

Declassified E.O. 12356 Section 3.3/NND No. 785015

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POLITICAL APPOINTMENTS & ITALIAN
ADMINISTRATION RELATIONS WITH AMG
OCT. 1943 - JAN. 1944

5) P



IL SEGRETARIO PARTICOLARE DEL CAPO DEL GOVERNO

N. 282 di prot.

19 oct.

max
[Signature]

AL SIGNOR GENERALE
MAXWELL D. TAYLOR
MISSIONE ALLEATA

BRINDISI

Per incarico di S.E. il Maresciallo BADOGLIO
trasmetto a V.S. copia di una lettera diretta dal
Prefetto di Foggia al Maresciallo stesso.

IL SEGRETARIO PARTICOLARE DEL CAPO DEL GOVERNO
(Ten.Col. G. Valenzano)

[Signature]

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trasmetto a V.S. copia di una lettera diretta dal
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IL SEGRETARIO PARTICOLARE DEL CAPO DEL GOVERNO
(Ten.Col. G. Valenzano)

Valenzano

COPIA DI UNA LETTERA DIRETTA IN DATA 19 OTTOBRE 1943
DAL PREFETTO DI FOGGIA AL MARESCIALLO BADOGLIO.

Già con mia relazione del 12 u/s. Le ho riferito sulla situazione generale di questa Provincia.

Tale situazione però va giornalmente peggiorando per due cause principali:

a) - prepotenza delle numerose truppe alleate che, come già dissi, si impadroniscono di case, di fattorie, di masserie cacciandone inquilini e contadini, impedendo ad essi di entrare nella loro proprietà anche solo per prendere gli strumenti di lavoro. Molte zone per tale motivo non verranno seminate. I pochissimi automezzi salvatisi dalla distruzione tedesca vengono "requisiti" cioè rubati perchè nessuno neppure indennizza: ci occupano i serbatoi dell'Agip e contemporaneamente requisiscono i fusti vuoti rendendo così impossibile un deposito di fortuna;

b) - invadenza in tutti i settori della vita civile di una pleora di ufficiali del servizio civile che dislocati in quasi tutti i paesi fanno e disfano, cacciano o cambiano podestà, arrestano e rilasciano detenuti, ordinano di non pagare tasse, prelevano dagli ammassi senza criterio, pubblicano tariffe di prezzi e di ma-

la situazione generale di questa Provincia.

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che pretendono siano pagati dai Comuni o dal Genio Civile senza rendersi conto delle disponibilità di bilancio, mettono adesso gli occhi sulle armi ritirate alle popolazioni e che finiranno a cadere in loro mani se la nostra Autorità Militare non si affretta a ritirarle.

Si tratta di gente in maggioranza molto giovane (vene sono di 23 - 24 anni), che non ha una unica direzione e dipendenza, che non è coordinata, che agisce a caso senza conoscere tutto il difficile nostro meccanismo corporativo che d'altra parte non si può abolire d'un tratto.

Questa "servizio civile" che tutto vuol fare crea tale un intralcio alla vita del paese che è più legato ora che durante il periodo della scorribanda tedesca.

Si credeva che lo scopo fosse di aiutarci.

Neppure uno spillo ci è stato dato.

Nulla noi vogliamo, vogliamo solo che ci si lasci fare: ci arrangeremo da noi, alla meglio, nella nostra miseria.

Per poter sperare di rimettere la Provincia di Foggia, la cui situazione alimentare si va facendo ogni giorno più difficile, in condizioni di vivere occorre assolutamente :

a) - che la Provincia non sia considerata terra di conquista ma zona di armistizio e che le truppe siano severamente richiamate e costrette al rispetto del

nostra Autorità Militare non si affretta a ritirarle.

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- a) - che la Provincia non sia considerata terra di conquista ma zona di armistizio e che le truppe siano severamente richiamate e costrette al rispetto della proprietà e della libertà di lavoro;
- b) - che siano immediatamente ritirati questi ufficiali del servizio civile dai paesi lasciandone solo due o tre presso la Prefettura, sia pure come ~~contingenti~~ ^{contingenti}, ma che stabilito il da farsi di comune accordo si possa contare su ciò che si è deciso;

./.

3

- c) - che l'amministrazione della giustizia proceda se_
condo le leggi italiane ed a mezzo dei tribunali
e organi di polizia giudiziaria italiana, lasciando
al tribunale inglese la sola competenza dei reati
commessi in danno delle truppe operanti. Finirà co_
si l'"entra ed esci" dai carceri che menoma gravemente
il prestigio del nostro Governo;
- d) - che la Provincia possa disporre di una ventina di
camions per i servizi più urgenti specie riferenti_
si all'alimentazione.

IL PREFETTO
R.to Pieche

condo le leggi italiane ed a mezzo dei tribunali e organi di polizia giudiziaria italiana, lasciando al Tribunale inglese la sola competenza dei reati commessi in danno delle truppe operanti. Finirà così l'"entra ed esci" dai carceri che menoma gravemente il prestigio del nostro Governo;

d) - che la Provincia possa disporre di una ventina di camions per i servizi più urgenti specie riferenti si all'alimentazione.

IL PREFETTO

F.to Pieche

TO: GENERAL MAXWELL D. TAYLOR

ALLIED MISSION -Brindisi-

Following directions of H.E. Marshal Badoglio I'm sending you copy of a letter which the Prefect of Foggia addressed him.

The Chief of Government's Secretary

/s/ Lt. Col. G. Valenzano

.....
COPY of a letter dated Oct. 19, 1943 addressed from the Prefect of Foggia to Marshal Badoglio.

On 12th inst. I already reported to *Your Excellency* ~~V.E.~~ on the general situation of this province.

However the situation is daily worsening for two principal causes:

a) Overbearing attitude of the numerous allied troops who, as I already said, take over houses, farmhouses, and country-houses ousting tenants and peasants, forbidding them to enter their property even to get their implements.

