

ACC 10000 1146/58

LSC. /220

DEFASCISM: EPURATION

Sept. 1944 - Dec. 1945

BEST COPY POSSIBLE
FILMED AS FOUND
IN COLLECTION

Mayor Scotten.	Exec Off.	Commerce Sub Comm.	461.
Mr. Murgie	—	" " "	478703.
Mr. S. H. White.	—	Joint Affairs Sub Comm.	469.
Mr. Wilson.	Room 33.	Floor 5.	—

DEFASCISM = EPURATION

LSC/220

ALLIED COMMISSION - ITALY

**SOSPENSIONE
DEI FUNZIONARI E DEGLI IMPIEGATI
FASCISTI**

FEBBRAIO 1945

ALLIED COMMISSION - ITALY

**SOSPENSIONE
DEI FUNZIONARI E DEGLI IMPIEGATI
FASCISTI**

FEBBRAIO 1945

La presente Ordinanza Generale è intesa alla immediata attuazione delle misure preliminari nell'opera di epurazione della vita nazionale dal fascismo intrapresa dal Governo italiano.

L'Ordinanza, pur avendo propria autonomia, siccome provvedimento del Governo Militare Alleato, si inquadra nell'insieme delle disposizioni emanate in materia dal Governo Italiano, e cioè:

- (1) Decreto-Legge Luogotenenziale 27 luglio 1944, n. 150;
- (2) Decreto-Legge Luogotenenziale 3 ottobre 1944, n. 238;
- (3) Decreto-Legge Luogotenenziale 11 ottobre 1944, n. 257;
- (4) Decreto-Legge Luogotenenziale 23 ottobre 1944, n. 285;
- (5) Circolare n. 1, in data 20 agosto 1944;
- (6) Circolare n. 2, in data 8 settembre 1944;
- (7) Circolare n. 3, in data 26 ottobre 1944.

Le predette Circolari sono state tutte emanate dall'Alto Commissario Aggiunto per l'epurazione; estratti delle medesime sono riprodotte in Appendice.

Nell'applicazione delle norme contenute nella presente Ordinanza si dovrà essenzialmente aver presenti la lettera e lo spirito delle norme stesse; ma nei casi da questa non previsti si dovrà fare riferimento ai precetti e ai principi informativi dei summenzionati provvedimenti del Governo italiano.

**GOVERNO MILITARE ALLEATO
DEL TERRITORIO OCCUPATO**

ORDINANZA GENERALE N. 35

SOSPENSIONE DEI FUNZIONARI E DEGLI IMPIEGATI FASCISTI

POICHE' è nelle direttive del Governo Militare Alleato che coloro che furono fascisti e ricoprirono posti importanti o rappresentativi durante il regime fascista o che dopo l'8 settembre 1943 hanno collaborato con il Governo Repubblicano Fascista siano allontanati dal servizio, e

POICHE' il Governo Italiano si è assunto tale compito ed ha emanato a questo scopo il Decreto Legislativo Luogotenenziale 29 luglio 1944, n. 459 ed ulteriori decreti integrativi, e

POICHE' il Governo Militare Alleato desidera che, senza pregiudizio all'applicazione dei suddetti decreti, abbia immediatamente luogo la sospensione dal servizio di tutti coloro che ne sono colpiti,

IO, ELLERY W. STONE, Commodoro, USNR, in nome e per conto del Comandante Supremo Alleato e Governatore Militare, con la presente ordino quanto segue:

ARTICOLO I.

Soggetti ai quali si applica la presente ordinanza.

Sono sottoposti ai procedimenti contemplati dalla presente Ordinanza i funzionari e gli impiegati appartenenti ai seguenti Enti:

(a) Amministrazioni dello Stato, anche se con ordinamento autonomo.

(b) Enti locali ed altri Enti ed Istituti Pubblici.

(c) Aziende Speciali dipendenti da Amministrazioni ed Enti Pubblici, Aziende private concessionarie di servizi pubblici e quelle riconosciute di interesse nazionale.

ARTICOLO II.

Categorie dei soggetti.

Sono sospesi dal servizio:

(a) Coloro che, specialmente in alti gradi, col partecipare attivamente alla politica del Fascismo o con manifestazioni ripetute di apologia fascista, si sono mostrati indegni di servire lo Stato.

(b) Coloro che hanno conseguito nomine ed avanzamenti per il favore del partito o dei gerarchi fascisti.

(c) Coloro che si sono resi colpevoli di faziosità fascista o di malcostume.

(d) Coloro che hanno rivestito la qualifica di squadrista o sansepolcrista o antemarcia o marcia su Roma o Sciarpa Littoria o che sono stati ufficiali nella Milizia fascista.

(e) Coloro che dopo l'8 settembre 1943 hanno seguito al Nord dell'Italia il Governo Fascista Repubblicano o gli hanno prestato giuramento o hanno comunque collaborato con esso.

ARTICOLO III.

Nomina delle Commissioni.

(a) Il Commissario Provinciale, entro 3 giorni dalla entrata in vigore in ciascuna località della presente Ordinanza, nominerà una Commissione composta da cittadini italiani di precedenti integri e non compromessi col fascismo, per l'attuazione nella località stessa delle disposizioni di cui alla presente Ordinanza e darà pubblico avviso della nomina e dell'indirizzo dell'ufficio della Commissione.

(b) Ogni Commissione sarà composta di un Presidente, nominato dal Commissario Provinciale, e di tanti altri membri quanti ne nominerà il Commissario Provinciale. Essa può scindersi in Sezioni distinte.

(c) Il Presidente di una Commissione o i membri di essa possono essere in qualunque tempo rimossi dal Commissario Provinciale.

ARTICOLO IV.

Notifica dell'Ordinanza.

(a) Entro 7 giorni dall'entrata in vigore della presente Ordinanza, il Capo di ogni Amministrazione e Azienda compresa nell'art. I della presente Ordinanza o che svolge la sua attività in una

località dove l'Ordinanza stessa si applica, affiggerà nella sede o nelle sedi rispettive una o più copie della presente Ordinanza ed informerà tutti i funzionari e gli impiegati dell'Amministrazione o dell'Azienda che lavorano nella località di cui trattasi che:

(i) la presente Ordinanza è entrata in vigore in quella località e che

(ii) quella particolare Amministrazione od Azienda è compresa tra quelle di cui all'art. I della presente Ordinanza.

Resta fermo che l'omissione da parte del Capo di una Amministrazione od Azienda di fornire la suddetta informazione non costituisce giustificazione per colui che fosse imputato di inosservanza delle disposizioni dell'articolo V della presente Ordinanza.

(b) Allorché la presente Ordinanza entra in vigore in una località, il Prefetto farà affiggere una copia di essa in ogni comune compreso in tale località.

ARTICOLO V.

Presentazione della Scheda Personale.

(a) Tutti coloro ai quali si applica la presente Ordinanza sono divisi nelle seguenti tre categorie:

(1) *Categoria urgente*, nella quale sono compresi:

gli appartenenti ai primi sei gradi dell'Amministrazione dello Stato; gli appartenenti agli Uffici Centrali di una Amministrazione od Azienda che ricoprono posti di Consigliere d'Amministrazione, Direttore, Direttore di Stabilimento, Capo Tecnico o Tecnico Specializzato; i funzionari e gli impiegati di una Filiale di una Amministrazione od Azienda che ricoprono posti di Direttore o di Tecnico Specializzato.

(2) *Categoria normale*, nella quale sono compresi:

gli appartenenti ai gradi VII, VIII e IX dell'Amministrazione dello Stato; i funzionari e gli impiegati degli Uffici Centrali di una Amministrazione od Azienda che ricoprono posti di Condirettore o Vice Direttore, ovvero di Condirettore o Vice Direttore di Stabilimento, di Capo Servizio o Capo Reparto; i funzionari e gli impiegati di una Filiale di una Amministrazione od Azienda che ricoprono posti di Condirettore o Vice Direttore, ovvero di Condirettore o Vice Direttore di Stabilimento, o di Capo Servizio o Capo Reparto; quei funzionari e impiegati di grado X, XI e XII, alle dipendenze del Ministero dell'Educazione e sottoposti ai Provveditori agli Studi, ai quali fosse ordinato da o per conto del Commissario Regionale

del Governo Militare Alleato di riempire, firmare e consegnare le schede personali.

(3) *Categoria ritardata*, nella quale sono compresi tutti gli altri funzionari ed impiegati.

(b) Entro 14 giorni dalla data di entrata in vigore della presente Ordinanza tutti coloro cui l'Ordinanza stessa si applica e che sono compresi nella categoria urgente o nella categoria normale sopra specificate devono riempire, firmare e consegnare al Capo della rispettiva Amministrazione od Azienda una Scheda Personale del tipo prescritto. Il Capo dell'Amministrazione o dell'Azienda dividerà nelle suddette due categorie le schede personali così ricevute e, entro 16 giorni dalla data di entrata in vigore della presente Ordinanza, le depositerà così divise presso l'Ufficio della Commissione insieme ad una Scheda Personale debitamente riempita e firmata da lui stesso.

(c) Entro 18 giorni dalla data di entrata in vigore della presente Ordinanza il Capo di ogni Amministrazione od Azienda compilerà, firmerà e depositerà presso la Commissione un elenco di tutti i funzionari ed impiegati della rispettiva Amministrazione od Azienda compresi nelle predette due categorie con certificazione che una Scheda Personale è stata compilata e depositata nei confronti di ciascuno di tali funzionari ed impiegati o con una dichiarazione che ne giustifichi la mancanza.

(d) Coloro ai quali la presente Ordinanza si applica e che sono compresi nella categoria ritardata, non sono tenuti a riempire, firmare o consegnare una Scheda Personale né sono altrimenti soggetti ai termini della presente Ordinanza senza che sia emanata dal Governo Militare Alleato una ulteriore Ordinanza.

ARTICOLO VI.

Esame delle Schede Personali.

La Commissione esamina quindi tali Schede Personali unitamente a quelle altre prove che fossero state presentate, decide chi in conformità alle disposizioni della presente Ordinanza è considerato passibile di sospensione e

(a) notifica ad ognuno di essi un avviso di progettata sospensione;

(b) notifica al datore di lavoro di ciascuno di essi, una copia di tale avviso.

ARTICOLO VII.

Opposizione agli avvisi di progettata sospensione.

Chiunque ha ricevuto un avviso di progettata sospensione, può, entro 10 giorni, depositare presso l'Ufficio della Commissione una opposizione contro tale avviso. L'opposizione deve essere redatta per iscritto e può essere accompagnata da quelle dichiarazioni o documenti che si desidera sottoporre alla Commissione.

ARTICOLO VIII.

Procedimenti di opposizione.

(a) La Commissione esamina l'opposizione e, a meno che non la giudichi priva di fondamento, procede all'istruttoria ed al dibattimento in conformità delle norme stabilite al riguardo. A tale dibattimento colui che ha presentato l'opposizione ha diritto di comparire personalmente o per mezzo di un avvocato e di dimostrare le ragioni per le quali non dovrebbe essere sospeso.

(b) In tali procedimenti la Commissione deve tenere in considerazione, fra gli altri elementi, che

(i) chiunque dopo l'8 settembre 1943 si è distinto nella lotta contro i tedeschi, può essere esentato dalla sospensione, e

(ii) che chiunque ricada sotto la lettera (d) dell'Art. II di cui sopra, può essere esentato dalla sospensione se in effetti non è stato colpevole di partigianeria fascista o di malcostume.

ARTICOLO IX.

Decisioni della Commissione.

(a) Trascorsi 10 giorni dalla data della notifica dell'avviso di progettata sospensione senza che sia stata presentata opposizione alcuna, la Commissione emette un ordine di sospensione nei confronti di colui cui l'avviso è stato indirizzato.

(b) Allorquando è stata presentata opposizione, la Commissione, dopo averla esaminata e, quando del caso, dopo l'udienza relativa,

(i) accoglie l'opposizione ed ordina che l'avviso di progettata sospensione sia annullato; o

(i) Rigetta l'opposizione ed emette un ordine di sospensione nei confronti di colui che ha presentato l'opposizione.

Copie dell'ordine saranno nell'un caso e nell'altro notificate sia a colui cui l'ordine si riferisce, che al suo datore di lavoro.

ARTICOLO X.

Effetti di un ordine di sospensione.

(a) Un ordine di sospensione emesso nei confronti di chiunque, sospende tale persona, a partire dalla data dell'ordine, da qualsiasi servizio od impiego presso una qualunque delle Amministrazioni od Aziende di cui all'Art. I della presente Ordinanza.

(b) Chiunque sia stato sospeso per effetto di un ordine di sospensione, non può, salvo quanto disposto dall'Art. XII della presente Ordinanza, essere successivamente assunto o riassunto, senza un ulteriore ordine della Commissione, dalla stessa Amministrazione od Azienda o da qualsiasi altra compresa nell'Art. I della presente Ordinanza.

ARTICOLO XI.

Retribuzione di coloro che sono stati sospesi.

A tutti coloro, nei confronti dei quali sia stato emesso un ordine di sospensione, sarà corrisposto durante il periodo di sospensione, a titolo alimentare, lo stipendio base senza nessun ulteriore accessorio.

ARTICOLO XII.

Inappellabilità delle decisioni della Commissione.

(a) Nessun atto, avviso od ordine compiuto, emesso od impartito da una Commissione in attuazione o in conseguenza della presente Ordinanza è soggetto ad appello e tutti tali atti, avvisi ed ordini sono definitivi e vincolativi a meno che e fino a quando una Commissione nominata in base al Decreto-Legge Luogotenenziale n. 159 per l'epurazione delle Amministrazioni, non ordini diversamente.

(b) Quanto contenuto nella presente Ordinanza, nonché qualsiasi atto, decisione, avviso od ordine, compiuto, preso, emesso od

impartito in attesa di decisione o in conseguenza dell'Ordinanza stessa, non può essere usato per influenzare, pregiudicare, limitare o comunque interferire con l'azione di una Commissione istituita in base al Decreto-Legge Luogotenenziale n. 159 nell'esame dei casi trattati da tale Commissione.

ARTICOLO XIII.

Disposizioni varie.

- (a) Nel giudizio di opposizione la Commissione:
- (i) ha il potere di richiedere giuramento;
 - (ii) esercita, nei limiti richiesti dalle finalità della presente Ordinanza, le prerogative conferite all'Autorità giudiziaria dagli Articoli 338, 342 e 343 del Codice di Procedura Penale Italiano;
 - (iii) ha il potere di emanare quelle norme e quegli ordini, nonché compiere tutti quegli atti che siano necessari ai fini della presente Ordinanza.
- (b) Le Schede Personali, le opposizioni, gli avvisi, gli ordini e gli altri documenti usati e richiesti ai fini della presente Ordinanza sono esenti da diritti di bollo di qualsiasi specie.

ARTICOLO XIV.

Reati.

Chiunque:

- (a) tenuto in base alle disposizioni della presente Ordinanza a compilare, firmare e consegnare una Scheda Personale, omette o di compilarla o di firmarla o di consegnarla;
 - (b) in una Scheda Personale, opposizione od altro documento, attesta scientemente il falso;
 - (c) testimonia il falso davanti ad una Commissione;
 - (d) offre, chiede, dà o riceve un illecito compenso in relazione a tutto ciò che ricade sotto la presente Ordinanza;
- si rende colpevole di un reato e, allorché riconosciuto colpevole dal Tribunale Militare Alleato, è passibile di detenzione o di pena pecuniaria o di entrambe, a giudizio del Tribunale.

ARTICOLO XV.

Salvaguardia dei poteri del Governo Militare Alleato.

Tutto quanto contenuto nella presente Ordinanza lascia integri e non infirma i poteri del Governo Militare Alleato.

Tali poteri possono in ogni momento essere esercitati come se la presente Ordinanza non fosse stata emanata.

ARTICOLO XVI.

Limiti di applicazione e data di entrata in vigore dell'Ordinanza.

La presente Ordinanza entra in vigore in ogni Provincia o parte di essa compresa nel territorio amministrato dal Governo Militare Alleato alla data stabilita per essa in apposito ordine del Commissario Provinciale di tale Provincia.

*Per il Comandante Supremo Alleato
e Governatore Militare*

ELLERY W. STONE

Contrammiraglio, USNR,
Ufficiale Capo degli Affari Civili

**ISTRUZIONI AMMINISTRATIVE PER L'APPLICAZIONE
DELL'ORDINANZA GENERALE N. 35**

1. — Mentre molti fascisti che occupavano posti eminenti durante il regime fascista sono stati rimossi, è possibile che molti altri permangano ancora in posti tra quelli indicati nell'Ordinanza Generale N. 35. Questa Ordinanza stabilisce le norme per la sospensione di coloro che rientrano in questa categoria generale e che non sono stati ancora rimossi. Essa, tuttavia, non impedisce che un membro del Governo Militare Alleato possa, come fin'ora praticato, sospendere o rimuovere chiunque.

2. — L'Ordinanza Generale deve essere applicata da varie Commissioni composte da italiani, i quali saranno nominati dai Commissari Provinciali. Essi saranno scelti tenendo innanzi tutto conto della loro immunità da ogni precedente fascista, ma curando altresì che siano persone dabbene, probe e capaci. Non è necessario che siano domiciliati nella località per la quale è stata nominata la Commissione di cui devono far parte.

3. — Ogni Commissione disporrà di adeguato personale e sarà cura del Commissario Provinciale controllare che tale personale sia appunto adeguato ma non eccessivo. Lo stesso personale deve essere immune da precedenti fascisti.

4. — Le retribuzioni dei membri della Commissione e del personale, a meno che non sia diversamente disposto dal Governo Militare Alleato, saranno a carico di ciascuna Prefettura e restano stabilite nella seguente misura:

Il Presidente di ogni Commissione riceverà lo stipendio con gli accessori spettanti ad un magistrato italiano di grado IV.

Gli altri membri di ogni Commissione riceveranno lo stipendio con gli accessori spettanti ad un magistrato italiano di grado V.

I componenti del personale riceveranno uno stipendio, con gli accessori, che non deve superare quello di impiegati governativi italiani che disimpegnano lavoro analogo.

5. — Ove se ne ravvisi l'opportunità, una Commissione può scindersi in più sezioni e ciascuna di tali sezioni ha tutti i poteri della stessa Commissione. Il Presidente di una Commissione, se

richiesto dal Commissario Regionale, assegnerà o più di tali Sezioni all'inchiesta concernente i funzionari o gli impiegati dipendenti da un determinato Ministero, Amministrazione od Azienda, e specialmente i funzionari o gli impiegati del Ministero della Educazione.

Il Presidente di ogni Commissione nominerà, tra i membri di essa, un Presidente aggiunto, ed uno o più Vice Presidenti. Il Presidente aggiunto presiede la Commissione in assenza del Presidente; lo stesso Presidente aggiunto od uno dei Vice Presidenti presiede una Sezione distaccata. La nomina del Presidente aggiunto e dei Vice Presidenti è subordinata all'approvazione del Commissario Provinciale. Ogni vacanza sarà colmata, se necessario, adottando gli stessi criteri seguiti per le nomine iniziali.

6. — Normalmente alle sedute della Commissione o di una sezione di essa dovrebbero partecipare non più di 5 e non meno di 3 membri.

7. — L'assenza di un membro della Commissione da una qualsiasi seduta non infirma gli atti della Commissione, purché il numero dei presenti non risulti inferiore a 3.

8. — La procedura stabilita nell'Art. 6 dell'Ordinanza Generale deve svolgersi senza la presenza di estranei. La Commissione prenderà per ogni singolo caso le sue decisioni in base ad un coscienzioso esame dei fatti che risultano dalla Scheda Personale e dagli altri elementi di giudizio in possesso della Commissione.

9. — Allorché la Commissione decide che si debba notificare un avviso di progettata sospensione, essa deve stabilire e far risultare sull'avviso i motivi di tale progettata sospensione.

Tali motivi devono essere esposti in maniera così dettagliata da mettere in grado la persona colpita di redigere la sua opposizione.

10. — L'udienza di ogni opposizione da parte di una Commissione deve essere aperta al pubblico, a meno che non sia diversamente disposto dal Commissario Provinciale o da un altro ufficiale da lui designato.

11. — All'udienza di una opposizione sono ammesse prove sia orali che documentarie. La Commissione, tuttavia, in nessun tempo né in nessuno stadio del procedimento iniziato in dipendenza dall'Ordinanza Generale, accetterà mai come prove, né prenderà mai cognizione di comunicazioni anonime.

Allorché l'opponente lo desidera gli deve essere consentito di deporre oralmente, e sia egli che la Commissione possono produrre quelle ulteriori prove di rilievo che ritengono del caso.

Tutte le domande all'opponente o agli altri testimoni, che depongono davanti alla Commissione, saranno indirizzate unicamente per il tramite del Presidente della Commissione o della Sezione.

12. — La Commissione non nominerà nessuno ad adempiere funzioni analoghe a quelle di « Pubblico Ministero ».

13. — Chiunque può denunciare chi ricade sotto le disposizioni dell'Ordinanza Generale. La Commissione non può accogliere una denuncia se non sia redatta per iscritto e giurata. L'udienza relativa ad una denuncia deve essere condotta in maniera analoga agli altri casi.

14. — Chiunque sia stato precedentemente rimosso o sospeso dal Governo Militare Alleato da un impiego presso una Amministrazione od Azienda per il solo fatto di aver avuto legami col fascismo, può presentare all'Ufficio della Commissione nominata per quella località una Scheda Personale debitamente compilata e firmata. La Commissione, con l'approvazione del Commissario Provinciale, può trattare il caso aprendo una udienza basata sui documenti presentati dall'interessato come se si trattasse di una opposizione. Nel caso che la Commissione accerti che in effetti alla persona in causa non vi siano addebiti da muovere come fascista e che egli non sarebbe stato sospeso unicamente perchè tale se alla data di entrata in vigore dell'Ordinanza Generale fosse stato tuttora in servizio, la Commissione, col consenso del Commissario Provinciale, può ordinare che sia reintegrato nel posto precedentemente occupato o in altro posto che egli avesse eventualmente richiesto o successivamente richiedesse, e, col consenso del Commissario Provinciale, può ordinare che gli sia pagato tutto o parte dello stipendio cui avrebbe avuto diritto se fosse rimasto in servizio.

15. — Se colui che deposita una Scheda Personale in base a quanto prescritto dall'Ordinanza Generale è stato assegnato ad un determinato posto dal Governo Militare Alleato, la Commissione competente non procede nei suoi confronti, nè emana un ordine di sospensione a suo carico senza il consenso del Commissario Provinciale competente.

16. — L'Ordinanza Generale si applica nei confronti di coloro compresi nelle categorie « Urgente » e « Normale » senza distinzione

di grado, categoria o stipendio. Tuttavia la Commissione si occuperà innanzi tutto dei funzionari e degli impiegati che occupano i posti più importanti.

Nell'esame delle Schede Personali, notifica degli avvisi di progettata sospensione, udienza delle opposizioni ed emissione degli ordini relativi, le Commissioni, salvo casi eccezionali, completeranno tutti i procedimenti riguardanti coloro compresi nella categoria « Urgente » prima di iniziare i procedimenti riguardanti coloro compresi nella categoria « Normale ».

17. — Allorquando è stato emesso un ordine di sospensione a carico di un elemento che il Commissario Provinciale ritiene sia adibito ad un lavoro d'importanza essenziale e sia insostituibile, lo stesso Commissario Provinciale può richiedere alla Commissione di ordinarne la riammissione in servizio fino a quando non si sia potuto provvedere ad una conveniente sostituzione.

18. — La Commissione ha il potere, di volta in volta ed in ogni tempo:

(a) di emanare norme, purché non incompatibili con l'Ordinanza Generale o con le presenti istruzioni, per regolare i procedimenti;

(b) modificare, abrogare tali norme e sostituirle;

(c) pubblicare quelle norme che sono in vigore in quel momento ed il cui contenuto deve essere a disposizione del pubblico per consultazioni.

