

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

ACC

10000/100/91

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

10000/100/91

TRANSFER OF TERRITORY TO
ITALIAN GOVERNMENT
SEPT. 1943 - FEB. 1944; MAY 1944

183 pp

Note

The Legal sub Commission's
Bunicki File 4102 (L 305)
has been ~~also~~ absorbed
into this file.

10/20/01

785015

SECRET.

Short REPORT on POTENZA CITY

A current rumour that the Allied Military Govt: are shortly handing over Region II to the Badoglio Govt: has shed gloom over the inhabitants of POTENZA, several of whom I talked to yesterday.

The general opinion seems to be that the time is not yet ripe for such a move; that it would undoubtedly lead to unrest and riots in the communes; and that it would create violent communist or republican factions. There appears to be scanty confidence in the Badoglio Govt., and the Army - especially the officers - seems to be regarded with some contempt by the younger people.

A well-known landowner of the

Province was full of pessimism for the future, if the rumour be true - and told me that in his opinion revolution was bound to follow our withdrawal. The mere presence of members of the A.M.G. would be sufficient to stave off any ugly demonstrations.

There is a strong feeling against King Victor Emmanuel, and many once ardent supporters of the House of Savoy are becoming republican minded.

Slogans such as Viva MAZZINI! and Viva MATTEOTTI have been daubed in red paint over Govt. & other buildings.

A.T.D. Utley

→ Capt I.O.

2248

U. S. SECRET
Equals British MOST SECRET

ALLIED FORCE HEADQUARTERS
Military Government Section

Secy Gen 3667
Jim MacArthur
ATM/CF/jw

MGS: 387.4-2

14 February 1944

SUBJECT: Transfer of Territory.

TO : Headquarters Allied Control Commission.
(Attention of the Chief Commissioner).

1. Receipt is acknowledged of your letter of 9 February 1944, Ref. CC/G/43, on the above subject, with one copy each of Documents A, B, C, D and E inclosed.

2. In examining the documents, the following questions arise:

(a) Document A. Was there no article 7 in the Terms of Restoration?

(b) Document B, last paragraph. Please supply the omission: ".....are hereby terminated as of 0001 hours on _____ day of February 1944".

(c) Document C. Please supply the omission: "Now, Therefore, I, _____ hereby proclaim as follows:"

(d) Document C. At the conclusion of article 3, the following words appearing in the Revised Draft of 22 December have been omitted: "Except that any person so appointed may be removed at any time by the Italian Government with the consent of the Allied Commander-in-Chief". In accordance with the suggestion in your PBS 6975, Cite FARGO 655, of 1 February, this omission was authorized on condition that the same undertaking be inserted in some appropriate place in Document A. See AFHQ Message 46943 of 3 February. Was such insertion made in Document A as signed and accepted?

(e) It is requested that the signature to Document C be indicated.

(f) Similarly as to Document E.

3. A copy of your letter of 9 February with inclosures, marking the points as to which clarification is desired, is inclosed.

Incls: Ltr CC/G/43
Copy of Document A
" " " B
" " " C
" " " D
" " " E

A. T. Maxwell
A. T. MAXWELL 2247
Colonel
Acting Chief

U. S. SECRET

Ref. CC/G/50.

SECRET

HEADQUARTERS ALLIED CONTROL COMMISSION

Office of the Deputy President

APO 394

FNMM/rj

13th. February, 1944.

MEMORANDUM:

TO: Colonel Upjohn,
Chief of the Legal Sub-Commission.

1. I return herewith the Italian texts of Transfer Documents "A", "B" and "D" duly signed up. Marshal Badoglio has duplicates.
2. Marshal Badoglio has naturally accepted the fact that the official text is the English.
3. I enclose also a letter from Badoglio asking us to produce a protocol affirming that we propose to return to Italian administration the Islands of PANPELLARIA, LAMPEDUSA and LINOSA when we have ceased to require their use for military reasons.
4. I told Badoglio that I would be prepared to forward his request.
5. Will you please draft a note to A.F.H.Q. forwarding Badoglio's request.

*Letter drafted & handed
to the Chief Commissioner*

*17.2.44
gpm*

Noel Mason

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.



IL CAPO DEL GOVERNO

NO

DI PROT.