For this reason many areas will not be farmed. The very few vehicles saved from German destruction are "requisitioned", that is robbed, because nobody indemnifies for them; they are taking over the AGIP oil tanks and also requisitioning the empty barrels, thus rendering impossible an emergency depot.

b) Intrusion in every branch of civil life by numerous officers of civil affairs who, assigned in almost all villages, are taking complete charge, ousting or changing the village Mayor, arresting persons, and letting prisoners free, issuing orders not to pay taxes, taking without consideration provisions out of civil food stores ("ammassi"), publishing price and labour tariffs different, of course, for each town, even appointing themselves (as at Serracapriola) Town Governor, shutting up City Houses (as at Castelluccio dei Sauri), quartering troops in them and forbidding the Mayor and employees to enter, thus arresting the civil life of the town, issuing orders for works at enormous prices, hiring workmen whose wages they order to be paid by the Town Administration or by Civil Engineer Department without taking notice of their financial possibilities; are now setting their eyes on the arms deposited by the citizens and they may seize them if our Military Authority does not quickly take the arms over.

They are mostly youngsters (some of them are 23-24 years old) who have no single direction of action, not coordinated, who act at random without knowing all our difficult corporative system which, cannot be abruptly abolished.

This "civil service" which wants to do everything is raising so great a hitch in the life of the region which is more tied up now than during the period of German pillage raids.

We had thought the effort would be to help us: they didn't give us anything. We want nothing ~~to~~; we only wish to be let free to pursue our errands: we'll go on, as we can, in our misery.

To pursue the hope of enabling the Province of Foggia, whose food condition is worsening daily, to go on living it is absolutely necessary:

a) The Province should not be considered as conquered land but armistice zone and troops should be severely instructed to respect ownership and the freedom of labour.

b) These civil affairs officers should immediately be recalled from the towns they rule, leaving only two or three of them at the Prefecture, as control, but when an agreement on what to do is established we ought to be sure not to have it changed.

c) The administration of justice should proceed according Italian laws and through Courts and Italian offices of judicial police, leaving to English Court power to proceed only for felony and misdemeanor against operating troops.

It will thus be ended that "walk in and get out" from prisons, which fact gravely diminish the prestige of our Government.

d) The Province Administration should receive about twenty trucks for more urgent transports, mostly for food supplies.

SUBJECT: - Province of Foggia - Prefect.

H.C., A.M.G.,
15 Army Group,
C.M.F.

Allied Control Commission,
BRINDISI.

AMG/69/12
16th November 1943

On the 14th November 1943, in the course of a visit to Foggia, I met Major General Pecche, who informed me that on the previous day he had received instructions from the Italian Government to report to Brindisi to hand over the Province of Foggia to the newly appointed Prefect, Major General Cotronei, to whom he then introduced me. The removal of Major General Pecche and the appointment of another Prefect had apparently come as a surprise to Major General Pecche, as it certainly had to my Senior Civil Affairs Officer, Eighth Army, and myself, neither of whom had been consulted in the matter.

While I am not advised of any reasons for objecting to the appointment of Major General Cotronei, in regard to whom, I should like, however, to receive particulars, I take a considerable objection to the removal and appointment of Prefects by the Italian Government in provinces under the administration of Allied Military Government, 15 Army Group, without prior consultation. I shall be glad if it can be made clear to the Italian authorities in Brindisi that as far as the territory administered by the Allied Military Government, 15 Army Group, is concerned, the General Officer Commanding in Chief, General Sir Harold Alexander, is Military Governor and as such is solely responsible both for the administration of the Government and for any Italians engaged on the administration thereof.

It has also been brought to my notice that the Italian authorities have from time to time and are still contemplating the transfer and exchange of Carabinieri personnel between the territories administered by the Allied Military Government, 15 Army Group in Apulia. Here again the question of ultimate responsibility arises. In many cases certain officers in the forward area could with advantage be replaced but in at least one instance orders have been issued for the transfer of an officer whom it was found inconvenient to move at this juncture.

201 - Pecche, Maj. Gen.
201 - Cotronei - Maj. Gen.
210.1 - appointments

over the Province of Foggia to the newly appointed Prefect, Major General Cotronei, to whom he then introduced me. The removal of Major General Pecche and the appointment of another Prefect had apparently come as a surprise to Major General Pecche, as it certainly had to my Senior Civil Affairs Officer, Eighth Army, and myself, neither of whom had been consulted in the matter.

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The correct procedure should be that proposals to remove or exchange personnel in AMG 15 Army Group area should be addressed to the Chief Civil Affairs Officer, 15 Army Group, by the Italian authorities through the Control Commission before any action is taken.

Pennell
Major General,
Chief Civil Affairs Officer,
15 Army Group.

SCH

CA PR

201- Pecche, Maj. Gen.
201- Cotronei - Maj. Gen.
- appointments

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512

File
mm

17 November 1943

SUBJECT: Authority of Italian Military Command.

TO : Commanding General, Allied Control Commission, Brindisi.

1. The attached correspondence with reference to the securing of approval of the Italian Military of the appointment of Mayors, is herewith forwarded for your information.

2. It is considered that such action by the Italian Military Command is undesirable and should NOT be permitted. On the other hand the views of commanders on such appointments may well be of value and might be worth considering before appointments are made. With this in view, it is considered that they should be invited to state their views but that Allied Military Government must reserve the right of final decision.

3. May the matter please be taken up with the Italian Government and steps taken to revoke the order issued by Commander XXXI Corps (Italian) a copy of which is attached. As the order has caused considerable difficulty in the COSENZA area; may the matter please be treated as urgent.

For the Commanding General:

E. Gueterbock

E. GUETERBOCK,
Brigadier, G.S.
Actg Chief of Staff

Distribution: Copy to 15 Army Group, A.M.G.

ENCL: 1. Copy letter No. 11 Region ref. 2201/14/20 dated 10 Nov 43.
2. Copy order Commander XXXI Corps (Italian) dated 5 Nov. 43.
3. Translation of No. 2 above.

CA Br

COPY

1741

Nella risposta citare il numero del protocollo

SUBJECT: Authority of Italian
Military, Region 2

10 November 1943
AMG HQ.
Region 2
Ref. 2201/14/20

TO: Commanding General
HQ. AMG, Sicily

1. The enclosed copy of a communication from the Italian XXXI Corps reached HQ. yesterday. It was accompanied by a verbal report of one of our officers that the order was a source of considerable difficulty in the Cosenza area.

2. The R.C.A.O. has asked me to pass this information on to you and to let you know that he has gone to Cosenza and Catanzaro to deal with the matter. Because he has received no orders from HQ. AMG indicating that the authority which the Italian military is seeking to assert should be recognized, and because of his strong conviction that its recognition would greatly increase the problems of administration with which we are dealing, it is the R.C.A.O.'s intention to see that the order of General Mercalli is not carried out in Calabria.