Tutte queste norme e relative modifiche sono subordinate alla approvazione del Commissario Provinciale.

19. — Sebbene l'Ordinanza Generale prescriva alcuni specifici termini procedurali, una Commissione ha la facoltà di estendere un termine allorquando lo ritenga necessario. Tali estensioni di termini, tuttavia, non devono diventare abituali, in quanto è della massima importanza che il lavoro proceda quanto più rapidamente possibile.

20. — Ogni Commissione dovrà avere un archivio completo ed accurato, conservando tutte le Schede Personali, le opposizioni, le denunce, gli avvisi, le dichiarazioni ed i documenti depositati nei suoi uffici, nonché le copie di tutti gli avvisi e gli ordini notificati ed emanati, in maniera tale da poterli facilmente rintracciare e disporrà del contenuto dell'archivio stesso secondo quanto verrà ordinato dal Commissario Provinciale.

Tutti tali parti devono essere sempre disponibili per ispezioni da parte del Commissario Provinciale.

21. — Si allegano copie dei moduli necessari a tutti gli effetti dell'Ordinanza Generale che saranno usati da tutte le Commissioni senza apportarvi sostanziali modifiche:

- (a) Scheda Personale.
- (b) Avviso di progettata sospensione.
- (c) Avviso di fissazione di udienza.
- (d) Ordine di sospensione.
- (e) Ordine di accoglimento dell'opposizione.
- (f) Certificato di notifica.

*Per il Comandante Supremo Alleato
e Governatore Militare*

ELLERY W. STONE

Contrammiraglio, USNR,
Ufficiale Capo degli Affari Civili

BULO N. 35 (a)

GOVERNO MILITARE ALLEATO

N. B. — *Penalità severissime, di prigione e di ammenda, sono previste per chiunque facesse delle dichiarazioni false nella presente scheda.*

AMMINISTRAZIONE O ENTE

SCHEDA PERSONALE

1. *Cognome e Nome* *Paternità*
Luogo e data di nascita
Attuale domicilio
Titolo di studio
Natura dell'impiego
Se celibe o coniugato *Se ha figli*
2. *È stata iscritto al P.N.F.?* *Data d'iscrizione (ed eventuale retrodatazione)*
Aveva una delle seguenti qualifiche:
Sansepolcrista? *Antemarcia?* *Squadrista?*
Marcia su Roma? *Sciarpa Littorio?*
3. *Ha ricoperto una delle seguenti cariche nel P.N.F.:*
Segretario del P.N.F.? *In quale periodo?*
Vice Segretario del P.N.F.? " "
Membro del Direttorio Nazionale? " "
Componente della Corte di disciplina? " "
Ispettore del P.N.F.? " "
Segretario Federale? " "
Vice Segretario Federale? " "
Membro del Direttorio Federale? " "
Componente di Commissione federale di disciplina? " "

- Ispettore Federale? In quale periodo?*
- Segretario Politico?* *II* *II* *.....*
- Membro del Direttorio del*
- Fascio?* *II* *II* *.....*
- Fiduciario di Gruppo rionale?* *II* *II* *.....*
- Consulatore?* *II* *II* *.....*
- Componente di Commissione di*
- disciplina di fascio o di grup-*
- po rionale?* *II* *II* *.....*
- Capo Settore?* *II* *II* *.....*
- Capo Nucleo?* *II* *II* *.....*
4. *Ha ricoperto altre cariche o avuto incarichi presso il P.N.F.*
e quali?
-*
- In quali periodi e dove?*
5. *Ha ricoperto cariche o avuto incarichi nella G.I.L. (compresi*
O.N.B. e fasci giovanili) e quali?
-*
- In quali periodi e dove?*
6. *Ha ricoperto cariche o avuto incarichi nel G.U.F. e quali? . . .*
.....
- In quali periodi e dove?*
7. *Ha ricoperto o avuto incarichi nell'O.N.D. e quali?*
.....
- In quali periodi e dove?*
8. *Ha ricoperto cariche o avuto incarichi nei fasci femminili e*
quali?
- In quali periodi e dove?*
9. *E' stato impiegato o comunque destinato ad uffici del P.N.F.?*
.....
- In quali periodi e dove?*
10. *Ha appartenuto alla M.V.S.N.?*
In quali periodi?
In servizio effettivo, nei quadri o fuori quadro?
Che grado, anche onorario, ha conseguito?
Quali incarichi vi ha espletato?
E' stato moschettiere del duce o ha appartenuto ai Battag-
lioni « M »?
In quali periodi?

11. Ha appartenuto a milizie speciali? Quale?
Che grado, anche onorario, ha conseguito?
In quali periodi?
12. Ha appartenuto al Tribunale speciale per la difesa dello Stato?
In quali periodi?
In che qualità?
13. Ha fatto parte della O.V.R.A.? In quali periodi?
In che qualità?
14. Ha fatto parte dell'Ufficio politico della P. S.?
In quali periodi e dove?
In che qualità?
15. Ha fatto parte delle Commissioni per il confino?
In quali periodi e dove?
In che qualità?
16. Ha fatto parte di uffici o commissioni razziali?
In quali periodi e dove?
In che qualità?
Ha fatto pubblicazioni o conferenze di carattere razziale?
Quali e quando?
17. È stato senatore? Data della nomina
Cariche avute nel Senato
18. È stato deputato dopo il 28 ottobre 1922?
In quali legislature?
Cariche avute nella Camera dei deputati
19. È stato consigliere nazionale? In quali periodi?
Cariche avute nella Camera dei fasci e delle corporazioni
20. Quali sono stati lo svolgimento della carriera, le promozioni e le destinazioni avute dal 28 ottobre 1922 all'8 settembre 1943?
21. Ha conseguito avanzamenti o preferenze nei concorsi o in carriera per titoli fascisti e quali?
Ha avuto compensi per benemerienze fasciste di qualunque natura?
Quali e in quali epoche?

22. *È stato posto o addetto al gabinetto o alla segreteria di Ministri o di Sottosegretari (precisare nome del Ministro o Sottosegretario e il periodo)*
23. *Ha ricoperto cariche corporative o sindacali e quali?*
È stato impiegato o comunque ha appartenuto ad uffici od organi corporativi o sindacali?
In quali periodi e dove?
24. *Ha ricoperto cariche o avuto incarichi presso lo Stato, le provincie o i comuni? e quali?*
In quali periodi?
Come retribuito?
25. *Ha ricoperto cariche o avuto incarichi presso enti pubblici di qualsiasi genere o presso enti, aziende o società anche private?*
In quali periodi e dove?
Come retribuito?
26. *Onorificenze e decorazioni italiane conseguite, e data del conseguimento*
27. *Onorificenze e decorazioni straniere e date del conseguimento*
28. *Ha svolto attività pubblicista, in quale periodo e in quale quotidiano o periodico?*
29. *È stato autore di libri, opuscoli o pubblicazioni in genere, aventi anche indirettamente carattere politico? (indicare quali)*
30. *Ha tenuto discorsi o conferenze di carattere politico, sia in pubblico, sia alla Radio?*
In quali periodi?
31. *Posizione e grado militare*
È stato volontario nelle campagne d'Africa?
È stato volontario nella guerra di Spagna?
È stato volontario nella guerra attuale?
Ha avuto esoneri dal servizio militare? Data e motivo:

32. Ha scritto al Partito Fascista Repubblicano? (C)
Vi ha ricoperto cariche e quali?
33. A quale ufficio era destinato alla data dell'8 settembre 1943?
Ha continuato a prestare servizio? (indicare tutti gli uffici ricoperti durante il periodo dell'occupazione nazi-fascista e le eventuali nomine, promozioni o trasferimenti)
In caso contrario, quale attività ha svolta?
34. Si è trasferito al Nord? (precisare se volontariamente o meno)
Ha avuto missioni per il Nord?
35. Ha prestato giuramento al Governo fascista repubblicano? ..
In quali circostanze?
36. Se alla data dell'8 settembre si trovava sotto le armi, come si è comportato?
37. Avendo obblighi militari ha risposto alle varie chiamate dei tedeschi o del governo fascista repubblicano?
38. Ha svolto attività politica, militare o di polizia dopo l'8 settembre 1943 e quale?
- In particolare, ha appartenuto alla guardia nazionale repubblicana?
- Con quale grado?
39. Se ha avuto chiamate per il servizio del lavoro, come si è comportato?
40. È stato mai arrestato?
- Quando? Da chi?
- Per quale motivo?
41. Ha mai subite condanne?
- Se sì, specificare
42. Si è mai recato all'Estero?
- Dove? Quando?
- Per quale motivo?

43. *È stato (in qualsiasi modo e con qualsiasi attività) impiegato con qualsiasi Comando, agenzia o qualsiasi sorta di organizzazione tedesca? (Si diano ampi particolari; in caso contrario scrivere NO)*

Dichiaro sul mio onore e sotto la mia responsabilità
che le indicazioni sopra scritte rispondono a verità.

Data

Firma

N. B. — *Rilegga prima di consegnare la scheda, e, se ha scritto il falso, corregga. Le ricordiamo che le dichiarazioni di cui sopra sono state fatte sotto giuramento, e che pene severe sono stabilite per il falso giuramento.*

1 8 3 2

Modello N. 35 (b)

COMMISSIONE D'EPURAZIONE

AVVISO DI PROGETTATA SOSPENSIONE

Al
(nome)

.....
(indirizzo)

Voglia prendere nota di quanto segue:

1. La Commissione d'Epurazione sta considerando la proposta perché ella sia sospesa dal suo attuale impiego od occupazione presso

.....
(nome dell'Amministrazione od Azienda datrice di lavoro)

2. I motivi per i quali la Commissione ha preso in considerazione tale proposta sono:

.....
3. Ella ha diritto di avanzare, entro 10 giorni dalla data di notifica del presente avviso, una opposizione scritta nella quale siano esposte le ragioni per cui ella ritiene che tale proposta non debba attuarsi.

Può allegare alla sua opposizione qualunque documento ella desideri.

4. A meno che ella non avanzi una tale opposizione nel termine predetto, depositandola presso questo Ufficio in questa Commissione procederà senz'altro ad emettere nei suoi riguardi un ordine di sospensione da detto impiego od occupazione.

Data:

Firmata:

(Il Segretario della Commissione)

Copia al:
(Amministrazione od Azienda datrice di lavoro)

.....
(indirizzo)

1 8 3 3

Modello N. 35 (c)

COMMISSIONE D'EPURAZIONE

AVVISO DI FISSAZIONE D'UDIENZA

A
(nome)
.....
(indirizzo)

1. La presente per notificarle che l'udienza nel procedimento a suo carico avrà luogo nell'Ufficio della Commissione, Via
..... il 1945, alle ore
2. È in sua facoltà di comparire alla predetta udienza con o senza l'assistenza di un legale per essere sentito dalla Commissione.
Ella potrà indurre quei testi e produrre quei documenti, attinenti al procedimento, che riterrà del caso.
3. Nel caso di mancata comparizione, la Commissione procederà in sua assenza a giudicare in merito all'opposizione da lei avanzata.

Data:

Firmato:
(Il Segretario della Commissione)

Modello N. 35 (d)

COMMISSIONE D'EPURAZIONE

ORDINE DI SOSPENSIONE

A
(persona sospesa)

.....
(indirizzo privato)

1. Voglia prendere nota che, a partire dalla data del presente ordine, ella è sospesa dal suo impiego od occupazione quale
(specificare la natura dell'impiego) (specificare il nome dell'Amministrazione od Azienda datrice di lavoro)

..... presso
(specificare il nome dell'Amministrazione od Azienda datrice di lavoro)

2. Tale ordine trae i suoi motivi dal fatto che
.....
.....

Data 1945.

.....
(Il Presidente della Commissione)

Copia a
(Amministrazione o Azienda datrice di lavoro)

.....
(indirizzo)

2073

Modulo N. 35 (c)

COMMISSIONE D'EPURAZIONE

ORDINE DI ACCOGLIMENTO DI OPPOSIZIONE

La predetta Commissione d'Epurazione, avendo esaminato l'opposizione avanzata da
(oppositore)

ORDINA

che l'avviso di progettata sospensione notificatogli e datato
sia annullato o

che nessuna azione sia intrapresa per quanto riguarda l'impiego o
l'occupazione del predetto
(nome)

presso o alle dipendenze del
(specificare il nome dell'Amministrazione
o Azienda datrice di lavoro)

Data:

Firmato:
(Il Presidente della Commissione)

Copia a
(Amministrazione o Azienda datrice di lavoro)

.....
(indirizzo)

MODULO N. 35 (f)

COMMISSIONE D'EPURAZIONE

CERTIFICATO DI NOTIFICA

Io
(nome)

.....
(indirizzo)

con il presente dichiaro:

- (1) che il 1945 ho notificato
 - l'avviso di progettata sospensione
 - l'avviso di fissazione di udienza
 - l'ordine di sospensione
 - l'ordine di accoglimento di opposizione

} del quale si allega copia

al
(nome dell'interessato)

consegnandolo a lui personalmente
lasciandolo

(2) che il 1945 ho anche notificato una copia del
predetto documento a

(Amministrazione od Azienda datrice di lavoro)

consegnandola a
lasciandola

Data 1945.

.....
(firma del messo)

.....
(qualifica del messo: impiegato della
Commissione CC. RR., ecc.)

1 8 3 7

Declassified E.O. 12356 Section 3.3/NND No. 785021

APPENDICE

6097

**ESTRATTO DELLA CIRCOLARE N. 1
DELL'ALTO COMMISSARIATO AGGIUNTO PER L'EPURAZIONE**

Roma, 20 agosto 1944.

*Al Componenti le Commissioni giudicatrici
e, per conoscenza*

Alle LL. EE. e Ministri di Stato

R O M A

Al fine di rendere più omogenea e nel contempo più sollecita ed efficace l'applicazione del Decreto-Legge Luogotenenziale 27 luglio 1944, n. 159, per quanto riguarda l'epurazione, e in attesa che sia emanato un congruo regolamento per la sua esecuzione, è opportuno che sia precisato fin d'ora il punto di vista di questo Alto Commissariato su alcune questioni di interpretazione che, sulla base dei quesiti finora sorti e segnalati, devono ritenersi più meritevoli di urgente soluzione.

1. — L'art. 12, n. 2, del Decreto-Legge Luogotenenziale va interpretato in relazione al successivo art. 15 (*raggruppati nell'art. 2(b) dell'Ord. Gen. 35*). Il rapporto fra le due norme dimostra che il legislatore ha previsto due ipotesi, quella in cui la nomina e gli avanzamenti sono stati conseguiti per l'appoggio e il favore del partito o di gerarchi fascisti, diremmo cioè in via personalistica, e quella in cui gli avanzamenti e le preferenze nei concorsi sono dovuti a titoli fascisti, e sono nell'apparenza legittimati di disposizioni legislative o regolamentari emanate durante il regime fascista. Il primo caso dovrà essere riguardato in genere con maggiore severità. Quanto all'attuazione che consente di sostituire alla dispensa dal servizio la restituzione al ruolo (o al grado) di provenienza, essa dovrà trovar luogo solo nella ipotesi in cui il favore e le preferenze non abbiano determinato addirittura l'inclusione del candidato fra i vincitori del concorso per l'assunzione nella pubblica amministrazione, poichè in tal caso solo la dispensa dal servizio può equivalere al ripristino dei turbati criteri di eguaglianza.

2. — I concetti di faziosità e incapacità introdotti dal fascismo nelle pubbliche amministrazioni (art. 13) (*Sez. 2(c) Ord. Gen. 35*) vengono a rientrare tutti i casi di partigianeria, di intemperanza, di eccessi o di ostentazioni politiche, anche di pura forma, ovvero riguardanti il fascismo solo indirettamente, come nelle imprese o nelle azioni dallo stesso volute o sorrette, nonché la negligenza e la trascuratezza nel servizio, tipicamente istituite o aggravate dal mal governo fascista nella compagine dell'amministrazione pubblica. Nel concetto del mal costume rientrano inoltre tutti i casi di cattivo costume e di disonestà, come le raccomandazioni, le corruzioni, il cumulo delle cariche anche compatibili, le attribuzioni di stipendi o di premi senza prestazioni corrispondenti, la negoziazione e la vendita di concessioni, di appoggi, l'uso di prestanome e di intermediari per queste e per simili operazioni, i maneggi e le manovre per appoggiare preferenzialmente persone ed enti, e, in genere, tutta la vasta e non definibile opera di profittatori del fascismo, dissimulati o meno.

3. — L'art. 14 (*Sez. 2(d) Ord. Gen. 35*) del Decreto-Legge Luogotenenziale elenca una serie di qualifiche: squadrista — sansepolcrista — antemarcia — marcia su Roma — sciarpa littorio — che comportano la dispensa dal servizio. La norma non è però applicabile quando risulti che la qualifica non corrisponde ad una reale situazione di fatto come, ad esempio, nel caso di retrodatazione per l'antemarcia che sia legionario humano, nel caso in cui lo « squadrista » non abbia mai appartenuto a squadre di azione o simili: purché però la qualifica non sia stata sollecitata dall'interessato e lo stesso non ne sia comunque avvantaggiato.

Quanto all'attuazione della sanzione di cui all'art. 14, 2ª parte (*Sez. 2(d) Ord. Gen. 35*) del Decreto-Legge Luogotenenziale 27 luglio 1944, n. 159, si farà luogo ad essa sol quando sarà possibile desumere dal complesso degli elementi raccolti, nel libero apprezzamento delle Commissioni giudicatrici, che non si tratta di soggetto che abbia dato prova di settarietà o di intemperanza: in modo da eliminare così la presunzione stabilita dal legislatore in considerazione delle qualifiche di cui alla prima parte dell'articolo.

Per quanto riguarda gli ufficiali della M.V.S.N., parificati ai possessori delle dette qualifiche, si ritiene che la legge non abbia

inteso riferirsi a quelli appartenenti a milizie speciali, che furono assunte con la collettiva incorporazione di reparti dell'esercito, ovvero di ufficio senza una loro particolare richiesta.

4. — L'art. 16 (Sez. 2(d) *Ord. Gen. 35*) consente di esimere da ogni sanzione colui che dopo l'8 settembre 1943 si sia distinto nella lotta contro i tedeschi.

Essersi « distinto » vuol dire aver compiuto qualcosa di particolarmente notevole ed utile; e la facoltà va esercitata quando tale comportamento meritorio, raffrontato ai passati demeriti, lasci supporre trattarsi di elemento che in buona fede ebbe ad ingannarsi, ma che si sia così sinceramente e decisamente ravveduto, da non essere indegno di servire lo Stato. Quanto alle prove dell'attività patriottica svolta dopo l'8 settembre, si raccomanda, in linea di massima, di non accontentarsi di generiche dichiarazioni rilasciate da persone o comitati troppo compiacenti. Si tenga presente che l'art. 16 qualora fosse applicato con eccessiva indulgenza, porterebbe all'esenzione da ogni misura disciplinare di molti elementi indegni di continuare ad appartenere all'amministrazione, sol che abbiano l'accortezza di addurre a propria discolta un'attività patriottica (spesso di modeste proporzioni, talvolta immaginaria) svolta durante il periodo dell'occupazione nazi-fascista.

5. — La collaborazione con i tedeschi posteriore all'8 settembre 1943 non è contemplata espressamente dall'art. 17 (Sez. 2(e) *Ord. Gen. 35*), dato che essa rientra nel delitto di cui all'art. 5 del Decreto-Legge Luogotenenziale, e tuttavia anche essa può dar luogo alla dispensa dal servizio, comportando automaticamente, se pure indirettamente, collaborazione col governo fascista.

Per collaborare col governo fascista, non va poi, ovviamente inteso il semplice fatto di essere rimasto in servizio dopo l'8 settembre, poichè in tal caso il legislatore non sarebbe incorso in una dettagliata casistica, ma avrebbe dispensato tutti gli impiegati ed i funzionari delle amministrazioni esistenti nel territorio soggetto al potere del cosiddetto governo fascista repubblicano.

Fra i collaboratori vanno inclusi, oltre tutti coloro che si iscrissero al partito fascista repubblicano, quelli che si prodigarono e svolsero una qualche attività sia per agevolare il trasferimento al nord di funzionari o di beni, sia per aiutare l'azione politica o bellica del fascismo, le sue spoliazioni, la sua propaganda.

Il giuoco di cui parla il Decreto-Legge Luogotenenziale è ovviamente sia quello di fedeltà che quello di lealtà. Per quanto riguarda l'attenuazione di pena di cui al primo capoverso, si ritiene che possano distinguersi tre diverse gradazioni nelle minacce subite o nel pericolo prospettatosi:

a) quando la minaccia o il pericolo siano consistiti solo nella possibilità di perdita dell'impiego, sia per espressa avvertenza specifica o generale, sia per un ragionevole timore inerente alla situazione nel suo complesso. In tal caso l'attenuazione sarà concessa e graduata solo su di una base di un effettivo ed assoluto stato di indigenza in cui versassero il funzionario e la sua famiglia;

b) quando la minaccia abbia fatto sorgere per diffide o per disposizioni anche solo generali, come circolari o simili, il pericolo di rappresaglie maggiori di quelle del licenziamento, come l'arresto dell'impiegato e dei suoi famigliari. In tal caso potrà sempre farsi luogo all'attenuazione, graduandola secondo la peculiarità del caso;

c) quando la minaccia si sia manifestata in una concreta imposizione sul singolo interessato, accompagnata da arresti, da manifestazioni di forza e simili, così da togliere al soggetto la libertà di scegliere, sia pure con un certo sacrificio, il rifiuto della imposta formalità. In tal caso non sembra che possa applicarsi sanzione alcuna, mancando ogni elemento di volontarietà nell'azione che si dovrebbe incriminare.

Per l'applicabilità di dette circostanze attenuanti ed esimenti si richiama quanto già osservato e raccomandato nel commento all'articolo 16, al fine di evitare che attraverso sotterfugi, come quello del cosiddetto « doppio giuoco » e simili, sfuggano ai ricorsi della legge persone del tutto indegne di restare nell'amministrazione.

6. — Nel sistema del Decreto-Legge Luogotenenziale, come in tutti i procedimenti disciplinari, le denunce, i rapporti, e i documenti allegati a carico degli inquirenti devono essere rimessi all'organo incaricato di iniziare l'azione disciplinare e di svolgere l'istruttoria: in genere quindi all'Alto Commissariato Aggiunto per l'Epurazione; dato che le Commissioni giudicatrici non hanno il potere di iniziare l'azione disciplinare ed hanno poteri istruttori soltanto in via integrativa e sussidiaria (art. 18 capoverso). Potrà tuttavia avvenire in pratica che denunce, rapporti e documenti vengano inviati direttamente alle Commissioni, in tal caso queste dovranno prontamente avvertirne l'Alto Commissario, il quale darà

il nulla osta al procedimento, ovvero a seconda dei casi, evocerà a sè l'iniziativa del procedimento stesso.

Le Commissioni si avvalgano, per quanto occorre, dei comitati antifascisti sorti nel periodo clandestino e successivamente rappresentano essi, nella normalità dei casi, la genuina espressione di quelle correnti sane e vitali sulle quali si deve fare affidamento nell'opera di ricostruzione dello Stato. A questo riguardo si invitano i componenti designati dall'Alto Commissario a segnalare a quest'Ufficio l'eventuale mancanza dei Comitati di cui sopra e le deficienze che essi presentassero nella loro organizzazione e nel loro funzionamento.

Omissis.

CIRCOLARE N. 2 DELL'ALTO COMMISSARIO AGGIUNTO PER L'EPURAZIONE

Roma, 8 settembre 1944.

OGGETTO: *Finì e limiti dell'epurazione.*

*Ai Componenti le Commissioni giudicatrici
e, per conoscenza
Alle LL. EE. i Ministri di Stato*

R O M A

Facendo seguito alla nota inviata ai membri delle Commissioni giudicatrici per l'epurazione dell'Alto Commissario, con la quale venne comunicato il punto di vista di questo Ufficio per la risoluzione di talune questioni dubbie, sostanziali e formali, sorte nell'applicazione della legge, si ritiene opportuno rendere noti alle Commissioni stesse anche i criteri direttivi generali cui l'Alto Commissario Aggiunto per l'Epurazione si uniformerà nell'espletamento delle sue funzioni.

