

THE INVESTIGATION INTO THE BANKING SECTOR

1. Introduction

The specific tasks of historic research into the events relating to the acquisition of the assets of Jewish citizens by public and private bodies, according to the Commission's founding decree, have given the banks a particularly important role in the Commission's work.

This is clearly manifested by the composition of the Commission – a member of the Italian Banking Association (ABI) representing the system was asked to participate from the start – and the massive use of the powers available to the Commission for its investigations at the individual banks.

This was accompanied by intensive dialogue with the banking system as a whole, through the Italian Banking System, in order to identify and acquire documents and evidence useful for the aims of the Commission, for reconstructing events relating to the ownership of assets belonging to Jewish citizens.

The banks provided dedicated resources for this research sector and assistance to the Commission's members or its delegates in a spirit of total dedication and cooperation.

It has not always been possible to make a sufficiently credible reconstruction of the beginning and subsequent development of events known from traces in banking or external sources, through to the eventual "restitution" of assets forcibly removed by State authorities, due to the time that has passed and the inevitable loss of documents.

The widespread presence of banks throughout Italy¹ has given them a central role as economic agents, brokers and managers of the country's wealth, invested in financial instruments or reserves. The important role played by the Post Office at the time is also noteworthy. It was an investment channel for numerous small savers (Post Office savings), offering savings books and investment certificates on behalf of the Cassa Depositi e Prestiti. Useful information was acquired on the area managed by the Post Office, albeit with some delay, on which further studies should be carried out. The ordinary banking activities of the banks (many of which were at the time public bodies or rather publicly owned) were also extended to encompass their role as representatives of the body managing the confiscations from Jewish citizens; a role in which the banks in question acted as executors of the provisions issued by the authorities.

Various documentation on such activities is available, allowing the Commission to add important pieces to its reconstruction of the phenomenon. This was often due to banks having retained material that is only now considered "historical", but at the time was not of any particular interest.

¹ The Yearbook of the Fascist Confederation of Banks and Insurance Companies for 1937-8 shows a total of 1,123 banks; in the 1939-40 Yearbook the number was 2,704. This increase is explained by the addition of all the Casse Rurali; the Yearbooks up until 1938 listed only those Casse that offered a bill collection service on behalf of third parties. Publication was interrupted after the 1939-40 Yearbook, before resuming in 1949.

The available material has not always, however, allowed a “continuous” reconstruction to be made of the events in question, such as to allow the historian to make an overall, certain, definitive evaluation. The complex research made has shown that widespread restitutions took place. A further, autonomous study should be made of the event cited in the chapter “Abrogation of the racial laws: the EGELI and restitution of assets” regarding confiscated assets that remained in the banks. It has so far not been possible to acquire further documentation on such developments.

The sporadic nature of the sources, the discontinuity of the documents and the total absence of documentary traces in the banks that are known to have played an executive role in the historic period in question are due to various factors. They are partly due to losses caused by natural events or the War. But, in addition, the banks, being companies, are obliged to retain documentation for only ten years, resulting in their gradual elimination of entire archive sectors.

Changes in ownership of such companies, partly related to the privatisation of the overall banking sector, has also helped scatter and decontextualise documentation of which there is no longer any trace.

2. The banks’ role

The role played by the banks in the historical period in question can be divided into two main spheres of action: banks as subjects delegated by the EGELI to administer the assets confiscated from citizens “of Jewish race”; banks which, in the exercise of their normal operations, were “debtors” to Jewish citizens, or rather, were holders or trustees, in various roles, of sums of money or securities entrusted to them by people who then became the “object” of the racial discrimination measures. This dual role of the banks has seriously complicated the Commission’s investigations and, at times, its systematic organisation.

The question of any unclaimed reserves belonging to Jewish citizens at banks operating in the Salò Republic in particular, that is, in the parts of the country with a greater share of the national wealth, seems structurally linked to the widespread, indiscriminate issue of confiscation and sequestration measures by the authorities of the Salò Republic. In the persecutory crescendo of the Fascist regime these were also extended to moveable assets and even to financial activities. Mention will be made below of the extent to which the repeal of the racial laws had a “restitutory” effect in this sector.

