point. Under Art. 5, the said employees are given credit for the time of

forced absence only in that this time is deducted from their age for the purpose of their admission to jobs calling for certain minimum age.

7. Foreign diploma and examinations.

Art. 6 authorizes the Minister for Education to acknowledge examinations written in foreign schools by students who were not permitted to study in Italy on account of their race.

8. Criminal proceedings and sentences for violation of racial laws.

Art. 1 punishes criminal proceedings for violations of racial laws and orders in fact a radical "rehabilitation" of persons sentenced under such laws.

9. Matters of liberal professions.

A question arises as to the exact status of members of liberal professions, notaries, physicians, avocats, procurators. Some notaries, physicians, etc. were allowed to serve only Jewish clients. Others were excluded from their professions altogether. The situation of the former would seem to be plain if the discriminatory restrictions are removed. Are the latter to be automatically admitted to the bar, practice, etc.?

10. Power of the Chief of Government to issue executive decrees.

Art. 8 gives a broad power to the Chief of the Government to issue executive and supplementing decrees. The way in which this power will be exercised in application to many problems bound to arise under the decree will determine its final success.

11. A problem of interpretation.

A thought should be given to the fact that under the all comprising "catch all" clause set out above under 3 (a) the "provisions" may easily claim restoration of their property rights as well in spite of the limitations set out in the title of the decree. This obviously was not intended in view of the common agreement that the question of property rights should be delayed for later reasons. Perhaps that is not too serious in view of the limited

8. Crimes, proceedings and sentences for violation of racial laws.

Art. 1. Crimes and proceedings for violations of racial laws and orders
in fact a racial "rehabilitation" of persons sentenced under such laws.

9. Members of liberal professions.

A question arises as to the exact status of members of liberal professions, notaries, physicians, advocates, procurators. Some notaries, physicians, etc. were allowed to serve only Jewish clients. Others were excluded from their professions altogether. The situation of the former would seem to be plain if the discriminatory restrictions are removed. And the latter to be automatically admitted to the bar, practice, etc.?

10. Power of the Chief of Government to issue executive decrees.

Art. 8 gives a broad power to the Chief of the Government to issue executive and supplementing decrees. The way in which this power will be exercised in application to many problems bound to arise under the decree will determine its final success.

11. A problem of interpretation.

A thought should be given to the fact that under the all comprising "catch all" clause set out above under 3 (c) the "nonaryms" may easily claim restoration of their property rights as well in spite of the limitations set out in the title of the decree. This obviously was not intended in view of the common agreement that the question of property rights should be delayed for known reasons. Perhaps that is not too serious in view of the limited number of Jews in Southern Italy. But it is a further reason for inserting the provision mentioned below under 12 in the body of the text.

12. Reservation of provisions on property rights.

It should be considered whether for political reasons and for reasons of a systematic approach to the subject an article should not be inserted saying that other discriminatory provisions, i.e. those dealing with property rights, will be dealt with in another enactment.

13. Restitution of special contributions.

The law of 29 June 1939 No. 1034, completed by Ministerial Decree of 30 July 1940, concerning special contributions payable by Jews in various trades, is one of the laws expressly repealed. Yet no provision has been made for restitution of these special contributions to the payees. This might be considered to be a "property" question and thus reserved for later but it would be advisable to know the Italian view of it.

BSJ/gut

The law of 23 June 1959 No. 1034, completed by Ministerial Decrees of 30 July 1959, concerning special contributions payable by firms in various trades, is one of the laws expressly repealed. Yet no provision has been made for repeal of these special contributions in the papers. This might be considered to be a "property" question and thus reserved for later but it would be advisable to know the Italian view of it.

ES/enc

28

VITTORIO EMANUELE III

per grazia di Dio e per volontà della Nazione

RE D'ITALIA

Visto il R.D.L. 5 settembre 1938, n. 1390;
 Visto il R.D.L. 7 settembre 1938, n. 1381;
 Visto il R.D.L. 17 novembre 1938, n. 1728;
 Visto il R.D.L. 15 novembre 1938, n. 1779;
 Vista la legge 13 luglio 1939, n. 1024;
 Vista la legge 29 giugno 1939, n. 1034;
 Vista la legge 13 luglio 1939, n. 1055;
 Vista la legge 19 aprile 1942, n. 517;
 Vista la legge 9 ottobre 1942, n. 1420;
 Visti gli articoli 1, 91, 155, 292, 342, 348, 404 del C.C.;
 Visto l'art. 18 della legge 19 gennaio 1939, n. 129;

Ritenuta la urgente ed assoluta necessità di reintegrare nei propri diritti anteriori i cittadini italiani appartenenti alla razza ebraica per riparare prontamente alle gravi sperequazioni di ordine morale e politico creato da un indirizzo politico infondatamente volto alla difesa della razza;

Visto il R.D.L. 30 ottobre 1943, n. 2/B;

Visto il R.D.L. 10 novembre 1945, n. 5/B;

Sentito il Consiglio dei Ministri;

Sulla proposta del Capo del Governo, di intesa con i Sottosegretari di Stato per la Grazia e Giustizia e per le Finanze;

ABBIAMO DECRETATO E DECRETIAMO:

Art. 1.

47

Visto il R.D.L. 5 settembre 1938, n.1390;
Visto il R.D.L. 7 settembre 1938, n.1381;
Visto il R.D.L. 17 novembre 1938, n.1728;
Visto il R.D.L. 15 novembre 1938, n.1779;
Vista la legge 13 luglio 1939, n.1024;
Vista la legge 29 giugno 1939, n.1054;
Vista la legge 13 luglio 1939, n.1055;
Vista la legge 19 aprile 1942, n.517;
Vista la legge 9 ottobre 1943, n.1420;
Visti gli articoli 1, 91, 155, 292, 342, 348, 404 del C.C.;
Visto l'art.18 della legge 19 gennaio 1939, n.129;

Ritenuta la urgente ed assoluta necessità di reintegrare nei propri diritti anteriori i cittadini italiani appartenenti alla razza ebraica per riparare prontamente alle gravi sperequazioni di ordine morale e politico creato da un indirizzo politico infondatamente volto alla difesa della razza;

Visto il R.D.L. 30 ottobre 1943, n.2/B;
Visto il R.D.L. 10 novembre 1943, n.5/B;

Sentito il Consiglio dei Ministri;

Sulla proposta del Capo del Governo, di intesa con i Sottosegretari di Stato per la Grazia e Giustizia e per le Finanze;

ABBIAMO DECRETATO E DECRETIAMO:

Art. 1.

Sono abrogati i seguenti RR.DD.LL. e le seguenti leggi;

R.D.L. 7 settembre 1938, n.1381, contenente provvedimenti nei confronti di ebrei stranieri;

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R.D.L. 5 settembre 1938, n. 1390, contenente provvedimenti per la difesa della razza nella scuola fascista;

R.D.L. 17 novembre 1938, n. 1728, contenente provvedimenti per la difesa della razza italiana;

R.D.L. 15 dicembre 1938, n. 1779, relativo alla integrazione ed al coordinamento in testo unico delle norme già emanate per la difesa della razza nella scuola italiana;

Legge 13 luglio 1939, n. 1024, contenente norme integrative del

R.D.L. 17 novembre 1938, n. 1728, sulla difesa della razza italiana;

Legge 29 giugno 1939, n. 1054, contenente la disciplina dell'esercizio delle professioni da parte dei cittadini di razza ebraica;

Legge 13 luglio 1939, n. 1055, contenente disposizioni in materia testamentaria, nonché sulla disciplina dei cognomi nei confronti degli appartenenti alla razza ebraica;

Legge 19 aprile 1942, n. 517, riguardante la esclusione degli ebrei dal campo dello spettacolo;

Legge 9 ottobre 1942, n. 1470, riguardante le limitazioni di capacità degli appartenenti alla razza ebraica residenti in Libia;

Art. 19, terzo comma, 91, 155 secondo comma, 292, 342, 348 ultimo comma, 404, Cod. Civ.

Sono altresì abrogate tutte quelle disposizioni, che, per qualsiasi atto o rapporto richiedono accertamento o menzione di razza, nonché ogni altra disposizione o norma, emanata sotto qualsiasi forma che sia di carattere razziale o comunque contraria al presente decreto o con esso incompatibile.

I cittadini italiani che l'art. 8 del R.D.L. 17 novembre 1938, n. 1728, dichiarava essere di razza ebraica o considerati di razza

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R.D.L. 17 novembre 1938, n.1728, contenente provvedimenti per la difesa della razza italiana;

R.D.L. 15 dicembre 1938, n.1779, relativo alla integrazione ed al coordinamento in testo unico delle norme già emanate per la difesa della razza nella scuola italiana;

Legge 13 luglio 1939, n.1024, contenente norme integrative del R.D.L. 17 novembre 1938, n.1728, sulla difesa della razza italiana; Legge 29 giugno 1939, n.1054, contenente la disciplina dell'esercizio delle professioni da parte dei cittadini di razza ebraica; Legge 13 luglio 1939, n.1055, contenente disposizioni in materia testamentaria, nonché sulla disciplina dei cognomi nei confronti degli appartenenti alla razza ebraica;

Legge 19 aprile 1942, n.517, riguardante la esclusione degli elementi ebrei dal campo dello spettacolo;

Legge 9 ottobre 1942, n.1480, riguardante le limitazioni di capacità degli appartenenti alla razza ebraica residenti in Libia;

Art.19, terzo comma, 31,155 secondo comma, 292,342,348 ultimo comma, 404, Cod.Civ.

Sono altresì abrogate tutte quelle disposizioni, che, per qualsiasi atto o rapporto richiedono accertamento o menzione di razza, nonché ogni altra disposizione o norma, emanata sotto qualsiasi forma che sia di carattere razziale o comunque contraria al presente decreto o con esso incompatibile.

I cittadini italiani che l'art.8 del R.D.L. 17 novembre 1938, n.1728, dichiarava essere di razza ebraica o considerati di razza ebraica, sono reintegrati nel pieno godimento dei diritti civili e politici eguali a quelli di tutti gli altri cittadini dei quali hanno eguali doveri.

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Art. 2.

Sono nulli di pieno diritto i provvedimenti di revoca di cittadinanza emanati in dipendenza dell'art.3 del R.D.L. 7 settembre 1938, n.1381, e 23 del R.D.L. 17 novembre 1938, n.1728.

Coloro ai quali sia stata revocata la concessione della cittadinanza in dipendenza delle disposizioni di cui al comma precedente, la riacquistano di pieno diritto.