E poichè la precisazione di tali criteri è diretta essenzialmente a creare un'atmosfera di stabilità e di sicurezza nella nuova compagine amministrativa dello Stato, attualmente in formazione, eliminando dubbi e timori sulla sfera di applicazione della legge ed evitando che vasti strati delle categorie impiegate versino troppo a lungo nella incertezza del giudizio sul loro caso personale, quest'Ufficio si augura che, in un tempo assai prossimo, tale stabilità e tale sicurezza possa essere ribadita merco la formazione di una giurisprudenza uniforme da parte della costituente Commissione Centrale.

1. — Quest'Ufficio ritiene, innanzi tutto, che nell'applicazione del Decreto-Legge Luogotenenziale 27 luglio 1944, n. 159, lo spirito della legge debba prevalere nettamente sulla lettera della stessa, in quanto trattasi di una legge di evidente natura e portata politica, per la quale un'eccessiva rigidità sarebbe più dannosa che nella ordinaria prassi esegetica legislativa.

Tanto premesso, il fine del legislatore può chiaramente identificarsi facendo riferimento al titolo stesso della legge: « Epurazione

dell'Amministrazione » e all'espressione « Indegni a servire lo Stato » contenuta nell'art. 13 della stessa. Lo scopo è quello di risanare, eliminando gli elementi inquinanti, inadatti ad apportare un onesto, serio e diligente contributo nell'Amministrazione dello Stato; ed è unicamente questo scopo di risanamento purificatore che deve costituire il presupposto ed il limite insuperabile dell'applicazione della legge.

2. — In relazione al fine enunciato, gli elementi da allontanare sono quelli la cui permanenza è incompatibile coi principi di rettitudine e di capacità che devono presiedere alla costituzione del nuovo apparato burocratico statale. Essi possono distinguersi in due grandi categorie. La prima comprende i profittatori di ogni risma e colore, i disonesti, i corruttibili, coloro per i quali l'impiego e la carica statale sono stati e sono precipuamente un mezzo per arricchire, per farne mercato, per conseguire vantaggi illeciti. Questa specie di impiegati, tipico prodotto del fascismo e dei suoi sistemi, deve essere smascherata con tutti i mezzi ed allontanata senza esitazione alcuna, come esponente di quel « mal costume introdotto dal fascismo nella pubblica amministrazione » di cui parla l'art. 12 della legge, comprensivo di quella « incapacità » al lavoro che è un altro aspetto dello stesso triste fenomeno e che è espressamente menzionato nella medesima norma. La seconda categoria comprende i faziosi, i settari, i violenti, di carattere e di tendenza, colpevoli del fascismo inteso come sopraffazione della personalità individuale e delle libertà democratiche del popolo, sicuri depositari di uno spirito di sabotaggio nel presente, di una reazione antipopolare nell'avvenire. Per questa pericolosa categoria la legge ha preso in considerazione varie manifestazioni sintomatiche riferite al ventennio fascista: l'attiva partecipazione alla vita politica del fascismo, le professioni di apologia, la faziosità, l'intemperanza, la partecipazione alle squadre fasciste, e simili. Ma si può con sicurezza stabilire che la categoria in genere che la legge ha voluto colpire, e tale categoria è, come la prima, « indegno di servire lo Stato » anche nei casi in cui l'ideologia fascista viene ad affiorare solo come aspetto secondario, o è addirittura dissimulata.

3. — All'infuori delle due categorie suddette, ogni altro caso è da ritenersi meritevole di speciale attenzione prima di decidere la dispensa dal servizio nella pubblica Amministrazione. Sono da re-

spingere alle tesi di estremismo antifascista che mirano a considerare « impuro » ogni iscritto al disciolto partito di allontanare anche gli elementi di indiscutibile rettitudine che abbiano svolto attività fascista in perfetta buona fede e per inesperienza politica. Sono da condannarsi quelle tesi che giudicano imperdonabili le colpe del passato, o che si limitano ad un'indagine puramente politica, trascurando il lato morale della questione. Queste tesi non possono creare che confusioni e turbamenti, inasprendo perniciose divisioni e ritardando, contro gli intendimenti del legislatore, il risorgere di un nuovo e saldo costume di onestà e lealtà e di solidarietà alla vita della Nazione in genere, ed in quella della pubblica Amministrazione in specie.

Il fascista ravveduto, anche se sia stato così cieco da prolungare il suo errore fino al maturare della disastrosa crisi nazionale, il buon funzionario, non devono essere allontanati con superficiale apprezzamento dalla Amministrazione. Perché la legge in esame tende ad allontanare sostanzialmente gli irriducibili, e non deve essere considerata quale strumento di persecuzione politica, ma solo quale mezzo di risanamento morale.

4. — Ma quali saranno i fascisti ravveduti, meritevoli di considerazione? Un primo criterio presuntivo generale è la permanenza nei bassi gradi, essendo ben difficile che lo « squadrista », « l'antemarcia » o « Marcia su Roma » abbiano conservato la mentalità fascista e la fede nel fascismo senza fare una buona carriera. Con estrema cautela vanno perciò valutati quei casi in cui l'inculpato è nulla più che un impiegato a due o tre mila lire al mese, e per i quali la dispensa dal servizio costituirebbe inoltre la rovina personale e familiare. Chè, se come una siffatta indulgenza portasse alla permanenza di qualche elemento indesiderabile nei bassi gradi, il compimento dell'epurazione in alto apporterà evidentemente un tale impulso risanatore in tutte le compagini da rendere l'aria irrespirabile per i dipendenti disonesti e irriducibili. In conclusione, l'ex fascista non è allontanato come tale, ma solo in quanto sia partecipe della disonestà morale e della irriducibile pericolosità del fascismo per il progresso e le sorti della Nazione.

5. — Un altro sicuro criterio per stabilire il provvedimento è l'esame della condotta posteriore all'8 settembre, considerata dalla legge stessa come sufficiente, nei casi più meritevoli, per l'esenzione

da ogni sanzione. Così, per quanto riguarda la collaborazione col cosiddetto governo fascista repubblicano, o il giuramento prestato ad esso, giustamente è cominciata la dispensa dal servizio di coloro che hanno compiuto spontaneamente tali atti, rivelando una perspicace mentalità settaria ostile alla patria o perseguendo loschi ed illeciti profitti. Per quelli che si sono invece solo piegati ad un atto di debolezza perchè minacciati — a parte la questione dei militari per i quali ovviamente l'atto va considerato con maggiore gravità e sotto diversa luce — già con la precedente nota sono stati precisati alcuni criteri di attenuazione ritenuti compatibili col disposto della legge.

Quando l'incoltato è solo responsabile di non aver voluto perdere il posto e tale perdita comportava inoltre l'affamamento per lui e la sua famiglia, la sanzione, se in base alla legge non si potrà evitare dovrà tuttavia essere minima, poichè non può giammai costituire un decisivo criterio negativo per un impiegato il solo fatto di essere stato incapace di un atto di eroismo, specie se le conseguenze dell'atto sarebbero ricadute in definitiva sulla sua famiglia.

6. — La sospensione dal servizio adottata in pendenza di procedimento, infine, non deve influire in alcun modo sulla decisione della Commissione. È vero che essa viene pronunciata quando gravi indizi facciano presumere che ricorrano gli estremi per la dispensa dal servizio, e quando l'allontanamento risulti improrogabile nell'interesse della pubblica Amministrazione. Tuttavia, poichè il relativo giudizio è fondato necessariamente sui primi sommari accertamenti è evidente che esso può essere modificato dagli accertamenti ulteriori e dalle deduzioni dell'incoltato. Evidenti ragioni di giustizia esigono quindi innanzi tutto che i giudizi degli impiegati sospesi abbiano quando è possibile la precedenza, e in secondo luogo che la sospensione venga revocata quando la successiva istruttoria venga ad eliminare il fondamento giustificativo. Oltre a ciò, si ripete, il giudizio definitivo della Commissione, non deve in alcun modo essere influenzato dal provvedimento ma solo fondarsi sugli elementi probatori accertati nel corso dell'istruzione.

7. — Quest'Ufficio come non manca dal proporre alle Commissioni l'esenzione da ogni sanzione quando ritiene che ne ricorrano gli estremi, così non si asterrà dal proporre ricorso in favore degli

incolpa contro le decisioni delle Commissioni, in danno degli stessi abbiano violato la lettera e soprattutto lo spirito della legge.

Esso conta inoltre sulla collaborazione delle Commissioni per affrettare i tempi del lavoro; e nutre piena fiducia che esse, temperando il necessario rigore con sani criteri di equanimità e di indulgenza, e dimostrando opportuno senso di comprensione giuridica e politica, sapranno condurre a termine il difficile e delicato compito della epurazione per la grande battaglia di rinascita in cui la Patria trovasi impegnata.

26 ottobre 1944.

**ESTRATTO DELLA CIRCOLARE N. 3
DELL'ALTO COMMISSARIO AGGIUNTO PER L'EPURAZIONE**

OGGETTO: *Direttive per le Commissioni di Epurazione.*

Allo scopo di attuare secondo criteri uniformi l'interpretazione del Decreto-Legge Luogotenenziale 27 luglio 1944, n. 159, rendo noto alcune direttive di massima in merito a quesiti sottoposti da talune Commissioni a questo Alto Commissariato.

Misure disciplinari di minore gravità.

Le sanzioni previste dal Decreto-Legge Luogotenenziale 27 luglio 1944, n. 159, oltre alla dispensa dal servizio, alla perdita del diritto a pensione, alla retrocessione del grado ed alla restituzione nei ruoli di provenienza, contemplano anche il caso di applicazione di misure disciplinari di minore gravità. Queste si riferiscono alle sanzioni previste dall'art. 56 del Decreto 30 dicembre 1923, n. 2960.

Nell'applicazione di tali sanzioni devono essere evitate misure praticamente inadeguate rispetto al compito di risanamento dell'amministrazione pubblica perseguita dal legislatore. A tale fine sarà opportuno che le Commissioni si astengano, in linea di massima, da misure, come la riduzione di assegni o di stipendio, che, mentre aggravano le condizioni economiche dell'interessato, a nulla servono ai fini dell'epurazione; e così dalla sospensione dal grado o dal temporaneo allontanamento dall'ufficio, che si risolvono in definitiva in un ostacolo ad un rapido ritorno delle pubbliche amministrazioni al loro normale funzionamento.

Come « misure disciplinari di minore gravità » sarà quindi sufficiente la *censura* per i civili, e una sanzione analoga per i militari.

Omissis.

Manifestazioni di apologia fascista.

Per l'interpretazione dell'ipotesi « manifestazione di apologia fascista », prevista all'art. 12, n. 1, del Decreto-Legge Luogotenenziale 27 luglio 1944, n. 150, *non può avere rilievo* il luogo o il modo in cui l'apologia è compiuta. Il luogo può essere la Camera o il Senato, come pure qualsiasi altro luogo pubblico o privato.

Il modo può essere un libro od altra pubblicazione, uno scritto anche non destinato alla pubblicità, oppure una memoria difensiva, purché spontaneamente redatta; ma può consistere anche in semplici manifestazioni verbali tanto se fatte innanzi ad un pubblico più o meno numeroso, quanto se fatte ad una persona singola, purché « ripetute ».

È d'importanza sostanziale, ed è quindi sufficiente, che dalla manifestazione d'apologia possa trarsi un apprezzamento morale, per cui contano esclusivamente le parole pronunciate ed i riflessi che ne sono derivati nelle altrui opinioni e convinzioni, o che avrebbero dovuto derivarne secondo le intenzioni dell'agente.

Collaborazione col governo repubblicano fascista.

La « collaborazione », ai sensi dell'art. 17, p. p., del Decreto-Legge Luogotenenziale citato, non si riscontra solo in un'opera intenzionale e continuativa a favore del governo fascista repubblicano (tale opera, particolarmente per un militare, rivestirebbe le caratteristiche del tradimento), ma anche in singoli atti da cui sia derivata, o avrebbe potuto derivare utilità al governo repubblicano fascista, intendendo, per utilità, non soltanto il vantaggio materialmente ed effettivamente procurato, ma anche quello risultante dalle ripercussioni dell'atteggiamento dell'agente nel comportamento degli altri.

Sotto questo aspetto acquista particolarmente valore la qualità dell'agente, la sua posizione, il suo grado e le sue funzioni; di tali elementi le Commissioni dovranno perciò tenere massimo conto.

Prova della circostanza prevista all'art. 16.

L'applicazione della discriminante prevista dall'art. 16 e della diminuzione di cui all'art. 17 nei confronti di coloro che si siano distinti nella lotta contro i tedeschi o che hanno aiutato i patrioti

e danneggiato il governo che apparentemente servivano, deve essere subordinata ad un accertamento obiettivo e sicuro, che escluda la possibilità di decisioni fondate su documenti di incerto contenuto o di dubbia provenienza.

A questo scopo, tutte le attestazioni di privati, enti o associazioni sedicenti partigiani, devono considerarsi prive di qualsiasi valore dato l'abuso e il mercimonio che notoriamente si è compiuto di attestati del genere. Dovranno essere considerate valide ai fini probatori esclusivamente le attestazioni del Comitato Ministeriale Patrioti, unico organo legalmente riconosciuto, che ha poteri e possibilità di rilasciare attestati degni di fiducia.

Omissis.

*L'Alto Commissario Aggiunto
per l'Epurazione
SCOCCIMARRO*

HEADQUARTERS ALLIED COMMISSION
ECONOMIC SECTION
APO 394 0108

154/220
3 December 1945

RS/7.01

SUBJECT: Epuration

TO : Civil Affairs Section

1. Reference your letter DE/3.17/CA dated
19 November 1945.

2. Please be informed that supervision of epuration
in the Italian Ministry of Industry and Commerce, as well
as in the Ministry of Public Works, is the responsibility
of the Industry and Utilities Sub-Commission of this
Section. The same Sub-Commission has responsibility for
the supervision of epuration in the Italian Ministry of
Labor and Social Welfare, as a split-off from the former
Ministry of Industry, Commerce and Labor.

Harlan Cleveland 6089

Harlan Cleveland
Acting Vice President

Copies to:

Supply Group
Commerce S/C
Industry & Utilities S/C
Labor S/C ✓

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

Tel. Ext. 556

WES/AM/cr

Ref. AC/5092/Commerce

9 November 1945

SUBJECT: Fortnightly returns

TO : Civil Affairs Section

1. Reference is made to Administrative Section circular ref. DF/6A/AS dated 5 September 1944.

2. Two forms concerning defascism progress at the Ministry of Industry and Commerce, insofar as civil servants and officials of bodies of national importance are concerned are enclosed herewith and show the position at 30 October 1945.

3. The increase of Column B is due to the calculation of employees of Private Insurance Companies according to new directives of Finance Subcommittee to the said Ministry.

H. A. GENT
Major
Director
Commerce Subcommittee

6088

2 encls. as per para 2

Copy to: Economic Section

" " Labour Subcommittee (Attn: Mr. Proctor) with encl. ✓

DETASCISM PROGRESS REPORT
(State Department)

6082

COMMERCE Sub-Comsn

Return as to Ministry of Industry and Commerce
(Sub-Comsns will make one return only for all bodies dealt with by them)

GRADE	Employees		Eputation Proceedings		Appeals		Dismiss
	Number	Investigated	Initiated	Concluded	Lodged	Heard	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
I							
II							
III							
IV	13	13	13	13	6	5	5
V	56	56	25	25	17	8	8
VI	115	115	41	32	11	4	7
VII	156	156	50	54	16	7	6
VIII	142	142	81	63	13	4	6
IX	301	301	60	48	7	2	7
TOTAL	783	783	270	235	70	30	39

I am of opinion that progress may be regarded as

INSTRUCTIONS :-

1. Cols (b) to (g) deal with proceedings: in the Ministries (b and c) before Eputation Commission of first inst and of appeal (f and g).
2. Cols (h) to (k) deal with the results of eputation adjusted by the results of appeals.
3. Col (b) will include only staff in the territory in which DL 159 is in full force.
Col (c) will include all persons against whom it is not intended to proceed.
All figures will show totals to date not the number of cases since the last return.

DETASCISM PROGRESS REPORT
(State Department)

6087

For period ending
15
30 October 1945

Sub-Comsn

Industry and Commerce

return only for all bodies dealt with by them)

Employees Number Investigated		Epuraton Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed	Results Retired	L Punishment
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
13	13	13	13	6	5	5	4	1
56	56	25	25	17	8	8		7
115	115	41	32	11	4	7		8
156	156	50	54	16	7	6		17
142	142	81	63	13	4	6		38
301	301	60	48	7	2	7		23
783	783	270	235	70	30	39	4	94

press may be regarded as

Sd

with proceedings: in the Ministries (b and c) before Epuration Commission of first instance (d and e)

with the results of epuration adjusted by the results of appeals.
only staff in the territory in which DL 159 is in full force.
all persons against whom it is not intended to proceed.
totals to date not the number of cases since the last return.

DEFASCISM PROGRESS REPORT
(Bodies of National Importance)

COMMERCE Sub-Comm

Return as to Ministry of Industry and Commerce
(Sub-Comm will make one return only for all bodies dealt with by them)

(a)	Employees		Epurational Proceedings		Appeals		Dismissed
	Number	Investigated	Initiated	Concluded	Lodged	Heard	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
HEAD OFFICE							
Directors			15	15	8	2	6
Managers	132	21	65	62	19	5	14
Deputy or Asst. Managers	347	104					
Works Managers	528	128	45	42	30	4	19
Asst. or Deputy Works Managers	576	176	44	42	12	6	7
Technical Heads	1198	398	68	56	17	1	9
Senior Technicians	614	414	76	71	28	--	15
Senior Foremen	2548	531	107	97	30	--	3
BRANCH							
Managers	222	181	53	38	12	--	14
Deputy or Asst. Managers	85	84	21	12	4	--	3
Senior Technicians	482	473	113	89	23	4	4
Works Managers	1190	186	68	44	9	2	8
Asst. Works Managers	570	570	54	44	12	3	8
Senior Foremen	5186	986	92	43	16	1	10
TOTAL	13678	4252	821	655	220	28	120

I am of opinion that progress may be regarded as

INSTRUCTIONS :-

1. Cols (b) to (g) deal with proceedings in the Ministries (b and c) before Epuration Commission of first instance.
 2. Cols (h) to (k) deal with the results of epuration adjusted by the results of appeals.
 3. Col (b) will include only staff in the territory in which DL 159 is in full force.
- Col (c) will include all persons against whom it is intended to proceed.
- All figures will show totals to date not the number of cases since the last return.

DEFASCISM PROGRESS REPORT
(Bodies of National Importance)

Sub-Comm.

For period ending
15/30 October 1945

Industry and Commerce

Return only for all bodies dealt with by them)

Employees Number Investigated		Eguration Proceedings Initiated Concluded		Appeals Lodged Heard		Results Dismissed Retired Lesser Punishment		
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
132	21	15	15	8	2	6	—	2
347	104	65	62	19	5	14	—	3
528	128	45	42	30	4	19	—	6
576	176	44	42	12	6	7	—	18
1198	398	68	56	17	1	9	—	34
614	414	76	71	28	—	15	—	42
2548	531	107	97	30	—	3	—	32
222	181	53	38	12	—	14	—	12
85	84	21	12	4	—	3	—	2
482	473	113	89	23	4	4	—	2
1190	186	68	44	9	2	8	—	11
570	570	54	44	12	3	8	—	14
5186	986	92	43	16	1	10	—	10
13678	4252	821	655	220	28	120	—	188

may be regarded as

Results: in the Ministries (b and c). before Eguration Commission of first instance (d) and (e) and of appeal (f & g).
The results of eguration adjusted by the results of appeals.
Staff in the territory in which DL 159 is in full force.
Cases against whom it is intended to proceed.
The above not the number of cases since the last return.

1857

480/220

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

Tel. Ext. 556

WES/AM/1ea

Ref. AC/5092/Commerce

5 November 1945

SUBJECT: Fortnightly returns

TO : Civil Affairs Section

1. Reference is made to our letter AC/5092/Commerce dated 25 October 1945.

2. One form concerning defascism progress at the Ministry of Industry and Commerce in so far as employees of bodies of national importance are concerned, is enclosed herewith and shows the position at 15 October.

3. We have pointed out, at point 3 of the above mentioned letter, the reasons why the Ministry of Industry and Commerce was not able to collect in due time figures concerning bodies of national importance.

Major H. A. GENT **6085**

H. A. GENT
Major
Director
Commerce Subcommittee

1 encl. as per para 2

Copy to:

Economic Section

Labour S/C (attn. Mr. Proctor)

DERASCISM PROGRESS REPORT

(Bodies of National Importance)

COMMERCE Sub-Comsn

Return as to Ministry of Industry and Commerce
Sub-Comsns will make one return only for all bodies dealt with by them)

(a)	Employees Number Investigated		Epuraton Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed (h)
	(b)	(c)	(d)	(e)	(f)	(g)	
HEAD OFFICE							
Directors		21	15	15	8	2	6
Managers	132		65	62	19	5	14
Deputy or Asst. Managers	347	104					
Works Managers	528	128	45	42	30	4	19
Asst. or Deputy Works Managers	576	176	44	42	12	6	7
Technical Heads	1198	398	68	56	17	1	9
Senior Technicians	614	414	76	71	28	-	15
Senior Foremen	2548	531	107	97	30	-	3
BRANCH							
Managers	222	181	53	38	12	-	14
Deputy or Asst. Managers	85	84	21	12	4	-	2
Senior Technicians	482	473	113	89	23	4	4
Works Managers	1190	186	68	44	9	2	8
Asst. Works Managers	570	570	54	44	12	3	8
Senior Foremen	5186	986	92	43	16	1	10
TOTAL	13678	4252	821	655	220	28	120

I am of opinion that progress may be regarded as *good*

INSTRUCTIONS :-

- 1 Cols (b) to (g) deal with proceedings in the Ministries (b and c), before Epuration Commission of first instance.
- 2 Cols (h) to (k) deal with the results of epuration adjusted by the results of appeals.
- 3 Col (b) will include only staff in the territory in which DL 159 is in full force.
- 4 Col (c) will include all persons against whom it is not intended to proceed.
- 5 All figures will show totals to date not the number of cases since the last return.

DEFASCISM PROGRESS REPORT

(Bodies of National Importance)

Ab-Comen

For period ending

15

30 / October '45

Industry and Commerce

(only for all bodies dealt with by them)

Employees Investigated		Eguration Proceedings		Appeals		Results		
Number		Initiated	Concluded	Lodged	Heard	Dismissed	Retired	Lesser Punishment
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
132	21	15	15	8	2	6	-	2
347	104	65	62	19	5	14	-	3
528	128	45	42	30	4	19	-	6
576	176	44	42	12	6	7	-	18
1198	398	68	56	17	1	9	-	34
614	414	76	71	28	-	15	-	42
2548	531	107	97	30	-	3	-	32
222	181	53	38	12	-	14	-	12
85	84	21	12	4	-	3	-	2
482	473	113	89	23	4	4	-	2
1190	186	68	44	9	2	8	-	11
570	570	54	44	12	3	8	-	14
5186	986	92	43	16	1	10	-	10
13678	4252	821	655	220	28	120	-	188

be regarded as *good*

ings: in the Ministries (b and c), before Eguration Commission of first instance (d) and (e) and of appeal (f & g).
 Results of eguration adjusted by the results of appeals.
 in the territory in which DL 159 is in full force.
 e against whom it is not intended to proceed.
 date not the number of cases since the last return.