SALERNO, Lì 11 FEBBRAIO 1944

AL SIGNOR GENERALE MASON MAC FARLANE
CAPO DELLA COMMISSIONE ALLEATA DI
CONTROLLO

SUA SEDE

CARO GENERALE MAC FARLANE,

HO L'ONORE DI CONFERMARE CHE ALL'ATTO DELLA FIRMA
DEL DOCUMENTO DI TRASFERIMENTO DELLE PROVINCE MERIDIONALI
ALL'AMMINISTRAZIONE DEL GOVERNO ITALIANO, LE HO FATTO LA
SEGUENTE DICHIARAZIONE VERBALE :

"IL GOVERNO ITALIANO PRENDE ATTO CHE LE PROVINCE
MERIDIONALI SONO RESTITUITE ALL'AMMINISTRAZIONE ITALIANA
AD ECCEZIONE DELLE TRE ISOLE DI PANTELLERIA, LAMPEDUSA E
LINOSA.

IL GOVERNO ITALIANO NON HA SOLLEVATO ALCUNA OBIE-
ZIONE AL RIGUARDO, NELLA CERTEZZA CHE L'AMMINISTRAZIONE DEL-
LE PREDETTE ISOLE NON GLI È RESTITUITA PER PURE RAGIONI DI
CARATTERE MILITARE, CESSATE LE QUALI ESSE SARANNO NATURAL-
MENTE RINSERITE NELLA GENERALE AMMINISTRAZIONE DELLA MADRE
PATRIA.

E DI QUESTA MIA DICHIARAZIONE VERBALE PREGO SIA
PRESO ATTO NEL PROTOCOLLO DI FIRMA DEL PRESENTE DOCUMENTO
DI TRASFERIMENTO."-

COPY

Ref. CC/G/43

SECRET

HEAD QUARTERS ALLIED CONTROL COMMISSION
Office of the Deputy President
A F O 394

FMBM/rj

9th. February, 1944.

SUBJECT: Transfer of Territory.

TO: Allied Force Headquarters,
(For ATTENTION H.Q.S.)

1. I enclose a copy of the five documents in connection with the Transfer of Territory to the Italian Government as finally agreed and signed between Marshal Badoglio and myself.
2. Marshal Badoglio has retained one set of signed documents and I have retained another.
3. Please have copies of these documents made and given to Mr. MacMillan, Civil Affairs and Chief of Staff.

/s/ Noel MacFarlane

/t/ NOEL MACFARLANE,
Lieutenant-General,
Chief Commissioner.

SECRET

4102 ✓
HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

ES/GMS/scm

ES/41

5 February 1944

SUBJECT: Restoration of Territory-Transitional Legislation.

TO : Legal Sub-commission

58

1. Refce. ACC/4102/L 3 February 44. The following amendments are recommended:-

a. Article IV. Delete ...and within ten days from the date of this order.....to end of article.

b. Article VIII. Delete "Listed in Sec. 2 of this article."
Delete the whole of Section 2.
Sec. 3 substitute 'schedule hereto' for 'Section 2'

c The Schedule:-

1. Wearing Apparel, Textiles	add
YARN	NIL
SILK, SPUN, RAW, or COCOON	NIL
HEMP	NIL

2. Minerals, Building Materials etc.
Substitute 'nitrogenous' for 'nitric'
Substitute 'super-phosphate' for 'phospatic'

3. Drugs, Soaps, Chemicals
Add TARTARIC ACID 100 Kg.

4. Delete 'WOOD' from Heading WOOD, RUBBER, LEATHER etc.

5. PETROL OIL etc.
Substitute 'Coal Indigenous & Sardinian' for 'Coal Soft'
Substitute 'Coal Imported' for 'Coal Anthracite' and substitute
NIL for 1000 Kg in case of Coal Imported. +
In case of Charcoal substitute 1000 kg for 500 Kg.

G. M. Sharp. May 4

for D. S. ADAMS
Colonel, C.E.
Chief Staff Officer
Economic Section 2413

SECRET

1/4

PRIORITY

46943

FREEDOM SIGNED CINC. CITE FHMGS

Feb 031841A

FARGO REPEATED FATIMA REAR AND FAIRBANKS

Feb 040055A

Herewith reply to your message CIT Fargo 655 of 1 February and to memorandum DP/G/33 of same date with its enclosures.

1. Document A, Article 1 must stand as written. Under article 19 of long terms the Italian Government must make certain things available in occupied territory. Although the territory restored becomes "non-occupied", we reserve, nevertheless, the rights stipulated in Article 1 of Document A.

2. Document A Article 9. Redraft cannot be accepted. However, you are authorized to add at end of Article 9 these words ", except as may from time to time be agreed by the Allied Powers."

3. Document A, Article 11. Redraft cannot be accepted. But you may alter old sentence to begin "any official or other representative of, in respect of any activities for official account, any agency of the United Nations, civilian or military" etc.