3. I am sending a copy of this letter to Bari on the chance that it may catch you there.

s/ Mark DeW. Howe
MARK DEW. HOWE, Major, AUS,
S.L.O., Region 2

COPY

107

COPY

COMANDO DEL XXXI CORPO D'ARMATA

Ufficio Affari Civili

N° 114/R.P./C.S.M. di prot.

P.M. 114 -5 NOV. 1943

Oggetto: Nomina di Podestà.-

ALL'Eccellenza il Prefetto di

CATANZARO

id.

COSENZA

id.

REGGIO CALABRIA

e per conoscenza:

Al Comandante Legione CC.RR. di

CATANZARO

All' A.M.G.O.T. di

CATANZARO

All' A.M.G.O.T. di

COSENZA

All' A.M.G.O.T. di

REGGIO CALABRIA

L'Eccellenza il Comandante della 7-a Armata percoisa
che d'ora inanzi tutte le nomine di Podestà che dovessero risul-
tare necessarie, sia in seguito alla revisione di quelli attualmente
in carica, sia per qualsiasi altra ragione, dovranno ottenere il
preventivo benestare dei Comandanti di Corpo d'Armata competenti (per
la Calabria dal sottoscritto).-

Prego quindi le LL.EE volersi compiacere farmi, volta a volta,
le dovute segnalazione onde io possa ottemperare all'ordine ricevuto.-

IL GENERALE DI CORPO D'ARMATA

COMANDANTE

(Camillo Mercalli)

Firma

COPY

31st Army Corps Command
Civil Affairs Office
=====

Spave

No. 14/R.P./C.S.M. of prot.

P.M. 114-Nov.5-1943

Subject: Appointments of Mayors

To his Excellency the Prefect of

CATANZARO

(Ditto)

COSENZA

(Ditto)

REGGIO CALABRIA

and for knowledge

To the Commandant of the CC.RR. Legion of

CATANZARO

To AMGOT of

CATANZARO

To AMGOT of

COSENZA

To AMGOT of

REGGIO CALABRIA

His Excellency the Commandant of 7th Army specifies that from now on all the appointments of mayors, which would be necessary, either in consequence of the revision of all those actually in power, or for any other reason, should obtain the anticipated approval of the competent Commandants of the Army Corps (of the undersigned for Calabria).

I therefore beg your Excellencies to please give me, from time to time, the due information so that I may comply with the received orders.

Army Corps General

COMMANDANT

(Camillo Mercalli)

105

*Head. Section
from A. - Jones*
HEADQUARTERS, ALLIED CONTROL COMMISSION
Office of the Deputy President

File
/aar

18 November 1943

To His Excellency Marshal Badoglio -

Dear Marshal Badoglio:

Two reports, one from the Headquarters, 15th Army Group and one from Allied Military Government in Naples, indicate that certain appointments are being made in territory under the jurisdiction of the Military Governor without prior consultation with the Allied authorities. It is clear that there has been some misunderstanding in this respect, since insofar as territory administered by the Allied Military Government is concerned, the General Officer Commanding-in-Chief is the Military Governor and is responsible for the administration of the Government and for officials engaged in the administration.

The first of these reports relates to the appointment of Major General Catronei as Prefect of the Province of Foggia to replace Major General Pesche. In this case no advance information of any pending transfer was communicated to the Allied Commission.

A similar situation has occurred in Naples where General Basso has informed the Allied Military Government of the appointment of Signor Volpe as first President of the Court of Appeals replacing Signor Libonati who as senior subordinate president was acting first president.

Although the Allied officials state they have no objection personally to the new appointees, it is felt that some confusion may be created in territories under their control unless there is prior discussion in regard to appointments in these areas.

It is also reported that the Italian authorities have from time to time and are still contemplating the transfer and exchange of Carabinieri personnel between the territories administered by the Allied Military Government.

*10-1 - Appointments by Military Government
201 - Catronei - Prefect of Foggia
201 - Volpe - President of Court of Appeals*

COPY

31st Army Corps Command
Civil Affairs Office
=====

Sparr.

No. 14/R.P./C.S.M. of prot.

P.M. 114-Nov.5-1943

Subject: Appointments of Mayors

To his Excellency the Prefect of

CATANZARO

(Ditto)

COSENZA

(Ditto)

REGGIO CALABRIA

and for knowledge

To the Commandant of the CC.RR. Legion of

CATANZARO

To AMGOT of

CATANZARO

To AMGOT of

COSENZA

To AMGOT of

REGGIO CALABRIA

His Excellency the Commandant of 7th Army specifies that from now on all the appointments of mayors, which would be necessary, either in consequence of the revision of all those actually in power, or for any other reason, should obtain the anticipated approval of the competent Commandants of the Army Corps (of the undersigned for Calabria).

I therefore beg your Excellencies to please give me, from time to time, the due information so that I may comply with the received orders.

Army Corps General

COMMANDANT

(Camillo Mercalli)

105

I should be grateful if Your Excellency will issue the necessary instructions to prevent any such moves being carried out without prior consultation with the appropriate Allied Authorities.

KENYON A. JOYCE
Major General, U. S. A.
Deputy President

2 1 5 4
TOP SECRET

Office of the Senior Civil Affairs Officer

Calabria

8 NOV. 43

O.S. 31 Corps, Italian Army

Catanzaro

1. I have a copy of a letter addressed by you to the prefects of the 3 Calabrian provinces No. 14/RF/CSM of 5 Nov. in which you give them instructions to seek your approval of any nominations which they may make to certain subordinate communal appointments. You state in this Circular that you are acting on orders received from H.Q. 7th Italian Army.

2. I must insist on the immediate issue by you of a Circular to the prefects cancelling this instruction.

3. I wish to make it quite clear that neither the Commander of the 7th Army nor you exercise any jurisdiction at all over any civilians in Occupied Territory. In Calabria the proclamations of the Allied Military Governor vest the administration in his AGO's Staff of which I am the Senior representative, and I must remind you that there is juridically as well as administratively a marked difference in status between Italian military formations in Occupied Territory and those in that part of Italy governed by the armistice agreements.