Art. 3.

Le annotazioni di carattere razziale iscritte nei registri dello Stato Civile ed in quella della popolazione sono da considerarsi inesistenti. Nel rilascio di estratti o di copie di atti dello Stato Civile o di certificati anagrafici, tali annotazioni non dovranno mai essere riprodotte, salvo che per espressa richiesta della Autorità giudiziaria o in seguito a specifica autorizzazione del Procuratore del Re su domanda dell'interessato.

Art. 4.

Tutti coloro che furono dispensati dal servizio in applicazione del R.D.L. 15 novembre 1938, n.1779, del R.D.L. 17 novembre 1938, n.1728 o di qualsiasi altra disposizione e norma di carattere razziale emanata sotto qualsiasi forma, sono ammessi in servizio.

[In deroga all'art.1 ed all'art.3, comma primo, del R.D.L. 6 gennaio 1944 n.9, la riammissione in servizio avverrà di ufficio entro un anno dalla entrata in vigore del presente decreto, per coloro che appartenevano alle amministrazioni dello Stato e degli enti locali.]

La riammissione avverrà invece a domanda dell'interessato

per i dipendenti delle altre amministrazioni.

Restano ferme, in quanto applicabili, tutte le altre disposizioni.

Sono nulli di pieno diritto i provvedimenti di revoca di cittadinanza emanati in dipendenza dell'art.3 del R.D.L. 7 settembre 1938, n.1381, e 23 del R.D.L.17 novembre 1938, n.1728.

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Tutti coloro che furono dispensati dal servizio in applicazione del R.D.L. 15 novembre 1938, n.1779, del R.D.L. 17 novembre 1938, n.1723 o di qualsiasi altra disposizione o norma di carattere razziale emanata sotto qualsiasi forma, sono riammessi in servizio.

[In deroga all'art.1 ed all'art.3, comma primo, del R.D.L. 6 gennaio 1944 n.9, la riammissione in servizio avverrà di ufficio entro un anno dalla entrata in vigore del presente decreto, per coloro che appartenevano alle amministrazioni dello Stato o degli enti locali.

La riammissione avverrà invece a domanda dell'interessato per i dipendenti delle altre amministrazioni.

Restano ferme, in quanto applicabili, tutte le altre disposizioni impartite per tali riammissioni col R.D.L.6 gennaio 1944 n.9.

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Art. 5.

Agli effetti dei limiti di età fissati o da fissarsi in bandi di concorso di ogni genere, per i concorrenti già colpiti dalle leggi razziali, non viene computato il lasso di tempo intercorso fra il 5 settembre 1938 e sei mesi dopo l'entrata in vigore del presente decreto.

Art. 6.

Agli effetti del conseguimento di titoli di studio in scuole italiane di ogni grado, su richiesta degli interessati e con provvedimento del Ministro dell'Educazione Nazionale, gli esami superati in scuole estere dopo il 5 settembre 1938 e fino a sei mesi dopo la conclusione della pace, da cittadini italiani già colpiti dalle leggi razziali, verranno considerati validi per le materie che il Ministro dell'Educazione Nazionale stabilirà a suo giudizio insindacabile.

Il richiedente verrà messo a contenere, per altre materie, esami complementari nelle scuole italiane.

Ove esistano limiti di età non verrà computato il lasso di tempo intercorso fra il 5 settembre 1938 e sei mesi dopo l'entrata in vigore del presente decreto.

DISPOSIZIONI TRANSITORIE DI ATTUAZIONE

Art. 7.

Tutti i procedimenti penali in corso per violazioni delle leggi razziali sono estinti.

Le condanne pronunciate con sentenza passata in giudicato, relative alle suddette violazioni, perdono ogni efficacia giuridica.

Le schede riguardanti tali condanne non debbono essere compilate; quelle già compilate debbono essere eliminate dal casellario; quelle già compilate debbono essere eliminate dal casellario.

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insindacabile.

Il richiedente verrà messo a sostenere, per altre materie,
esami complementari nelle scuole italiane.

Ove esistono limiti di età non verrà computato il lasso di
tempo intercorso fra il 5 settembre 1938 e sei mesi dopo l'entrata
in vigore del presente decreto.

DISPOSIZIONI TRANSITORIE E DI ATTUAZIONE

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Le condanne pronunciate con sentenza passata in giudicato,
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dica.

Le schede riguardanti tali condanne non debbono essere com-
pilata; quelle già compilate debbono essere eliminate dal casella-
rio giudiziario nel termine di un mese dalla data di entrata in
vigore del presente decreto.

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Art. 8.

Il Capo del Governo è autorizzato ad emanare con propri decreti, sentiti i Ministri per la Grazia e Giustizia e per le Finanze, le norme complementari, integrative o regolamentari per l'attuazione del presente decreto che entra in vigore il giorno stesso della sua pubblicazione nella Gazzetta Ufficiale.

Il presente decreto sarà presentato al Parlamento per la sua conversione in legge.

Il Capo del Governo è autorizzato a presentare il relativo disegno di legge.

Ordiniamo a chiunque spetti di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dal Comando Supremo, 20 gennaio 1944

F/to: VITTORIO EMANUELE

C/to: BADGLIO

DE SANTIS

JUNG

Visto:

(Ai sensi del R.D. 30 ottobre 1943, n. 1/B)

IL GUARDASIGILLI

F/to: BADGLIO

Per copia conforme:

IL CAPO DI CABINETTO

62

121/1

SCOPE OF THE PROPOSED DECREES ABROGATING DISCRIMINATORY LEGISLATION

The preamble sets out political and social considerations justifying the decrees.

The text itself had to be carefully studied in view of the fact that the interests of third parties would have been prejudiced by the pure and simple rescission of the fascist discriminatory legislation.

A number of existing provisions had to be preserved in order not to disrupt completely the machinery through which it will be possible to restore their properties to the Jews.

In short the various articles of the proposed decree can be summed up as follows.

ART 1. Abrogates most of the existing discriminatory law.

ART 2. Maintains the Ente (WZELI) in existence for the purpose of carrying into effect the provisions of the present decree. However, its statute will be amended thru administrative instructions, to eliminate from it all fascist influence.

ART 3. Grants to the Jews the necessary facilities to recover from the Ente their real property or their interest in such, by repayment to the Ente of funds etc. disbursed to purchase same.

ART 4. Specifies the modalities of repayment in case of undivided property.

ART 5. States that exchange of properties under Art 37 of Law of 9.2.39 will not be affected.

ART 6. Provides for surrender of properties in hands of third parties.

ART 7. Provides for the liquidation of mortgages on restored property.

ART 8. Provides for compensation for improvements made to restored property.

ART 9. Provides for resumption of certain types of law suits (i.e. taxes, mortgage interest) suspended by the expropriation laws.

ART 10. Gifts made pursuant to the expropriation laws are validated.

ART 11. Exempts from taxes for one year after peace, any deed of restitution of gifts made pursuant to the expropriation laws.

ART 12. Provides for restitution of commercial enterprises or shares therein.

ART 13. Provides for restitution of these properties which were disposed of by special intervention of Minister of Finance (Art 60 R.D.L. 9 Feb. 1939) as being of public interest.

Art 14. Permits restoration of property where original owner has written proof of intention to retain title.

In short the various articles of the proposed decrees can be summed up as follows.

ART 1. Abrogates most of the existing discriminatory law.

ART 2. Maintains the Ente (MAGLI) in existence for the purpose of carrying into effect the provisions of the present decree. However, its statute will be amended thru administrative instructions, to eliminate from it all fascist influence.

ART 3. Grants to the Jews the necessary facilities to recover from the Ente their real property or their interest in such, by repayment to the Ente of funds etc. disbursed to purchase same.

ART 4. Specifies the modalities of repayment in case of undivided property.

ART 5. States that exchange of properties under Art 37 of Law of 9.2.39 will not be affected.

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ART 13. Provides for restitution of those properties which were disposed of by special intervention of Minister of Finance (Art 60 R.D.L. 9 Feb. 1939) as being of public interest.

Art 14. Permits restoration of property where original owner has written proof of intention to retain title.

ARTS 15, 16. Provides exemption from and repayment of taxes and certain fees, or reduction thereof so as to eliminate any financial impediment, to restitution.

ART 17. Provides 1 yr time limit after peace for demand of restitution; and 6 month limit for objecting party after demand has been made.

ART 18. Prohibits mortgages on property affected by right of restitution, prior to its restitution.

ART 19. Refers all legal questions to courts of appropriate jurisdiction.

ART 20. Decree not to be published in Gazzetta Ufficiale until so provided.

ART 21. Head of Government is authorized by his own decrees in accord with the Ministers of Grace & Justice, & Finance to make rules and regulations to implement the present decree which is to be presented to Parliament for its conversion into law.

The original draft of this decree was made by Com. Guido Jung and I dare say he has looked after the interests of all concerned.

ART 21. Head of Government is authorized by his own decrees in accord with the Ministers of Grace & Justice, & Finance to make rules and regulations to implement the present decree which is to be presented to Parliament for its conversion into law.

The original draft of this decree was made by Com. Guido Jung and I dare say he has looked after the interests of all concerned.

No. 11207/137/C.A.
CIVIL AFFAIRS BRANCH,
G.H.Q., M.E.F.
4th January, 1944.

SUBJECT:-Discriminatory Laws.

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
Legal Subcommittee,
C.M.F.

1. I refer to your ACC/L/110 of the 19th December, 1943, which is acknowledged with thanks.
2. I shall be glad to receive from you details of the Italian Government's proposals for abolishing the discriminatory laws which, for obvious reasons, are of considerable interest and importance to this Branch.

P. G. Harvey
P. A. 39
Lt. Colonel,
FOR C.O.A.O.

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/EB.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

ART/gmf

17 January 1944.

In reply
refer to: ACC/I/121/1.

SUBJECT: Discriminatory Laws.

TO : G.H.Q., M.E.F.
Civil Affairs Branch.

1. In reply to your 11207/137/GA dated 4 Jan 1944 received here on the 16th inst:-

2. The proposals of the Italian Government referred to are at present confidential and awaiting final approval. So soon as the decrees are ready for publication copies will be forwarded to you.

G. R. UPJOHN, Colonel
Chief Legal Officer, ACC.

33

303
SUBJECT:-

Discriminatory Legislation.

SECRET

121/1
H.Q., A.M.G.,
15 Army Group,
C.M.F.