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

Tel. Ext. 556

WES/AM/er

Ref. AC/5092/Commerce

25 October 1945

SUBJECT: Fortnightly returns

TO : Civil Affairs Section

1. Reference is made to Administrative Section circular ref. DF/6A/AS dated 5 September 1944.

2. One form concerning defascism progress at the Ministry of Industry and Commerce, insofar as civil servants are concerned, is enclosed herewith and shows the position as of 15 October.

3. The said Ministry was not able to collect figures concerning bodies controlled by them because the personnel of the most important bodies (I.N.A., Assicurazioni d'Italia, A.C.I.P.) is at present on strike. The Ministry will send the figures in question as soon as possible.

H. A. GENT
Major
Director
Commerce Subcommittee

1 encl. as per para 2

Copy to: Economic Section

" " Labour Subcommittee (Attn. Mr. Proctor)

6083

the results of epuration adjusted by the results of appeals. staff in the territory in which DL 159 is in full force. persons against whom it is not intended to proceed. Is to date not the number of cases since the last return.

proceedings: in the Ministries (b and c) before Epuration Commission of first instance (a and e)

may be regarded as

Employees Number Investigated	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
13	13	13	13	13	6	5	5	4	1
56	56	25	25	25	17	8	8	-	7
115	115	37	37	31	11	4	7	-	7
156	156	58	58	52	13	7	6	-	15
142	142	73	73	61	13	4	6	-	36
301	301	57	57	48	7	2	7	-	23
783	783	263	263	230	67	30	39	4	89

Justice and Commerce only for all bodies dealt with by them)

DEWASIST PROGRESS REPORT
(State Department)

For Period
15
30

DEFASCISM PROGRESS REPORT
(State Department)

COMMERCE Sub-Comsn

Return as to Ministry of Industry and Commerce
(Sub-Comsns will make one return only for all bodies dealt with by them)

GRADE	Employees Number Investigated		Eparation Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed
	(b)	(c)	(d)	(e)	(f)	(g)	(h)
(a)							
I							
II							
III							
IV	13	13	13	13	6	5	5
V	56	56	25	25	17	8	8
VI	115	115	37	31	11	4	7
VII	156	156	58	52	13	7	6
VIII	142	142	73	61	13	4	6
IX	301	301	57	48	7	2	7
TOTAL	783	783	263	230	67	30	39

I am of opinion that progress may be regarded as

INSTRUCTIONS :-

- 1 Cols (b) to (g) deal with proceedings: in the Ministries (b and c) before Eparation Commission of first instance and of appeal (f and g).
- 2 Cols (h) to (k) deal with the results of eparation adjusted by the results of appeals.
- 3 Col (b) will include only staff in the territory in which DL 159 is in full force.
- 4 Col (c) will include all persons against whom it is not intended to proceed.
- 5 All figures will show totals to date not the number of cases since the last return.

DETASCISM PROCESS REPORT
(State Department)

For period

15

30

Oct.

ab-Coman

Industry and Commerce
(only for all bodies dealt with by them)

Employees Investigated		Euration Proceedings		Appeals		Dismissed	Results Retired	Punishment
Number	Investigated	Initiated	Concluded	Lodged	Heard			
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
13	13	13	13	6	5	5	4	1
56	56	25	25	17	8	8	-	7
115	115	37	31	11	4	7	-	7
156	156	58	52	13	7	6	-	15
142	142	73	61	13	4	6	-	36
301	301	57	48	7	2	7	-	23
783	783	263	230	67	30	39	4	89

may be regarded as

Sd

proceedings: in the Ministries (b and c) before Euration Commission of first instance (d and e)

the results of epuration adjusted by the results of appeals.
staff in the territory in which DL 159 is in full force.
persons against whom it is not intended to proceed.
as to date not the number of cases since the last return.

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

12 OCT. 1945

Tel. Ext. 556

WES/AM/or

Ref. AC/5092/Commerce

12 October 1945

SUBJECT: Fortnightly returns

TO : ~~Civil Affairs Section~~

1. Reference is made to Administrative Section circular ref. DE/6A/AS dated 5 September 1944.

2. One form concerning defascism progress at the Ministry of Industry and Commerce insofar as civil servants are concerned, is enclosed herewith and shows the position at 30 September 1945.

3. No change in the figures concerning defascism progress in the bodies of national importance was notified to the said Ministry by the competent Hearing Commissions.

H. A. GENT
Major
Director
Commerce Subcommission

1 encl. as per para 2.

Copy to: Economic Section

~~Labour Subcommission (attn. Mr. Proctor)~~

6081

2865

MINISTERO INDUSTRIA E COMMERCIO
SPECCHIO SULL'ANDAMENTO DELLA DETASCISTIZZAZIONE

Periodo fino al 30

Grado	N. dei dipendenti		Giudizi di epurazione		Ricorsi		Totali	
	Impiegati	Esaminati	Iniziati	conclusi	Presentati	Conclusi	Rimossi	Collocati riposo
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
IV	13	13	13	13	6	5	5	4
V	56	56	25	25	17	8	8	-
VI	115	115	36	28	11	4	7	-
VII	156	156	57	48	13	6	6	-
VIII	142	142	71	55	10	4	6	-
IX	301	301	56	42	7	1	7	-
TOTALI	783	783	258	211	64	28	39	4

6080

MINISTERO INDUSTRIA E COMMERCIO
SPECCHIO SULL'ANDAMENTO DELLA DEFASCISTIZZAZIONE

Periodo fino al 30 settembre 945

Dipendenti Esaminati	Giudizi di epurazione		Ricorsi		Totali		
	Iniziati	conclusi	Presentati	Conclusi	Rimossi	Collocati a riposo	Sanzioni minori
(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
13	13	13	6	5	5	4	1
56	25	25	17	8	8	-	7
115	36	28	11	4	7	-	5
156	57	48	13	6	6	-	14
142	71	55	10	4	6	-	34
301	56	42	7	1	7	-	22
783	258	211	64	28	39	4	83

6080

Lfh5

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

259/220

Tel. Bxt. 556

WES/AM/lea

Ref. AC/5092/Commerce

24 September 1945

SUBJECT: Fortnightly returns

TO : Civil Affairs Section

1. Reference is made to Administrative Section circular ref. DF/6A/AS dated 5 September 1944.

2. Two forms concerning defascism progress at the Ministry of Industry and Commerce insofar as civil servants and officials of bodies of national importance are concerned are enclosed herewith and show the position at 15 September 1945.

Major H. A. GENT
H. A. GENT
Major
Director
Commerce Subcommittee

2 Encls as per para 2

Copy to: Economic Section
Labour Subcommittee
(attn Mr. Proctor)

6079

DEFASCISM PROGRESS REPORT
(State Department)

Commerce Sub-Comsn

Return as to Ministry of Industry and Commerce
(Sub-Comsns will make one return only for all bodies dealt with by them)

GRADE	Employees Investigated		Epuraton Proceedings		Appeals		Dismissed
	Number		Initiated	Concluded	Lodged	Heard	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
I							
II							
III							
IV	13	13	13	13	6	5	5
V	56	56	25	25	17	8	8
VI	115	115	35	28	11	4	7
VII	156	156	57	48	13	6	6
VIII	142	142	71	55	9	4	6
IX	301	301	56	42	7	1	7
Inferiori al grado IX	910	910	97	63	18	9	6
TOTAL	1693	1693	254	214	81	37	42

I am of opinion that progress may be regarded as *modest*

INSTRUCTIONS :-

- 1 Cols (b) to (g) deal with proceedings: in the Ministries (b and c) before Epuration Commission of first inst and of appeal (f and g).
- 2 Cols (h) to (k) deal with the results of epuration adjusted by the results of appeals.
- 3 Col (b) will include only staff in the territory in which DL 159 is in full force.
- 4 Col (c) will include all persons against whom it is not intended to proceed.
- 5 All figures will show totals to date not the number of cases since the last return.

DEFASCISM PROGRESS REPORT
(State Department)

Sub-Comm

For period ending
15 **September**
30XX

Industry and Commerce

(turn only for all bodies dealt with by them)

Employees Number Investigated		Epuraton Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed	Results Retired	Punishment
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
13	13	13	13	6	5	5	4	1
56	56	25	25	17	8	8		7
115	115	35	28	11	4	7		5
156	156	57	48	13	6	6		14
142	142	71	55	9	4	6		34
301	301	56	42	7	1	7		22
910	910	97	63	18	9	6		37
1693	1693	254	274	81	37	45	4	120

may be regarded as modest

Sd _____

proceedings: in the Ministries (b and c) before Epuration Commission of first instance (d and e)

the results of epuration adjusted by the results of appeals.
staff in the territory in which DL 159 is in full force.
persons against whom it is not intended to proceed.
is to date not the number of cases since the last return.

DEFASCISM PROGRESS REPORT
(Bodies of National Importance)

Commerce

Sub-Comm

Industry and Commerce - Ministry of Labour and Social Security

Return as to Ministry of
(Sub-Comms will make one return only for all bodies dealt with by them)

(a)	Employees		Epuraton Proceedings		Appeals		Dismiss
	Number	Investigated	Initiated	Concluded	Lodged	Heard	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
HEAD OFFICE							
Directors	31	28	20	19	8	4	6
Managers	93	89	66	63	15	1	11
Deputy or Asst. Managers	98	97	37	34	24	1	14
Works Managers	142	127	40	35	10	1	6
Asst. or Deputy Works Managers	319	289	51	36	15	2	6
Technical Heads							
Senior Technicians	170	141	32	28	8	3	6
Senior Foremen	362	310	106	95	16	4	20
BRANCH							
Managers	116	116	46	26	7	-	12
Deputy or Asst. Managers	85	83	14	8	1	-	1
Senior Technicians	442	426	112	80	10	-	18
Works Managers	116	103	25	13	1	1	3
Asst. Works Managers	246	226	25	15	6	2	5
Senior Foremen	511	494	45	30	2	-	10
TOTAL	2731	2529	619	482	123	19	118

I am of opinion that progress may be regarded as *modest*

INSTRUCTIONS :-

- 1 Cols (b) to (g) deal with proceedings: in the Ministries (b and c), before Epuration Commission of first instance.
 - 2 Cols (h) to (k) deal with the results of epuration adjusted by the results of appeals.
 - 3 Col (b) will include only staff in the territory in which DL 159 is in full force.
- Col (c) will include all persons against whom it is not intended to proceed.
All figures will show totals to date not the number of cases since the last return.

DEFASCISM PROGRESS REPORT
(Bodies of National Importance)

Sub-Comm

For period ending
xx ~~September~~
30

Industry and Commerce - Ministry of Labour and Social Security

Return only for all bodies dealt with by them)

Employees		Epuraton Proceedings		Appeals		Results		
Number	Investigated	Initiated	Concluded	Lodged	Heard	Dismissed	Retired	Lesser Punishment
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
31	28	20	19	8	4	6		4
93	89	66	63	15	1	11		4
98	97	37	34	24	1	14		3
142	127	40	35	10	1	6		10
319	289	51	36	15	2	6		20
170	141	32	28	8	3	6		2
362	310	106	95	16	4	20		2
116	116	46	26	7	-	12		
85	83	14	8	1	-	1		1
442	426	112	80	10	-	18		4
116	103	25	13	1	1	3		11
246	226	25	15	6	2	5		12
511	494	45	30	2	-	10		14
2731	2529	619	482	123	19	118		87

may be regarded as *no data*

proceedings: in the Ministries (b and c), before Epuration Commission of first instance (d) and (e) and of appeal (f & g).
the results of epuration adjusted by the results of appeals.
staff in the territory in which DL 159 is in full force.
persons against whom it is not intended to proceed.
is to date not the number of cases since the last return.

HEADQUARTERS ALLIED COMMISSION
APC 394
COMMERCE SUBCOMMISSION

LS/220

Tel. Ext. 556

WES/AM/cr

Ref. AC/5092/Commerce

10 September 1945

SUBJECT: Fortnightly Returns

TO : Civil Affairs Section

1. Reference is made to Administrative Section circular ref. DF/6A/AS, dated 5 September 1944.

2. Two forms concerning defascism progress at the Ministry of Industry and Commerce insofar as civil servants and officials of bodies of national importance are concerned are enclosed herewith and show the position at 31 August 1945.

W. E. SCOTTEN
Major, M.I.S.
Acting Director
Commerce Subcommittee 6076

Encls. as per para. 2

Copy to: Economic Section
Labour Subcommittee (attn. Mr. Proctor) —

DEFASCISM PROCESS REPORT
(State Department)

Commerce

Sub-Comen

Return as to Ministry of *Industry and Commerce and Ministry of Labour*
(Sub-Comens will make one return only for all bodies dealt with by them)

GRADE	Employees Number Investigated		Eparation Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
I							
II							
III							
IV	13	13	13	13	6	5	5
V	56	56	25	25	17	8	8
VI	115	115	35	28	11	4	7
VII	156	156	55	47	13	6	6
VIII	142	142	69	55	9	4	6
IX	301	301	56	42	7	1	7
TOTAL	783	783	253	310	63	28	39

I am of opinion that progress may be regarded as *marked*

INSTRUCTIONS :-

- 1 Cols (b) to (g) deal with proceedings: in the Ministries (b and c) before Eparation Commission of first instance and of appeal (f and g).
- 2 Cols (h) to (k) deal with the results of eparation adjusted by the results of appeals.
- 3 Col (b) will include only staff in the territory in which DL 159 is in full force.
- 4 Col (c) will include all persons against whom it is not intended to proceed.
- 5 All figures will show totals to date not the number of cases since the last return.

DEFASCISM PROCESS REPORT
(State Department)

Sub-Comen

For period ending
15
30 Aug.

Industry and Commerce and Ministry of Labour
(Return only for all bodies dealt with by them)

Employees Number Investigated		Epuraton Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed	Results Retired	Le Punishment
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
13	13	13	13	6	5	5	4	1
56	56	25	25	12	8	8	--	7
115	115	35	28	11	4	7	--	5
156	156	55	47	13	6	6	--	13
142	142	69	55	9	4	6	--	34
301	301	56	42	7	1	7	--	22
783	783	253	310	63	28	39	4	82

as may be regarded as misconduct

Sd _____

proceedings: in the Ministries (b and c) before Epuration Commission of first instance (d and e)

the results of epuration adjusted by the results of appeals.
staff in the territory in which DL 159 is in full force.
persons against whom it is not intended to proceed.
als to date not the number of cases since the last return.

ANTI-FASCISM PROGRESS REPORT
(Bodies of National Importance)

Commerce Sub-Comm

Return as to Ministry of **Industry and Commerce and Ministry of Labour**
(Sub-Comm will make one return only for all bodies dealt with by them)

(a)	Employees		Epuraton Proceedings		Appeals		Dismissed
	Number	Investigated	Initiated	Concluded	Lodged	Heard	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
HEAD OFFICE							
Directors		28	19	17	8	4	6
Managers	31		64	62	15	1	13
Deputy or Asst. Managers	93	89					
Works Managers	98	97	37	34	24	-	14
Asst. or Deputy Works Managers	142	126	38	30	9	1	5
Technical Heads	319	289	51	35	15	2	6
Senior Technicians	170	141	32	24	7	2	5
Senior Foremen	362	310	104	90	15	3	19
BRANCH							
Managers	116	115	45	26	7	-	12
Deputy or Asst. Managers	85	83	14	8	1		1
Senior Technicians	442	426	109	77	8		18
Works Managers	116	103	25	13	1	1	3
Asst. Works Managers	246	226	25	15	6	2	3
Senior Foremen	511	494	41	25	1		10
TOTAL	2731	2527	604	456	117	16	119

I am of opinion that progress may be regarded as *modest*

INSTRUCTIONS :-

- 1 Cols (b) to (g) deal with proceedings: in the Ministries (b and c), before Epuration Commission of first instance.
- 2 Cols (h) to (k) deal with the results of epuration adjusted by the results of appeals.
- 3 Col (b) will include only staff in the territory in which DL 159 is in full force.
- 4 Col (c) will include all persons against whom it is not intended to proceed.
- 5 All figures will show totals to date not the number of cases since the last return.

ISOLATION PROGRESS REPORT
(Bodies of National Importance)

Sub-Comm

For period ending
30 Aug

Industry and Commerce and Ministry of Labour
(turn only for all bodies dealt with by them)

Employees		Eparation Proceedings		Appeals		Results		
Number	Investigated	Initiated	Concluded	Lodged	Heard	Dismissed	Retired	Lesser Punishment
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
31	28	19	17	8	4	6	-	2
93	89	64	62	15	1	15	-	3
98	97	37	34	24	-	14	-	3
142	126	38	30	9	1	5	-	6
319	289	51	35	15	2	6	-	19
170	141	32	24	7	2	5	-	-
362	310	104	90	15	3	19	-	-
116	115	45	26	7	-	12	-	1
85	83	14	8	1	-	1	-	1
442	426	109	77	8	-	18	-	-
116	103	25	13	1	1	3	-	9
246	226	25	15	6	2	5	-	12
511	494	41	25	1	-	10	-	8
2731	2527	604	456	117	16	119	-	64

may be regarded as *modest*

proceedings: in the Ministries (b and c), before Eparation Commission of first instance (d) and (e) and of appeal (f & g).
the results of eparation adjusted by the results of appeals.
staff in the territory in which DL 159 is in full force.
persons against whom it is not intended to proceed.
tals to date not the number of cases since the last return.

189/220

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref DE/5.14/CA

31 August 45

SUBJECT : Defascism

TO : See Distribution

Herewith translation of DL 472 disqualifying proved fascists from holding certain managerial appointments in private companies.

[Signature]
S.H. WHITE Lt Col
for VP CA Section

DISTRIBUTION :

Education S/C (2)	Agriculture S/C (2)	Tnsp S/C (2)
Legal S/C (2)	Industry S/C (20)	Navy S/C (2)
Local Govt S/C (2)	Commerce S/C (20)	Land Forces S/C (2)
Pub Safety S/C (2)	Finance S/C (20)	Air S/C (2)
Pub Health S/C (2)	Labour S/C (2)	Comms S/C (2)
DP & R S/C (2)	Food S/C (2)	WMD & IPW S/C (2)
MA & A S/C (2)	Pub Works & Ut S/C (2)	

Copys for info : RGS Piemonte, Lombardia, Liguria, Venezia Regions
RC Venezia Giulia

Scale of Distribution: RHQ (4); PHQ (2)

6073

DISABILITIES
OF FASCIISTS

The Italian version of this Decree is the only authoritative text. This version is not a literal translation; its object is to inform Officers conveniently of the provisions contained in the Decree.

Officers are referred to the Italian texts for all points of detail or matters of procedure or dispute.

Words in brackets are explanatory and are not included in the original text.

Civil Disabilities of Fascists	Art 1-2
Relief from Disabilities	" 3
Penalties	" 4
Administration	" 5-6
Liability of Managers to Expiration	" 7
Appeals	" 8

CIVIL DISABILITIES OF FASCIISTS

1 The undermentioned are hereby disqualified from holding the office of director or manager or receiver of a company limited by shares or whose responsibilities are limited in any other way, which has a capital of more than 5 million lire, or of an insurance company having a nominal capital or assets exceeding 1 million lire:

a) any person who has been convicted for any of the offences referred to in the first part of D.L. 159 of 27 July 1944 notwithstanding that the sentence

(which may have been imposed upon him in respect of such offence) does not include exclusion from public office;

b) any person who has suffered confiscation under Art 9 of D.L. 159 aforesaid;

c) any person who has been subjected to any of the sanctions contained in the first part of Art 1, or the first or second para of Art 3 of D.L. 149 of 26 Apr 45;

d) any person who

(i) has been deprived of the right to vote as having held one of the fascist offices mentioned in the decree of the President of the Council of Ministers dated the 2 Feb 45 and published in the Official Gazette No 20 of 15 Feb 45, or who

(ii) has been a member of the fascist government after 3 Jan 45, or having been a militant member of the fascist party subsequent to that date, has held the office of deputy or national councillor, or being a senator has been removed from office under the last para of Art 8 of D.L. 159 of 27 Jul 44; or

(iv) has suffered forfeiture of profits derived from the regime under D.L. 364 of 31 May 45;

(v) any person who by final judgement under Art 22 of D.L. 159 of 27 Jul 44 has been deprived of his right to pension;

e) any person within any of the above description who at the date of this decree coming into force is in office as a director manager or receiver is hereby relieved from such office or appointment.

Any person who by final judgement under Art 22 of D.L. 159 of 27 Jul 44 has been deprived of his right to pension;

Any person within any of the above description who at the date of this decree coming into force is in office as a director manager or receiver is hereby relieved from such office or appointment.

2 No contract for public works and no public utility concession shall be granted to any company not within the provisions of Art 1 hereof nor to any private concern whose directors or owners are within any of the descriptions

Penalties
Administration
Liability of Managers to Expiration
Appeals

CIVIL DISABILITIES OF FASCISTS

- 1 The undermentioned are hereby disqualified from holding the office of director or manager or receiver of a company limited by shares or whose responsibilities are limited in any other way, which has a capital of more than 5 million lire, or of assurance company having a nominal capital or assets exceeding 1 million lire:
 - a) any person who has been convicted for any of the offences referred to in first part of DML 459 of 27 July 1934 notwithstanding that the sentence (which may have been imposed upon him in respect of such offence) does not include exclusion from public office;
 - b) any person who has suffered confiscation under Art 9 of DML 459 aforesaid;
 - c) any person who has been subjected to any of the sanctions contained in the first para of Art 1, or the first or second para of Art 3 of DML 449 of 26 Apr 43;
 - d) any person who
 - (i) has been deprived of the right to vote as having held one of the fascist offices mentioned in the decrees of the President of the Council of Ministers dated the 2 Feb 45 and published in the Official Gazette No 20 of 15 Feb 45, or who
 - (ii) has been a member of the fascist government after 3 Jan 45, or
 - (iii) having been a militant member of the fascist party subsequent to that date, has held the office of deputy or national councillor, or
 - (iv) being a senator has been removed from office under the last para of Art 8 of DML 459 of 27 Jul 44; or
 - (v) has suffered forfeiture of profits derived from the regime under DML 364 of 31 May 45;
 - e) any person who by final judgement under Art 22 of DML 459 of 27 Jul 44 has been deprived of his right to pension;

Any person within any of the above description who at the date of this decree coming into force is in office as a director manager or receiver is hereby relieved from such office or appointment.

- 2 No contract for public works and no public utility concession shall be granted to any company not within the provisions of Art 1 hereof nor to any private concern whose directors or owners are within any of the descriptions contained in Art 1 hereof. Contracts already in existence shall remain valid for a period of one year from the date of publication of this decree.

ENDING FROM DISABILITIES

- 3 Provided however that persons within the descriptions contained in subpara (d) of Art 1 who distinguished themselves in the fight against the Germans or, before the outbreak of the present war, took an open stand against fascism and ceased to belong to the national fascist party may be relieved from such disqualification.

Such relief against which there shall be no appeal may be granted on the request of the person concerned. The Commission to hear such requests shall be appointed by the Council of Ministers and constituted as follows:

6570

- a) the High Commissioner for
by him;
- b) two citations of acknowledgment
no inated (respectively) by
Two substitute members may be
organisations.

The Commission may in suitable cases limit the disqualification referred to in Art 1 to a definite period of time.

Such relief may also be granted by the Commission in cases involving only slight political activity or in the case of persons who are of acknowledged technical and administrative ability or who have shown substantial and effective opposition to fascism or to the German invader during the occupation.

Directors and owners of companies and concerns referred to in Art 2, who are within the description of subpara (d) of Art 1 hereof may apply for relief under that Art, for the purpose of excluding or limiting the sanctions contained in Art 2 hereof.

ARTICLE 4

Directors, Managers or Receivers of companies to which Art 1 applies, who are within any of the descriptions contained therein, who continue to exercise the functions of their office, shall be liable to one year's imprisonment and a fine of one hundred thousand lire. Persons within the above mentioned descriptions who (hereafter) take up a position referred to in Art 1 shall be liable to the same punishment.