2.1. THE BANKS AS REPRESENTATIVES OF THE EGELI

Mussolini’s decree of 9 June 1939, issued to implement the provisions of art. 12 of rdl 126/1939 of 9 February, identified those Land Banks authorised to act as representatives of the EGELI.

A series of provisions was then issued during the period of the RSI that intensified the persecutory regime toward Jews. These provisions consequently also expanded the sphere of action of the organ appointed to make dispossessions, the EGELI, which in turn required an increasingly large network of representatives.

The copious documentation regarding the ablative measures prepared by the authorities and transferred, for their execution, to the banks concerned, whether as representatives of a public service or as depositories for the financial reserves “hit”, does not seem adequately matched by the documentation on “restitution” to the Jewish citizens concerned. The documentary sources relating to confiscations that were followed by the sale of the assets seized and the relative acquisition of the proceeds by the State are, for example, fragmentary.

The repeal of the racial laws then led to the banks being freed of the obligations imposed previously on the assets of Jewish citizens, confiscated and not yet sold, or only sequestered. But no specific formal acts were issued by public sources regarding the ending of encumbrances over assets previously blocked from their legitimate owners.

The availability of documents for analysis on forcible conveyances (acts given public notice in the *Gazzetta Ufficiale*) is not matched by any similar official documentation on restitutions (being privately managed actions, without any State provisions regarding individual assets). It therefore seems technically impossible to conjecture any specific restitution of such assets in cases where reinstatement of full access to the assets in question was sufficient.

Despite the certain identification of those banks that acted as representatives of the EGELI, it was not always easy to identify the referents to whom documentation should be addressed due to the changed names of the banks over the years following changes in their ownership.

To this end, the offices of the Italian Banking Association were involved and the banks currently in business consulted. The former made a complete map of all the banks operating in the period under consideration and proceeded to reconstruct, where necessary, the “life” of the banks in question through to the present. These were sent a questionnaire (see § 4) asking them to state whether or not they had made takeovers, amalgamations or acquisitions of banks or branches operating in the period 1938-45 (which may have managed the assets of people qualified as being of Jewish race).

Although the documentation found on this specific aspect is detailed with regard to the “initial” relations between the managing body and the banks – various agreements have been recovered, for example, between the EGELI and the various Land Banks of the various banks – the same is not true for the whole period, thus hindering any complete reconstruction of how the various management relations and relative account renderings were conducted over time.

2.2. THE BANKS' "ORDINARY" BUSINESS

The research into the business of the banks as "debtors" to Jewish citizens, or holders or depositories, in various roles, of sums of money or securities entrusted to them by people who were the object of the racial discrimination provisions was carried out on several fronts. The first of these was a questionnaire (see § 4), asking for information on the existence of documentation referring to deposits existing in the 1938-45 period that subsequently remained dormant and were closed. The others were through analysis of the documentation from various origins (from the Jewish Community, documentary confirmation found in the archives of the individual banks, requests from individuals, notarial archives etc.).

The results of the research led to the identification of a minimal amount of documentary evidence.

2.3. THE SO-CALLED "DORMANT ACCOUNTS"

Although the phenomenon was of presumably modest proportions, the extension of the historic investigation into the existence/evidence at the banks of so-called "dormant accounts" called for clarification of some of the legal problems underlying this specific aspect.

Despite the established procedures of the Italian banks in believing that the right of the client to restitution of the sums or assets deposited with them at the time is never subject to limitation, it must be recorded and noted that the question is still open both on legal precedent and current law (see § 2.4.).

It must also be noted that, despite the established procedure in banking operations, considering the time that has elapsed since the time when the account was active, the bank in question may not have retained sufficient internal evidence for leading back to the holder of the account.