A.C.O. Brindisi.
(For attention of Legal Sub-Commission)

AMG/217/21
14th December 1945

It is understood that the subject matter of the attached memorandum is now being studied by you. It is suggested therefore that the memorandum should be replied to by you direct.

P. P. Smith L.H.W.
for Major General,
Chief Civil Affairs Officer.

TFS/SCM

Encl.

128

37

322

COPY

SECRETNo. 207/134/CACivil Affairs Branch,
G.H.Q., M.E.F.

6th December 1945.

AMOT,
15 Army Group,
C.M.F.

Persistent rumours have been current in the Middle East that the Badoglio Government has repealed or suspended all or some of the laws of racial discrimination introduced in Italy during the Fascist regime. These laws were applicable not only to Jews, but also to Arabs, Africans and half-castes in various parts of the Italian Empire.

2. I am directed to request you to forward a statement of the true position and what action, if any, the present Italian Government has taken or intends to take in this matter.

3. I am further to ask you what detailed action has been taken in Sicily to give effect to General Alexander's proclamation that the Chief Civil Affairs Officer will "by order annul, amend or render inoperative any laws which discriminate against any person or persons on the basis of race, colour or creed (Proclamation No. 7, Article IV, Sicily Gazette No. 4.).

(signed) J.M.D. Anderson.
Lt. Colonel
for Chief Secretary.

JMDA/LL

/SCH

36

149

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ALLIED CONTROL COMMISSION
Legal Subcommittee
CAY/gmc

rec'd 12/13

4 December 1943

In reply
refer to: 100/14/305

1211

SUBJECT: Discriminatory Legislation.

TO : Chief Legal Officer, 15th Army Group.

1. Having discussed your proposal made to Major Theodor with General Joyce that legislation abolishing discriminatory laws should be published by Proclamation or other suitable notice in occupied territory and received his approval, I have written a letter to the Minister of Justice of which I enclose a translation for your files.

As the Government is at the moment urgently concerned with more pressing matters it may be 10 days or a fortnight before the proposed decree is ready for us but I will let you have a copy of it as soon as possible and arrange for simultaneous publication in occupied and non-occupied territory.

2. The above mentioned decree will not deal with the abolition of any discriminatory laws affecting property for the reasons mentioned to you by Major Theodor and these laws are being left over for discussion at a later, but I hope early, stage.

C. R. URQUHART, Colonel.

SUBJECT: Discriminatory Legislation.

TO : Chief Legal Officer, AM 15th Army Group.

1. Having discussed your proposal made to Major Thackrah with General Jones that legislation abolishing discriminatory laws should be published by Proclamation or other suitable notice in occupied territory and received his approval, I have written a letter to the Minister of Justice of which I enclose a translation for your files.

As the Government is at the moment urgently concerned with more pressing matters it may be 10 days or a fortnight before the proposed decree is ready for us but I will let you have a copy of it as soon as possible and arrange for simultaneous publication in occupied and non-occupied territory.

2. The above mentioned decree will not deal with the abolition of any discriminatory laws affecting property for the reasons mentioned to you by Major Thackrah and these laws are being left over for discussion at a later, but I hope early, stage.

G. R. USJUEH, Colonel.

REGIO DECRETO LEGGE.....N.....COMPETENTE DISPOSIZIONI
PER LA REINTEGRAZIONE DEI DIRITTI CIVILI E POLITICI DEI CITTADINI
ITALIANI GIÀ DICHIARATI DI RAZZA EBRUA O CONSIDERATI DI RAZZA
EBRUA.

VITTORIO EMANUELE III

per grazia di Dio e per volontà della Nazione
RE D'ITALIA

Visto il R.D.L. 7 settembre 1938 n. 1381;

Visto il R.D.L. 5 settembre 1938 n. 1390;

Visto il R.D.L. 17 novembre 1938 n. 1728;

Visto il R.D.L. 15 novembre 1938 n. 1779;

Vista la legge 13 luglio 1939 n. 1024;

Vieta la legge 29 giugno 1939 n. 1034;

Vista la legge 13 luglio 1939 n. 1055;

Vista la legge 19 aprile 1942 n. 517;

Vista la legge 9 ottobre 1942 n. 1420;

Visti gli articoli 1, 91, 155, 292, 342, 348 del C.C.;

Visto l'art. 18 della legge 19 gennaio 1939 n. 129;

Ritenuta la urgente ed assoluta necessità di reintegrare nei propri
diritti anteriori i cittadini italiani appartenenti alla razza ebrai-
ca per riparare prontamente alle gravi sperequazioni d'ordine morale
e politico creato da un indirizzo politico infondatamente volto alla
difesa della razza;

Visto il R.D.L. 30 ottobre 1943 n. 278;

Visto il R.D.L. 10 novembre 1943 n. 578;

Sentito il Consiglio dei Ministri;

Sulla proposta del Capo del Governo, d'intesa con i sottosegretari

Visto il R.D.L. 7 settembre 1938 n. 1301;

Visto il R.D.L. 5 settembre 1938 n. 1390;

Visto il R.D.L. 17 novembre 1938 n. 1728;

Visto il R.D.L. 15 novembre 1938 n. 1779;

Vista la legge 13 luglio 1939 n. 1024;

Vista la legge 29 giugno 1939 n. 1054;

Vista la legge 13 luglio 1939 n. 1055;

Vista la legge 19 aprile 1942 n. 517;

Vista la legge 9 ottobre 1942 n. 1420;

Visti gli articoli 1, 91, 155, 292, 342, 348 del C.C.;

Visto l'art. 18 della legge 19 gennaio 1939 n. 129;

Ritenuta la urgente ed assoluta necessità di reintegrare nei propri diritti anteriori i cittadini italiani appartenenti alla razza ebraica per riparare prontamente alle gravi sperequazioni d'ordine morale e politico creato da un indirizzo politico infondatamente volto alla difesa della razza;

Visto il R.D.L. 30 ottobre 1943 n. 278;

Visto il R.D.L. 10 novembre 1943 n. 578;

Sentito il Consiglio dei Ministri;

Sulla proposta del Capo del Governo, d'intesa con i Sottosegretari per la Grazia e Giustizia e per le Finanze;

ART. I.

Sono abrogati i seguenti R.D.L. e le seguenti leggi:

R.D.L. 7 settembre 1938 n. 1381, contenente provvedimenti nei confronti degli ebrei stranieri;

R.D.L. 5 settembre 1938 n. 1390, contenente provvedimenti per la difesa della razza nella scuola fascista;

R.D.L. 17 novembre 1938 n. 1728, contenente provvedimenti per la difesa della razza italiana;

R.D.L. 15 novembre 1938 n. 1779, relativo alla integrazione ed al coordinamento in testo unico delle norme già emanate per la difesa della razza nella scuola ~~pubblica~~;

Legge 13 luglio 1939 n. 1024, contenente norme integrative del R.D.L. 17 novembre 1938 n. 1728 sulla difesa della razza italiana;

Legge 29 giugno 1939 n. 1054, contenente la disciplina dell'esercizio delle professioni da parte dei cittadini di razza ebraica;

Legge 13 luglio 1939 n. 1055, contenente disposizioni in materia testamentaria, nonché sulla disciplina dei cognomi nei confronti degli appartenenti alla razza ebraica;

Legge 13 aprile 1942 n. 517, riguardante la esclusione degli elementi ebrei dal campo dello spettacolo;

Legge 9 ottobre 1942 n. 1420, riguardante le limitazioni di capacità degli appartenenti alla razza ebraica residenti in Libia;

Art. I°, terzo comma, 91, 155 secondo comma, 292, 342, 348 u. comma Cod. Civ.

Sono altresì abrogate tutte quelle disposizioni che, per qualsiasi atto o rapporto richiedono accertamento o menzione di razza, nonché ogni altra disposizione o norma, emanata sotto qualsiasi forma che sia di carattere razziale o comunque contraria al presente decreto o con esso incompatibile.

I cittadini italiani che l'art. 8 del R.D.L. 17 novembre 1938 n. 1728 dichiarava essere di razza ebraica o considerati di razza ebraica sono reintegrati nel pieno godimento dei diritti civili e

R.D.L. 5 settembre 1938 n. 1390, contenente provvedimenti per la difesa della razza nella scuola fascista;

R.D.L. 17 novembre 1938 n. 1728, contenente provvedimenti per la difesa della razza italiana;

R.D.L. 15 novembre 1938 n. 1779, relativo alla integrazione ed al coordinamento in testo unico delle norme già emanate per la difesa della razza nella scuola ~~italiana~~ ^{italiana};

Legge 13 luglio 1939 n. 1024, contenente norme integrative del

R.D.L. 17 novembre 1938 n. 1728 sulla difesa della razza italiana;

Legge 29 giugno 1939 n. 1054, contenente la disciplina dell'esercizio delle professioni da parte dei cittadini di razza ebraica;

Legge 13 luglio 1939 n. 1055, contenente disposizioni in materia testamentaria, nonché sulla disciplina dei cognomi nei confronti degli appartenenti alla razza ebraica;

Legge 13 aprile 1942 n. 517, riguardante la esclusione degli elementi ebrei dal campo dello spettacolo;

Legge 9 ottobre 1942 n. 1420, riguardante le limitazioni di capacità degli appartenenti alla razza ebraica residenti in Libia;

Art. 1°, terzo comma, 91, 155 secondo comma, 292, 342, 348 n. comma Cod. Civ.

Sono altresì abrogate tutte quelle disposizioni che, per qualsiasi atto o rapporto richiedono accertamento o menzione di razza, nonché ogni altra disposizione o norma, emanata sotto qualsiasi forma che sia di carattere razziale o comunque contraria al presente decreto o con esso incompatibile.-

I cittadini italiani che l'art. 8 del R.D.L. 17 novembre 1938 n. 1728 dichiarava essere di razza ebraica o considerati di razza ebraica sono reintegrati nel pieno godimento dei diritti civili e

1939 - 1.12.39

politici eguali a quelli di tutti gli altri cittadini dei quali hanno eguali doveri. -

ART. 2.

Sono nulli di pieno diritto i provvedimenti di revoca di cittadinanza emanati in dipendenza dell'art. 3 del R.D.L. 7 *novembre* 1938 n° 1381 e 23 del R.D.L. 17 novembre 1938 n. 1728. -

Coloro ai quali sia stata revocata la concessione della cittadinanza in dipendenza dalle disposizioni di cui al comma precedente, la riacquistano di pieno diritto. -

ART. 3.