4. It has come to my notice that in other directions also you have failed to appreciate this difference. When recently there was in your view the possibility of a disturbance of public order for which I must remind you, I am alone responsible, without consulting me and in my view and that of my officers on the spot unnecessarily, you moved a battalion of troops into Cosenza where they have complicated rationing problems and consumed a considerable amount of motor fuel which would have been more profitably spent in transporting food stuffs for the civilian population.

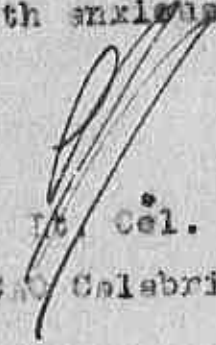
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continued -

2155
MOST SECRET

5. Officers, presumably acting under your orders, moreover, task it upon themselves to issue instructions to the CC/C.C.R.R. If this has not yet been made sufficiently clear to you, this communication should be no doubt in your mind that the C.C.R.R. act the orders of myself and no else. The Allied Military Governor's second proclamation provides for para who interfere with this arrangement.

6. I am confident that after pointing out these, doubtless unintentional usurpations of authority there will be no recurrence of incidents which might endanger the cooperation which we are both anxious to establish between the belligerent forces.


Lt. Col.

30th Colabrie

Copy to No 2 Region

B.M.M.

A.M.C.

SUBJECT:- Allied Military Government.

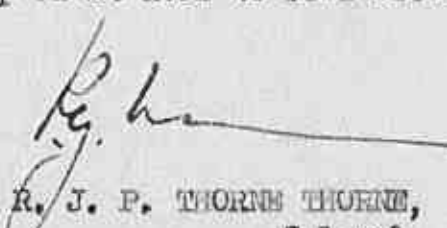
SECRET

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

H.Q., A.M.G.,
Palermo.

AMG/17/38
12th November 45

1. The attached correspondence is forwarded for your information in case it has not already reached you.
2. As long as A.M.G. functions in any region, the Military Governor and his officers do not require the permission or sanction of any Italian authority in removing or appointing Podestas etc. This applies as much to forward areas under the administration of A.M.G., 15 Army Group as it does to rear areas.


R. J. P. THORNE THORNE,
Colonel,
Senior Staff Officer.

RJPT/SCH.

Encls.

Copy to: Allied Control Commission, Brindisi.

A.M.G., Eighth Army.

A.M.G., Fifth Army.

A. M. G. - 300 - administration

CA B2

102

30 DEC 1943
433

MINISTERO DELL'INTERNO

N.322

PM 151-30 Novembre 1943

DOTT. GUIDO TAMBURRO
1° SEGRETARIO R. PREFETTURA

MATERA

Dalla lettera della S.V. in data 19 novembre c.a. N.5914 Gab. rilevo che Ella firma assumendo la qualifica di Prefetto del Regno; il che mi impone di ricordare alla S.V. che l'attuale suo stato giuridico non le consente di usare legittimamente altro titolo che quello di "1° Segretario".

E' infatti noto che quando per circostanze eccezionali ed improvvisi si assumono funzioni di grado superiore, questa situazione deve rilevarsi anche dagli atti ufficiali, i quali sono compiuti nelle vesti del funzionario del quale si esercitano le attribuzioni e che "per" esso venno sottoscritti.

Questo elementare principio giuridico dovrebbe anche essere una esigenza di correttezza e di disciplina sentita da ogni funzionario.

Nè può, nel caso in esame, avere alcuna rilevanza la eventuale diversa qualifica attribuitale da Autorità estranee alla sua Amministrazione.

Che anzi, qualora ciò fosse avvenuto senza che da parte della S.V. si fosse chiesto ed ottenuto un preventivo assenso del Governo, Ella dovrebbe a suo tempo rispondere di questo suo comportamento, denotante un desiderio di far carriera male inteso e poco correttamente esplicato, ed in ogni ^{caso} non conciliabile con le doti di equilibrio essenziale ad ogni funzionario.

Prego la S.V. di accusare ricevuta di quanto sopra.

IL SOTTOSGREGARIO DI STATO

F° V. Reale

101

///

MINISTRY OF INTERIOR

30 Nov. 1943

Gen. TaylorDoct. Guido Tamburro
1st Sec. R. Prefettura

MATERA

From your letter of Nov. 19 (~~n. 5914~~ h. 5914 Gab) I observe that you sign yourself assuming the title of prefect. This obliges me to remind you that your present *de jure* position does not allow you to use legitimately any other title than that of "First Secretary".

It is well known that when, through exceptional or unforeseen circumstances, the functions of a higher official are assumed this situation should be made clear in official acts which are performed in the place of the official whose powers are being exercised, and should be signed as "for" him.

This elementary legal principle should also be a point of discipline and correct behavior of which all officials should be conscious.

The possible different title assigned to you by authorities alien to your service cannot, in the case at hand, have any bearing on the matter.

For indeed, if this had taken place without you, on your part, having asked and received the previous consent of the government, you would in due time be obliged to account for such behavior showing a desire of promoting your career, poorly conceived and tactless, put into practice and in any case out of line with the qualities of poise necessary to any official.

Under Sec. of State

V. Reale

50 DEC 1943
633
Matera, 15/Dec/43.

TO: RGAO
Region No 2
AMG

Subject: Non-recognition of Prefect.

1. The letter of the Undersecretary of Interior addressed to Prefect Tamburro of Matera Province, handed you to-day, indicates that the Italian Government does not recognize appointments made by AMG. In addition the Prefect has received several friendly warnings from Puglia to the effect that his continuing to consider himself as Prefect will result in possible banishment from Matera when the Italian Government takes over.
2. It has been reported that Sig. Giovanni Moscato, removed from the office of Prefect by us on Nov. 18, is now President of the Council of Ministers and that Dr. Felice Vito, removed as Provveditore agli Studi because of his connection with the Fascist Party, is now serving the Minister of Education.
3. These factors are preventing our appointees from acting in our behalf with free minds and it is recommended that some assurance be given them that their faithful service under AMG will not be the cause for punitive action in the future.

J. L. Canale
J. L. Canale Capt.
SCAO

Subj. Threats against AMG Appointees.