2.4. FOLLOW ON

Although the attitude of the banks, as now shown, has been not to meet requests from legitimated subjects with impositions of any limitation, the matter is in any case one of a general nature in that it relates to the verification of consequences deriving from an extended state of inertia in the exercise of rights based on various kinds of contract.

It is therefore thought appropriate to describe the interpretative picture in which the matter took place, given that bank accounts also come into this. It was necessary to ascertain whether (and in [on?] what terms) the client's rights to restitution of the sums or assets entrusted to the bank, or in any case held by it, were effectively limited in cases where the client him/herself did not carry out operations for a determined period of time – whatever the cause of such a state of inertia.

The inconsistency of interpretation is partly because there is no special legal provision for bank accounts, unlike what was established for Post Office and Bancoposta accounts with dpr 156/1973 of 29 March (and subsequent alterations and additions).

The term of limitation is thought by some to begin from the day the depositor may request payment; that is, from the day the account is opened or the last operation made, where the account has been operated with payments and withdrawals. This view, confirmed by some precedent, is based on the assumption that the depositor's right of ownership to a bank deposit, as to an irregular deposit, is converted into a credit right, because if it is not exercised the result is precisely that state of inertia that constitutes the basis for limitation.

The law of legitimacy and of merits by which "the term of limitation of the right to restitution of the sum deposited in the bank deposit on current account at sight starts from the date of the last operation" follows the same line of interpretation. This position, established by the Court of Cassation with sentence 689 of 21 March 1963, was subsequently confirmed by a judgement of the Supreme Court (sentence 395 of 20 February 1970) through a process of argument aimed at distinguishing the figure of the regular deposit from that of the irregular deposit (to which the bank deposit can be traced).

Others think that the limitation for banking deposit accounts can only start from the day on which the bank refuses to meet its obligation of restitution to the depositor. This is supported partly by legal precedent, whereby it has been observed that inertia in exercising the right on which the institution of limitation is based cannot be seen in the mere circumstance of leaving the sum in the bank account, because in doing so the depositor is exercising his right, which is to keep the sum at a bank, which, on its part, does nothing more than meet its obligation. This position had been previously established in two dated sentences by the Court of Cassation and in some sentences from less recent law on the question.

3. Limits to access and the use of information in accordance with law 678/1996 on the "Protection of people and other subjects from the use of personal information"

The Commission's historic research presupposed the consultation of banking information on Jewish clients. This presented uncertainties regarding the application of law 675/1996, given that the personal details of Jewish citizens would have to be checked and used – by the Commission, the banks and the ABI. Given that the information in question had to be considered "sensitive" according to article 22 of law 675/1996, either the authorisation of the Guarantor or of the person concerned was required for such use.

In July 1999 the Commission therefore proceeded to ask the Guarantor for a ruling on the matter. The Guarantor replied in letters dated 10 and 23 September 1999, to the satisfaction of all members of the Commission, giving a positive response and allowing the historic research to proceed in the certainty that it respected the current laws in force. This was also in accordance with the spirit of the more recent regulations and in particular dlgs 281/1999 of 30 July.

4. The questionnaire for the banks

A questionnaire was sent to all members of the Italian Banking Association with a letter on 1 March 1999 signed by the General Director of the ABI, after the Commission had checked the comprehensive nature of the questions.

It was sent to 851 members and completed questionnaires were received from 192 banks, representing about 85% of the total assets of the system. Twenty-one of these banks indicated that they had documentation relevant to the historic research; these banks represent about 51% of the total assets of the system.

The completed questionnaires passed on to the Commission by the ABI provided an important basis for the subsequent investigations into the banking sector. They also assisted in the simple organisation of the work, as the responses made it possible to obtain the names of the representatives of each bank to whom further requests for clarification, additional investigations and documentation could be sent.

The responses to the questionnaire also allowed a more restricted group of banks to be identified for making a subsequent, more targeted, stage of research.