Le annotazioni di carattere razziale iscritte nei registri dello stato civile ed in quelli della popolazione sono da considerarsi inesistenti. - Nel rilascio di estratti o di copie di atti dello stato civile o di certificati anagrafici, tali annotazioni non dovranno mai essere riprodotte, salvo che per espressa richiesta dell'autorità giudiziaria o in seguito a specifica autorizzazione del Procuratore del Re su domanda dell'interessato. -

ART. 4.

Tutti coloro che furono dispensati dal servizio in applicazione del R.D.L. 15 novembre 1938 n. 1779, del R.D.L. 17 novembre 1938 n. 1728 o di qualsiasi altra disposizione o norma di carattere razziale emanata sotto qualsiasi forma, sono riammessi in servizio. -

La riammissione in servizio avverrà d'ufficio entro un anno dall'entra-

za emanati in dipendenza dell'art. 3 del R.D.L. 7 ~~in~~ *novembre* 1938 n° 1381 e 23 del R.D.L. 17 novembre 1938 n. 1728. -

Coloro ai quali sia stata revocata la concessione della cittadinanza in dipendenza delle disposizioni di cui al comma precedente, la riacquistano di pieno diritto. -

ART. 3.

Le annotazioni di carattere razziale iscritte nei registri dello stato civile ed in quelli della popolazione sono da considerarsi inesistenti. - Nel rilascio di estratti o di copie di atti dello stato civile o di certificati anagrafici, tali annotazioni non dovranno mai essere riprodotte, salvo che per espressa richiesta dell'autorità giudiziaria o in seguito a specifica autorizzazione del Procuratore del Re su domanda dell'interessato. -

ART. 4.

Tutti coloro che furono dispensati dal servizio in applicazione del R.D.L. 15 novembre 1938 n. 1779, del R.D.L. 17 novembre 1938 n. 1728 o di qualsiasi altra disposizione o norma di carattere razziale emanata sotto qualsiasi forma, sono riamessi in servizio. -

La riammissione in servizio avverrà d'ufficio entro un anno dall'entrata in vigore del presente decreto, per coloro che appartenevano alle amministrazioni dello Stato e degli enti locali. -

La riammissione avverrà invece a domanda dell'interessato *i dipendenti del* per *32* altre amministrazioni. -

Per tutti si applicano le disposizioni del R.D.L.

n°.....

./.

ART. 5.

Agli effetti dei limiti di età fissati o da fissarsi in bandi di concorso di ogni genere, per i concorrenti già colpiti dalle leggi razziali, non viene computato il lasso di tempo intercorso fra il 5 settembre 1938 e sei mesi dopo l'entrata in vigore del presente decreto. -

ART. 6.

Agli effetti del conseguimento di titoli di studio in scuole italiane di ogni grado, su richiesta degli interessati e con provvedimento del Ministro dell'educazione nazionale, gli esami superati in scuole estere, dopo il 5 settembre 1938 e fino a sei mesi dopo la conclusione della pace, da cittadini italiani già colpiti dalle leggi razziali, verranno considerati validi per le materie che il Ministro dell'educazione nazionale stabilirà a suo giudizio insindacabile. - Il richiedente verrà ammesso a sostenere, per le altre materie, esami complementari nelle scuole italiane. -

Ove esistano limiti di età non verrà computato il lasso di tempo intercorso fra il 5 settembre 1938 e sei mesi dopo l'entrata in vigore del presente decreto. -

- Disposizioni transitorie e di attuazione. -

ART. 7.

Tutti i procedimenti penali in corso per violazioni delle leggi razziali sono estinti. -

decreto. -

ART. 6.

Agli effetti del conseguimento di titoli di studio in scuole italiane di ogni grado, su richiesta degli interessati e con provvedimento del Ministro dell'educazione nazionale, gli esami superati in scuole estere, dopo il 5 settembre 1938 e fino a sei mesi dopo la conclusione della pace, da cittadini italiani già colpiti dalle leggi razziali, verranno considerati validi per le materie che il Ministro dell'educazione nazionale stabilirà a suo giudizio insindacabile. - Il richiedente verrà ammesso a sostenere, per le altre materie, esami complementari nelle scuole italiane. -

Ove esistano limiti di età non verrà computato il lasso di tempo intercorso fra il 5 settembre 1938 e sei mesi dopo l'entrata in vigore del presente decreto. -

- Disposizioni transitorie e di attuazione. -

ART. 7.

Tutti i procedimenti penali in corso per violazioni delle leggi razziali sono estinti. -

Le condanne pronunciate con sentenza passata in giudicato, relative alle suddette violazioni, perdono ogni efficacia giuridica. -

Le schede riguardanti tali ^{condanne} ~~procedimenti~~ non debbono essere compilate, ⁱⁿ quelle ~~compilate per le condanne razziali~~ debbono essere eliminate dal casellario giudiziario nel termine di un mese dalla data di entrata in vigore del presente decreto. -

./.

ART. 8.

E' abrogata ogni disposizione contraria, e, comunque, incompatibile con quelle del presente decreto. -

ART. 9.

Il Capo del Governo è autorizzato ad emanare con propri decreti *mutatis i decreti per la prima e seconda legge per la prima* le norme complementari, integrative e regolamentari per l'attuazione del presente decreto che entra in vigore il giorno della sua pubblicazione nella Gazzetta Ufficiale. -

Il presente decreto sarà presentato al Parlamento per la sua conversione in legge. -

Il Capo del Governo è autorizzato a presentare il relativo disegno di legge. -

Ordiniamo a chiunque spetti di osservare il presente decreto e di farlo osservare come legge dello stato. -

E' abrogata ogni disposizione contraria, e, comunque, incompatibile con quelle del presente decreto. -

ART. 8.

Il Capo del Governo è autorizzato ad emanare con propri decreti *mutatis mutandis per la parte in cui si riferisce alla funzione* le norme complementari, integrative e regolamentari per l'attuazione del presente decreto che entra in vigore il giorno della sua pubblicazione nella Gazzetta Ufficiale. -

Il presente decreto sarà presentato al Parlamento per la sua conversione in legge. -

Il Capo del Governo è autorizzato a presentare il relativo disegno di legge. -

Ordiniamo a chiunque spetti di osservare il presente decreto a di farlo osservare come legge dello stato. -

ALLIED CORRESPONDENCE COMMISSION
Legal Subcommission

gmv/gmf

3 December 1943.

SUBJECT: Discriminatory laws.

TO: Major General Kenneth A. Joyce.

FROM: Col. G. F. Bygones.

1. The Italian Government have under consideration the proposition of amended legislation abolishing discriminatory laws and the matter is being considered by a subcommittee which will report to a meeting of the Cabinet in a week or 10 days time.

2. The legislation falls into two classes:

(a) Legislation abolishing political disabilities (e.g. abolishing of fascist laws prohibiting the marriage of Jews with Aryans, the practice of certain professions, etc.) and

(b) Legislation restoring property rights (e.g. restoration of property to Jews, etc.).

3. The view has been expressed by the Government that legislation under (b) above should be deferred for fear of reprisals which the Germans and Fascists might take in Northern Italy where nearly all Jewish property is situated and it is suggested that this view is entitled to a great deal of weight and therefore that the matter should be deferred pending further consideration at a later stage when the Government is more fully established.

With regard to the legislation under (a) above, 1943 Army Group HQ

have expressed the view that such legislation should be immediately im-

TO: Major General Keenan A. Joyce,

FROM: Col. R. S. Upjohn.

1. The Italian Government have under consideration the preparation of decretal legislation abolishing discriminatory laws and the matter is being considered by a subcommittee which will report to a meeting of the Cabinet in a week or 10 days time.

2. The legislation falls into two classes:

(a) Legislation abolishing political disabilities (e.g. abolishing of fascist laws prohibiting the marriage of Jews with Aryans, the practice of certain professions, etc.) and

(b) Legislation restoring property rights (e.g. restoration of property to Jews, etc.).

3. The view has been expressed by the Government that legislation under (b) above should be deferred for fear of reprisals which the Germans and Nazis might take in Northern Italy where nearly all Jewish property is situated and it is suggested that this view is entitled to a great deal of weight and therefore that the matter should be deferred pending further consideration at a later stage when the Government is more firmly established.

With regard to the legislation under (a) above, 15th Army Group AGC have expressed the view that such legislation should be simultaneously published by decree in the non-occupied area and by proclamation in the occupied area. With regard to paragraphs 1 & 2 it is submitted that in view of the impending restoration no proclamation should be issued and the matter left for the Italian Government and your decision however is requested.

With regard to 15th Army Group area it would seem desirable to make a simultaneous publication by Proclamation or publication of the decree by

by notice with a statement by the Military Government bringing it into force in occupied territory. May I therefore be empowered to make the appropriate arrangements with the Italian Government?

4. It is suggested that a liaison officer from AGO might usefully attend meetings of the subcommittee mentioned in para. 2 in order to study has been made by the Legal Subcommission of these matters. May I therefore be empowered to make the necessary arrangements.

C. S. WATSON, Colonel,
Legal Subcommission, AGO.

4 Dec 43 0845 Rmg. Informed by Brig Gen
Maxwell Taylor (Acting C of S) that Gen
Tyce had considered the memorandum and
agreed (1) that the legislation referred to in
para 2(b) should be deferred for the time
being (2) that legal Subcommission should
arrange for simultaneous publication of
decree of Italian Govt (by Proclamation or
other suitable notice) in occupied territory.

With regard to para 4. Gen Tyce did not
want us to suggest appointment of a liaison officer.

D. E. WALKER, Colonel
Legal Subcommission, AGO.

4 Dec 43 0845 Ling. Informed by Brig Gen
Harpwell Taylor (Acting CJS) that Gen
Troyer had considered the memorandum and
agreed (1) that the legislation referred to in
para 2(b) should be deferred for the time
being (2) that legal Subcommission should
arrange for simultaneous publication of
decree of Italian Govt (by Proclamation or
other suitable notice) in occupied territory.
With regard to para 4. Gen Troyer did not
want us to suggest appointment of liaison officer
but if suggestion came from Italian Govt
we would supply one.

GRB:pph
CR

1200 hrs
4 Dec 43.

11 October 1943

110

SUBJECT: Legal Changes. TRANSLATION

TO: Chief Legal Officer, AMO, Region 3.

Now, with the disruption of the Fascist Party and Fascist Militia, the abolition of the Grand Council and of the laws on bachelors by the Badoglio Government, all legislation of a Fascist nature has been repealed and is no longer applicable in the Italian State.