4. Document A, Article 13. Desired amendment cannot be accepted. Document A speaks of the restored territory as being "non-occupied." Italian amendment would limit costs recoverable to those arising from troops connected with "occupation".

5. Document C. Separation into three parts as described is acceptable.

6. Document C, Article 9. Your comment is approved. You may omit

Incoming message fr Freedom, #46943, dtd 3 Feb 44, cont'd

"except that any person" etc. at close of Article 1, and insert the same
undertaking at some appropriate place in Document A. Advise this Head-
quarters of any textual change you may make.

7. Proclamation by Marshal Badoglio. 3rd paragraph thanks Allies in
name of King and people. Our Governments have directed that it is important
in connection with all proposed documents that Royalty Crown and King be
not emphasized. It would appear therefore desirable that this mention of
the King be omitted from the text.

8. It is to be remembered that transfer on basis of document A,
B and C as presented to Italian Government represented more favorable views
than that previously taken by the two Governments, and was accepted by them
only after strong recommendations of Allied C-in-C. Accordingly this
Headquarters not prepared to ask CCS approval of modifications desired by
Italian Government.

Ref DP/G/33

HEADQUARTERS
ALLIED CONTROLLING COMMISSION
APO 394

WMM/sc

1 February 1944.

MEMORANDUM:

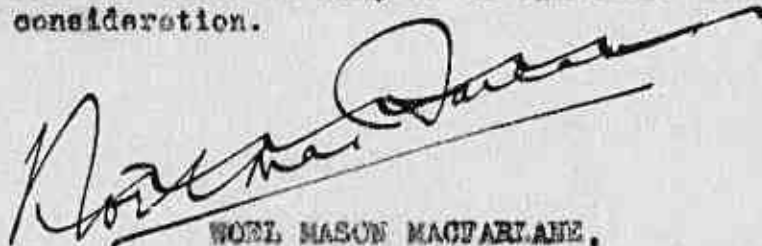
TO : AFHQ, for AGS. (ATTENTION: Commander in Chief, Mr. Murphy, Mr. MacMillan.)

SUBJECT: Transfer of Territory to Italian Government.

1. Colonel Jung, Under Secretary of State for Finance, with Sig. Philipson and Casaride arrived here in Naples yesterday to submit the representation of the Italian Government on Documents A, B, C, and D. Meetings took place last night and this morning between the Italian deputies and representatives of A.C.C. at which I presided.

2. I enclose in the case of documents A, C, and D, the suggestions made by the Italian representatives. I have been through the wording of these suggestions with Colonel Jung who agrees that they represent the views of his government. The Italians had no comment to make on Document B.

3. The attitude of the Italians was very correct and cooperative throughout. I consider that their suggestions are in the main quite reasonable. I hope it will be possible to obtain early decisions on the points which have been listed so that we may be able to adhere to the date of the 10th of February which has been agreed previously by all concerned as to the date for transfer subject to agreement being reached regarding the documents under consideration.



NOEL MASON MACFARLANE,
Lieutenant General,
Chief Commissioner.

X p.s.
Copy to: QCMF

DOCUMENT A

Article I.

The Italian Government requires an assurance that nothing in this article increases their financial liabilities implied in their interpretation of the Armistice terms. The view of the Italian Government is that their financial liabilities under Article 21 B is limited to the provision of free transport facilities.

Comment:-- I suggest that if possible this assurance should be given.

Article IX

The Italian Government desires the following redraft:

"The right to import and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without payment, as long as such supplies are and remain in Allied hands, of any import, tax, charge or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies. From time to time the United Nations and the Italian Government will consider whether and to what extent civilian supplies for distribution to the civilian population should, when transferred to distributors, pay any import, tax or charge or duty having in mind that sale prices to the civilian population should be fixed on a basis consistent with the general economic financial policy and situation but that essential supplies should be free of tax. The Allied Forces may also export products or commodities free of any imports, taxes, charge or duty."

Comment:-- I recommend that this redraft be accepted.

Article XI

The Italian Government wishes the commencement of this article redrafted as follows:

"Any member of the United Nations' land, sea or air forces or their officials or accredited representatives may enter and remain, etc., etc.,".

The Italian Government fears that in its existing form and with the inclusion of the word 'agents' it might increase the incidence of smuggling and other irresponsible acts. Colonel Jung stressed the fact that the Italian Government had in mind nationals of Allied Nations other than British or American.

Comment:-- I recommend that this amendment be accepted.

Article XIII

The Italian Government requests that the words "engage in duties in connection with the occupation of the country" should be added after the words "or other personnel".