The manager of any company who is aware of the fact that any person disqualified under Art 1 hereof continues to exercise in any such company the functions of his office and fails to notify the President of the Tribunal which has jurisdiction over the district in question of such illegality, shall be liable to six months imprisonment and a fine of fifty thousand lire. A manager who, being aware that a person appointed director, manager or receiver of a company after this decree comes into force is disqualified under Art 1 hereof, fails to report such illegality to the Tribunal having jurisdiction, shall be liable to the same punishment.

Directors or owners of companies or concerns within Art 2 hereof who are within the description contained in Art 1, who nevertheless enter into contracts for public works or receive concessions of public utilities, shall be liable to the penalties laid down in the first paragraph (hereof).

ADMINISTRATION

5 Within thirty days from the coming into force of this decree every company within the provisions of Art 1 hereof shall file at the Chancery of the Tribunal having jurisdiction a declaration containing the names of their directors, managers or receivers who have ceased to act as such under the provisions of para 2 of the said Art and shall serve notice of the said declaration on the person concerned by registered letter.

On the expiration of such period the High Commissioner for sanctions against fascism may issue a decree removing from office any director, manager or receiver whose name has not been reported under the preceding para as having vacated his office. Notice of the decree shall be served on the person concerned. For the above purpose, the High Commissioner may require any director, manager or receiver of any company within the provisions of Art 1 hereof to complete within a stated time a special questionnaire to show whether he is within any of the descriptions contained in the said article.

Any person failing to complete and return such questionnaire within the said time limit or who makes a false or incomplete declaration shall be liable

4 Directors, Managers or Receivers of companies to which Art 1 applies, who are within any of the descriptions contained therein, who continue to exercise the functions of their office, shall be liable to one year's imprisonment and a fine of one hundred thousand lire. Persons within the above mentioned descriptions who (hereafter) take up a position referred to in Art 1 shall be liable to the same punishment.

The manager of any company who is aware of the fact that any person disqualified under Art 1 hereof continues to exercise in any such company the functions of his office and fails to notify the president of the Tribunal which has jurisdiction over the district in question of such illegality, shall be liable to six months imprisonment and a fine of fifty thousand lire. A manager who, being aware that a person appointed director, manager or receiver of a company after this decree comes into force is disqualified under Art 1 hereof, fails to report such illegality to the Tribunal having jurisdiction, shall be liable to the same punishment.

Directors or owners of companies or concerns within Art 2 hereof who are within the description contained in Art 1, who nevertheless enter into contracts for public works or receive concessions of public utilities, shall be liable to the penalties laid down in the first paragraph (hereof).

ADMINISTRATION

5 Within thirty days from the coming into force of this decree every company within the provisions of Art 1 hereof shall file at the Chancery of the Tribunal having jurisdiction a declaration containing the names of their directors, managers or receivers who have ceased to act as such under the provisions of para 2 of the said Art and shall serve notice of the said declaration on the person concerned by registered letter.

On the expiration of such period the High Commissioner for sanctions against Fascism may issue a decree removing from office any director, manager or receiver whose name has not been reported under the preceding para as having vacated his office. Notice of the decree shall be served on the person concerned. For the above purpose, the High Commissioner may require any director, manager or receiver of any company within the provisions of Art 1 hereof to complete within a stated time a special questionnaire to show whether he is within any of the descriptions contained in the said article.

Any person failing to complete and return such questionnaire within the said time limit or who makes a false or incomplete declaration shall be liable to the penalties prescribed for giving false or reticent testimony.

6 If the person concerned is of opinion that his removal has been unjustly ordered, he may within 10 days of receiving such notice appeal to the Commission formed under Art 3 hereof.

Decrees against which no appeal has been lodged within the prescribed time and decrees appeals against which have been rejected shall be transmitted to the chancery of the Tribunal having jurisdiction.

LIABILITY OF PERSONS TO PAYMENT

7 Any person within the descriptions contained in Art 1 (hereof) who has been

deprived of his right to the
 once with the preceding article.
 of technical or administrative
 branch manager or any office in va.
 as to the companies in which he held
 any associated company which is with
 at & hereof.

APPEALS

- 8 Art 24 of DL 159 of 1944 shall apply to the provisions of this decree.
- 9 This Decree shall come into force in the territories not restored to Italian Administration on such day as may be ordered by the Allied Military Government.

1885
Declassified E.O. 12356 Section 3.3/NND No. 785021

information on such day as may be ordered by the Allied Military Government.

000

DEL 472 OF 4 AUG 15

DISABILITIES OF DIRECTORS
AND
STATUTORY CONTROLLERS
OF
PRIVATE ENTERPRISES

2207 1208

LIABILITIES OF DIRECTORS
AND
STATUTORY CONTINGENTS
OF
PRIVATE ENTERPRISES

CA. Sec

31 Aug 48

DISABILITIES
CONTROLLERS
STATUTORY
PROVISIONS

DL 471 of 1945

The Italian version of this decree is the only authoritative text. This version is not a literal translation; its object is to inform Officers conveniently of the provisions contained in the Decree.
Officers are referred to the Italian texts for all points of detail or matters of procedure or dispute.
Words in brackets are explanatory and are not included in the original text.

Civil Disabilities of Fascists	Art 1-2
Relief from Disabilities	" 3
Fines	" 4
Administration	" 5-6
Liability of Managers to Expiration	" 7
Appeals	" 8

CIVIL DISABILITIES OF FASCISTS

- 1 The undermentioned are hereby disqualified from holding the office of director or manager or receiver of a company limited by shares or whose responsibilities are limited in any other way, which has a capital of more than 5 million lire, or of an insurance company having a nominal capital or assets exceeding 4 million lire:
 - a) any person who has been convicted for any of the offences referred to in first part of D.L. 159 of 27 July 1944 notwithstanding that the sentence (which may have been imposed upon him in respect of such offence) does not include exclusion from public office;
 - b) any person who has suffered confiscation under Art 9 of D.L. 159 aforesaid;
 - c) any person who has been subjected to any of the sanctions contained in the first para of Art 1, or the first or second para of Art 3 of D.L. 149 of 26 Apr 45;
 - d) any person who
 - (i) has been deprived of the right to vote as having held one of the fascist offices mentioned in the decree of the President of the Council of Ministers dated the 2 Feb 45 and published in the Official Gazette No 20 of 15 Feb 45, or who
 - (ii) has been a member of the fascist government after 3 Jan 45, or
 - (iii) having been a militant member of the fascist party subsequent to that date, has held the office of deputy or national councillor, or
 - (iv) being a senator has been removed from office under the last para of Art 8 of D.L. 159 of 27 Jul 44; or
 - (v) has suffered forfeiture of profits derived from the regime under D.L. 364 of 31 May 45;
 - e) any person who by final judgement under Art 22 of D.L. 159 of 27 Jul 44 has been deprived of his right to pension;

Any person within any of the above description who at the date of this decree coming into force is in office as a director manager or receiver is hereby relieved from such office or appointment.
- 2 No contract for public works and no public utility concession shall be granted to any company not within the provisions of Art 1 hereof nor to any private concern whose directors or owners are within any of the descriptions

Civil Disabilities of Fascists	Art 1-2
Relief from Disabilities	" 3
Qualifications	" 4
Administration	" 5-6
Liability of Managers to Expiration	" 7
Appeals	" 8

CIVIL DISABILITIES OF FASCISTS

1 The undermentioned are hereby disqualified from holding the office of director or manager or receiver of a company limited by shares or whose responsibilities are limited in any other way, which has a capital of more than 5 million lire, or of an insurance company having a nominal capital or assets exceeding 1 million lire

a) any person who has been convicted for any of the offences referred to in the first part of D.L. 159 of 27 July 1944 notwithstanding that the sentence

(which may have been imposed upon him in respect of such offence) does not include exclusion from public office;

b) any person who has suffered confiscation under Art 9 of D.L. 159 aforesaid;

c) any person who has been subjected to any of the sanctions contained in the first para of Art 1, or the first or second para of Art 5 of D.L. 149 of 26 Apr 45;

d) any person who

(i) has been deprived of the right to vote as having held one of the fascist offices mentioned in the decrees of the President of the Council of Ministers dated the 2 Feb 45 and published in the Official Gazette No 20 of 15 Feb 45, or who

(ii) has been a member of the fascist government after 3 Jan 45, or

(iii) having been a militant member of the fascist party subsequent to that date, has held the office of deputy or national councillor, or

(iv) being a senator has been removed from office under the last para of Art 8 of D.L. 159 of 27 Jul 44; or

(v) has suffered forfeiture of profits derived from the regime under D.L. 364 of 31 May 45;

e) any person who by final judgement under Art 22 of D.L. 159 of 27 Jul 44 has been deprived of his right to pension;

any person within any of the above description who at the date of this decree coming into force is in office as a director manager or receiver is hereby relieved from such office or appointment.

2 No contract for public works and no public utility concession shall be granted to any company not within the provisions of Art 1 hereof nor to any private concern whose directors or owners are within any of the descriptions contained in Art 1 hereof. Contracts already in existence shall remain valid for a period of one year from the date of publication of this decree.

RELIEF FROM DISABILITIES

3 Provided however that persons within the descriptions contained in subpara (d) of Art 1 who distinguished themselves in the fight against the Germans or, before the outbreak of the present war, took an open stand against fascism and ceased to belong to the national fascist party may be relieved from such disqualification.

Such relief against which there shall be no appeal may be granted on the request of the person concerned. The Commission to hear such requests shall be appointed by the Council of Ministers and constituted as follows:

6072

- a) the High Commissioner for by him;
 - b) two citizens of acknowledged no stated (respectively) by an two substitute members may be as organisations.
- The Commission may in suitable cases limit the disqualification referred to in Art 1 to a definite period of time.
- Such relief may also be granted by the Commission in cases involving only slight political activity or in the case of persons who are of acknowledged technical and administrative ability or who have shown substantial and effective opposition to fascism or to the German invader during the occupation.
- Directors and owners of companies and concerns referred to in Art 2, who are within the description of subpara (d) of Art 1 hereof may apply for relief under that Art, for the purpose of excluding or limiting the sanctions contained in Art 2 hereof.

Penalties

- 4 Directors, Managers or Receivers of companies to which Art 1 applies, who are within any of the descriptions contained therein, who continue to exercise the functions of their office, shall be liable to one year's imprisonment and a fine of one hundred thousand lire. Persons within the above mentioned descriptions who (hereafter) take up a position referred to in Art 1 shall be liable to the same punishment.
- The manager of any company who is aware of the fact that any person disqualified under Art 1 hereof continues to exercise in any such company the functions of his office and fails to notify the president of the tribunal which has jurisdiction over the district in question of such illegality, shall be liable to six months imprisonment and a fine of fifty thousand lire. A manager who, being aware that a person appointed director, manager or receiver of a company after this decree comes into force is disqualified under Art 1 hereof, fails to report such illegality to the Tribunal having jurisdiction, shall be liable to the same punishment.
- Directors or owners of companies or concerns within Art 2 hereof who are within the description contained in Art 1, who nevertheless enter into contracts for public works or receive concessions of public utilities, shall be liable to the penalties laid down in the first paragraph (hereof).

ADMINISTRATION

- 5 Within thirty days from the coming into force of this decree every company within the provisions of Art 1 hereof shall file at the Chancery of the Tribunal having jurisdiction a declaration containing the names of their directors, managers or receivers who have ceased to act as such under the provisions of para 2 of the said Art and shall serve notice of the said declaration on the person concerned by registered letter.
- On the expiration of such period the High Commissioner for sanctions against fascism may issue a decree removing from office any director, manager or receiver whose name has not been reported under the preceding para as having vacated his office. Notice of the decree shall be served on the person concerned. For the above purpose, the High Commissioner may require any director, manager or receiver of any company within the provisions of Art 1 hereof to complete within a stated time a special questionnaire to show whether he is within any of the descriptions contained in the said article.
- Any person failing to complete and return such questionnaire within the said time limit or who

4 Directors, Managers or Receivers of companies to which Art 1 applies, who are within any of the descriptions contained therein, who continue to exercise the functions of their office, shall be liable to one year's imprisonment and a fine of one hundred thousand lire. Persons within the above mentioned descriptions who (hereafter) take up a position referred to in Art 1 shall be liable to the same punishment.

The manager of any company who is aware of the fact that any person disqualified under Art 1 hereof continues to exercise in any such company the functions of his office and fails to notify the president of the tribunal which has jurisdiction over the district in question of such illegality, shall be liable to six months imprisonment and a fine of fifty thousand lire. A manager who, being aware that a person appointed director, manager or receiver of a company after this decree comes into force is disqualified under Art 1 hereof, fails to report such illegality to the tribunal having jurisdiction, shall be liable to the same punishment.

Directors or owners of companies or concerns within Art 2 hereof who are within the description contained in Art 1, who nevertheless enter into contracts for public works or receive concessions of public utilities, shall be liable to the penalties laid down in the first paragraph (hereof).

ADMINISTRATION

5 Within thirty days from the coming into force of this decree every company within the provisions of Art 1 hereof shall file at the Chancery of the Tribunal having jurisdiction a declaration containing the names of their directors, managers or receivers who have ceased to act as such under the provisions of part 2 of the said Art and shall serve notice of the said declaration on the person concerned by registered letter.

On the examination of such period the High Commissioner for sanctions against fraud may issue a decree removing from office any director, manager or receiver whose name has not been reported under the preceding para as having vacated his office. Notice of the decree shall be served on the person concerned. For the above purpose, the High Commissioner may require any director, manager or receiver of any company within the provisions of Art 1 hereof to complete within a stated time a special questionnaire to show whether he is within any of the descriptions contained in the said article.

Any person failing to complete and return such questionnaire within the said time limit or who makes a false or incomplete declaration shall be liable to the penalties prescribed for giving false or reticent testimony.

6 If the person concerned is of opinion that his removal has been unjustly ordered, he may within 40 days of receiving such notice appeal to the Commission formed under Art 3 hereof.

Decrees against which no appeal has been lodged within the prescribed time and decrees appeals against which have been rejected shall be transmitted to the chanceries of the tribunals having jurisdiction.

LIABILITY OF MANAGERS TO REFORMATION

7 Any person within the descriptions contained in Art 1 (hereof) who has been

deprived of his right to the position of technical or administrative manager or any office in which he holds, of the above mentioned positions or in any associated company which is within Art 4 hereof.

ARTICLE 1

- 8 Art 24 of DL 159 of 1944 shall apply to the provisions of this decree.
- 9 This Decree shall come into force in the territories not restored to Italian administration or such day as may be ordered by the Allied Military Government.

6071

1892

Declassified E.O. 12356 Section 3.3/NND No. 785021

Doc. 472 of 4.10.45

DISSEMINATION OF DIRECTORS
(ATT)
STATUTORY CONTROLS
OF
PRIVATE ENTERPRISES

22 SET 1945

DISABILITIES OF DIRECTORS
AND
STATUTORY CONTROLLERS
OF
PRIVATE ENTERPRISES

CA Sec

31 Aug 45

2057 1048

MINISTRY OF LABOUR AND SOCIAL SECURITY

No. 474 of 10 August 1943

UNION OF THE TWO DEPARTMENTS BETWEEN THE MINISTRY OF
INDUSTRY, COMMERCE AND LABOUR AND THE MINISTRY OF LABOUR AND
SOCIAL SECURITY.

MINISTRY OF LABOUR
AND SOCIAL SECURITY

By virtue of the author by virtue in us.

Having seen the law decree of 3th August, 1943, No. 710;
Having seen the Lieutenantcy decree of 31st September, 1944,
No. 506;
Having seen the law of 3th April, 1951, No. 558, and subsequent
amendments;
Having seen the law decree of 20th November, 1951, No. 1084;
Having seen the Lieutenantcy decree of 31st June, 1948, No. 377;
Having seen the Lieutenantcy decree of 25th June, 1944, No. 161;
Having seen the Lieutenantcy decree of 1st February, 1945,
No. 55;
Having seen the decision of the Council of Ministers.

On proposal of the President of the Council, Prime Minister
of the State, in agreement with the Minister of Industry and
Commerce, the Minister of Labour and Social Security, and with
the Minister of the Treasury;

THE MINISTRY OF LABOUR AND SOCIAL SECURITY

Article 1

The Ministry of Labour and Social Security is constituted
as follows:-

1. General Secretariat.
2. General Direction of General Affairs and Personnel.
3. General Direction of Labour.
4. General Direction of Co-operation.
5. General Direction of Social Assistance and Welfare.
6. Service for Internal Transfer of workers.

Article 2

The following services hitherto performed by the Ministry of
Industry, Commerce and Labour are devolved to the Ministry of
Labour and Social Security:-

- (a) Reviews, research, statistics, observations on labour,
social assistance and welfare activities both at home
and abroad.

60K

1895

having seen the law passed of 24th August, 1945, No. 718;
 having seen the Decree of 11th September, 1946, No. 544;
 having seen the law of 24th April, 1951, No. 253, and subsequent
 amendments;
 having seen the law passed of 24th November, 1951, No. 1004;
 having seen the Decree of 11th June, 1955, No. 577;
 having seen the Decree of 24th June, 1955, No. 581;
 having seen the Decree of 1st February, 1955, No. 501;
 having seen the Decree of the Council of Ministers.

On proposal of the President of the Council, Prime Minister
 of the State, in agreement with the Minister of Industry and
 Commerce, the Minister of Labour and Social Security, and with
 the Minister of the Treasury;

THE MINISTRY OF LABOUR AND SOCIAL SECURITY

Article 1

The Ministry of Labour and Social Security is constituted
 as follows:-

1. General Secretariat.
2. General Direction of General Affairs and Personnel.
3. General Direction of Labour.
4. General Direction of Co-operation.
5. General Direction of Social Assistance and Welfare.
6. Service for Informal Transfer (of workers).

Article 2

The following services hitherto performed by the Ministry of
 Industry, Commerce and Labour are devolved to the Ministry of
 Labour and Social Security:-

- (a) Reviews, research, statistics, observations on labour,
 social assistance and welfare activities both at home
 and abroad.
- (b) Protection of labour interests.
- (c) Trade Union organization and regulation.
- (d) Labour agreements and regulations; trade disputes.
- (e) Labour offices, relations with the International Labour
 Office and other international labour institutions.
- (f) The co-operative movement.
- (g) Professional organizations and improvement and supervision
 of the work of professional institutions; apprenticeship
 agreements.

6068

(h) employment; transfer of workers; and migration of workers to foreign countries.

(4) Industrial accidents; social insurance and assistance; control over the respective institutes.

With regard to (a), (1) and (2), above the Ministry of Labour and Social Security will act in conjunction with the Ministry of Industry and Commerce and with every other interested Ministry. In so far as these subjects specifically concern the aforementioned Ministry.

The provisions concerning the employment of workers are established in agreement with the Ministry of Post-war Assistance in so far as such provisions concern the said Ministry.

Article 3

The Ministry of Industry and Commerce will be concerned with private trade associations and the control of the respective undertakings and agencies.

The Ministry of Industry and Commerce will act in conjunction with the Ministry of Labour and Social Security as regards arrangement of public insurance.

Article 4

The rules and regulations contained in decree-law 29th April, 1933, No. 906, as embodied in the law of 17th April, 1938, No. 473 and with subsequent amendments remain in force. The Ministry of Labour and Social Security takes over control of Social Security Institutes for workers, as well as Mutual Aid Societies for the payment to members of capital and income in excess of the amounts contemplated by the first paragraph of article 11 of the law-decree of 26th October, 1938, No. 1598, as substituted by the law of 24th January, 1954, No. 304.

The Ministry of Labour and Social Security is represented on the Council of Administration of the National Insurance Institute, on the Council of Administration of the National Institute of Credits and Social Security for the Communication Services and on the Committee of Insurance Agencies.

Article 5

The Ministry of Labour and Social Security takes over all services connected with the assistance of workers as well as their professional and social improvement; and supervises those institutes which have as their aim the assistance and improvement of workers.

The Ministry of Labour and Social Security is also represented on the Central Council of "Opera Nazionale" for Internality and Infant welfare; on the Council of Administration of "Opera Nazionale" for the protection and assistance of war disabled; on the National Committee for War Disabled; and on the Council of

Article 3

The Ministry of Industry and Commerce will be concerned with private trade associations and the control of the respective undertakings and agencies.

The Ministry of Industry and Commerce will not in conjunction with the Ministry of Labour and Social Security on records arrangement of public insurance.

Article 4

The rules and regulations contained in decree-law 15th April, 1923, No. 936, as amended in the law of 17th April, 1928, No. 473 and with subsequent amendments remain in force. The Ministry of Labour and Social Security takes over control of Social Security Institutes for workers, as well as mutual aid societies for the payment to members of unpaid and income in excess of the amounts contemplated by the first paragraph of Article 11 of the law-decree of 20th October, 1933, No. 1693, as substituted by the law of 23rd January, 1934, No. 304.

The Ministry of Labour and Social Security is represented on the Council of Administration of the National Insurance Institute, on the Council of Administration of the National Institute of Orphans and Social Security for the Communication Services and on the Committee of Insurance Agencies.

Article 5

The Ministry of Labour and Social Security takes over all services connected with the assistance of workers as well as their professional and moral improvement; and supervises those institutes which have as their aim the assistance and improvement of workers.

The Ministry of Labour and Social Security is also represented on the Central Council of "Opera Nazionale" for Maternity and Infant welfare; on the Council of Administration of "Opera Nazionale" for the protection and assistance of war disabled; on the National Committee for War orphans; and on the Council of the National War Veterans Association.

Article 6

The Inspectorate of Industry and Labour assumes the title of Labour Inspectorate, and is attached to the Ministry of Labour and Social Security.

Such functions of the present Inspectorate of Industry and Labour as remain within the competence of the Ministry of Industry and Commerce, are transferred to that Ministry.

Until such time as appropriate provision is made concerning / the

the allocation of personnel on the establishment of the Inspectorate of Industry and Labour, the said personnel will remain attached to the Ministry of Labour and Social Security.

Article 7

By means of a Decree of the Council of Ministers, on the proposal of the President of the Council of Ministers, and with the agreement of the Ministers concerned, provision will be made for the allocation of the personnel and funds between the two Ministries.

Until this allocation of personnel is made, personnel formerly attached to the Ministry of Industry, Commerce and Labour and also, at the date on which this Decree takes effect, are carrying out duties attributed to the Ministry of Labour and Social Security by the present Decree will be attached to the latter Ministry; the aforementioned personnel however continue to be administered by the Ministry of Industry and Commerce.

Article 8

The Minister of Labour and Social Security will exercise the powers conferred by existing law on the Minister of Industry, Commerce and Labour for the designation and nomination of workers' representatives and, in conjunction with the Minister of Industry and Commerce, employers' representatives for all councils, commissions, and undertakings to which such representatives are admitted.

Article 9

This Decree becomes effective the day after its publication in the Official Gazette.

Dated at Rome, 20 August 1945.

(Signed) UMBERTO DI SAVOIA

Countersigned: Mari (President of the Council of Ministers)

Giorgio (Minister of Industry & Commerce)

Barbaroschi (Minister of Labour and Social Security)

Ricci (Minister of the Treasury)

by the personnel concerned with the necessary to be administered by

of the personnel however continue to be administered by the Ministry of Industry and Commerce.

Article 8

The Minister of Labour and Social Security will exercise the powers conferred by existing law on the Minister of Industry, Commerce and Labour for the designation and nomination of workers' representatives and, in conjunction with the Minister of Industry and Commerce, employers' representatives for all companies, commissions, and undertakings to which such representatives are admitted.

Article 9

This decree becomes effective the day after its publication in the official Gazette.

Dated at Rome, 10 August 1945.