However, certain anti-social and inhuman racial laws are still in existence. They are typically Fascist and the majority of the Italian people are opposed to them, consequently they should be completely abolished.

The repeal of the following laws which call for the elimination of citizens of the Jewish race from social life and for restrictions of various kinds, is therefore proposed:

- R.D.L. No. 1390, 5/9/1938 - Measures for the defense of the race (Law by Royal Decree) in Fascist schools.
- R.D.L. No. 1381, 7/9/1938 - Measures with regard to alien Jews. (Royal Decree)
- R.D.L. No. 1779, 15/11/38 - Integration and co-ordination into one text of the laws already passed for the defense of the race in Italian schools.
- R.D.L. No. 1728, 17/11/38 - Measure for the defense of the Italian race.
- Law No. 1054, 29/6/39 - Discipline in the exercising of their profession on the part of citizens of the Jewish race.
- Law No. 1055, 7/13/39 - Disposition in material pertaining to testaments regarding the surnames of those belonging to Jewish faith.
- R.D. No. 1381, 7/9/38 - Forbidding those of the Jewish race to establish residence in Italy, Libia, or in the possessions of the Aegean.

26

Legal Change. contd.

R.D. No. 1390, 5/9/38 - Forbidding person of Jewish race to be teachers.

There is in existence at the present time a series of laws requiring all state employees to be members of the Fascist Party. Also, either for reasons of race or celibacy, the citizen in quest of a job is handicapped. Furthermore, these laws permit interference and intervention in the functioning state jobs on the part of members of the Fascist Party or officers of the Fascist Militia.

The membership to the Fascist Party is furthermore requested for the concession of jobs, as well as racial and bachelor restrictions are used against the interest of the citizens.

To eliminate such laws, regulations and restrictions, the enactment of the dispositions contained in the following 3 articles is suggested.

1. All dispositions contained in laws or regulations which establish the intervention of members of the dissolved Fascist Party or officers of the Fascist Militia in the accomplishment of judicial or administrative acts, are abrogated and the acts carried out without their intervention.

2. All dispositions contained in laws and regulations by which the membership to the fascist Party was requested for the concession of jobs or other purposes, are abolished.

3. All dispositions contained in laws, regulations and circulars which establish disabilities, incompetences or difficulties of any kind caused by racial restrictions, are abrogated.

It is furthermore suggested, in order to establish a clear and judicious difference of political valuation between the Chief of State and Chief of Government, to change the death sentence established according to Art. 280 of the penal code, as punishment for attempting the life of a Chief of Government, to a life sentence. The penal and penal procedure code guarantee completely the freedom of the citizens and the right and independent development of penal judgment with a series of guarantees of various types in relation to the preventive detainment of the judicables and to the development of the penal procedures. Nevertheless, under the government of the past regime, members of the police, authorized by the central government, committed many abuses, arresting and imprisoning, for an illegal length of time, persons under suspicion of misdeemeanor or anti-social activities or because disliked by the Regime.

It is consequently suggested to make the police authorities strictly observe the contents of Articles 238 and 244 of the Penal Code, which establish that all persons arrested under suspicion of crime and all those arrested without an order from judicial authorities must be, in any case, within 24 hours, put at the disposal of either the Public Prosecutor or the local judge.

Legal Change . contd.

It is also suggested that police authorities should not detain for more than 48 hours any subject arrested under suspicion of misdemeanour, as disposed in Article 157 of the Law for Public Safety, passed by R.D. No. 773, 18/6/1931.

It is also proposed to make the police authorities strictly observe the content of the last paragraph of Article 182 of the Law for Public Safety, dated 18/6/1931, according to which the confinement committee only is able to order the arrest of subjects proposed for confinement. In such a way the abuse of arresting subjects that the police itself proposed for confinement, is avoided.

It is also proposed to repeal the Labor Act, the contents of which constitutes the fundamentals of Fascism, establishing that in the interpretations and applications of laws, we must avoid the rules of the Labor Act and conform to the liberal notions of former Italian Laws.

The Corporations System having ceased to exist, we also suggest to suspend all applications of rules concerning collective work disputes (Art. 409 to 428 of the Civil Code).

It is proposed that individual labor problems of an urgent nature concerning private interests be managed by an ordinary magistrate and that the attempt of reconciliation between the parties according to Art. 430, 431 and 432 be made by the magistrate or the investigating attorney before proceeding with the proposed request.

The above proposed modifications are sufficient to eliminate regulations and rule of the Fascist ideology which are in clear contrast with the new regime of freedom.

However, these modifications would have to be accomplished by a commission of experts thoroughly versed on the subject. But public debates in political assemblies show that the proposal by the majority of the people cannot be put into effect during these historical times.

THE FIRST PRESIDENT.

THE ATTORNEY GENERAL.

Trans. Dept./ P.S.

1211 FASSIST LAWS ON RACIAL DISCRIMINATIONS

Fascism justified its laws on racial discriminations as an urgent necessity to protect the Italian Aryan race by intrusion of different blood of the so-called inferior and impure races.

Of course the protection of Aryan race has been practically actuated thru a discrimination of the juridical capacity among Italian citizens, namely by a certain number of limitations of the juridical capacity of Italian citizens, which have been established for those persons who do not belong to the Aryan race and particularly for the Italian Jews.

Generally the law has begun to establish which Italian citizens should be considered belonging to the Jewish race, ~~thereby~~ ^{excluding} from the schools the Jewish professors, has hindered the Jews to be journalist or notaries and has established particular rules concerning the marriage, the fatherly authorities, the property right, the successions and etc.

We will now particularly examine all the racial discrimination laws issued from April, 1937, until today.

The first law was the royal decree of April 19th. 1937, No. 880 (see Gazzetta ufficiale, June 24, 1937, No. 145) which punished from one to five years imprisonment every Italian citizen who had intimate relations with women subjects of East Italian Africa or of another country whose inhabitants had identical traditions or social and juridical habits and principles.

This first law, however did not concern the Jews but had only the aim to avoid the development of half breed people in Italian colonies.

The first law ^Concerned directly the Jews, the royal decrees September 5th, 1938, No. 1390 and September 7th, 1938, No. 1381 (See Gazzetta ufficiale September 12, 1938, No. 208 and September 13, 1938, No. 209). In the first decree it was forbidden to the Jews to teach in all kinds of Italian schools, to become free professors (liberi docenti) in the University and to be admitted as students in all kinds of Italian schools.

According to the second decree: a) It was forbidden to foreign Jews to establish steady residence in Italy and Italian colonies; b) Whoever was born from Jewish parents, also following a different religion, was considered a Jew; c) Foreign Jews whom had acquired Italian citizenship after January 1st, 1919, lost their citizenship; d) All foreign Jews residing in Italy and Italian colonies at the date of decree or having established their residence in Italy ^{or} her colonies after January 1st, 1919, were obliged to leave the country within six months of publication of said decree.

In the Royal decree of November 15, 1938, No. 1779. (see Gazzetta ufficiale, November 29, 1938, No. 272) were gathered in one text all the legal prescriptions to protect the Aryan race in Italian schools, namely: a) prohibiting Jews to teach in all kinds of Italian schools or to become free professors in Universities; b) exclusion of Jews from every Italian cultural institution; c) exclusion of Jews as students from the schools frequented by Aryan students; d) prohibiting to adopt in the schools books written by Jewish authors in the schools; e) Authorization to open separate schools for Jewish children at State or Jewish Committee expense.

- 3 -

The most important law was the Royal Decree n. 1728 (see Gazzetta Ufficiale Nov. 19th. 1938 n. 264) with which, in 29 articles, was regulated all matter concerning the rules to protect Italian Aryan race.

It was forbidden the marriage of an Aryan Italian citizen with a person belonging to a different race and ^{if} concluded against the said rule the marriage was to be annulled (art. 1).

Every citizen who wanted marry a foreign citizen had to ask the permit to the Minister of Interior (art. 2).

It was forbidden the marriage between foreign citizens and Italians employed of the governmental dependence (central & local) and of the fascist organization (art. 3).

The officers of the local City Halls (Comuni) had to inquire, before making the publications preliminary to every marriage, about the racial condition of the person who asked to be married and in case of art. 1 he could not proceed to the civil marriage - art. 5 - (remember that, according the conciliation between Italian State and Vatican State the marriage between catholic citizens is celebrated by the catholic priest and then transcribed, to have civil consequences, in the registers of the City Hall; the law which gave application to the agreement, concordato, is of May 29th. 1929 n. 847, see Gazzetta Ufficiale June 8th. 1929 n. 133).

The catholic priests before whom was celebrated a marriage contrary to the rule art. 1, have not to send a copy of the marriage certificate for the transcription in the registers of the City Hall (art. 6).

According this law (art. 8) ^{jews} ~~are~~ to be considered ^{are} ~~as~~; those who are born by Jewish parents, also if they follow a different religion; those who are born by

- 4 -

parents one of them being a Jew and another a foreigner; those who are born by Jewish mother and father unknown; those who are born by Italian parents one of them being a Jew, or of Jewish religion, or being inscribed to a Jewish community or having made any kind of Jewish manifestation; ^{those to be} ~~are~~ not considered as Jews those who are born by Italian parents, of whom only one belonging to the Jewish race; who belong at the date of October 1st, 1938 to a religion different of the Jewish religion.

In all the public acts concerning the Jews it is obligatory to make mention of that (art. 9).

The Jewish Italian citizen can not be soldier, in peace and in war; can not become tutor of minors or of mental disabled not belonging to the Jewish race; can not become proprietors or managers of firms or industries ⁱⁿ ~~interested~~ in the defense of the Nation or of whatever other firm employing 100 persons and more; can not be proprietors of buildings with a taxable income superior to L. 20.000 a year and of country estates with a taxable income superior to L. 5000 a year (art. 10).

Jewish parents who have children belonging to a different religion and give them an education contrary to the ~~children's~~ faith or to the national aims loosen the fatherly authority on them (art. 11).

Jewish citizens can not have at their service domestics $\forall$ anyone (art. 12).

It is forbidden to the State Administration (civil and military branches), to the Fascist party and its dependent organization, to the Provinces, to the City Halls and to every kind of public organization which have any form of dependence by the State, to the Banks of National interest (Banca Commerciale Italiana, Ban-

- 5 -

co di Roma, Credito Italiano), to the insurance companies, to have and to keep in service employees belonging to the Jewish race (art.13).