Comment:-- This suggestion appears to be an attempt to define or limit their financial liabilities.

There seems to be some doubt as to the actual meaning of this clause compared with the Armistice terms.

Unless it is desired to raise the question now and in connection with this document of the interpretation of Italian financial liabilities under the Armistice terms, I recommend that this clause be omitted altogether from the document.

The question is clearly one which requires clarifying but if we deal with it in connection with this document it seems possible that there may be considerable delay before agreement is reached and this might entail an unfortunate delay in the transfer of territory which ought, in my opinion, to take place as soon as possible after the Italian Government has installed itself at Salerno.

They will be so installed by 7th February.

Noted Marshall
Lawrence

DOCUMENT C

The Italian Government considers that for psychological reasons the form of approach to the Italian people should be modified. They strongly recommend the following procedure:

They agree that paragraphs 1 to 4 should be issued as a proclamation. They wish the list of paragraphs 5 and 7 to be issued as a message to the Italian people from Marshal Badoglio. A draft of this message has been submitted to me and appears acceptable. I attach hereto a copy of this draft.

The Italian Government would much prefer not to issue paragraph 6 as a proclamation. They would like to enact it immediately as legislation in the normal way in the official gazette. This would be, in their opinion, less obtrusive. Colonel Jung pointed out that in the event of any areas being modified as military zones, a proclamation would be posted immediately in which this legislation would be brought to the full knowledge of the people.

Comment:-- The Italian Government is presumably in the best position to know the most effective form of approach to the Italian people, and I recommend that their suggestion should be accepted.

The Italian Government also desires that the last portion of clause 3, from the word "except" to the end of the clause should be omitted. They considered that public acceptance of this clause would undermine the authority of the administration. They were willing loyally to consult the Allied Nations but considered that the final decision with regard to the removal of such persons should rest with them.

Comment:-- I consider that we should take a firm stand on this point but suggest that the words might be omitted from the proclamation itself and that the question should be covered by a suitable clause in Document A.

I would stress the fact that the Italians clearly desire most strongly that they should be allowed to consult us loyally in cases of this description and that they should not be subject specifically at our concept.

Robert A. Johnson

DOCUMENTO C

Proclama del Maresciallo Badoglio al Popolo Italiano

ITALIANI,

Le Nazioni Unite, aderendo alla richiesta del R. Governo, hanno disposto che la maggior parte del nostro territorio sinora occupato dalle Forze Alleate ci sia restituito.

Resteranno naturalmente in vigore soltanto quelle clausole e condizioni che sono necessarie per la condotta della guerra.

Ringraziamo Gli Alleati, a nome di Sua Maestà, il Re e di tutto il Popolo Italiano, per questo gesto generoso, che è anche un gesto e, insieme, una prova di fiducia.

A nessuno sfuggirà l'importanza e la portata dell'avvenimento. E' questa la prima tappa verso la rinnovata unità della Patria. Che deve essere il nostro scopo e la nostra aspirazione suprema. La prima tappa dopo quella cieca corsa verso l'abisso, alla quale il Popolo Italiano è stato per 20 anni costretto da un regime da cui vogliamo, in nome della libertà che ci è cara, ma non della licenza, in cui nessun popolo può cadere senza pericolo estremo, completamente rinunciarvi.

ITALIANI,

Le Forze Alleate combattono vittoriosamente con noi il comune nemico tedesco. Quello stesso nemico che abbiamo combattuto insieme sul Corso, sull'Isola del Mare. Dall'esito di questa lotta dipende l'avvenire dell'Italia e del mondo. Tutti gli Italiani, in ogni settore della vita nazionale, dal più umili al più alti, vi debbono contribuire con tutti i loro mezzi e con tutto le loro forze,

zioni che sono necessarie per la condotta della guerra.

Ringraziamo gli Alleati, a nome di Sua Maestà, il Re e di tutto il Popolo Italiano, per questo gesto generoso, che è anche un gesto o, insieme, una prova di fiducia.

A nessuno sfuggirà l'importanza e la portata dell'avvenimento. E' questa la prima tappa verso la rinnovata unità della Patria. Che deve essere il nostro scopo e la nostra aspirazione suprema. La prima tappa dopo quella cieca corsa verso l'abisso, alla quale il Popolo Italiano è stato per 20 anni costretto da un Regime da cui vogliamo, in nome della libertà che ci è cara, ma non della licenza, in cui nessun popolo può cadere senza pericolo estremo, completamente redimerci.