To: Chief, AMG, APO 394

Ref. ECA/8/24
AMG HQ Region II
15 Dec 43

1. The efficient Prefect found at Matera upon the arrival of AMG was transferred to Lecce upon the request of the Badoglio government with the approval of Maj. Gen. Lord Rennell, during October. After several weeks trial the Vice-prefect, Signore Giovanni Moscato, was found to be inefficient, was removed and returned to the territory under control of the king. It is reported that he has since been appointed an Undersecretary in the Badoglio government.

2. Upon the recommendation of the provincial S.C.A.O., Dr. Guido Tamburro, then Chief of the Provincial Cabinet and Commissioner of the city of Matera, was appointed Prefect, subject to final approval by higher AMG authority. Dr. Tamburro is a career official with a family dependent upon his earnings. He has informed the Provincial S.C.A.O. that officials of the Badoglio government, in conversation and correspondence, have intimated to him that he was jeopardizing his career by occupying the position of Prefect and discharging its duties efficiently and in accordance with AMG instructions.

3. I am enclosing a copy of a letter received by him recently. The tone of this letter is certainly threatening and objectionable.

4. Certainly we cannot expect loyal cooperation from Italian officials appointed by us if they are laboring under the constant threat that when control passes from AMG they will be punished for having obeyed our orders.

5. Information is requested as to whether there is any basis for the statement in the next to the last paragraph to the effect that Dr. Tamburro must explain why he holds office without having asked for or received the prior consent of the government; if so, what are the exact facts and limitations upon AMG authorities to appoint officials?

6. If there is no basis for Signore Reale's statements, it is respectfully requested that strong representations be made to stop any

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5. Information is requested as to whether there is any basis for the statement in the next to the last paragraph to the effect that Dr. Tamburro must explain why he holds office without having asked for or received the prior consent of the government; if so, what are the exact facts and limitations upon AMG authorities to appoint officials?

6. If there is no basis for Signore Reale's statements, it is respectfully requested that strong representations be made to stop any such undermining of our authority and to obtain guarantees that the all too few Italian officials who have carried out our orders with energy and efficiency will not be punished for doing so.

G. H. McCaffrey

G. H. McCaffrey
Lt. Col., Inf.
R.C.A.O.

98

GHE/pjh
Incl.

4 JAN 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/gmf

1 January 1944.

In reply
refer to: ACC/L/111.

Memorandum:

To : Brigadier General Taylor.

1. The law is perfectly clear and undoubted, namely, that it is the right and even the duty of the Military Governor of occupied territory to remove unsuitable officials and to appoint others in their places or in the places of absentees (See App. A). Such appointments are of course only for the duration of occupation.

2. In accordance with the above, the removal of Moscato and the appointment of Tamburro in his place by Lt. Col. McCaffrey was perfectly right and proper.

3. The letter written by Reale to Tamburro is improper in the following respects.

(a) The Italian Government cannot criticise the appointment of any official by or on behalf of the Military Governor and any attempt to do so is not only a violation of international law but an unfriendly and improper act of the highest order.

(b) Tamburro is entitled and indeed bound to sign his name as "Prefect", having been so appointed by the Military Government and Reale's complaint about this is not only unfounded but childish.

(c) The statement that a different title has been assigned to him by authorities alien to his service cannot have any bearing on the matter and is of course also untrue and appears to be a deliberate attempt to undermine the authority of the Military Government.

(d) The letter finally appears to indicate that the consent of his Government is required, which again appears to be subversive of Military Government.

210.3 -
X 201 - Tamburro
X 201 - Moscato

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(d) The letter finally appears to indicate that the consent of his Government is required, which again appears to be subversive of Military Government.

In my opinion a very serious view should be taken of this letter as it appears to be a serious and deliberate attempt by a Minister of State to undermine the authority and cast doubts upon the acts of the Military Governor and to intimidate the officials appointed by him.

Two further points deserve mention.

(1) I am informed by Lt. Col. McCaffrey that other Italian officials have reported to him verbal threats of a similar nature by members of the Italian Government.

(2) The representative of the Interior Subcommission here (Major MacSweeney) never authorized any direct communication between the Italian Government and officials in occupied territory and therefore such communication was improper.

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

875
14 JAN 1947
APPENDIX "A"

Power of the Occupant to Remove and Appoint Officials in Occupied Territory.

U.S. FM 27-5:

Art. 10 (c).....so far as reliance may be placed upon them to do their workloyally and efficiently,....the executive and judicial officers and employees of the occupied country, its states, provinces, counties and municipalities, should be retained.

U.S. FM 27-10

Art. 311. Removal of Civil officials. By virtue of his powers of control the occupant is duly empowered to remove officials of every character. He will in principle remove political officials.

Art. 282. The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all measures in his power to restore, and insure,....public order and safety....

U.K. Manual of Military Law (Amend. No. 12)

Art. 401. The occupant being the administration of the country can remove and install officials.

Oppenheim, International Law Vol. II.

Para. 171. As, through occupation, authority over the territory actually passes into the hands of the occupant, he may,....depose all government officials and municipal functionaries..... Since, according to Art. 43 of the Hague Regulations, he has to secure public order and safety, he must temporarily appoint other functionaries in case those of the legitimate Government refuse to serve under him, or are deposed by him for the time of occupation.

Copy to Reg

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512

*To Mr. [unclear]
from Reel letter
translated
WMB*

30 Dec 1943
933

29 December 1943

SUBJECT: Memorandum on Attitude of Certain Officials of the
Italian Government toward AMG Appointees

TO : Major General Kenyon A. Joyce, Deputy President, A.C.C.

1. Attached is copy of a memorandum I have received from
Col. McCaffrey dealing with the attitude of certain officials of the Italian
Government toward AMG appointees.

Charles M. Spofford
CHARLES M. SPOFFORD
Colonel, G.S.C.
D.C.C.A.O., AMG HQ

Encl.

INCOMING

630
25 DEC 1943
/msz

NOT GIVEN

NOT GIVEN

ARMY 15 ARMY GROUP

FATIMA FOR CLO

6/25

TA 626

Dec 092/0935A

Dec 251400A

Reference letter 21 Dec AGO/30.

Please advise Minister of the Interior that he has no jurisdiction
to appoint prefects for Campobasso and Avellino.

Telegrams will be returned.

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - Col Monfort ACTION

091.1-1-1-1 (Stet)

CA

25 DEC 1943 603

Subj. Attempted Usurpation of the Powers of AMG, Region II.