(Signed) UMBERTO DI SAVOIA

Countersigned: Parri (President of the Council of Ministers)

Grönchi (Minister of Industry & Commerce)

Barbaroschi (Minister of Labour and Social Security)

Ricci (Minister of the Treasury)

0066

LSC/220

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

Tel. Ext. 556

WES/AM/lea

Ref. AC/5092/Commerce

22 August 1945

SUBJECT: Defascism - Fortnightly Report

TO : Civil Affairs Section

1. Reference is made to Administrative Section circular ref. DF/6A/AS dated 5 September 1944.

2. Two forms concerning defascism progress at the Ministry of Industry and Commerce in so far as civil servants and officials of bodies of national importance are concerned, are enclosed herewith and show the position at 30 July 1945

W. E. SCOTTEN
Major, M.I.S.
Acting Director
Commerce Subcommission

Encls as per para. 2

Copy to: Economic Section
Labour Subcommission
(attn. Mr. Proctor)

6065

1901

Declassified E.O. 12356 Section 3.3/NND No. 785021

24

6064

DEFEASION PROGRESS REPORT
(Bodies of National Importance)

Commer Sub-Coman

Area to Ministry of Industry and Commerce
Sub-Comans will make one return only for all bodies dealt with : (a)

(a)	Employees Number Investigated		Epuraton Proceedings Initiated Concluded		Appeals Lodged Heard		Dismiss
	(b)	(c)	(d)	(e)	(f)	(g)	(h)
HEAD OFFICE							
Directors							
Managers	31	28	19	17	8	4	6
Deputy or Asst. Managers	93	89	64	62	15	1	15
Works Managers	98	97	37	34	24		14
Asst. or Deputy Works Managers	142	126	38	30	9	1	5
Technical Heads	319	289	51	35	15	2	6
Senior Technicians	170	141	32	24	7	2	5
Senior Foremen	362	310	104	90	15	3	19
BRANCH							
Managers	116	115	45	26	7		12
Deputy or Asst. Managers	85	83	14	8	1		1
Senior Technicians	442	426	109	77	8		18
Works Managers	116	103	25	13	1	1	3
Asst. Works Managers	246	226	25	15	6	2	5
Senior Foremen	511	494	41	25	1		10
TOTAL	2731	2527	604	456	117	16	119

I am of opinion that progress may be regarded as modest

INSTRUCTIONS :-

- 1. Cols b to g deal with proceedings: in the Ministries (b and c) before Epuration Commission of first instance (d and e) and in the territories (f and g) before the Commission of Appeal.
- 2. Col h will include only staff in the territory in which IL 159 is in full force.
- 3. Col c will include all persons against whom it is not intended to proceed.
- 4. All figures will show totals to date not the number of cases since the last return.

DEFECTION PROGRESS REPORT
(Bodies of National Importance)

Sub-Column

period ending
15 August 1945

Army and Commercial

only for all bodies dealt with: (m)

Employees Number Investigated		Expurgation Proceedings Initiated Concluded		Appeals Lodged Heard		Results Dismissed Retired Lesser Punishment		
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
31	28	19	17	8	4	6	-	2
93	89	64	62	15	1	15	-	3
98	97	37	34	24		14		3
142	126	38	30	9	1	5		6
319	289	51	35	15	2	6		19
170	141	32	24	7	2	5		
362	310	104	90	15	3	19		
116	115	45	26	7		12		
85	83	14	8	1		1		1
442	426	109	77	8		18		1
116	103	25	13	1	1	3		9
246	226	25	15	6	2	5		12
511	494	41	25	1		10		8
2731	2527	604	456	117	16	119		64

may be regarded as *isolated*

See _____

eedings: in the Ministries (b and c) before Expurgation Commission of first instance (d and e) and of appeal (f and g).
results of expurgation adjusted by the results of appeals.
all in the territory in which EL 155 is in full force.
sons against whom it is not intended to proceed.
is to date not the number of cases since the last return.

6963

DEEMSCISM PROGRESS REPORT
(State Department)

Commerce Sub-Comm

Return as to Ministry of Industry and Commerce
(Sub-Comm will make one return only for all bodies dealt with by them)

GRADE	Employees Number Investigated		Epuraton Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
I							
II							
III							
IV	13	13	13	13	6	4	
V	55	55	25	25	17	6	
VI	114	114	33	26	11	4	
VII	154	154	53	45	12	4	
VIII	140	140	64	51	8	4	
IX	296	296	47	39	6	1	
TOTAL	772	772	235	199	60	23	3

I am of opinion that progress may be regarded as modest

INSTRUCTIONS :-

- Cols b to g deal with proceedings in the Ministries (b and c) before Epuration Commission of first instance (d)
- Cols h to k deal with the results of epuration adjusted by the results of appeals.
- Col b will include only staff in the territory in which DL 159 is in full force.
- Col c will include all persons against whom it is not intended to proceed.
- All figures will show totals to date not the number of cases since the last return.

DEFEASISM PROGRESS REPORT
(State Department)

For period ending
15 August 1945
~~26~~

ce Sub-Comm

Industry and Commerce

Return only for all bodies dealt with by them)

Employees Number Investigated		Epuraton Proceedings Initiated Concluded		Appeals Lodged Heard		Results Dismissed Retired Lesser Punishment		
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
13	13	13	13	6	4	6	4	--
55	55	25	25	17	6	9	--	6
114	114	33	26	11	4	7	--	6
154	154	53	45	12	4	5	--	13
140	140	64	51	8	4	4	--	30
296	296	47	39	6	1	5	--	18
772	772	235	199	60	23	36	4	73

These may be regarded as *most*

Sd _____

proceedings in the Ministries (b and c) before Epuration Commission of first instance (d and e) and of appeal (f and g).
the results of epuration adjusted by the results of appeals.
y staff in the territory in which EL 159 is in full force.
persons against whom it is not intended to proceed.
totals to date not the number of cases since the last return.

Minute AF/IA/CA. of 14 Aug discussed with
Col White & his attention drawn to para 4
of AF/IA/CA of 29 Oct 44 wherein it is
stated that Commerce Sub Commⁿ will
co-ordinate & furnish pub reply.

Col. White verified that reply has been
received in CA. Sub Commⁿ from Commerce.
A no further action or information was
required from Lebon Sub Commⁿ.

Mr Sachs informed accordingly.

White
18. VII. 45.

6062

19081

LABOR REL. COMMISSION
A.C.
Routing Slip

	Initials	Date
Mr. W.H. BRAINE		
Mr. SACHS		
Mr. HIRD ←		
Mr. SCOTT		
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS:

*Pl. ascertain from whether
a return is requested of letter K.
this is not indicated on the
memo of 29 June.*

yes 6061

LS4/220

HEADQUARTERS ALLIED COMMISSION
APO 324
CIVIL AFFAIRS SECTION

DE/1.A/CA

14 Aug 45

SUBJECT : Abolition or conversion of Fascist Organisations.

TO : Public Health S/C
Local Govt S/C
~~Labour S/C~~

I am directed to enquire when a reply may be expected to this Office letter DE/1.A/CA of 29 Jan and to request that this matter be considered as urgent.

[Signature]
S. H. WHITE Lt Col,
for VP CA Section.

CAOJ.02A 81

6060

2305

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

Fall

DCS/rmw

TEL : Ext. 416

12 August 1945

REF : LSC/220

SUBJECT: Epuration of "Ente Nazionale di Assistenza per
le Malattie".

TO : Regional Commissioner
Lombardia Region

1. Enclosed is letter from the Minister of Labor refer-
ence alleged lack of epuration measures against the Fascist
personnel of the above agency.

2. The same is forwarded to you for such action as you may
desire to take.

3. Your advice as to what action has been taken will be
appreciated.

DAVID C. SACHS
Deputy Director
Labor Sub-Commission

Enclosure:
as above.

6059

Translation Baldazzi

/js

LABOUR MINISTRY

Rome, 7/8/45.

MR. BRAINE
Labour Sub-Commission
Rome

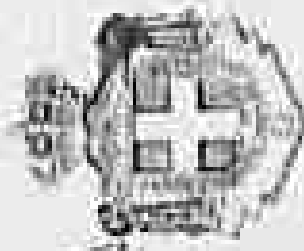
I have received strong complaints concerning the lack of epuration measures against the fascist personnel of the Milan' Office of the "Ente Nazionale di Assistenza per le Malattie".

I take the liberty to ask you kindly to inform about this situation the competent Allied Authorities of Milan, with the purpose that the wishes felt by everybody in matter of epuration should be complied with.

With cordial thanks and kind regards, we remain

Yours respectfully
BARBARISCHI

6058



*Il Ministro per l'Industria
e Commercio*

ROMA 7-8-45

Mr. BRAIN
Commissione Alleata
Divisione Labor

R O M A

Mi sono pervenute notevoli lagnanze circa man-
cati provvedimenti epurativi di personale fascista
presso la sede di Milano dell'Ente Nazionale di Assi-
stenza per le Malattie.

Mi permetto interessarla a volere cortesemente
informare della cosa le competenti autorità alleate
di Milano, al fine di ottenere quello che è nei voti
di tutti in materia di epurazione.

Coi più vivi ringraziamenti e cordiali saluti.

Barbieri

277

6057

ma/bj

Mr. BRAIN
Commissione Alleata
Divisione Labor

R O M A

Mi sono pervenute notevoli lagnanze circa man-
cati provvedimenti epurativi di personale fascista
presso la sede di Milano dell'Ente Nazionale di Assi-
stenza per le Malattie.

Vi permetto interessarla a volere cortesemente
informare della cosa le competenti autorità alleate
di Milano, al fine di ottenere quello che è nei voti
di tutti in materia di epurazione.

Coi più vivi ringraziamenti e cordiali saluti.

Barbieri

Ma/bj

6057

277

Reading File

HEADQUARTERS ALLIED COMMISSION
APO 334
LABOR SUB-COMMISSION

DCS/rmw

TEL : Ext. 416

13 August 1945

REF : LSC/ 220

SUBJECT: Epuration of "Ente Nazionale di Assistenza per
le Malattie".

TO : Regional Commissioner
Lombardia Region

1. Enclosed is letter from the Minister of Labor reference alleged lack of epuration measures against the Fascist personnel of the above agency.

2. The same is forwarded to you for such action as you may desire to take.

3. Your advice as to what action has been taken will be appreciated.

DAVID C. SACHS
Deputy Director
Labor Sub-Commission

Enclosure:
as above.

6056

Translation Baldazzi

/js

LABOUR MINISTRY

Rome, 7/8/45.

MR. BRAINE
Labour Sub-Commission
Rome

I have received strong complaints concerning the lack of operation measures against the fascist personnel of the Milan Office of the "Ente Nazionale di Assistenza per le Malattie".

I take the liberty to ask you kindly to inform about this situation the competent Allied Authorities of Milan, with the purpose that the wishes felt by everybody in matter of operation should be complied with.

With cordial thanks and kind regards, we remain

Yours respectfully
BARBARISCHI

6055

File

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

DCS/rmw

TEL : Ext. 416

13 August 1945

REF : LSC/220

SUBJECT: Epuration of "Ente Nazionale di Assistenza per le
Malattie".

TO : The Minister
Ministry of Labor and Social Security
Italian Government
Rome

1. This will acknowledge your letter of 7 August 1945,
reference the above subject.

2. Please be advised that your letter has been forwarded
to the proper authorities for appropriate disposition.

DAVID C. SACHS
Deputy Director
Labor Sub-Commission

6054

LS 220

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

Tel. 478703

WES/AM/cr

Ref. AC/5092/Commerce

8 August 1945

SUBJECT: Defascism - Fortnightly report

TO : Civil Affairs Section

1. Reference is made to Administrative Section circular ref. DF/6A/AS dated 5 September 1944.

2. Two forms concerning defascism progress at the Ministry of Industry and Commerce in so far as civil servants and officials of bodies of national importance are concerned, are enclosed herewith and show the position at 30 July 1945.

Major H. A. GENT

H. A. GENT

Major

Director

Commerce Subcommission

Copy to: -Economic Section

-Labour Subcommission (attn. Mr. Proctor)

6053

2 ends. as per prev.?

13 AUG 1945

DEFASCISM PROGRESS REPORT
(State Department)

Commerog Sub-Comm

Returns to Ministry of Industry and Commerce
(Sub-Commans will make one return only for all bodies dealt with by them)

GRADE	Employees		E.puration Proceedings		Appeals		Dismissed
	Number	Investigated	Initiated	Concluded	Lodged	Heard	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
I							
II							
III							
IV	13	13	13	13	6	4	6
V	55	55	25	25	17	6	9
VI	114	114	31	26	11	4	7
VII	154	154	52	44	11	4	5
VIII	140	140	61	48	8	4	4
IX	296	296	45	36	6	1	5
TOTAL	772	772	227	192	59	23	36

I am of opinion that progress may be regarded as modest

INSTRUCTIONS :-

1. Cols b to g deal with proceedings in the Ministries (b and c) before Epuration Commission of first instance (d and e).
2. Cols h to k deal with the results of epuration adjusted by the results of appeals.
3. Col b will include only staff in the territory in which II. 159 is in full force.
4. Col c will include all persons against whom it is not intended to proceed.
5. All figures will show totals to date not the number of cases since the last return.

DETASCISM PROGRESS REPORT
(State Department)

For period ending
~~XX~~5
10 JULY 1945

Consent

and Commerce

only for all bodies dealt with by them)

Employees Investigated		Epuraton Proceedings		Appeals		Results		
Number		Initiated	Concluded	Lodged	Heard	Dismissed	Retired	Lesser Punishment
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
13	13	13	13	6	4	6	4	-
55	55	25	25	17	6	9		6
114	114	31	26	11	4	7		6
154	154	52	44	11	4	5		12
140	140	61	48	8	4	4		29
296	296	45	36	6	1	5		18
772	772	227	192	59	23	36	4	71

may be regarded as *modest*

Sd _____

ings in the Ministries (b and c) before Epuration Commission of first instance (d and e) and of appeal (f and g).
 052 rate of epuration adjusted by the results of appeals.
 in the territory in which K. 159 is in full force.
 ne against whom it is not intended to proceed.
 to date not the number of cases since the last return.

LEFASCIISM PROGRESS REPORT

(Bodies of National Importance)

Commerce Sub-Commission

In as to Ministry of Industry and Commerce
 Sub-Comms will make one return only for all bodies dealt with b/ them)

(a)	Employees Number Investigated		Epuration Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed
	(b)	(c)	(d)	(e)	(f)	(g)	(h)
HEAD OFFICE							
Directors			18	17	7		
Managers	31	26	64	60	14		
Deputy or Asst. Managers	93	89					
Works Managers	98	97	37	34	24		
Asst. or Deputy Works Managers	142	126	31	27	8		
Technical Heads	319	283	50	34	14		
Senior Technicians	170	139	30	22	6		
Senior Foremen	362	310	104	90	15		
BRANCH							
Managers	116	115	45	26	7		
Deputy or Asst. Managers	85	83	13	7	1		
Senior Technicians	442	426	109	77	8		
Works Managers	116	103	25	13	1		
Asst. Works Managers	246	226	25	15	6		
Senior Foremen	511	494	41	25	1		
TOTAL	2.731	2.517	592	447	112		11

I am of opinion that progress may be regarded as good

INSTRUCTIONS :-

1. Cols b to g deal with proceedings: in the Ministries (b and c) before Epuration Commission of first instance (d)
2. Cols h to k deal with the results of epuration adjusted by the results of appeals.
3. Col b will include only staff in the territory in which DL 159 is in full force.
4. Col c will include all persons against whom it is not intended to proceed.
5. All figures will show totals to date not the number of cases since the last return.

LEFASOLISM PROGRESS REPORT

(Bodies of National Importance)

Sub-Comm

For period ending

15 XX
30 31 Luglio 194

Dusky and Commerce

Return only for all bodies dealt with by them)

	Employees Number Investigated		Epuraton Proceedings Initiated Concluded		Appeals Logged Heard		Results Dismissed Retired Lesser Punishment		
	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
	31	26	18	17	7		6		1
	93	89	64	60	14		14		2
	98	97	37	34	24		14		3
	142	126	31	27	8		4		4
	319	283	50	34	14		6		18
	170	139	30	22	6		5		18
	362	310	104	90	15		19		
	116	115	45	26	7		12		
	85	83	13	7	1		1		
	442	426	109	77	8		18		
	116	103	25	13	1		3		
	246	226	25	15	6		5		
	511	494	41	25	1		10		
	2.731	2.517	592	447	112		117		28

may be regarded as good

Sc _____

proceedings: in the Ministries (b and c) before Epuration Commission of first instance (d and e) and of appeal (f and g).
 e results of epuration adjusted by the results of appeals.
 staff in the territory in which IL 159 is in full force.
 persons against whom it is not intended to proceed.
 als to date not the number of cases since the last return.

HEADQUARTERS ALLIED COMMISSION
APC 394
COMMERCE SUBCOMMISSION

250/220

Tel. 611

GAFR/AM/cr

Ref. AO/5092/Commerce

20 July 1945

SUBJECT: Defascism - Fortnightly Report

TO : Civil Affairs Section

1. A form concerning defascism progress at the Ministry of Industry and Commerce, in so far as civil servants are concerned, is enclosed herewith and shows the position at 15 July 1945.

2. The figures concerning officials of bodies of national importance are not yet available; they will be shown on the form which will be sent on the 31 July 1945.

3. The attached figures still cover the officials of the new Ministry of Labour and Social Security, as the Council of Ministers has not yet decided on the distribution of personnel between the two Ministries concerned.

Major H. A. GENT

H. A. GENT
Major
Director
Commerce Subcommittee

1 Incl. - Form on Defascism Progress.
Copy to: ~~Economic Section~~
Labour Subcommittee (attn. Mr. Proctor)

6051

6051b

DEFASCISM PROGRESS REPORT
(State Department)

Commerce Sub-Comsn

Return as to Ministry of **Industry and Commerce**
(Sub-Comsns will make one return only for all bodies dealt with by them)

GRADE	Employees		Epuraton Proceedings		Appeals		Dismissed
	Number	Investigated	Initiated	Concluded	Lodged	Heard	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
I							
II							
III							
IV	13	13	13	13 ✓	6	2	6
V	55	55	25	25 ✓	17	2	11
VI	114	114	31	25	11	1	9
VII	154	154	32	42	10	2	5
VIII	140	140	61	44	7	1	4
IX	296	296	45	35	6	0	6
TOTAL	772	772	207	184	57	8	41

I am of opinion that progress may be regarded as *modest*

INSTRUCTIONS :-

1. Cols b to g deal with proceedings in the Ministries (b and c) before Epuration Commission of first instance (d and e).
2. Cols h to k deal with the results of epuration adjusted by the results of appeals.
3. Col b will include only staff in the territory in which DL 189 is in full force.
4. Col c will include all persons against whom it is not intended to proceed.
5. All figures will show totals to date not the number of cases since the last return.

Sd

DETASCISM PROGRESS REPORT
(State Department)

For period ending
15 July 1945
KX

Sub-Comm

Industry and Commerce

(Return only for all bodies dealt with by them)

Employees Investigated		Epuraton Proceedings		Appeals		Results		
Number		Initiated	Concluded	Lodged	Heard	Dismissed	Retired	Lesser Punishment
(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
13	13	13	13 ✓	6	2	6	4	-
55	55	25	25 ✓	17	2	1		5
114	114	31	25	11	1	9		5
154	154	32	42	10	2	5		13
140	140	61	44	7	1	4		25
296	296	45	35	6	0	6		18
772	772	207	184	57	8	41	4	66

as may be regarded as *modified*

proceedings in the Ministries (b and c) before Epuration Commission of first instance (d and e) and of appeal (f and g).
e results of epuration adjusted by the results of appeals.
staff in the territory in which H. 159 is in full force.
persons against whom it is not intended to proceed.
totals to date not the number of cases since the last return.

COMMUNISM PROGRESS REPORT
(State Department)

Sub-Comm

Return as to Ministry of Industry and Commerce
(Sub-Comms will make one return only for all bodies dealt with by them)

GRADE	Employees Number Investigated		E.puration Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
I							
II							
III							
IV	13	13	13	13	6	2	6
V	55	55	25	25	17	2	11
VI	114	114	31	25	11	0	9
VII	154	154	49	39	10	1	5
VIII	137	137	58	42	7	1	4
IX	291	291	43	32	6	-	5
TOTAL	764	764	219	176	57	6	40

I am of opinion that progress may be regarded as good

INSTRUCTIONS :-

1. Cols b to g deal with proceedings in the Ministries (b and c) before E.puration Commission of first instance (d and e).
2. Cols h to k deal with the results of e.puration adjusted by the results of appeals.
3. Col b will include only staff in the territory in which IL 156 is in full force.
4. Col c will include all persons against whom it is not intended to proceed.
5. All figures will show totals to date not the number of cases since the last return.

Age Group	Percentage
18-29	85%
30-49	80%
50-69	75%
70+	70%

For period ending:

~~15~~
30 June 1845

30 June 1843

may be regarded as a case

36

proceedings in the Ministries (b and c) before Epuration Commission of first instance (d and e) and of appeal (f and g).
 results of epuration adjusted by the results of appeals.
 staff in the territory in which II. 159 is in full force.
 persons against whom it is not intended to proceed.
 fails to date not the number of cases since the last return.

REFORM PROGRESS REPORT
(Bodies of National Importance)

Commence Sub-Comm
Return as to Ministry of Industry and Commerce
(Sub-Comm will make one return only for all bodies dealt with by it)

	Employees Number Investigated		Eguration Proceedings Initiated Concluded		Appeals Lodged Heard		Dismissed
	(b)	(c)	(d)	(e)	(f)	(g)	(h)
HEAD OFFICE							
Directors	30	25	12	11	7		4
Managers	93	89	63	54	13	1	11
Deputy or Asst. Managers	91	90	37	33	21		13
Works Managers	136	121	30	24	7		4
Asst. or Deputy Works Managers	291	260	45	31	8	2	6
Technical Heads	170	139	24	22	6	1	5
Senior Technicians	359	314	96	83	13	2	17
Senior Foremen							
BRANCH							
Managers	120	110	44	24	10		14
Deputy or Asst. Managers	65	62	13	7	1		1
Senior Technicians	364	337	98	61	8		17
Works Managers	115	102	22	12	2		4
Asst. Works Managers	127	106	17	10	5		4
Senior Foremen	397	380	35	19	1		7
TOTAL	2358	2135	536	391	102	6	107

I am of opinion that progress may be regarded as modest

INSTRUCTIONS :-

1. Cols b to g deal with proceedings: in the Ministries (b and c) before Eguration Commission of first instance (d and e) and in the territories (f and g) before the Commission of Appeal.
2. Col h to k deal with the results of eguration adjusted by the results of appeals.
3. Col b will include only staff in the territory in which E. 159 is in full force.
4. Col c will include all persons against whom it is not intended to proceed.
5. All figures will show totals to date not the number of cases since the last return.

LEFASOIS PROGRESS REPORT

(Cases of National Importance)

Sub-Committee

For period ending

15 June 1978

Return only for all bodies dealt with (b and c)

	Employees Number Investigated		Epuration Proceedings Initiated Concluded		Appeals Lodged Heard		Results Dismissed Retired Lesser Punishment		
	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)
Managers	30	25	12	11	7		4		
	93	89	63	54	13	1	11		
	91	90	37	33	21		13		
	136	121	30	24	7		4		
	291	260	45	31	8	2	6		
	170	139	24	22	6	1	5		
rs	359	314	96	83	13	2	17		
	120	110	44	24	10		14		
	65	62	13	7	1		1		
	364	337	98	61	8		17		
	115	102	22	12	2		4		
	127	106	17	10	5		4		
	397	380	35	19	1		7		
	2358	2135	536	391	102	6	107		

may be regarded as modest

Sc

proceedings: in the Ministries (b and c) before Epuration Commission of first instance (d and e) and of appeal (f and g).
 the results of epuration adjusted by the results of appeals.
 staff in the territory in which L. 159 is in full force.
 persons against whom it is not intended to proceed.
 totals to date not the number of cases since the last return.