ITALIANI,

Le Forze Alleate combattono vittoriosamente con noi il comune nemico tedesco. Quello stesso nemico che abbiamo combattuto insieme sul Gerso, sull'Isoneo sul Piave. Dell'esito di questa lotta dipende l'avvenire dell'Italia e del mondo. Tutti gli Italiani, in ogni settore della vita nazionale, dal più umili al più alti, vi debbono contribuire con tutti i loro mezzi e con tutte le loro forze, senza riserve, senza esitazioni, senza discussioni.

I nostri fratelli ci attendono in Roma eterna, in tutte le città e in tutti i villaggi ancora prigionieri dalla balanetta nazista.

La guerra può essere vinta soltanto con la più leale, con la più franca, con la più intima collaborazione coi liberi e grandi popoli alleati. Chiunque compia atti che comunque ostacolano le Forze Armate nostre e Alleate o ne intralciano lo sforzo bellico o comunque giovino al nemico sarà senza altro giudicato e esemplarmente punito.

- 2 -

E' questa, dopo molte dolorose e tormentose giornate, un primo giorno fausto. Perché, se lo sapremo e vorremo, contiene i germi della nostra salvezza che non può venire che dallo sforzo risolutivo concorde ed unanime di tutti.

Siate, Italiani, all'altizza dell'avvenimento, in nome di questa nostra Patria risorgente dall'abbisso, insanguinata e dolente.

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

2237

DOCUMENT C

Proclamation of Marshal Badoglio to the Italian People

ITALIANS,

The United Nations, following the request of the Royal Government, have ordered that the major part of our territory, until now occupied by the Allied Forces, be returned to us.

Naturally, in effect will remain those clauses and conditions necessary for the conduct of the war.

In the name of His Majesty, the King, and all the Italian People, I thank the Allies for this generous gesture, which in addition to being a gesture, is at the same time a proof of faith.

No one can escape the importance and meaning of this event. This is the first stage toward the renewed unity of the Fatherland, and which should be our supreme purpose and aspiration. The first stage after the blind course toward the abyss, into which the Italian People have been forced for twenty years by a Regime, from which we wish to redeem ourselves completely, in the name of Liberty, that is dear to us, but not in the name of license, into which no people can fall without extreme danger.

ITALIANS,

The Allied Forces are fighting victoriously with us against the common German enemy, this same enemy against whom we have fought together on the Carso, Isonzo and the Piave. On the result of this fight depends the future of Italy and the world. All Italians, in every sector of national life, from the most humble to the highest, must contribute thereto by all their means and with all their strength, without reservations, without hesitation, without argument.

Our brothers await us in eternal Rome, in all the cities and villages still held down by the Nazi Bayonette.

The war can be won only by the most loyal, frankest and most intimate collaboration with the free and great Allied Peoples. Whoever commits acts which in any way hinder our, and the Allied Armed Forces, and impedes the war effort and in any way assist the enemy, will without any further delay be exemplarily punished.

And this, after so many dark and tormented days, is our first happy day. Because, if we realize and desire it, holds the roots of our salvation, which can only come from the resolute, united and unanimous endeavour of all.

Italians, rise to the height of this event, in the name of this Fatherland of ours, which bleeding and suffering is returning from the abyss to a new

Naturally, in effect will remain those clauses and conditions necessary for the conduct of the war.

In the name of His Majesty, the King, and all the Italian People, I thank the Allies for this generous gesture, which in addition to being a gesture, is at the same time a proof of faith.

No one can escape the importance and meaning of this event. This is the first stage toward the renewed unity of the Fatherland, and which should be our supreme purpose and aspiration. The first stage after the blind course toward the abyss, into which the Italian People have been forced for twenty years by a Regime, from which we wish to redeem ourselves completely, in the name of Liberty, that is dear to us, but not in the name of license, into which no people can fall without extreme danger.

ITALIANS,

The Allied Forces are fighting victoriously with us against the common German enemy, this same enemy against whom we have fought together on the Garso, Isonzo and the Piave. On the result of this fight depends the future of Italy and the world. All Italians, in every sector of national life, from the most humble to the highest, must contribute thereto by all their means and with all their strength, without reservations, without hesitation, without argument.

Our brothers await us in eternal Rome, in all the cities and villages still held down by the Nazi Bayonette.

The war can be won only by the most loyal, firmest and most intimate collaboration with the free and great Allied Peoples. Whoever commits acts which in any way hinder our, and the Allied Armed Forces, and impede the war effort and in any way assist the enemy, will without any ^{delay} further be judged and exemplarily punished.

And this, after so many dark and tormented days, is our first happy day. Because, if we realize and desire it, holds the roots of our salvation, which can only come from the resolute, united and unanimous endeavour of all.