To: Liaison Officer,
Allied Military Mission,
Brindisi.
(thru: HQ, 15 Army Group)

Ref. ECA/ /
AMG HQ, Region II
22 Dec 43

1. Attached is a copy of a letter delivered to the Provveditorato Agli Studi of Matera Province on or about 21 Dec, ordering a certain Dr. Nicola Minervini to assume the presidency of the Liceo Ginnasio of Matera on 1 Jan. This order was issued without prior consultation of any sort with any AMG official in Region II. It is one of a series of similar actions taken by various officials of the Badoglio Government.

2. Because of the number of these incidents, I am forced to the conclusion that these officials are either totally ignorant of the fact that Allied Military Government, rather than the Badoglio Government, is in charge of public administration within Region II, or they choose deliberately to ignore that fact.

3. I will be obliged if you will inform the Badoglio Government that all communications from it with regard to public affairs in Region II must be handled through the R.C.A.O. of Region II if they expect the slightest attention to be paid to them. Any official acting upon instructions received directly from the Badoglio Government will be severely punished.

4. The order in question will be ignored, as have all those which have preceded it, and Dr. Minervini should be informed that if he enters Matera Province, he will be escorted back to Apulia.

G. H. McCaffrey
G. H. McCaffrey
Lt. Col., Inf.
R.C.A.O.

CH/pjh

Copies: Chief, AMG, MILGOV, Provincia Bldg., Naples
Educational Advisor, A.C.C., AMG HQ, Palermo

93

09/11 - Mac (McCaffrey)
1201 - Administrative

U. S. SECRET
Equals British SECRET

INCOMING

/drr

R 631/12

F

25/12

SECRET

B-4155

PRIORITY

Dec 121410A

SEARS FOR FARGO FROM STOFFORD

Dec 121645A

FATIMA FOR BOYCE CITY FARGO 1171

Advised by Poletti that at recent meeting Prefects Region 1, all incumbents except 1 career Prefect expressed view that they would be unable to continue in office after turn over if oath to the King was required. Similar attitude said to be taken by considerable number Sindsons and other officials appointed by AND. This general reaction items from fact that King associated with Fascism in minds these officials. Poletti believes feeling sincere and for most part not dominated by partisan considerations.

Paragraph three Document C seems enough to permit Prefects and other officials appointed by AND to continue without oath. However feel you should be advised of present attitude here and concur in this interpretation.

DISTRIBUTION:

- 2 - AG Files
- 1 - Diary
- 1 - General Taylor - ACTION

0911-9mt (drr)

U. S. SECRET
Equals British SECRET

NR. 1378 DI PROT.

16 DIC 1943 61



IL CAPO DEL GOVERNO

16 DICEMBRE 1943.-

CARO GENERALE JOYCE,

COME LE HO BREVEMENTE ACCENNATO STAMATTINA
SAREBBE MIO VIVO DESIDERIO DI METTERE A CAPO DELL'AMMINI-
STRAZIONE CIVILE DI NAPOLI E PROVINCIA UN PERSONAGGIO CHE
SAPPIA MEGLIO COLLABORARE CON L'AUTORITÀ AMERICANA PER IL
RISORGIMENTO DELLA CITTÀ E DELLA CAMPAGNA, E CHE NELLO
STESSO TEMPO SAPPIA INDIRIZZARE LA SITUAZIONE POLITICA
CHE ORA APPARE COMPLETAMENTE SBANDATA.

AVREI PERCIÒ INTENZIONE DI NOMINARE S.E.
MONTAGNA, GIÀ R. AMBASCIATORE E SENATORE DEL REGNO COL
RANGO DI ALTO COMMISSARIO PER NAPOLI E PROVINCIA.

SO CHE MONTAGNA È GIÀ STATO RICHIESTO PIÙ
VOLTE DELL'OPERA SUA DALL'ATTUALE GOVERNATORE AMERICANO
COLONNELLO HUME, E CHE QUESTI GRADIREBBE LA NOMINA.

ATTENDO CHE LEI, CARO GENERALE, MI DIA IL
BENESTARE.

AL SIGNOR GENERALE KENYON A. JOYCE
CAPO DELLA COMMISSIONE ALLEATA DI
CONTROLLO.

91

*See
201
Montagna*

TRANSLATION

THE CHIEF OF GOVERNMENT
No. 1378 of Prot.

16 December 1943

Dear General Joyce:

As I briefly mentioned to you this morning I am greatly desirous of placing at the head of the civil administration of Naples and Naples Province a man who best knows how to cooperate with the American authorities for the improvement of both municipal and rural conditions, and who at the same time knows how to meet the diverse political problems of these times.

I therefore intend to nominate for this position His Excellency Montagna, already a Royal Ambassador and Statesman of the Realm with the position of High Commissioner for Naples and Naples Province.

I am aware that Montagna's services have many times been requested by the present American governor, Colonel Hume, who heartily endorses his nomination.

I hope, dear General, that I may soon know your feeling in this matter.

BADOGLIO

90

To General Kenyon A. Joyce
Chief of the Allied Control Commission
Headquarters

CAR

22 DEC 1943

MDT/hjp

In reply refer to:
014.3

22 December 1943

MEMORANDUM FOR: His Excellency Marshal Messe
Chief of the Supreme General Staff

The Allied Control Commission is informed by AMG officials in Naples that General Basso had organized an office of civil affairs which is quite active. I am sure that Your Excellency will agree that it is important to avoid setting up new agencies in Naples which conflict or appear to conflict with the functions of Allied Military Government. I am not certain that this comment applies to General Basso's office of civil affairs but I would appreciate Your Excellency informing the Commission as to the scope of its activities.

For the Deputy President, Allied Control Commission:

MAXWELL D. TAYLOR
Brigadier General, USA

89

CAB

X 091.1 - Gmt (Gmt)
201 - Basso

HEADQUARTERS,
ALLIED MILITARY GOVERNMENT,
15 ARMY GROUP,
C. K. F.
+++++

AWG/41/7.

24th December, 1945.

My dear General Joyce,

I refer to letter addressed to you by the Italian Prime Minister, No. 1378 of Prot, dated 16th December, in which he informs you that he intends to nominate to the Head of the Civil Administration in Naples, Signor Montagna with the title of High Commissioner of Naples and Naples Province.