5. Meeting with the banks

The Commission organised a meeting at the Prime Minister's office in November 1999, to which the banks most closely involved in the research were invited.² Profitable discussions were held on the summary information that the individual banks had provided in the questionnaire, and subsequent direct contacts planned between some members of the Commission and the individual banks present. The bank representatives confirmed the complete willingness of their banks to allow entry to the researchers employed by the Commission to carry out direct research into their

² The meeting was attended by one or more representatives from: Banca Agricola Mantovana; Monte dei Paschi di Siena; Banca Commerciale Italiana; Banca Mediovenezie; Banca Nazionale del Lavoro; Banca Popolare di Novara; Banca Regionale Europea; Banca di Roma; Banco Ambrosiano Veneto; Banco di Napoli; Banco di Sicily; Cassa di Risparmio di Reggio Emilia; Cassa di Risparmio delle Province Lombarde; Cassa di Risparmio di Biella e Vercelli; Cassa di Risparmio di Bologna; Cassa di Risparmio di Gorizia; Cassa di Risparmio di Parma e Piacenza; Cassa di Risparmio di Torino; Cassa di Risparmio di Trieste; Cassa di Risparmio di Venezia; Cassa di Risparmio di Verona; Credito Italiano, Istituto Italiano di Credito Fondiario; San Paolo-IMI.

archives, and to fully collaborate in finding the documentation, where it exists, but also explained the technical difficulties involved.

Although some banks had already begun the careful task of organising their historic archives some years ago, unrelated to the work of the Commission, allowing analytical and survey works to be published on the historic period covered by the works of the Commission (for example the work done by the San Paolo di Torino, Compagnia di San Paolo, *Le case e le cose. La persecuzione degli ebrei torinesi nelle carte dell'Egeli 1938-1945*, Quaderni dell'Archivio Storico, edited by Fabio Levi), some Italian banks do not even have historic archives. It must not be forgotten, however, that in some cases most of the historic documentation concerning banking activities in the years of interest to the Commission has over the years been destroyed (by simple selection of papers whose historic value could not be estimated at the time: documents must be legally retained for only ten years) or lost (in the War, due to floods, fires).

6. Material sent to the banks

Following the meeting of November 1999 and direct contacts with individual members of the Commission (aimed at making a rational selection of the available material), the banks involved sent all the documentation in their possession, which was then carefully inventoried by the Commission itself.

7. The information in the Central State Archive on the Ministry of Finance

Historic documentation on some banks emerged from the research carried out by the Commission into the database set up by the Central State Archive on the Ministry of Finance's Jewish Assets Service collection. This was sent to the banks concerned (or those that have succeeded them) in July 2000 through the ABI, along with an explanatory note asking that the names indicated in such documentation be checked. The request was sent to 45 banks³ (including the Banca d'Italia, to which it was sent directly by the Commission). Replies were received from 30 banks, some asking for further references to those provided by the historic material so they could make a more accurate

³ Banca Popolare di Novara, Credit Commercial de France (Milan branch), Banca di Legnano, Banca **Tuscany??**, Banca Agricola Mantovana, Banca d'Italia, Banca Commerciale Italiana, Unicredito Italiano, San Paolo Imi, Monte dei Paschi di Siena; Mediobene Banca, Cassa di Risparmio di Verona, Vicenza Belluno e Ancona, Cassa di Risparmio di Biella e Vercelli, Cassa di Risparmio di Venezia, Banca C.R.T., Cassa di Risparmio di Savona, Cassa di Risparmio di Parma e Piacenza, Cassa di Risparmio di Rovigo, Banca Cesare Ponti, Crediop, Cassamarca, Credito Bergamasco, Banca Popolare Vicentina, Banca Regionale Europea, Banca Antoniana Popolare Veneta, Banco Ambrosiano Veneto, Banca Popolare di Milano, Banca Popolare di Bergamo-Credito Varesino, Deutsche Bank, Banca Commerciale Italiana, Credito Emiliano, Rolo Banca 1473, Banca Lombarda, Banca Nazionale del Lavoro, Banca Nazionale dell'Agricoltura, Banco di Chiavari e della Riviera Ligure, Banca di Napoli, Banca di Roma, Banca Popolare di Verona-Banco S. Geminiano e S. Prospero, Banco di Sicily, Cassa di Risparmio delle Provincie Lombarde, Cassa di Risparmio di Alessandria, Cassa di Risparmio in Bologna, Banca Carige, Banca di Genova e San Giorgio.