The following persons, on their request and by a decree of the Minister of Interior, can be excluded from the application of the said law: members of families of soldiers dead in war and for the so called nation cause, war disabled veterans, fascist disabled veterans or fascist wounded for the national cause; persons inscribed to the fascist party in the years 1919, 1920, 1921 and 1922 and in the last six months of 1924; veterans of Fiume adventure; persons who have special merits to be evaluated by a special commission nominated by the Minister of Interior (art.14).

It is forbidden to Jewish foreigners to establish their residence in Italy and Italian colonies (art.17).

The remaining articles of the law concern the transitory rules.

The above said Royal Decrees became definitive laws as follows: R.D. Sept.23th. 1938 was changed in the Law January 5th.1939 n.94; R.D. nov.15th.1938 was changed in the Law January 5th.1939 n.98; R.D. Spet.5th.1938 was changed in the Law January 5th. 1939 n.99; R.D. Nov.17th.1938 was changed in the Law January 5th.1939 n.274. (remember that the Royal Decrees are issued, for urgent reasons, by the Government/ but they must be // introduced in the Parliament to be approved as Law in a certain term; if not in the two successive years they lose all power and ^{do not} become ~~not~~ effective).

With a Royal Decree dec.22 nd. 1939 were put out of service all officers and underofficers belonging to the Jewish race/

- 6 -

A Royal Decree Feb. 9th. 1939 n. 126 (see Gazzetta Ufficiale, Feb. 11th. 1939 n. 35), concerning the application of the precedent R.D. Nov. 17th. 1938, establishes the limitations of property right (civil, mercantile and industrial), beyond which the Jews can not keep it and the property which is beyond the limits passes, for the difference, to a special created institution called "Ente di gestione e liquidazione immobiliare" which after a complicate procedure of evaluation, pay the Jewish proprietors not in money but in nominative certificates of credit (for 30 years) producing 4 % interest. After 30 years these certificates will be substitute by normal States bonds.

The second part of this important decree concerns the limits of Jewish participation in commercial and industrial firms.

A Royal Decree March 27th. 1939 (see Gazzetta Ufficiale May 10th. 1939 n. 110) establishes the Statute, which regulates the activity of the above said Ente di Gestione e liquidazione immobiliare.

A Law of June 29th. 1939 n. 1054 (see Gazzetta Ufficiale August 2nd. 1939 p. 179) establishes under which conditions the Jewish journalists, physicians, pharmacists, veterinaries, midwives, lawyers, accountants, engineers, architects, agricultural and industrial experts; can exercise their profession.

Italian Jews cannot be notaries and those who are not discriminated cannot be journalists.

For professional persons belonging Jewish religion are prescribed joint and special lists.

- 7 -

In the second part of the said Law are prescribed all the rules for the formation of the above said lists and for the inscriptions of the Jewish professional men in them.

The law establishes that the Jewish professional men can exercise their professions only in favour of Jewish persons: they can not accomplish functions which ~~may~~ bring the quality of public officer or give the representation of public institutions; they cannot be amministratori giudiziali (a special list of professional men who, principally, take care of bankruptcy), account revisors in the limited companies, technical experts; they can not form among them any kind of association.

A Royal Decree July 13th. 1939 n. 1024 (see Gazzetta Ufficiale, July 17th. 1939, n. 174) establishes that the Minister of Interior has the power to decide, on the proposal of the special committee created by the art. 2nd. of the R.D. nov. 17 th. 1938, if a person belongs or not to the Jewish race, also against what is written in the registers of City Halls.

A Law July 13th. 1939 n. 1055 (see Gazzetta Ufficiale August 2nd. 1939 n. 179) regulates the testaments and the changes of family names of Jewish origin. In matter of testaments, this law establishes that it is not valid a condition which subordiⁿates the possess of inheritance to the belonging of the heir to Jewish religion. This law was partially modified by the Law sept. 20th. 1940 n. 1459 (see Gazzetta Ufficiale Oct. 31 st. 1940 n. 256).

- 8 -

A ministerial decree, issued by the Minister of Interior, (which is not to be considered as a law or as a royal decree but only as an internal order given by the minister in matters ^{submitted} ~~submitted~~ to his authority) of July 30th. 1940 (see Gazzetta Ufficiale January 16th. 1940 n. 12) establishes the amount of money which had to be paid by Jewish professional men to be inscribed in the special lists of their respective profession.

A Law of April 19th. 1942 n. 517 (see Gazzetta Ufficiale May 28th. 1942 n. 126) forbids ~~to~~ Jewish theatrical and film actors and authors, also if discriminated, to take part in every kind of performance.

These are all the laws and royal decrees issued by the fascist government of racial discriminations.

Only some of the contents of these laws have been included in the civil code which is in force, as a whole, since April 21st. 1942. The other part are still in force as effect of the above illustrated laws and Royal decrees.

We reproduce ~~now~~ in Italian the articles of the civil code which concern directly or indirectly the racial discriminations, calling the attention of the reader when and if necessary.

art. I- (Capacità giuridica)- La capacità giuridica si acquista al momento della nascita.

16

I diritti che la legge riconosce a favore del concepito sono subordinati/

- 9 -

all'evento della nascita.

Le limitazioni alla capacità giuridica derivanti dall'appartenenza a determinate razze sono stabilite da leggi speciali.

(see R.D. nov. 17th. 1938 n. 1728 and R.D. 9 feb. 1939 n. 126).

art. 91- (diversità di razza o di nazionalità)- I matrimoni fra persone appartenenti a razze diverse sono soggetti alle limitazioni poste dalle leggi speciali.

Le leggi speciali determinano anche le condizioni che devono osservarsi per i matrimoni dei cittadini italiani con persone di nazionalità straniera.

(see R.D. nov. 17th. 1938 n. 1728)

art. 155- (procedimenti riguardo ai figli)- Il Tribunale che pronuncia la separazione dichiara quale dei coniugi deve tenere presso di sé i figli e provvedere al loro mantenimento, alla loro educazione e istruzione.

Se uno dei coniugi è di razza non ariana, il Tribunale dispone, salvo gravi motivi, che i figli considerati di razza ariana siano affidati al coniuge di razza ariana.

In ogni caso, il Tribunale può per gravi motivi ordinare che la ~~pr~~ ^{pr}ole sia collocata in un istituto di educazione o presso una terza persona.

Qualunque sia la persona a cui i figli sono affidati, il padre e la madre conservano il diritto di vigilare la loro educazione.

art. 292- (divieto di adozione per diversità di razza)

- 10 -

L'adozione non è permessa tra cittadini di razza ariana e persone di razza diversa.

Il re o le/ autorità a lui delegate possono accordare dispensa dall'osservanza di questa disposizione.

Art. 342- (Nuova nozze del genitore non ariano)- Il genitore di razza non ariana, che abbia figli considerati di razza ariana, se passa a nuova nozze con persona di razza pure non ariana, perde la patria potestà sui figli stessi, e la tutela dei medesimi è affidata di preferenza ad uno degli avi di razza ariana.

Art. 404- (Affidamento dei minori)- istanza di affiliazione- divieto per diversità di razza)- L'istituto di pubblica assistenza, a norma delle leggi speciali, può affidare il minore ricoverato a persona di fiducia. Questa, decorso tre anni dall'affidamento, può chiedere al giudice tutelare del luogo di sua residenza di affiliarsi il minore.

Uguale facoltà spetta alla persona che ha provveduto all'allevamento del minore senza che lo sia affidato dall'istituto, sempre che siano decorsi tre anni dall'inizio dell'allevamento.

L'affiliazione non può essere domandata da persona di razza non ariana, salvo che il minore appartenga pure a razza non ariana.

Disposizioni di attuazione e transitorie del codice civile

art.128- Se l'ipotesi prevista dall'art.342 del codice si è verificata prima del 1° luglio 1939, il Tribunale, su istanza del figlio medesimo o dei parenti o del Pubblico Ministero, può privare il genitore della patria potestà sui figli, quando risulta che egli impartisce ai essi una educazione non corrispondente ai fini nazionali, e può provvedere in conformità all'art.342 del codice.

Schema A

R.D. Legge : Abrogazione delle leggi razziali

Art.1

Tutti i cittadini Italiani hanno pari capacita' giuridica di diritto pubblico e di diritto privato, pari diritti e pari doveri.
La professione religiosa e la razza sono al riguardo irrilevanti.

Art.2

Il R.D. Legge 17 Novembre 1938 n. 1738, convertito in legge 5 gennaio 1939 n. 274 e' abrogato in ogni sua parte.

Art.3

La religione e la razza sono del pari irrilevanti per la situazione giuridica dello straniero, fermo restando il disposto dell'art. 16 cod. civ.

Art.4

Sono abrogati gli art. 1,3 comma, 91,155,2 comma, 292,342,348 ultimo comma, 404 ultimo comma del codice civile.

Sono altresì abrogate tutte quelle disposizioni che per determinati atti o rapporti richiedano accertamento o menzione di razza ed ogni altra disposizione contraria al presente decreto o con esso incompatibile.

Schema B

R.D. : Disposizioni integrative di esecuzione e transitorie in dipendenza del R.D.L.....(Schema A)

CAPO I
CITTADINANZA

Art.1

Sono nulli di pieno diritto tutti i provvedimenti di revoca di cittadinanza emessi in dipendenza dell'art.3 del R.D.L.17 novembre 1938 n.1728.

Gli stranieri ai quali sia stata revocata la concessione della cittadinanza in dipendenza della disposizione predetta la riacquistano di pieno diritto.

CAPO II
PROVVEDIMENTI CIRCA LA SCUOLA E GLI ISTITUTI
DI CULTURA

Art.2

Il R.D.L. 15 Novembre 1938 n. 1779, convertito in legge... e' abrogato in ogni sua parte.

Art.3

Coloro che in dipendenza degli art. 1 e 8 del predetto decreto siano stati dispensati da qualsiasi impiego od ufficio nelle scuole di ogni ordine e grado saranno a loro domanda riammessi, purché conservino i requisiti necessari. Ove non vi siano posti disponibili nei relativi ruoli, saranno ammessi in soprannumero, salvo il riassorbimento dei posti stessi a misura che si verificano vacanze.

canze. Ove sia ~~ante~~ il posto occupato all'atto della dispensa o altro posto equivalente nella medesima sede, le predette persone avranno diritto ad esservi assegnate, con preferenze su ogni altro aspirante.