It is, of course, impossible for me to agree to any Italian official occupying the position or bearing the title of High Commissioner in 15 Army Group area, nor had I any intention of creating an additional post in the administration of Region III. If, however, the Prime Minister wishes to appoint Signor Montagna as Prefect of Naples, I am ready to consider the matter but should be glad to know what Marshall Badoglio intends to do with the existing Prefect. The latter gentleman has not been entirely satisfactory and I should welcome a change. On the other hand, Signor Montagna cannot be far short of 70 years of age and is not in my opinion entirely fitted to occupy a post where energy and vitality are very necessary.

Marshall Badoglio was, in my opinion, premature in sending Signor Montagna to Naples simultaneously with the issuing of this letter, particularly as he extracted from your Headquarters a pass asking all concerned to give the gentleman every facility and did not fail to tell Signor Montagna that he had been sent as High Commissioner to Naples. Signor Montagna, of course, is now publishing this broadcast in Naples and I should be glad if the gentleman could be withdrawn from that city until his future position is decided upon.

Yours sincerely

Maurice Zuck

88

My dear General Joyce,

I refer to letter addressed to you by the Italian Prime Minister, No. 1578 of Prot, dated 16th December, in which he informs you that he intends to nominate to the Head of the Civil Administration in Naples, Signor Montagna with the title of High Commissioner of Naples and Naples Province.

It is, of course, impossible for me to agree to any Italian official occupying the position or bearing the title of High Commissioner in 15 Army Group area, nor had I any intention of creating an additional post in the administration of Region III. If, however, the Prime Minister wishes to appoint Signor Montagna as Prefect of Naples, I am ready to consider the matter but should be glad to know what Marshall Badoglio intends to do with the existing Prefect. The latter gentleman has not been entirely satisfactory and I should welcome a change. On the other hand, Signor Montagna cannot be far short of 70 years of age and is not in my opinion entirely fitted to occupy a post where energy and vitality are very necessary.

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Yours sincerely

88

Marina Zucc

Major-General Kenyon Joyce,
Chief of Allied Control Commission,
BRINDISI.

U. S. SECRET
Equivalent British SECRET

ALLIED CONTROL COMMISSION INCOMING

MESSAGE /msr

SVC/RELAY NO. R 96/20

M/C NO : 8/20

CLASS: SECRET

REF NO: DEC 19 2873

PREC : PRIORITY

FILED : DEC 19 1817A

FROM : PBS PENCE (LUSH)

REC'D : DEC 20 0226A

TO : FATIMA FOR GENERAL JOYCE REFERENCE FILPOT

Find at Flambo letter emanating from Office of Civil Affairs
Commando FFAA delle Compagnie signed by Basso Chief of Staff.
Letter is helpful but should be glad if Basso could be instructed
that he cannot set up Office of Civil Affairs and that administration
here is being conducted by AMG.

DISTRIBUTION:

2 - AG
1 - Diary
1 - Gen. Taylor ACTION

12/21/43
To: Maj. Shackrah
In comment as
to legal features
msr

Letter to Maj.
22/12/43

Filp

101-13000
10911-1-14.901

U. S. SECRET
Equivalent British SECRET

Memorandum.

For Brig. General Maxwell to Taylor.

Subject: Italian Office of Civil Affairs

1. The establishment by an Army Commander of military government flows from the rights of effective belligerent occupation of territory under international law (Article 42 Hague Rules).
2. It is difficult to see how such paramount rights exercised by an Allied military Governor could be shared with another authority not enjoying equal rights or status.
3. The exercise of A.M.G. must of necessity be an exclusive right belonging to the CCAO or his delegates
4. Without seeing the text of the "helpful" letter from General Basso it is difficult to understand what the Italian military authority means by an "Office of Civil Affairs" or whether its scope is restricted to staff collaboration with the Allied Armies in the field in dealing with civilian problems in areas where Italian forces are operating or whether it envisages some preparation for Italian military administration in territory to be restored.

22 Dec. 1943.

DR Shackelford
Major.
Legal Officer. A.C.C.

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22 Dec. 1943.

DR Shackelford
Major.
Legal Officer. A.C.C.

7 JAN 1944

1406

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
APO 512

AMG/014.13

3 January 1944

SUBJECT: Interference with Region II by Badoglio Government

TO : Advanced HQ A.C.C., Brindisi

1. Reference is made to letter of this office dated January 1, 1944, on the subject of the appointment of alleged Fascists and the contents thereof.
2. As part of the purge of Fascists in Potenza Province, a committee of AMG officers and Italian officials and civilians reviewed the records of 221 individuals. Forty-nine serious cases were found. The SCAO recommended that six of these men be deported to Africa and that the other forty-three be given "confino," that is be ordered to change their residence and be kept under close supervision by the Carabinieri.
3. Information of these recommendations reached the Badoglio Government, which through its Ministry of the Interior, sent the attached letter to the Questore at Potenza directing that these men be sent to the Apulian provinces as listed.
4. Since this would remove them entirely from AMG control, as well as because the order has no validity, the SCAO has, of course, directed that it be ignored and those not held for deportation will be sent to Calabria.
5. Attached is a copy of a letter delivered to the Provveditore Agli Studi of Matera Province on or about 21 December, ordering a certain Dr. Nicola Minervini to assume the presidency of the Liceo Ginnasio of Matera on 1 January. This order was issued without prior consultation of any sort with any AMG official in Region II.
6. It is suggested that the head of the Government be informed that dealings and communications of this character between the Government and Italian officials in occupied territory are not countenanced and must be discontinued.

CHARLES M. SPOFFORD
Colonel, GSC
D.C.C.A.O., AMG HQ

Encls. - 2

CPA

7 JAN 1944

1406

COPIA

Potenza 23 Dicembre 1943

OGGETTO: Provvedimenti a carico di ex Gerarchi e fascisti.