Italians, rise to the height of this event, in the name of this Fatherland of ours, which bleeding and grieving is returning from the abyss to a new life.

DOCUMENT D.

Attached is a copy of Document D.

The amendments to this Document as agreed between the
Italian representatives and myself are also attached.

Not me [Signature]
24

DOCUMENT D

1. Your Excellency is requested to move the seat of the Italian Government to Salerno at a date not later than the date of restoration of territory.
2. Your Excellency is also requested to pass and to publish in the Official Gazette before the date of restoration the following decrees:
 - (a) A decree stabilising wage rates, maximum prices, charges for services; maximum quantities of grain to be held by anyone; as existing at the date of restoration and pending the future policy being agreed upon between us.
 - (b) A decree to implement para. 5 of document A. providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and for empowering any member of the Allied Forces to arrest any person suspected of being concerned in such an act.
3. In addition, Your Excellency is requested to give me your assurance that you will proceed, with all possible expedition, to pass decrees dealing with the following matters:
 - (a) To implement so far as may be necessary the terms set out in Document A and the Terms of the Proclamation to be signed by you.
 - (b) Financial Matters.
 - (1) Re-enacting by decree if necessary the terms of Bando No. 61 AC dated 24 Sept. 1943 in relation to notes of exchange of Allied Military Currency.
 - (2) Barring all transactions in land or buildings for a consideration in excess of 50000 lire (or if by gift where the fair value is in excess of 5000 lire) or all leases for more than one year without the written consent of the Minister of Finance or his nominee.
 - (3) Except as permitted or licensed by the Minister of Finance, all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other

- - 2 - -

transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorised by them.

- (4) Authorising the Minister of Finance to prohibit the entering into or carrying out of any type of business except upon such terms or in such areas as he may prescribe and to require property to be delivered to any agency designated by him to be blocked or to become subject to some other form of control; and providing that subject to the terms prescribed by the Minister of Finance property now held in a blocked account shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-monthly reports to the Minister of Finance showing any dealings in these accounts.
- (5) Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

(c) Labour.

Prohibiting payment of all syndicate contributions.

(d) United Nations and Enemy Property.

Conferring executive powers upon the Allied Director of Property Control in relation to the property of any of the United Nations or of any national of the United Nations or of any nation or of the national of any nation at which any of of the United Nations is at war.

785015

SECRET

Equals British (MOST SECRET)
ALLIED FORCE HEADQUARTERS

DCCAO



Military Government Section

ATM/CF/JW

24 January 1944

SUBJECT: Preparation of Restoration of Occupied Territory
to Italian Jurisdiction.

TO : GO C in C Allied Central Mediterranean Forces.
Deputy President Allied Control Commission.

1. Attention is invited to our Message 41997 of 23 January.
Inclosed will be found Documents A, B, and C of 22 December, revised
to substitute the name of General Wilson for that of General Eisenhower.
Also the words "and decree" are omitted from the second paragraph of
Document C.

2. In accordance with penultimate paragraph of the above message,
there is transmitted for your comment, draft of an announcement of
restoration of Italian territory. Inasmuch as this matter must be
presented to the Combined Chiefs of Staff very promptly, your comment
by cable should be received here not later than 1200 hours, Friday,
January 28th.

Chas. Fairman
local 1092
A. T. MAXWELL
Colonel
Acting Chief

Incls: as above.

Copy to:

H. AMG

(omitting draft press announcement)

Shane Car 6/1/44 & 1200 P.M. 1

on 6/1/44

[Signature]

1/27/44

SECRET
Equals British (MOST SECRET)

2233

SECRET

U. S. SECRET
EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION

Draft Terms for Restoration of Territory to Italian Government.

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian Government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian Government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces,

NOW, THEREFORE, I, HARROLD R. L. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.E., K.C.B., D.S.O., A.D.C., Commander in Chief of the Allied Forces, hereby terminate the Italian Government's request for the

occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations and

WHEREAS, the Italian Government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian Government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights, powers and immunities in all Italian territory which has been liberated from German domination be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD K.L.G. ALEXANDER, G.C.B., C.S.I., P.S.O., M.C., General, Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.E., K.C.B., P.S.O., A.D.C., Commander in Chief of the Allied Forces, hereby terminate Allied Military Government in the territory described below. The Italian Government will resume the government of that territory, subject to the terms and conditions hereinafter set forth.

Territory Restored: That portion of the mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza and Bari, and Sicily and adjacent Islands (but not Pantelleria or Lampedusa and Linosa).