Il periodo trascorso fra la dispensa e la riammissione sarà considerato come periodo di servizio effettivamente prestato, tanto agli effetti della carriera quanto a quelli del trattamento di quiescenza, così a carico dello Stato, come a carico di appositi enti, con dispensa dal versamento dei corrispondenti contributi a carico dell'impiegato, e salvo, in quanto del caso, l'obbligo della relativa amministrazione di versare i contributi arretrati.

Art. 4

Coloro che erano stati compresi in graduatorie di concorsi e non conseguirono la nomina per effetto dell'art. 1 R.D.L. 15 novembre 1938 n. 1779 potranno, su domanda, conseguirla ove conservino i necessari requisiti. Agli effetti dell'anzianità la nomina avrà la decorrenza che normalmente avrebbe avuto se gli atti del concorso avessero dato luogo alla nomina.

Art. 5

I liberi docenti decaduti per effetto degli art. 1 e 8 del R.D.L. 15 novembre 1938 n. 1779 saranno, su loro domanda, riammessi all'esercizio della libera docenza, con esenzione da ogni tassa.

Il periodo trascorso tra la decadenza e la riammissione varrà ad ogni effetto come periodo di servizio effettivo.

Art. 6

I professori di istituti dell'ordine universitario, così ordinari come straordinari, dispensati dal servizio in applicazione degli art. 1 e 8 del R.D.L. 15 novembre 1938 n. 1728 saranno, su loro domanda e purché conservino i requisiti necessari, riammessi in servizio nella stessa cattedra e nella stessa sede che occupavano nel momento della dispensa.

Ove non vi siano posti vacanti nei relativi ruoli, ovvero non vi sia vacante la cattedra occupata nel momento della dispensa, il posto e la cattedra saranno considerati in soprannumero, salvo il riassorbimento alla prima vacanza.

Il periodo trascorso tra la dispensa e la riammissione sarà considerato di servizio attivo, così agli effetti di carriera come agli effetti del trattamento di quiescenza, tenuto conto delle conseguenze della legge 23 maggio 1940 n. 587 per coloro cui fu applicata. Per coloro che non usufruirono del trattamento speciale previsto dalla legge stessa, il trattamento di quiescenza sarà liquidato a suo tempo nella misura rispondente al servizio prestato, anche se per il periodo trascorso fuori servizio non furono versati i relativi contributi a carico dell'impiegato.

Art. 7

I membri delle accademie, degli istituti e delle associazioni di scienze lettere ed arti, che cessarono di farne parte per effetto dell'art. 2 del R.D.L. 15 novembre 1938 n. 1779 vi saranno riammessi di pieno diritto, con l'anzianità che loro sarebbe spettata se non avessero mai cessato di appartenervi.

Qualora non vi fossero posti disponibili, i membri così riammessi si considereranno in soprannumero salvo riassorbimento in occasione della prossima vacanza. 12

CAPO III

PROVVEDIMENTI PER GLI ALTRI IMPIEGATI DELLO STATO, DI ALTRI ENTI PUBBLICI E DELLE IMPRESE PRIVATE

Art. 8

Gli impiegati inamovibili dello Stato, non contemplati nel precedente art. 8 che furono dispensati dal servizio in applicazione degli art. 13 e 20 R.D.L. 17 novembre 1938 n. 1728 saranno, su loro domanda e purché conservino i requisiti necessari, riammessi nell'ufficio che occupavano all'atto della dispensa. Saranno ad essi applicabili il secondo comma dell'art. 5, in quanto del caso, e l'ultimo comma dell'art. 8 del presente decreto.

Art. 9

Gli impiegati dello Stato non contemplati nel precedente art. 8, quelli degli enti pubblici e quelli delle aziende ad essi annesse o da essi direttamente dipendenti, che furono dispensati dal servizio in applicazione degli art. 13 e 20 del R.D.L. 17 novembre 1938 n. 1728 saranno su loro domanda e purché conservino i requisiti necessari riammessi nei rispettivi ruoli e destinati allo stesso ufficio o ad ufficio affine di pari grado a quello occupato all'atto della dispensa. Ove nei rispettivi ruoli non vi fossero posti disponibili essi saranno assegnati a posti in soprannumero salvo riassorbimenti a seguito di successive vacanze. Il periodo trascorso tra la dispensa e la riammissione in servizio sarà considerato di servizio attivo agli effetti della carriera. Agli effetti del trattamento di quiescenza si applicherà il disposto dell'art. 5 del presente decreto.

Art. 10

Gli impiegati delle società il cui capitale era costituito almeno per metà del suo importo con la partecipazione dello Stato, quelli delle Banche di interesse Nazionale e delle imprese private di assicurazione, dispensati dal servizio ai sensi degli art. 13 lett. f, g, h, e 20 del R.D.L. 17 novembre 1938 n. 1728 saranno, su loro domanda, riammessi nei posti occupati all'atto della dispensa o in posti affini di pari grado, considerandosi agli effetti della carriera come non avvenuta la dispensa stessa.

Saranno ad essi applicabili gli ultimi tre commi dell'articolo precedente. Le disposizioni del presente articolo si applicano anche agli impiegati privati che siano stati licenziati per motivi razziali ancorché il licenziamento non fosse stato imposto dalla legge.

CAPO IV

PROVVEDIMENTI RELATIVI AI LIMITI DI PROPRIETÀ IMMOBILIARE E DI ATTIVITÀ INDUSTRIALE PER I CITTADINI GIÀ CONSIDERATI DI RAZZA EBRAICA

Art. 11

Le commissioni provinciali costituite per risolvere le controversie circa l'applicazione dei limiti di proprietà immobiliare per i cittadini già considerati di razza ebraica sono abolite.

Art. 12

Le procedure amministrative ancora in corso per la determinazione dei beni costituenti la quota eccedente, quella consentita ai cittadini italiani già considerati di

razza ebraica, la scelta dei beni stessi e la determinazione dell'estimo e dell'imponibile sono annullate.

Art. 13

Nel caso di beni immobili già appartenenti a cittadini italiani considerati di razza ebraica e che siano già stati con provvedimento divenuto definitivo trasferiti all'Ente di gestione e liquidazione immobiliare si osserveranno le seguenti norme:

- a) Gli immobili, salvo il disposto della successiva lett. c) saranno senz'altre restituiti con atti esenti da ogni onere e diritto fiscale. Le altre spese saranno a carico dell'Ente. I proprietari a loro volta restituiranno i certificati trentennali con interesse 4% di cui all'art. 32 R.D.L. 9 febbraio 1939 n. 126 con la cedola in corso, ovvero buoni del tesoro 5% per un valore effettivo pari, tenuto conto anche del diverso saggio di interesse. Con decreto del Ministro per le Finanze sarà determinato a questi effetti il rapporto di equivalenza tra i predetti certificati ed i buoni del tesoro 5%.
- b) Sono nulle tutte le successive alienazioni dei beni espropriati dall'Ente trascritto posteriormente al 25 luglio 1943; si applicheranno in tal caso tutte le disposizioni della precedente lettera a);
- c) In ogni altro caso sono salvi i diritti dei terzi, legalmente acquistati; i proprietari originari degli immobili venduti riceveranno il prezzo di vendita in contanti ricavato dall'Ente, contro restituzione a questo dei certificati ad essi attribuiti, od il corrispondente valore in buoni del tesoro 5% da calcolarsi ai sensi della precedente lettera a).

Art. 14

Nel caso di restituzione dell'immobile ai sensi della lettera a) dell'art. precedente, ove fossero state introdotte modificazioni nello stato dell'immobile, l'Ente dovrà anche corrispondere ai proprietari un indennizzo rispondente alle spese necessarie per la riduzione in pristino dell'immobile stesso. Tale indennità sarà determinata dagli Uffici del Genio Civile, salvo sempre in caso di controversia la competenza dell'autorità giudiziaria.

Art. 15

Le procedure esecutive immobiliari contro i cittadini italiani già considerati di razza ebraica che fossero state sospese ai sensi dell'art. 8 R.D.L. 9 febbraio 1939 n. 126 potranno essere riprese senza alcuna limitazione secondo le norme comuni.

Art. 16

Sono aboliti gli elenchi, compilati dai Consigli Provinciali delle Corporazioni ai sensi dell'art. 52 del R.D.L. 9 febbraio 1939 n. 126.

Art. 17

Le donazioni fatte ai sensi degli art. 6 e 45 del R.D.L. 9 febbraio 1939 n. 126 potranno essere revocate entro sei mesi dall'entrata in vigore del presente decreto. I relativi atti sono esenti da ogni onere o diritto fiscale. Sono salvi i diritti dei terzi trascritti o iscritti prima del 25 luglio 1943.

Art. 18

I commissari di vigilanza nominati per le aziende individuali o sociali ai sensi degli art. 52, lett. a) e b) e 56 R.D.L. 9 febbraio 1939 n. 126 cesseranno dalle loro funzioni alla data di pubblicazione del presente decreto.

Art. 19

Le persone o società che abbiano dovuto coattivamente procedere alla cessione delle loro aziende ai sensi dell'art. 61 R.D.L. 9 febbraio 1939 n. 126 potranno entro sei mesi dalla entrata in vigore del presente decreto, chiederne la restituzione al cessionario o al suo avente causa contro pagamento del prezzo a suo tempo ricevuto.

I relativi atti sono esenti da ogni onere o diritto fiscale. Le altre spese sono per metà a carico del cedente e per metà a carico del cessionario.

Qualora, successivamente alla cessione, l'azienda abbia avuto un incremento di valore superiore al 10%, il cedente dovrà corrispondere al cessionario o al suo avente causa un indennizzo pari all'incremento eccedente la detta percentuale.

Ogni controversia al riguardo sarà risolta ai sensi dei commi quarto, quinto e sesto del R.D.L. 9 febbraio 1939 n. 126.

La controversia non sospende l'esecuzione dell'obbligo della retrocessione al cedente il quale, nelle more del giudizio, corrisponderà il prezzo a suo tempo ricevuto.

Art. 20

I titolari di aziende individuali o i soci illimitatamente responsabili di società non azionarie i quali abbiano proceduto a cessione volontaria dell'azienda o di parte di essa o della quota sociale ai sensi dell'art. 58 R.D.L. 9 febbraio 1939 n. 126, ricevendone un prezzo che sia stato investito in titoli nominativi di consolidato, potranno senz'altro richiederne la conversione in titoli al portatore.