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

WES/AM/lp

Tel.461

9 July 1945

Ref.AC/5092/Commerce

SUBJECT: Abolition or Conversion of Fascist Organisation

TO : Civil Affairs Section

1. Reference is made to your letter DF/1.A/CA dated 29 June.

2. Confirming our letter reference AC/5092/Commerce dated 11 November 1944, we point out that:

a) The Associazione Fascista degli Addetti alle Aziende Industriali has, in fact, been abolished;

b) The question of new syndical organisations is not now under consideration. No decision has been taken yet about the future developments of the problem. Free syndical organisations have been constituted (for instance: Confederazione Generale Italiana del Lavoro for the workers Confederations of Industrialists, of Agriculturists, of Merchants for the employers);

c) The Chambers of Commerce, Industry and Agriculture are now at work in all provinces, excepting those recently liberated and under A.M.G. authority. The Ministry of Industry and Commerce is now dealing with their reorganisation in North Italy;

d) Eparation has not been completed yet at the Istituto Nazionale Previdenza Sociale, but its progress is satisfactory;

- 2 -

e) The same situation exists at the Istituto Nazionale per l'assistenza di malattia ai lavoratori.

H. A. GENT
Major
Commerce Subcommittee

Copy to: -Labour Subcommittee -
(Attn. Mr. Proctor)

6047

Translation

CE/

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

TEL. 478192
REF. AC/5092/Commerce
SUBJECT: Epuration.
TO : Ministry of Industry and Commerce
Dir.Gen. Personale e Affari Generali.

WES/AM/cr

9/7/45

1. Reference the preceding correspondence on this subject.
2. We ask you to let us know whether after the establishment of the new Ministry of Labour and Social Insurance the question of epuration will be dealt independently by this Ministry, as regards its own personnel and that of the offices under its control, or whether it will remain the responsibility of your Ministry.
3. In the first case you are requested to invite the "Segreteria delle Commissioni d'Epurazione" to submit, starting possibly with 15th July, bi-weekly statistical data, including only the personnel depending of your Ministry and of the offices under its control.
4. In this case the Ministry of Labour will provide to forward similar statistical data to the Labour Sub-Commission of this Headquarters.

Major H. A. GENT
Major,
Commerce Subcommission

Copy to HQ.AC - Labour Subcommission
(attention: Mr. Proctor)

6046

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

WBS/AM/lp

Tel. 556

9 July 1945

Ref. AG/5092/Commerce

SUBJECT: Defascism- Fortnightly returns

TO : -Civil Affairs Section
-Economic Section

1. Reference is made to Administrative Section circular reference DF/CA/AS dtd 5 September 1944.

2. Herewith enclosed are two forms concerning defascism progress at the Ministry of Industry and Commerce insofar as civil servants and employees of bodies of national importance are concerned, showing the position at 30 June 1945.

3. It is pointed out that no decision has yet been taken on the distribution of competence and activities between the Ministry of Industry and Commerce and the new Ministry of Labour and Social Security. Thus the figures include all the personnel of the old Ministry of I.C.L. and the employees of all bodies of national importance controlled by them.

H. A. GENT
Major
Commerce Subcommission

2 Encls as per para 2

6044

2001.801
HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUBCOMMISSION

250/220

Tel. 478192

WES/AM/or

Ref. AG/5092/Commerce

9 July 1945

OGGETTO: Epurazione

Al : Ministero Industria e Commercio
Dir. Gen. Personale e Affari Generali

1. Si fa riferimento alla precedente corrispondenza sull'argomento.

2. Si prega di voler far conoscere se, in seguito alla creazione del nuovo Ministero del Lavoro e della Previdenza Sociale, la questione dell'epurazione sarà trattata in via autonoma dal ministero stesso nei riguardi del personale da esso dipendente e di quello degli enti da esso controllati, oppure resterà di competenza di codesto ministero.

3. Qualora sia adottata la prima soluzione, si prega di voler invitare la Segreteria delle Commissioni d'Epurazione a trasmettere, possibilmente dal prossimo 15 luglio, le statistiche quindicinali, tenendo conto soltanto del personale dipendente da codesto ministero e dagli enti da esso controllati.

4. In detto caso il Ministero del Lavoro provvederà ad inviare analoghe statistiche alla Sottocommissione del Lavoro di questo Quartier Generale.

Major H. A. GENT

H. A. GENT

Major.

Commerce Subcommission

Copia a HQ AG - Labour Subcommission
(all'attenzione di Mr. Proctor)

6045

Extra Copy
File Use/220

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

GENERAL ORDER NO 35-B

RECAPITULATION OF THE PROVISIONS

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

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

ARTICLE I

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

ARTICLE II

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

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

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

ARTICLE III

(a) Members of professions are not divided into categories as provided in Article V, Section (a) of General Order No 35, but any member of a profession subject to Article 23 of DLM 159 who may from time to time be ordered by or on behalf of the Regional Commissioner of Allied Military Government through the authority mentioned in Article II hereof to complete a scheda personale shall complete, sign and lodge the same with the aforementioned authority within 7

6041

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

ARTICLE I

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

ARTICLE II

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

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

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

ARTICLE III

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

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

6041

ARTICLE IV

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

ARTICLE V

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

ARTICLE VI

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

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR :

sd/

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

Dated : -9 LUG 1945

GOVERNO MILITARE ALLENATO
DEL TERRITORIO OCCUPATO

ORDINANZA GENERALE NO. 35 - B

SEPARAZIONE DELLE PROFESSIONI

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

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

ARTICOLO I

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

ARTICOLO II

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

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

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

ARTICOLO III

Le professioni, arti e mestiere non sono ripartiti nello

6040

ARTICOLO I

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

ARTICOLO II

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

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

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

ARTICOLO III

(a) Gli esercenti una professione, arte o mestiero non sono ripartiti nelle categorie previste dall'Art. V, (a) dell'Ordinanza Generale No. 35, ma chiunque, esercitando una delle professioni, arti o mestieri contemplati dall'Art. 23 del DDL 27 luglio 1944, No 159, riceve, tramite l'autorita' menzionata all'Art. II, del Commissario Regionale del Governo Militare-Alleato, o in suo nome, l'ordine di riempire una scheda personale, sovra' riempirla, firmarla e presentarla alla suddetta autorita' nei sette giorni dalla data di ricezione dell'ordine stesso. Tale autorita', nei due giorni dalla ricezione di ciascuna scheda, ne cura l'iscrizione in una lista da essere trasmessa, con le schede personali, alla Commissione competente istituita a norma dell'Ordinanza Generale No. 35.

6040

(b) Agli effetti dell'Art. V, (t) e (c) dell'Ordinanza Generale No. 35, "il Capo dell'Amministrazione od Azienda" viene sostituito dagli organi specificati nell'Art. II della presente Ordinanza.

ARTICOLO IV

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

ARTICOLO V

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

ARTICOLO VI

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

PER IL COMANDANTE SUPREMO ALLEATO E GOVERNATORE MILITARE :

sa/

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

Extra copy
2.0 150/220

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref : DF/S.20/CA

7 July 45

SUBJECT : Defascism - DL 179 of 22 Apr 45.

TO : See Distribution

Enclosed is translation of DL 179, amending DLs 159, 257 and 285 of 1944 and DL 44 of 1945, for your information.

[Signature]
C.R. UPJOHN Brig,
VF CA Section

DISTRIBUTION:

VF CA Sec		Agri S/C	(2)	Air S/C	(2)
Educ S/C	(2)	Commerce S/C	(2)	Army S/C	(2)
Local Govt S/C	(2)	Labour S/C	(2)	Naval S/C	(2)
Legal S/C	(2)	Finance S/C	(2)	Comms S/C	(2)
Pub Saf S/C	(2)	Pub Works S/C	(2)	FRB	
Econ Sec	(2)	Transpt S/C	(2)		

6039

RCs Piemonte, Lombardia, Emilia, Liguria, Venezia Regions (2)
For info : SCAOs 5 Army, 8 Army, IV Corps, XIII Corps

REPERATION

DL 179 of 22 Apr 45

Amending DL 159, 257 & 285 of 1944

and DL 44 of 1945

The Italian version of this decree is the only authoritative text. This version is not a literal translation; its object is to inform officers conveniently of the provisions contained in the Decree.

Officers are referred to the Italian text for all points of detail or matters of procedure or dispute.

Presidents of Commissions	Art 1
Sub-Commissions	" 2
Appeals	" 3-5
Retirement	" 6-8
Time limits	" 9-11

PRESIDENTS OF COMMISSIONS

- 1 Instead of magistrates as directed by Art 18 of DL 159 of 27 Jul 44 the following may preside over Epuration Commissions of first instance:-
 - a) Professors (di ruolo) of law of a University or of an institution of higher learning of the Kingdom;
 - b) Lawyers whose names appear in the special register created by art 33 of RDL 1578 of 27 Nov 1933, embodied into law No 36 of 22 Jan 1934;
 - c) Retired administrative officials of State Departments, who, upon the cessation of their service, were of not less than fifth grade.

SUB-COMMISSIONS

- 2 A sub-commission under art 16 of DDL 285 of 23 Oct 1944 may be formed, whenever the circumstances mentioned in the said Article exist. Such a sub-commission may also be formed for any body within sub-paragraphs 2 & 3 of Art 11 of DDL 159 of 27 July 1944.

APPEALS

6038

- 3 The time limits for an appeal to the central epuration Commission, under arts. 20 and 23 of DDL 159 of 27 July 1944, is extended to 6 days for the person concerned and to 30 days for the High Commissioner for sanctions against fascism. But this provision shall not apply to time limits which expired before this decree came into force.
- 4 An appeal whether of the person concerned or of the High Commissioner for sanctions against fascism, against the decision of an epuration Commission of first instance, shall be filed at the secretariat of the central Commission. Notice of the said appeal shall be served by the Secretariat
 - a) where the appeal has been filed by the person concerned on the High Comis-

Presidents of Commissions	Art 1
Sub-Commissions	" 2
Appeals	" 3-5
Retirement	" 6-8
Time limits	" 9-11

PROCEEDINGS OF COMMISSIONS

1. Instead of registrars as directed by Art 16 of D.L. 159 of 27 Jul 44 the following may preside over Epuration Commissions of first instance:-
 - a) Professors (di ruolo) of law of a University or of an institution of higher learning of the Kingdom;
 - b) Lawyers whose names appear in the special register created by Art 33 of R.D. 1776 of 27 Nov 1933, embodied into law No 36 of 22 Jan 1934;
 - c) Retired administrative officials of State Departments, who, upon the cessation of their service, were of not less than fifth grade.

SUB-COMMISSIONS

2. A sub-commission under Art 16 of D.L. 285 of 23 Oct 1944 may be formed, whenever the circumstances mentioned in the said Article exist. Such a sub-commission may also be formed for any body within sub-para 2 & 3 of Art 11 of D.L. 159 of 27 July 1944.

ARTICLE

6038

3. The time limits for an appeal to the central epuration Commission, under Arts. 26 and 23 of D.L. 159 of 27 July 1944, is extended to 6 days for the person concerned and to 30 days for the High Commissioner for sanctions against fascism. But this provision shall not apply to time limits which expired before this decree came into force.
4. An appeal whether of the person concerned or of the High Commissioner for sanctions against fascism, against the decision of an epuration Commission of first instance, shall be filed at the Secretariat of the central Commission.
 - a) Notice of the said appeal shall be served by the Secretariat where the appeal has been filed by the person concerned on the High Commissioner and
 - b) where the appeal has been filed by the High Commissioner on the person concerned.

The Secretariat of the central Commission shall, upon receipt of an appeal, forthwith require the appropriate Commission of first instance to transmit to the Secretariat the papers relating to the proceedings against which the appeal is made.
5. Notice of the decision of the central Commission shall be served by the Secretariat
 - a) on the High Commissioner for sanctions against fascism;
 - b) on the person concerned and
 - c) on the Department employing him.

REMARKS

- 6 When operation proceedings are contemplated an employee may nevertheless be placed in retirement either in the ordinary course or upon application if conditions contained in present legislation are fulfilled.
The Department concerned must give immediate notice to the High Commission for sanctions against fascists of any such action taken.
The latter may within thirty days of receipt of the said notice ask the appropriate Commission to initiate proceedings to decide whether any pension shall be forfeited. In the absence of any such request or if the High Commissioner expressly refuses to make such a request no proceedings shall be brought.
 - 7 Discharged Military personnel and civilian employees placed in retirement under art 2 of DDL 257 of 11 Oct 1944 or art 6 of this decree shall not, under any circumstance, be employed or re-employed in any State Department, in any public body or any body controlled or subsidized in any way by the State.
 - 8 Military personnel who cease to be on permanent active service in consequence of the application of art 2 of DDL 257 of 11 Oct 1944, shall be placed in one of the categories of discharge under the appropriate regulation as to their status, and shall have the right to the same remuneration as those of equal rank, retired on account of age, to the same category of discharge.
- TIME LIMITS
- 9 As regards the personnel retired under art 2 of DDL No 257 of 11 Oct 1944, who on the day on which this decree came into force were in territory not yet restored to Italian Administration, the time limits contained in para 4 of art 4 of the said decree are extended to 6 months after the restoration of the said territory to Italian Administration.
 - 10 As regards persons employed in the Ministry of posts and telecommunications itself, the time limits for the initiation of operation proceedings contained in the first paragraph of art 25 of DDL 159 of 27 Jul 1944 as extended by art 4 of DDL No 56 of 12 March 1945, are hereby extended to 15 May 1945. This provision shall be effective as from 16 April 1945.
As regards the civil personnel employed in any other Ministry the date of expiry of the time limit contained in para 1 of art 1 of DDL No 56 of 12 March 1945 and, except for military personnel attached to a Ministry, as to the time limit contained in para 3 of the same article, shall remain unaltered.
As regards all other persons the time limit for initiating operation proceedings is extended to August 15 1945.
The time limits referred to in the first paragraph of art 2 of DDL No 44 of 23 Feb 1945 for the completion of the proceedings before the Commissions of first instance shall be extended by 30 days.
 - 11 The present decrees shall come into force on the day of its publication in the Official Gazette of the Kingdom (12 May 1945).

- 8 Military personnel who cease to be on permanent active service in consequence of the application of art 2 of DLL 257 of 14 Oct 1944, shall be placed in one of the categories of discharge under the appropriate regulation as to their status, and shall have the right to the same remuneration as those of equal rank, retired on account of age, to the same category of discharge.

TIME LIMITS

- 9 As regards the personnel retired under art 2 of DLL No 257 of 14 Oct 1944, who on the day on which this decree came into force were in territory not yet restored to Italian Administration, the time limits contained in para 1 of art 4 of the said decree are extended to 6 months after the restoration of the said territory to Italian Administration.

- 10 As regards persons employed in the Ministry of posts and telecommunications itself, the time limits for the initiation of epuration proceedings contained in the first paragraph of art 25 of DLL 159 of 27 July 1944 as extended by art 1 of DLL No 56 of 12 March 1945, are hereby extended to 15 May 1945. This provision shall be effective as from 16 April 1945.

As regards the civil personnel employed in any other Ministry the date of expiry of the time limit contained in para 1 of art 1 of DLL No 56 of 12 March 1945 and, except for military personnel attached to a Ministry, as to the time limit contained in para 3 of the same article, shall remain unaltered.

As regards all other persons the time limit for initiating epuration proceedings is extended to August 15 1945.

The time limits referred to in the first paragraph of art 2 of DLL No 44 of 23 Feb 1945 for the completion of the proceedings before the Commissions of first instance shall be extended by 30 days.

- 11 The present decree shall come into force on the day of its publication in the Official Gazette of the Kingdom (12 May 1945).

29 AUG. 1945

Civil Affairs Sect.

would like to receive a reply
to their letter of 29 June, Ref. I.A/CA
Subject: "abolition or conversion of Fascist
Organisation"

passed to Mr. Braine 12 30 June -

6037

HEADQUARTERS ALLIED COMMISSION
APO 324
CIVIL AFFAIRS SECTION

DF/1.A/CA

usc/220
29 June 45

SUBJECT : Abolition or conversion of Fascist Organisations.

TO : Commerce S/C

- 1 Please report as to the bodies mentioned in DF/1.A/CA of 29 Oct 44.
- a) Whether those bodies described as to be abolished have in fact been abolished;
 - b) whether satisfactory bodies now exist in place of those described as to be replaced or reorganised;
 - c) whether those bodies described as to be retained have been defascised to your satisfaction.
- 2 In the event of any of your replies being negative please supply full particulars to enable the matter to be taken up.

[Signature]
S. H. WHITE Lt Col,
for VP CA Section.

Copy to : Industry S/C
Labour S/C

6036

[Handwritten mark]

C O P Y

HEADQUARTERS ALLIED COMMISSION
CMF
CIVIL AFFAIRS SECTION

Ref : DF/1A/CA

29 Oct 44

SUBJECT : Abolition or conversion of Fascist organisations.

TO : Industry Sub-Coms,
Commerce Sub-Coms,
Labour Sub-Coms.

1. The proposals of the Italian Government as to how various Fascist organisations should be dealt with have now been received. So far as those which depend on the Ministry of Industry, Commerce and Labour are concerned, they are as follows.
 - a) That the ASSOCIAZIONE FASCISTA DEGLI ADDETTI ALLE AZIENDE INDUSTRIALI should be abolished. A decree to that effect is in course of preparation.
 - b) That the Ministry has under consideration proposals to establish new ORGANIZZAZIONI SINDACALI and to suppress those now existing.
 - c) That the CONSIGLI PROVINCIALI DELL' ECONOMICA should be epurated and continue to exercise the functions of Chambers of Commerce.
(It may nevertheless be desirable to revert to the pre-fasist title of Camere di Commercio)
 - d) That the ISTITUTO NAZIONALE PREVIDENZA SOCIALE is non-political and its functions should continue; fascist elements should be epurated.
Prof Faemanelli has been appointed Commissaro.
 - e) That the CASSE MUTUE MALATTIE is non-political and its functions should continue; fascist elements should be epurated.
- 2 Please say whether any of the above proposals are unacceptable, and if so, why.
- 3 Please see that such proposals as are acceptable are effectively carried out and that all proper and suitable steps are taken and an active and effective non-fasist organisation is established. In this respect, as the abolition of fascist organisations is an obligation of the Italian Government, AC is in a position in suitable cases to insist.
- 4 It is suggested that Commerce Sub-Commission, as the co-ordinating Sub-Coms for Defascising should accept responsibility for co-ordinating this aspect of Defascism. **6035**
- 5 You are reminded that Public Health Sub-Coms, has experienced Welfare Officers and when the rebuilding of Organisations concerned with the welfare of workers is under consideration their experience will be of special value.
- 6 Property of abolished organisations will be dealt with in accordance with Part IV of DDL 159/44.

Copy to : Econ Sec,
Public Health Sub-Coms.

s/ S.H. White
S.H. WHITE, Lt Col,
for VP CA Sec.

SHW/sg

C O P Y

HEADQUARTERS ALLIED COMMISSION
APO 394
COMMERCE SUB-COMMISSION

WES/AM/cr

Tel. 556

Ref.AC/5092/Commerce

SUBJECT: Defascism Fortnightly Return

TO : Civil Affairs Section
Economic Section.

1. Reference is made to Administrative Section Circular dated 5 Sept. '44, ref.DF/6A/AS.

2. Enclosed herewith are two forms concerning defascism progress at the Ministry of Industry, Commerce and Labour, insofar as civil servants and employees of bodies of national importance are concerned, showing the position as of 15 June '45.

W. P. EVANS
Colonel
Director
Commerce Subcommittee

2 Encls. as per para 2.

6034

C O P Y

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

DE/6A/AS

5 Sep 44

SUBJECT : Defascism - Fortnightly Return.

TO : See Distribution.

- 1 It has been decided to ask all Ministerial Sub-Commissions to make a return on Defascism on a stereotyped form a draft of which has been submitted to the Asst High Commissioner and approved by him.
- 2 One form at least should be completed by each Ministerial Sub-Comsn (two if it deals with both civil servants and outside bodies) but this will not prevent a separate return being required for any large organisation or group of organisations such as banks which have a particular or separate importance which it may be desirable to watch separately.
- 3 These returns will be for the information of Sub-Commissions.
- 4 Sub-Commissions will keep Administrative Section informed of the position by aggregating the returns received by them and submitting to Administrative Section two returns one for Civil Servants the other for other concerns.
- 5 Ministries will be informed that we require the information in this form and that we ask this with the approval of the Asst High Commissioner.
- 6 Sub-Commissions can obtain from Chief Clerk, Administrative Section supplies of the form in Italian at the rate of 10 (5 Months) for each Ministerial Sub-Commission with which they deal of either or both forms as may be necessary and also forms in English for their aggregated returns to Administrative Sec.
- 7 The first return will be made immediately after the 15 Sep and will consist of two sets of forms. An opening form showing the position as at the 30 Aug and a second form showing the position as at 15 Sep.
- 8 With regard to the form itself; a comparison of the columns mentioned below shows

6033

Cols
c/b
d/c
e/a
f/e

Indication

how far investigation is complete.
the proportion of suspensions
the progress made with hearings and cases pending
the proportion of convictions, the attitude of the commission

how far the decisions are accepted
progress of hearing of appeals and appeals outstanding
the proportion in which decisions are upset and the attitude of the appeal Tribunal.
shows the total proportion dismissed

f less i/c

- 2 One form at least should be completed by each Ministerial Sub-Coman (two if it deals with both civil servants and outside bodies) but this will not prevent a separate return being required for any large organisation or group of organisations such as banks which have a particular or separate importance which it may be desirable to watch separately.
- 3 These returns will be for the information of Sub-Commissions.
- 4 Sub-Commissions will keep Administrative Section informed of the position by aggregating the returns received by them and submitting to Administrative Section two returns one for Civil Servants the other for other concerns.
- 5 Ministries will be informed that we require the information in this form and that we ask this with the approval of the Asst High Commissioner.
- 6 Sub-Commissions can obtain from Chief Clerk, Administrative Section supplies of the form in Italian at the rate of 10 (5 Months) for each Ministerial Sub-Commission with which they deal of either or both forms as may be necessary and also forms in English for their aggregated returns to Administrative Sec.
- 7 The first return will be made immediately after the 15 Sep and will consist of two sets of forms. An opening form showing the position as at the 30 Aug and a second form showing the position as at 15 Sep.

8 With regard to the form itself; a comparison of the columns mentioned below shows

Cols
c/b
d/c
e/d
f/e
g/f
h/g
i/h
f less i/c

Indication
how far investigation is complete.
the proportion of suspensions
the progress made with hearings and cases pending
the proportion of convictions, the attitude of the commission
how far the decisions are accepted
progress of hearing of appeals and appeals outstanding
the proportion in which decisions are upset and the attitude of the appeal Tribunal.
shows the total proportion dismissed

6033

s/ S.H. WHITE Lt Col,
for VP Admin Sec.

DISTRIBUTION :- Admin Sec
Econ Sec
Polit Sec
RCMG Sec
Interior SC
Legal SC

Educ SC
Commerce SC
Pub Works SC
Finance SC
Agric SC
Army SC
Air SC
Navy SC
Communications SC
Transportation SC

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

REGIONAL ORDER NO. _____

DISABILITIES OF DEEDS AND STATUTES
CONTROLLERS OF PRIVATE ENTERPRISES

WHEREAS it is necessary that all persons who have participated actively in the political life of fascism or who have shown that by reason of fascist tendencies they are unworthy of holding high office in private industry should be disqualified during the continuance of Allied Military Government from holding the office of administrator or controller or the appointment of liquidator in companies in private industry.

AND WHEREAS the Italian Government has not prior to the date hereof enacted legislation for this purpose within territory subject to the administration of the said government.