Terms of Restoration: Without prejudice to any rights, powers and immunities of the United Nations under the Armistice terms heretofore granted to the Italian Government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the

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-2-
EQUALLY EFFECTIVE SECRET

United Nations and to the Commander in Chief of the Allied Forces and to such officers or other representatives, including the Allied Control Commission, as he may designate, the rights, powers and immunities described below, in any part of the said territory and in all other Italian territory which has been liberated from German domination and is now under the jurisdiction of the Italian government, hereinafter referred to as "the Unoccupied Territory":

1. There will be made available to the Allied Forces such facilities, utilities and installations as may be required by the Allied Commander in Chief or his agents for such disposition, use or operation as may be determined.
2. To maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.
3. To hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.
4. To declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.
5. To convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities and of any person otherwise doing any act hostile to the Allied Forces or any member thereof, and to inflict such punishment upon such person as such Tribunals may direct.
6. To conduct and carry to ultimate conclusion the trial by Allied

Chief or his agents for such disposition, use or operation as may be determined.

2. To maintain and quarter troops in such parts of the Unoccupied Territory as they may see fit.

3. To hold or require the Italian Government to hold in custody prisoners of war and civilian internees as may be directed by the Allied Commander in Chief.

4. To declare any area to be a Military Zone and to exercise therein the rights of an occupying power or enforce such other controls as may be determined by the Allied Commander in Chief.

5. To convene Allied Military Tribunals for the trial of any person violating any order or regulation issued by the Allied Military authorities and of any person otherwise doing any act hostile to the Allied Forces or any member thereof, and to inflict such punishment upon such person as such Tribunals may direct.

6. To conduct and carry to ultimate conclusion the trial by Allied Military Tribunals of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor.

7. To requisition private and public property and services.

8. To reoccupy the whole or any part of the Unoccupied Territory at any time or to take such other steps or exercise such other powers in any part of such territory as may from time to time be deemed necessary for the proper prosecution of the war.

9. To import and export and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without the payment of any impost, tax, charge, or duty of any

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kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies.

10. To engage in such operations and import and export such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

11. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations and Decrees in the form annexed hereto and made a part of these terms and conditions will be issued by the Italian Government at the time of transfer of the territory.

free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

12. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers.

13. All expenses and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

14. Proclamations and Decrees in the form annexed hereto and made a part of these terms and conditions will be issued by the Italian Government at the time of transfer of the territory.

General,
Military Governor.

U. S. SECRET
Original: British Secret

2230

Revised Draft of 22 Dec.

U. S. SECRET

Excluded from automatic downgrading and declassification

DOCUMENT B

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

785015

Draft Proclamation for Military Governor

WHEREAS I assumed all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established military government to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers, Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, therefore, I, HAROLD R. L. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.B.M., K.C.B., D.S.O., A.D.C., Commander in Chief of the Allied Forces, hereby Proclaim as follows:-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenza, and Basilicata and Sicily and adjacent Islands (but not Pantelleria or Lampedusa or (Anso).

issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

WHEREAS the Italian Government has declared war on Germany and has become a co-belligerent with the United Nations, and

WHEREAS the United Nations have consented at the request of the Italian Government to restore as much of the occupied territory to the jurisdiction of the Italian Government as may be compatible with military exigencies,

NOW, therefore, I, HAROLD R.L.S. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, Military Governor of all the Occupied Territory, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.C.B., K.C.B., D.S.O., A.D.C., Commander in Chief of the Allied Forces, hereby proclaim as follows:-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in that portion of the Mainland of Italy south of the northern boundaries of the provinces of Salerno, Potenze, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa or Linosa) are hereby terminated as of 0001 hours on ____ day of _____. The Italian Government will thereafter administer the above territory, subject to all powers, rights and immunities of the United Nations and of the Allied Commander in Chief and Allied Control Commission.

General,
Military Governor. 2220

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EQUALLY DANGEROUS SECRET

U. S. SECRET
Revised Draft of 22 Dec.

Excluded from automatic downgrading and declassification

DOCUMENT 3

Draft Proclamation by the Italian Government to be signed by Marshal Badoglio

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territories heretofore occupied by the Allied Forces be relinquished and restored to the Italian Government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I, Marshal Pietro Badoglio, Chief of the Italian Government,

do hereby proclaim ~~and decree~~ as follows:

1. Military Government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the Government of Italy.
2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.
3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and

DOCUMENT C

Draft Proclamation by the Italian Government to be signed by Marshal Badoglio

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian Government that certain territories heretofore occupied by the Allied Forces be relinquished and restored to the Italian Government upon such terms and conditions as are necessary for the proper prosecution of the war,