CAPO V

PROVVEDIMENTI CONCERNENTI L'ESERCIZIO DELLE PROFESSIONI

Art. 21

I cittadini già considerati di razza ebraica, esercenti le professioni di cui all'Art. 1 L. 29 giugno 1939 n. 1054 e che furono cancellati dai rispettivi albi ai sensi dell'art. 6 saranno di ufficio reinscritti negli albi stessi, a cura degli organi cui ne spetta la tenuta, a meno che non dichiarino di rinunziarvi.

A tali effetti gli organi stessi daranno notizia del provvedimento agli interessati e il provvedimento avrà corso se entro 15 giorni dall'avvenuta notifica gli interessati non facciano la predetta dichiarazione di rinuncia.

Le reinscrizioni sono esenti dalla corresponsione di qualsiasi diritto.

Ai predetti professionisti sarà attribuita l'anzianità che essi avrebbero avuta se essi fossero rimasti iscritti senza interruzione dalla data dell'avvenuta cancellazione.

Art. 22

Per i cittadini già iscritti nei ruoli degli amministratori giudiziari, dei revisori ufficiali dei conti, dei periti, e degli esperti e che siano stati cancellati ai sensi degli art. 22 e 23 L. 29 giugno 1939 n. 1054 si procederà alla reinscrizione ai sensi dell'art. precedente.

Art. 23

Sono aboliti gli elenchi aggiunti e gli elenchi speciali di cui agli art. 3 e 4 della L.29 giugno 1939 n. 1054.

Art. 24

I notari che cessarono dall'ufficio per effetto dall'art. 2 della L.29 giugno 1939 n. 1054 e che ne facciano domanda, se conservino i necessari requisiti, saranno reintegrati nell'ufficio e nella sede eventualmente anche in soprannumero. Potranno pero' col loro consenso essere trasferiti ad altra sede di pari importanza, con preferenza sopra ogni altro aspirante.

Art. 25

Gli agenti di cambio che furono esclusi dall'esercizio della professione perche' di razza ebraica, saranno, su loro domanda, riammessi anche in soprannumero, salvo riassorbimento a misura che si verifichino vacanze.

CAPO VI
DISPOSIZIONI FINALI

Art. 26

Le domande di riammissione previste nei capi III, IV, e VII dovranno essere presentate entro sei mesi dalla cessazione dello stato di guerra.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

ART/gmf

10 January 1944.

Hold - not sent

In reply
refer to: ACC/I/110.

SUBJECT: Abrogation of Racial Laws.

TO : H.E. The Undersecretary of State
The Ministry of Pardon and Justice.

Further to this morning's Conference at which Your Excellency was so good as to confirm that the proposed title of the Decree Law would be brought into closer harmony with the wider scope of the measure, it is also hoped that in reply hereto it will be possible to indicate that it will be practicable to deal with the other points raised at the meeting of 8 January by way of administrative instructions to be issued by the head of the Government.

Major
G. R. UPJOHN, Colonel
Chief Legal Officer, ACC.

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
C.H.F.

GRU/GR

19 December 1943.

In reply
refer to: AGC/14/130.

SUBJECT: Discriminatory Laws.

TO : CIVIL AFFAIRS BRANCH, G.H.Q., M.E.F.

Your 11207/134/CA dated 6 Dec. 1943 addressed to A.H.G. 15

Agony Group has been forwarded to us.

1. The Italian Government are studying the repeal of certain discriminatory laws and as soon as their proposed decree abolishing these laws is in our hands we will let you have details of their proposals. This has been promised to us within 10 days or a fortnight.

2. With regard to para 3 of your letter it is belated that a draft order abrogating certain discriminatory laws was prepared in Sicily but was never published as the Italian Government were studying the matter, and it is now proposed to republish the Italian decree in occupied territory as soon as received.

G. R. URMEN, Colonel,
Chief Legal Officer, AGC.

In reply
refer to: AGO/1/110.

SUBJECT: Discriminatory Laws.

TO : Civil Affairs Branch, G.H.Q., M.E.F.

Your 11297/13/CA dated 6 Dec. 1943 addressed to A.M.G. 15

Army Group has been forwarded to us.

1. The Italian Government are studying the repeal of certain discriminatory laws and as soon as their proposed decrees abolishing these laws is in our hands we will let you have details of their proposals. This has been promised to us within 10 days or a fortnight.

2. With regard to para 3 of your letter it is believed that a draft order abrogating certain discriminatory laws was prepared in Sicily but was never published as the Italian Government were studying the matter, and it is now proposed to republish the Italian decrees in occupied territory as soon as received.

G. R. USHER, Colonel,
Chief Legal Officer, AGO.

ALLIED CONTROL COMMISSION
Legal Subcommittee

cmv/gmc

In reply
refer to: AOC/1/115.

4 December 1943.

SUBJECT: Discriminatory Legislation.

TO : H.M. The Under Secretary of State
Ministero di Grazia e Giustizia.

I have much pleasure in informing H.M. that following upon our exchange of views on this subject and my report thereon to the Allied Control Commission, cordial agreement is expressed with the intentions of the Italian Government regarding the proposed relief legislation - i.e. (a) providing for immediate removal of political disabilities - for example the restoration to Jews of their marital, professional and other personal rights; and (b) on the postponement of legislative action likely to provoke reprisals against property of the Jews or others already reported threatened in enemy occupied territory.

It is felt that a mutual arrangement for simultaneous publication of the proposed provisions in both occupied and unoccupied territory is desirable and would meet with the approval of H.M. To this end, and assuming approval of this suggestion, it would be necessary to examine the text of the proposed provisions to this Commission sufficiently in advance of the date of promulgation for its transmission to the Allied Military Governor of Occupied Territory and simultaneous publication in such territory.

SUBJECT: Disordinatory Legislation.

TO : H.E. The Under Secretary of State
Ministero di Credito e Finanza.

I have much pleasure in informing H.E. that following upon our exchange of views on this subject and my report thereon to the Allied Control Commission, cordial agreement is expressed with the intentions of the Italian Government regarding the proposed relief legislation - i.e. (a) providing for immediate removal of political disabilities - for example the restoration to Jews of their marital, professional and other personal rights; and (b) on the postponement of legislative action likely to involve reprisals against property of the Jews or others already reported threatened in enemy occupied territory.

It is felt that a mutual arrangement for simultaneous publication of the proposed provisions in both occupied and unoccupied territory is desirable and would meet with the approval of H.E. To this end, and ensuring approbation of this suggestion, it would be necessary to communicate the text of the proposed provisions to this Commission sufficiently in advance of the date of promulgation for its transmission to the Allied Military Governor of Occupied Territory and simultaneous publication in such territory.

Confirmation of the views expressed is awaited at H.E.'s convenience.

G. R. HARRIS, Colonel
Legal Subcommission, A.C.C.

11 Don't Bury the Past -
See Upg. <

12/11

ARMED CONTROL COMMISSION
Legal Subcommittee

5 December 1945.

SUBJECT: Discriminatory Laws.

TO: Major General Kenyon L. Joyce.

FROM: Col. G. H. Upjohn.

1. The Italian Government have under consideration the preparation of general legislation abolishing discriminatory laws and the matter is being considered by a subcommittee which will report to a meeting of the Cabinet in a week or 10 days time.

2. The legislation falls into two classes:

(a) Legislation abolishing political disabilities (e.g. abolishing fascist laws prohibiting the marriage of Jews with anyone, the practice of certain professions, etc.) and

(b) Legislation restoring property rights (e.g. restoration of property to Jews, etc.).

3. The view has been expressed by the Government that legislation under (b) above should be deferred for fear of reprisals which the Germans and Fascists might take in Northern Italy where nearly all Jewish property is situated and it is suggested that this view is entitled to a great deal of weight and therefore that the matter should be deferred pending further consideration at a later stage when the Government is more firmly established.

With regard to the legislation under (a) above, 15th Army Group AMG have expressed the view that such legislation should be implemented simultaneously.

1. The Italian Government have under consideration the preparation of a draft legislation abolishing discriminatory laws and the matter is being considered by a subcommittee which will report to a meeting of the Cabinet in a week or 10 days time.

2. The legislation falls into two classes:

(a) legislation abolishing political disabilities (e.g. abolishing fascist laws prohibiting the marriage of Jews with Aryans, the practice of certain professions, etc.) and

(b) legislation restoring property rights (e.g. restoration of property to Jews, etc.).

3. The view has been expressed by the Government that legislation under (b) above should be deferred for fear of reprisals which the Germans and Fascists might take in Northern Italy where nearly all Jewish property is situated and it is suggested that this view is entitled to a great deal of weight and therefore that the matter should be deferred pending further consideration at a later stage when the Government is more firmly established.

With regard to the legislation under (a) above, 15th Army Group AMG have expressed the view that such legislation should be simultaneously published by decree in the non-occupied area and by proclamation in the occupied area. With regard to Regions 1 & 2 it is submitted that in view of the impending restoration no proclamations should be issued and the matter left for the Italian Government and your decision hereon is requested.

With regard to 15th Army Group area it would seem desirable to make a simultaneous publication by Proclamation or publication of the decree by

by notice with a statement by the Military Governor bringing it into force in occupied territory. May I therefore be empowered to make the appropriate arrangements with the Italian Government?

4. It is suggested that a liaison officer from ACC might usefully attend meetings of the subcommittee mentioned in para. 1 as considerable study has been made by the Legal Subcommittee of these matters. May I therefore be empowered to make the necessary arrangements?



C. A. URSIN, Colonel
Legal Subcommittee, ACC.

meetings of the Subcommittee of these matters. May I therefore be
 been made by the Legal Subcommittee of these matters. May I therefore be
 empowered to make the necessary arrangements.

W. J. H. H. H.
 C. N. H. H. H., Colonel
 Legal Subcommittee, AGC.

067
COP
HIS FOR PARCO - 752

19th November 1943

URGENT

To: FATIMA FOR THACHAN

URGENTLY REQUEST TO KNOW WHAT LAWS OR DECREES WERE ENACTED BY ITALIAN
GOVERNMENT x PARCO TO FATIMA FOR THACHAN FROM HIS FOR PARCO FROM
UPJOHN ONE AND SEVEN FIVE TWO PARCO x BEFORE LEAVING ROME ONE
DISSOLVING FASCIST ORGANIZATIONS TWO ABOLISHING LAWS DISCRIMINATING
AGAINST ANY PERSON ON BASIS OF RACE COLOUR OR CREED AND PROVIDING FOR
A RETURN OF THEIR PROPERTY

Originator: Col. G. Upjohn,
Deputy Chief Legal Officer,
Legal Sub-Commission.

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