Al Signor Cap. PATY
Capo dell'Ufficio LegalePOTENZA

Per conoscenza si comunica la seguente lettera del Ministero dell'Interno in data 17 corrente, relativa all'oggetto:

"Questo Ministero, solo oggi, 17 Dicembre, c.a. ha ricevuto da parte di codesta Prefettura, per Posta e a mezzo di corriere odierno, le note pari numero di cui una con l'allegato elenco dei gerarchi e fascisti da sottoporre al Provvedimento dal Confino. La nota del 13, pure pari numero, che viene indicata con la data del 13 corr. as che probabilmente avrà portata la data del 13 novembre, non risulta pervenuta. Comunque questo Ministero dispone che i gerarchi ed i fascisti per cui è stata deliberato il Provvedimento di Confino, vengano inviati nelle 4 Province sotto il diretto controllo di questo Governo, con le destinazioni indicate a fianco di ciascuno:

CATALANO FRANCESCO	BARI	FUCILLA AMEDEO	TARANTO
D'URSO CLEMENTE	BARI	D'ANDREA ANDREA	TARANTO
CAPOCCI PALMIRO	BARI	POTENZA ANGELO	TARANTO
ZAFFAGOSTA SILLA	BARI	PITTELLA LUIGI	TARANTO
MONTESANO DOMENICO	BARI	MURRO LUIGI	LECCE
CITTADINI MARIO	BARI	FERRARA GIUSEPPE	BRINDISI
SEVERINO ARDUINO	BARI	ANGELINI AMEDEO	BRINDISI
CAUTELA MICHELE	BARI	PIACENTINI EDUARDO	BRINDISI
FRANCIOSA DOMENICO	BARI	FINI DOMENICO	BRINDISI
ROSATI SILVIO	BARI	SATTIANO DOMENICO	LECCE
DE NIGRIS FRANCESCO	BARI	FRAGASSO ANTONIO	LECCE
SCHETTINI BIAGIO	BARI	PSTORE MICHELE	LECCE
QUAGLIETTA ANTONIO	BRINDISI	VERTONE EUGENIO	LECCE
D'URSO RODOLFO	BRINDISI	BRIENZA VITTORIO	LECCE
ARLINO MASSIMO	BRINDISI	GIANFURCO LUIGI	TARANTO
NICOLETTA MICHELE	BRINDISI	GIULIANO ANTONIO	TARANTO
ANGELI RICCARDO	BRINDISI	TODISCO NICOLA	TARANTO
ALOISI ERNESTO	BRINDISI	GASCINI RAFFAELE	TARANTO
DE ROSA SABATO	BRINDISI	PALMIERI BENIAMINO	TARANTO
MAULA VINCENZO	BRINDISI	GIANFURCO BARTOLO	LECCE
ANGIOLILLO GERVARO	LECCE	D'ADDEZIO VITO	LECCE
MURRO ROCCO	LECCE		
FUCILLA OSCAR	LECCE		
QUANTANIO FRANCESCO	LECCE		
LIBUTTI UBALDO	LECCE		
CARRIERO NICOLA	TARANTO		

L'Eccellenza Vostra, pertanto, vorrà provvedere a far tradurre i Gerarchi e i Fascisti sopra elencati a ciascuna Provincia di destinazione.

7 JAN 1944

1406

Gli Eccellentissimi Prefetti interessati provvederanno, a loro volta, a destinare nei Comuni interni delle proprie Province i Confinanti di cui trattasi, avendo cura, di scegliere località interne e militarmente non importanti.

I predetti dovranno essere attentamente vigilati in modo da seguirne l'eventuale attività politica e ad impedire che essi si allontanino dai Comuni ove verranno destinati, facendo perdere le loro tracce. Si attende assicurazione da parte di S.E. il PREFETTO DI POTENZA e si rimane in attesa di conoscere da parte dei PREFETTI interessati i Comuni dove i confinanti verranno destinati.

IL PREFETTO
(M. de Goyzueta)

7 JAN 1944
1406

COPIA

MINISTERO DELL'EDUCAZIONE NAZIONALE

Prot. n. 24/0.01.

P.M. 151, 11 14 dec. 1943

OGGETTO: Preside MINERVINI Dott. Nicola
Trasferimento.

AL R. PROVVEDITORE AGLI STUDI	- LECCE
AL R. PROVVEDITORE AGLI STUDI	- MATERA
ALL'UFFICIO PROVINCIALE DEL TESORO	- LECCE
e, per conoscenza:	
ALL'ECCCELLENZA IL PREFETTO	- LECCE

Il Preside Prof. MINERVINI Dott. Nicola del R. Liceo Ginnasio di Gallipoli è trasferite per servizio alla presidenza del R. Liceo Ginnasio di Matera dove dovrà assumere l'Ufficio il 1° Gennaio 944.

L'Ufficio Provinciale del Tesoro di Lecce è pregate di trasferire a quelle di Matera il ruolo di spese fisse relative al preside Minervini Nicola.

IL SOTTOSCRITTO

P/te Giovanni Cuomo

TRANSLATION

Ministry for the Interior
Under-Secretary for State

13 January 1944

No. 10042

NOTE TO THE ALLIED CONTROL COMMISSION:

This Ministry has been informed that the Allied authorities have found it necessary in Sicily to remove, as precautional war-time measures, from their positions even career prefects.

Now, as we point out, these officials are not censured for disciplinary reasons and we would like you to examine the possibility of returning them to the territory directly administrated by the Royal Government for the purpose of being employed in civil administration. The latter has particular need at this moment of the services of persons with technical and great administrative experience.

If, however, the conduct of these officials has been blameworthy, the Royal Government would be grateful to be informed of any imputations in order to take the necessary disciplinary measures and, if it so happens, provide for the pensioning off of these men. Otherwise, they will retain their right of full payment (as if they had remained in active service), gravely burdening the State budget.

Under-Secretary for State

1485
JAN 16 1944

RED/are

In reply
refer to: 091.1

16 January 1944

MEMORANDUM FOR: His Excellency Vito Reale
Under-Secretary of State for Interior

Your Excellency's letter No. 100/2 dated 13 January concerning removal of career prefects in Sicily has been received.

If Your Excellency will submit a list of names of the officials in question, the matter of returning them to territory under control of the Royal Government will be examined.

For the Deputy President, Allied Control Commission:

ELIJAH W. STONE
Captain, USAR
Acting Chief of Staff

091.1 - Reale

30 JAN 1944

3044

INCOMING

/nd

F

NOT GIVEN (BY ELS)

33/29

ROUTINE

FA 956

HQ ACMF FROM AMG

JAN 271132A

MAIN EIGHTH ARMY FOR AMG RPTD FATIMA FOR MAYNE

JAN 292335A

No further action will be taken by Prefect CAMPOBASSO until further orders through you. Your 72/92A of 24 Jan refers. Request that action outlined your memo be taken in AMG territory received even date through ACC BRINDISI and now under consideration.

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