study. The documentary confirmations emerging as a result of this further investigation were in general modest.

8. Notifications and requests from individuals

In the course of its work the Commission received requests from associations, local Jewish communities and individuals, mainly regarding: a) notifications, with consignment of documents, indications of archive sources, declarations of willingness to collaborate, etc.; b) various requests with reference to family matters, requests for information, solutions of personal cases. The ABI also cooperated closely in managing this “parallel” work. On several occasions, with the full cooperation of the banks, it also sent specific requests to its individual members in order to clarify and resolve, where possible, the requests sent to the Commission.

9. Investigations at the individual banks

The expanded network of assistance given to the Commission allowed a range of targeted studies to be made, carried out by members of the Commission or by its appointed researchers. It allowed the Commission to arrange for direct access to the banks’ historic archives, at times for several days, with the assistance of the internal archive managers.

The breadth of the research and consequent need to strike a balance between the actual acquisition of documents and the need to respect the times allowed to the Commission made the work particularly complicated. The difficulty of creating a complete picture of the individual historic events for which documentation was found also became apparent.

The results of the research are, however, widely documented in the reports written by the individual researchers. But despite the wealth of data collected, their work can only in some cases provide a systematic basis from which to make future studies. Referring to the individual reports for each historic evaluation of the material found, emphasis must be made of how the banks involved gave the Commission and its representatives useful help and active assistance in the research, investing a considerable amount of resources.

REPORTS ON THE BANKS

As mentioned in another part of the Report, the banking sector was widely used by the institutions of the time in the dispossession of the Jews through implementation of the “racial laws”.

Article 12 of rdl 126/1939 of 9 February provided for the EGELI to delegate the management and sale of assets transferred to it to the land credit banks. Such proxy was entrusted at two successive times to 19 banks variously distributed in almost every region of Italy.

Following Mussolini's legislative decree 2/1944 of 4 January, the same banks were appointed to manage the real estate and assets confiscated from the Jews and, in some provinces only, those sequestered. A fairly large number of banks was involved only by the restriction placed on confiscated securities, for which it was decided they could remain with the holding bodies.

It was natural that in the reconstruction of the entire matter, the Commission should devote adequate space to this sector. This was enabled by the cooperation of the Italian Banking Association directly represented on the Commission, by the greatest helpfulness of all the banks, particularly those holding objectively interesting documents, and by the professionalism of the executives, some of whom had drawn up guides to the historic archives of their banks.

All this persuaded the Commission to entrust the research and close examination of archive sources, which in some cases proved particularly rich, to its own appointed experts. In some cases, however, the research is only partial, as it was not physically possible to consult collections of considerable complexity and size. On the other hand it must be noted that some of these may be usefully combined with information from other sources.

The reports on the following banks are published below: Banca Agricola Mantovana, Banca di Roma, Banca Nazionale del Lavoro, Cassa di Risparmio delle Provincie Lombarde, Cassa di Risparmio di Venezia, Compagnia di San Paolo di Torino and Monte dei Paschi di Siena. The reports on the Cassa di Risparmio di Trieste, Istituto di Credito Fondiario delle Venezie, Unicredito-filiale di Trieste and the Trieste branch of the Banca Commerciale Italiana are covered in the chapter on the Adriatic Coast Operations Zone.

It is also worth noting that, in the course of these studies, it was possible to acquire copies of other interesting documentation that was made available to the Commission.