I,
Region, hereby order as follows:

Regional Commissioner,

ARTICLE I

The following persons are hereby disqualified during the continuance of this Order from holding the office of administrator or controller and from the appointment of liquidator of stock or limited companies having a capital of more than 5 million lire or mutual insurance companies having a capital of more than 1 million lire or such lower capital in either case as I may hereafter enact:-

- (1) Persons who have been convicted for any of the offences referred to in the first part of the Italian Government's D.L. 159 of 27 July 1944, notwithstanding that the sentence which may have been imposed upon them in respect of such offences does not include the exclusion from public offices;
- (2) Persons who have been subjected to confiscation in accordance with Art. 9 of D.L. 159 **aforesaid**; **6032**
- (3) Persons who have been subjected to any of the sanctions set out in Art. 8 of D.L. 159 aforesaid as amended by the Italian Government's D.L. No. 2 of 4 January 1945;
- (4) Persons who

(a) have held any of the positions set out in the Decree of the President of the Council of Ministers dated 2 Feb 45 published in Official Gazette No. 20 of 15 Feb 45;

(b) have been members of the Fascist Government after 3 Jan 25;

24/6/45

25c/##

220

actively in the political life of fascism or who have shown that by reason of fascist tendencies they are unworthy of holding high office in private industry should be disqualified during the continuance of Allied Military Government from holding the office of administrator or controller or the appointment of liquidator in companies in private industry.

AND WHEREAS the Italian Government has not prior to the date hereof enacted legislation for this purpose within territory subject to the administration of the said government.

I, hereby order as follows:

Regional Commissioner,

ARTICLE I

The following persons are hereby disqualified during the continuance of this Order from holding the office of administrator or controller and from the appointment of liquidator of stock or limited companies having a capital of more than 5 million lire or mutual insurance companies having a capital of more than 1 million lire or such lower capital in either case as I may hereafter direct:-

(1) Persons who have been convicted for any of the offences referred to in the first part of the Italian Government's D.L. 159 of 27 July 1944, notwithstanding that the sentence which may have been imposed upon them in respect of such offences does not include the exclusion from public offices;

(2) Persons who have been subjected to confiscation in accordance with Art. 9 of D.L. 159 **6032** **aforsaid;**

(3) Persons who have been subjected to any of the sanctions set out in Art. 8 of D.L. 159 **aforsaid** as amended by the Italian Government's D.L. No. 2 of 4 January 1945.

(4) Persons who

(a) have held any of the positions set out in the Decree of the President of the Council of Ministers dated 2 Feb 45 published in Official Gazette No. 20 of 15 Feb 45;

(b) have been members of the Fascist Government after 3 Jan 25;

(c) having been militant members of the fascist party subsequent to 3 Jan 25 have held the position of deputy or national councillor;

(d) have been disqualified from holding the position of Senator in accordance with the last paragraph of Article 8 of D.L. 159 **aforsaid;**

(e) have been appointed Ministers of State by the Fascist Government.

(5) Persons who have been deprived by final judgement of their right to a

person in accordance with Article 22 of ILL 159 aforesaid.

Any person who at the effective date of this order is in office as an administrator or controller or liquidator as aforesaid and is disqualified by this Article from such office or appointment shall automatically vacate such office or appointment.

ARTICLE III

In the case of companies other than those contemplated by Article I hereof in which the office of administrator or controller or the appointment of liquidator is held by a person within any of the categories of Article I hereof and in the case of private concerns in which the manager or owner is a person in any such category it is hereby ordered that no contract for public works and no concession of public utilities may be granted to any such company or concern.

ARTICLE III

It shall be lawful for any person affected by Article I, paragraph 4 hereof, to make application on the grounds hereinafter mentioned for the purpose of avoiding or limiting the application of the penalties imposed by Article I or II hereof, to a Commission appointed in accordance with the provisions of General Order No. 35 of the Allied Military Government. The said Commission is hereinafter called the Commission.

If on hearing such application the Commission shall determine that the applicant has distinguished himself in the fight against the Germans, or before the outbreak of the present war took an open stand against fascism and ceased to belong to the National Fascist Party, or that the applicant has been guilty of only slight political activity and is of acknowledged technical and administrative capacity and has shown a hostile attitude to the Germans during their occupation, the Commission may order that the penalties imposed by Article I or II hereof shall cease to have effect or may order that such penalties shall only operate for a specified term.

It shall be open to any administrator or controller of any company referred to in Article I hereof who since liberation from the Germans of the town in which the head office of said company is situated and before the date of this Order has been removed from the said office on the alleged ground that he has been guilty of fascist activity or fascist sympathies or of collaboration with the Fascist Republican Government or the German invader to make application to the Commission for reinstatement. Upon such application the Commission shall take into consideration the matters referred to in this Article and may make such order as is mentioned therein.

ARTICLE IV

It shall be an offence:

- a. For any person being the administrator controller or liquidator of any company and being disqualified by Article I hereof from such office or appointment.

ARTICLE III

It shall be lawful for any person affected by Article I, paragraph 4 hereof, to make application on the grounds hereinafter mentioned for the purpose of avoiding or limiting the application of the penalties imposed by Article I or II hereof, to a Commission appointed in accordance with the provisions of General Order No. 35 of the Allied Military Government. The said Commission is hereinafter called the Commission.

If on hearing such application the Commission shall determine that the applicant has distinguished himself in the fight against the Germans, or before the outbreak of the present war took an open stand against fascism and ceased to belong to the National Fascist Party, or that the applicant has been guilty of only slight political activity and is of acknowledged technical and administrative capacity and has shown a hostile attitude to the Germans during their occupation, the Commission may order that the penalties imposed by Article I or II hereof shall cease to have effect or may order that such penalties shall only operate for a specified term.

It shall be open to any administrator or controller of any company referred to in Article I hereof who since liberation from the Germans of the town in which the head office of said company is situated and before the date of this Order has been removed from the said office on the alleged ground that he has been guilty of fascist activity or fascist sympathies or of collaboration with the Fascist Republican Government or the German invader to make application to the Commission for reinstatement. Upon such application the Commission shall take into consideration the matters referred to in this Article and may make such order as is mentioned therein.

ARTICLE IV

It shall be an offence:

- a. For any person being the administrator controller or liquidator of any company and being disqualified by Article I hereof from such office or appointment to continue to exercise the functions of such office or appointment.
- b. For any person being the controller of any company mentioned in Article I hereof and having knowledge that any administrator, controller or liquidator of such company is continuing to exercise such function therein although disqualified under Article I hereof to fail to denounce such illegality to the President of the Tribunal of the district.

2. For any administrator, controller or liquidator of any company or any owner or manager of any concern as defined by Article II hereof, being affected by the provisions of Article I hereof, to make a contract for public works or to procure the concession of a public utility in violation of the provisions of Article II hereof.

ARTICLE V

Within thirty days from the effective date of this order all companies referred to in Article I hereof shall make to the Commission and to the chancery of the appropriate Tribunal a report of the names of their administrators, controllers, or liquidators who have vacated their office or appointment in accordance with Article I hereof.

At the expiration of the said 30 days any administrator, controller or liquidator who has not been reported as having vacated his office may be required by the Commission to furnish information by a special questionnaire so as to show whether he is a person disqualified from office by Article I hereof. If from such information it appears to the Commission that he is a person so disqualified the Commission shall serve upon him and upon the company concerned and upon the chancery of the appropriate Tribunal a notice to that effect.

Any person who upon request fails to furnish such information within the prescribed time or furnishes false or incomplete information shall be guilty of the offence of the giving of false or incomplete evidence.

ARTICLE VI

Any administrator, controller or liquidator who receives notice in accordance with Article V hereof shall within 14 days of such receipt vacate his said office and the company concerned shall thereupon forthwith report such vacation to the appropriate chancery, provided always that such administrator, controller or liquidator may within 10 days of receipt of the said notice file with the Commission an appeal therefrom serving upon the company concerned and the appropriate chancery a copy of such appeal.

6031

In such case the Commission shall forthwith hear and determine the said appeal and shall notify the appellant, the company concerned and the appropriate chancery of the decision thereon.

Provided always that in any case in which the Commission rejects an appeal in whole or in part but is satisfied that the appellant has acted in good faith in not previously vacating his office in accordance with Article I hereof, the Commission may so certify. Any such certificate shall preclude the institution of proceedings under Article IV (a) or (b) hereof in respect of any offences committed by the appellant prior to the issue of such certificate.

ARTICLE VII

Without reference to the foregoing provisions of this Order it is hereby enacted that all administrators, controllers and liquidators of

At the expiration of the said 30 days any administrator, controller or liquidator who has not been reported as having vacated his office may be required by the Commission to furnish information by a special questionnaire so as to show whether he is a person disqualified from office by Article I hereof. If from such information it appears to the Commission that he is a person so disqualified the Commission shall serve upon him and upon the company concerned and upon the chancery of the appropriate Tribunal a notice to that effect.

Any person who upon request fails to furnish such information within the prescribed time or furnishes false or incomplete information shall be guilty of the offence of the giving of false or incomplete evidence.

ARTICLE VI

Any administrator, controller or liquidator who receives notice in accordance with Article V hereof shall within 14 days of such receipt vacate his said office and the company concerned shall thereupon forthwith report such vacation to the appropriate chancery, provided always that such administrator, controller or liquidator may within 10 days of receipt of the said notice file with the Commission an appeal therefrom serving upon the company concerned and the appropriate chancery a copy of such appeal.

6031

In such case the Commission shall forthwith hear and determine the said appeal and shall notify the appellant, the company concerned and the appropriate chancery of the decision thereon.

Provided always that in any case in which the Commission rejects an appeal in whole or in part but is satisfied that the appellant has acted in good faith in not previously vacating his office in accordance with Article I hereof, the Commission may so certify. Any such certificate shall preclude the institution of proceedings under Article IV (a) or (b) hereof in respect of any offences committed by the appellant prior to the issue of such certificate.

ARTICLE VII

Without reference to the foregoing provisions of this Order it is hereby enacted that all administrators, controllers and liquidators of concerns mentioned in Article I (c) of General Order No. 35 of the Allied Military Government shall be subject in all respects to proceedings under that Order.

ARTICLE VIII

Administrators and controllers disqualified under this Order shall be replaced in accordance with the provisions of the Italian Government's D.L. 7 of 18 Jan 45 or a receiver may be appointed by the Allied Military Government.

ARTICLE IX

This Order shall come into effect in any Province or part thereof on the date of its first posting therein and shall continue in full force and effect until the conclusion of Allied Military Government or until the implementation in the said province of a decree enacted by the Italian Government for the purpose of the expunction of such administrators, controllers and liquidators as are mentioned in this Order, whichever date shall first occur.

1958

INTERNAL		Date <u>27/6/45</u> EXTERNAL	
Vice President		Fr.	ECONOMIC SECTION
Brig. Anderson			Production Div.
Col. Walton			Supply Div.
Col. Densmore			Agriculture Sub-Comm.
Lt. Col. Moore			Commerce
Mr. Hughes			Finance
Maj. Smith			Food
Maj. Clark			Industry
Maj. Teoby			Labor
Capt. Atkins			P W & U
Capt. Williams			Transportation
Capt. Highland			
Lt. DiLoreto			Chief Commissioner
Lt. Morgan			Executive Commissioner
Lt. Arensberg			Civil Affairs Section
Requisition Br.			Establishment Section
Price Control Br.			Attention:
Message Center			

For appropriate Action	Note & Return
Remarks/Recommendations	Signature
Dispatch	Investigation & Report
Information	File
Circulation & Return	Note & Return

for Mr. Brane

6030

LABOR SUB-COMMISSION
A.C.
Routing Slip

	Initials	Date
Mr. W.H. BRAINE ✓	<i>W.H.B.</i>	<i>2/2</i>
Mr. SACHS		
Mr. HIRD		
Mr. SCOTT		
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS:

6029

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

LSY/220
~~220~~

WHB/rmw

14 June 1945

MEMORANDUM FOR MR. SACHS

Civil Affairs Section prepared a special order on
epuration in Northern Italy providing for the establishment
of a proper epuration authority to which persons irregularly
dismissed could appeal. Please obtain a number of copies of
this order and let me have one for consideration in connection
with socialization of factories and appointment of receivers.

W H Braine

W. H. BRAINE
Director
Labor Sub-Commission

6028

REDAQUARTERS ALLIED COMMISSION
APO 374
CIVIL AFFAIRS SECTION

DE/3.44/04.

10 April 45

SUBJECT : Defascism - North Italy.

TO : See Distribution

1 - EPURATION OF FASCIISTS FROM STATE ADMINISTRATION AND STATAL AND PARASTATAL CONCERNS :-

Epuration will play an even more important role in the North than in areas already liberated. A quick and effective epuration may be decisive in securing a peaceful administration.

At the same time, this does not mean that there will be wholesale dismissals, any plan for such would not only disorganize the administration but might work grave injustices. (a.g. it is believed from reliable sources that the Judges of Piemonte, Lombardia and Venezia have refused to take the oath of allegiance to the Fascist Republic Government).

- 2

 - a) Epuration will therefore be conducted on the following plan:-
On first entry epuration will be carried out in accordance with Executive Memorandum 67 (of which a revised edition has been issued).
 - b) This will be followed by the setting up of Italian Provincial Epuration Commissions under the terms of GO 35. In provinces not yet liberated as of this date, GO 35 may be posted at any time after entry at the discretion of SMAD Army or IV Corps, or the Regional Commissioner, without reference to Headquarters Allied Commission. This discretion may be delegated to Provincial Commissioners. However, as the General Order sets up rigorous time limits, it should not be posted until suitable persons to sit on the Commissions have in fact been selected.
Supplies of GO 35, together with administrative instructions and books printed in Italian for the use of the Italian Commissions, have been distributed.
An amending GO 35(c) has been signed. It affects payments to be made to suspended personnel and provides for the dismissal rather than suspension of temporary employees (avventizi). Copies of GO 35(c) will be held up by non-arrival of copies of GO 35 (a).
The foregoing will be followed up by the implementation under the usual procedure of DL 159 and amending Decrees in each Territory.
When these decrees are implemented it is the duty of the Government to appoint three delegates in each province to collect evidence, make investigations on behalf of the High Commissioner, and set up Provincial Commissions. Every assistance should be given to these Delegates. However, it is not necessary to suspend the Commissions set up under (b) above until the Government Commissions are set up.
 - c) 6027

254220

1 - EPURATION OF NAZIS FROM STATE ADMINISTRATION AND STATE AND PARASTATAL CONCERNS :-

1. Epuration will play an even more important role in the North than in areas already liberated. A quick and effective epuration may be decisive in securing a peaceful administration.

At the same time, this does not mean that there will be wholesale dismissals, any plan for such would not only disorganize the administration but might work grave injustices. (e.g. it is believed from reliable sources that the Judges of Piemonte, Lombardia and Venezia have refused to take the oath of allegiance to the Fascist Republican Government).

2. Epuration will therefore be conducted on the following plan:-
 a) On first entry epuration will be carried out in accordance with Executive Memorandum 67 (of which a revised edition has been issued).
 b) This will be followed by the setting up of Italian Provincial Epuration Commissions under the terms of GO 35. In provinces not yet liberated as of this date, GO 35 may be posted at any time after entry at the discretion of SMO Army or IV Corps, or the Regional Commissioner, without reference to Headquarters Allied Commission. This discretion may be delegated to Provincial Commissioners. This discretion may be However, as the General Order sets up rigorous time limits, it should not be posted until suitable persons to sit on the Commissions have in fact been selected.

Supplies of GO 35, together with Administrative Instructions and books printed in Italian for the use of the Italian Commissions, have been distributed.

An amending GO 35(c) has been signed. It effects payments to be made to suspended personnel and provides for the dismissal rather than suspension of temporary employees (avventizi). Copies of GO 35(a) will be distributed as soon as possible, but the operation of GO 35 will not be held up by non-arrival of copies of GO 35 (a).

c) The foregoing will be followed up by the implementation under the usual procedure of DL 159 and amending Decrees in each territory. When these Decrees are implemented it is the duty of the Government to appoint three delegates in each province to collect evidence, make investigations on behalf of the High Commissioner, and set up Provincial Commissions. Every assistance should be given to these Delegates. However, it is not necessary to suspend the Commissions set up under (b) above until the Government Commissions are actually dominated and ready to commence work.

It very well may be that the CLM and Partisans will themselves have carried out an epuration of the administration before the arrival of the Allies and have placed new personnel in the places of those dismissed. This will render the task of epuration that much easier.

1963

If such is found to be the case it will be advisable to remove those people from office. There would be no objection to the same individuals being appointed by AMG if considered suitable but it must be fully realized by the Italians that AMG is the appointing authority, and not CLN or any other body.

- 4 In other cases it may be found that there has been a mass expatriation and the vacant offices have not been filled. In this case, personnel will be recruited locally, or replacements must be requested from Headquarters Allied Commission. The former is to be preferred, as the number of minor officials who can be supplied by the Italian Government is not large, and some delay in their arrival is to be anticipated. If an acute shortage of personnel makes it absolutely necessary, minor officials may have to be temporarily reinstated although they have previously been removed. Opportunity should be taken of securing the local populace of an immediate investigation of any persons thus reinstated in accordance with the procedure outlined in para 2 above.

B - OPERATION OF BUSINESS CONCERNS :-

- 5 Paragraph "A" above does not deal with the operation of business concerns which are not statal or para-statal.

In the cases of business concerns which:-

- a) owing to their importance it is desired to operate but have ceased to operate or operate effectively as the Fascist heads have fled; or
 - b) are operating under Fascist heads and it is desired to continue operation and remove the Fascist heads;
 - c) have become ineffective as the Fascist heads have fled and the management has been "socialised" in the hands of the workers,
- use should be made of the power to appoint a Receiver and Manager (see Directive 43/4183/L dated 17 March 1945).

C - PUNISHMENT OF FASCIST CRIMINALS AND COLLABORATORS :-

- 6 It is not legal for AMG to set up special Allied Courts to deal with Fascist criminals or collaborators with the Fascist Republican Government or Germans. AMG Courts are confined to trying offences against proclamations and General, Regional, or Provincial Orders or, in exceptional circumstances (see Article 14 of Consolidated Instructions for Allied Military Courts), offences against Italian Law.

Officers are also reminded that AMG Courts may not try enemy Prisoners of War or War Criminals.

- 7 On the other hand, it may be anticipated that local CLNs may have set up local but illegal Courts to try such criminals and collaborators. It will be the duty of AMG to do all in their power to suppress these Courts and, to assist in this difficult but essential duty, the following plan has been agreed with the Italian Government.

- a) A Decree will shortly be passed and will provide for the setting up of Special Popular Courts to deal with those who collaborated with the Germans since 26 September 1943.

Briefly, the scheme of this Decree is that, in each Province the CLN will select 200 names from proved anti-Fascists, from which the President of the Tribunal will select a panel of 50 names. From this panel a law

B - REPUTATION OF BUSINESS CONCERNS :-

- 5 Paragraph "A." above does not deal with the reputation of business concerns which are not state or para-statal.
- a) in the cases of business concerns which:-
owing to their importance it is desired to operate but have ceased to operate or operate effectively as the Fascist heads have fled; or
- b) are operating under Fascist heads and it is desired to continue operation and remove the Fascist heads;
- c) have become ineffective as the Fascist heads have fled and the management has been "socialised" in the hands of the workers,
we should be made of the power to appoint a Receiver and Manager (see Directive "3/4183/L dated 17 March 1945").

C - PUNISHMENT OF FASCIST CRIMINALS AND COLLABORATORS :-

- 6 It is not legal for AMG to set up special Allied Courts to deal with Fascist criminals or collaborators with the Fascist Republican Government or Germans. AMG Courts are confined to trying offences against proclamations and General, Regional, or Provincial Orders or, in exceptional circumstances (see Article 14 of Consolidated Instructions for Allied Military Courts), offences against Italian Law.
Officers are also reminded that AMG Courts may not try enemy Prisoners of War or War Criminals.
- 7 On the other hand, it may be anticipated that local CLNs may have set up local but illegal Courts to try such criminals and collaborators. It will be the duty of AMG to do all in their power to suppress these Courts and, to assist in this difficult but essential duty, the following plan has been agreed with the Italian Government.
a) Decree will shortly be passed and will provide for the setting up of Special Popular Courts to deal with those who collaborated with the Germans since 26 September 1943.
Briefly, the scheme of this Decree is that, in each Province the CLN will select 200 names from proved anti-Fascists, from which the President of the Tribunals will select a panel of 50 names. From this panel 4 lay assessors will be selected in turn and will form a Court presided over by a Judge appointed by the President of the Tribunal for the trial of these offenders. This Decree, which also provides for very quick procedure, will be published in a special issue of the Official Gazette and will bear its own endorsement by the President of the Decree in AMG Territory. This Decree will be put into operation immediately. If a Prefect has been appointed it will be implemented in the normal way by handing the Official Gazette to him. If there is no Prefect, SCOs or Regional Commissioners are advised to issue a short order bringing the Decree into operation.

4. special advice to the Court Officials and ULM might also be a wise precaution.

It may be of interest to note that this Decree is based on the one now operating in France where it has proved to be a considerable success.

b) The Italian Government have already published a decree (No 65 of 1 Feb 45) setting up special Military Courts to deal with both military and civilian offenders expeditiously. This decree will be implemented in AMG territory in accordance with the usual procedure.

3. Provided that any illegal courts/assist from their activities on the entry of the Allies, it is NOT imperative that the persons constituting such courts should be apprehended. It is a matter for discretion in each case, e.g. on the one hand members of the ULM may have constituted a Court in good faith under a mistaken view of their rights, on the other hand a regime of revenge and murder may have been set up under the guise of a Court of Justice.

1 - IMPRISONMENT OF FASCISTS AND COLLABORATORS:-

9. As formerly, this will continue to be a normal function of FSS/CIC and only under the powers conferred on them in para 10 of Executive Memorandum 67 will AMG officers arrest and intern Fascists who are not charged with a specific offence.

1. It may be anticipated that in a large number of cases there will have been wholesale arrests and imprisonments by Partisans and/or ULM before the arrival of the Allies. Unless prison congestion becomes intolerable it will probably be in the best interests of all concerned to leave such persons in prison until a more settled state is reached and their individual cases can be investigated by the appropriate authority. In retaining such prisoners, AMG officers must be satisfied that (a) the prison officials can provide an effective guard, and (b) the prisoners are being properly cared for and fed, and are not the subject of malpractices by prison guards, Partisans or others.

BY COMMAND OF THE CHIEF COMMISSIONER :

G. R. Wray

C.A. UPJOHN Brig,
VP C. Section

DISTRIBUTION :-

RC Umbria-Marche Reg.	C. Sec'
RC Toscana Region	Econ Sec
RC Emilia Region	Loc Govt S/C
RC Liguria Region	Legal S/C
RC Piemonte Region	Educ S/C
RC Lombardia Region	Commerce S/C
RC Venezia Region	Pub Works S/C

Air S/C
Army S/C
Naval S/C
Comms S/C
Trans S/C
IFB

6026

1 - IMPRISONMENT OF FASCISTS AND COLLABORATORS:-

2 As formerly, this will continue to be a normal function of FSS/CIC and only under the powers conferred on them in para 10 of Executive Memo-
randum 67 will AMG officers arrest and intern Fascists who are not charged with a specific offence.

1. It may be anticipated that in a large number of cases there will have been wholesale arrests and imprisonments by Partisans and or AM before the arrival of the Allies. Unless prison congestion becomes intolerable it will probably be in the best interests of all concerned to leave such persons in prison until a more settled state is reached and their individual cases can be investigated by the appropriate authority. In retaining such prisoners, AMG officers must be satisfied that (a) the prison officials can provide an effective guard; and (b) the prisoners are being properly cared for and fed, and are not the subject of malpractices by prison guards, Partisans or others.

BY COMMAND OF THE CHIEF COMMISSIONER :

G. R. W. H. T.

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

DISTRIBUTION :-

RC Umbria-Marche Reg.
RC Toscana Region
RC Emilia Region
RC Liguria Region
RC Piemonte Region
RC Lombardia Region
RC Venezia Region
SMO 5 Army
SMO 3 Army

Ch. Sec.
Leon Sec
Loc Govt S/C
Legal S/C
Educ S/C
Commerce S/C
Pub Works S/C
Finance S/C
Agriculture S/C

Air S/C
Army S/C
Naval S/C
Comms S/C
Trans S/C
FHB

6026

Scale of Distribution :-

R. HQs (4)
P. HQs (2)
S/Cs (2)

1967