NOW, THEREFORE, I, Marshal Pietro Badoglio, Chief of the Italian Government,

do hereby proclaim ~~and decree~~ as follows:

1. Military Government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the Government of Italy.
2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.
3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and

28 hereby proclaim ~~and declare~~ as follows:

1. Military Government in the territory restored having been terminated by the Allied Military Government, all powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights reserved to the United Nations, are vested in the Government of Italy.
2. All Proclamations and Orders heretofore issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor as upon its restoration, are hereby recognized by the Italian Government as having been validly issued and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.
3. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian Government with the consent of the Allied Commander in Chief.
4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian Government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials unless set aside or modified by or with the consent of the Allied Control Commission.
5. The Allied Forces are fighting our common enemy against whom Italy

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EQUALE BRITISH SECRET

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Equal to British SECRET

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has declared war, for the purpose of driving the German Invaders from Italian territory and restoring Italy as a free nation, liberated from Nazi domination and from the abuses of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. In prosecuting the war it will be necessary for troops to be maintained and quartered, for military zones to be established, and for members of the Allied Forces and officials and other representatives and agents of the United Nations to circulate freely within the restored territory. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and all such officials and representatives and agents, and to obey all orders and regulations which may from time to time be issued by the Allied Forces in the military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of Allied Military Tribunals.

7. Only by the most whole-hearted cooperation can the war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be subject to punishment by an appropriate Allied Military Tribunal or Italian Court.

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INCOMING

24 JAN 1944

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PRIORITY

FREEDOM SIGNED WILSON CITE. RHAGS

FATIMA FOR MACFARLANE, FILPOT FOR ALEXANDER, WPTD TO PARIS FOR
AMC, RELAYED TO FAIRBANKS

1/24

41997

JAN 231708A

JAN 240100A

Look to letter MMS 387.4-2 December 25, 1943, from AFHQ to GOC, 15 Army Group and Acting Deputy President, AGO, copy to HQ AMB, subject: "Preparation for Restoration of Occupied Territory to Italian Jurisdiction." That letter inclosed documents A, B, and C of 22 December "In order that you may be prepared to proceed on that basis in the event that you received instructions to that effect."

Acting upon authority conveyed by GCS Directive received today, Allied C-in-C now directs that restoration of territory to Italian jurisdiction be effected upon basis of documents A, B, and C of 22 December, substituting General Wilson's name for that of General Eisenhower. General Alexander and General MacFarlane will arrange between them for taking the necessary action. This will include:

(a) Communication to Italian Government by General MacFarlane of terms upon which it is proposed to restore territory to Italian jurisdiction. With this will go statement of any action it will be necessary for Italian Government to take to carry forward essential measures now established by proclamation. (b) Procure from Italian Government acknowledgment that it has taken note of these terms, and assurance of execution by Marshal Badoglio as Head of the Italian Government of Document C. (c) The Italian Government will be called upon to give a firm date as early as is practicable, on which it will be prepared to assume the powers and jurisdiction thus purposed to be restored. (d) Execution by General

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41997, 23 Jan 44, fr Freedom, cont'd.

Alexander of Documents A and B. (Note that he has already approved these instruments, save for a few minor changes dictated by higher authority in the course of approving the transfer.) He will not terminate Allied Military Government in territory concerned until he is satisfied that requisite action by Italian Government has been taken.

Document A will be regarded as secret in same way Long Terms of Armistice are secret.

It is desired that the transfer be effected as soon as is practicable.

General MacFarlane will inform AFHQ, as promptly as may be, of the firm date on which it will be possible to effect the transfer to Italian jurisdiction. AFHQ has prepared a draft press announcement, to be communicated to the CGS for approval, stating that the transfer will take place at a certain future date, and giving the background of and reasons for the transfer. Copy of this draft being forwarded to you for comment. It is desired that this announcement be made as early as possible, in order that the psychological advantage may be obtained even before the transfer is effected. Publicity will be handled by AFHQ.

General MacFarlane requested to keep AFHQ informed of progress.

DISTRIBUTION:

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JAN 161510A

JAN 161829A

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ROUTINE

IRREDON STORED USING CITE PHASE

 PATINA FOR JOYCE RPTD FILLOT FOR ALEXANDER
 RPTD PAGE FOR AG

F.L.

Outlined message 25349 of 7 January CCS directive on transfer of certain territory to Italian administration. After discussion with General MacFarlane here the CINC cabled CCS expressing opinion that the tone of documents is unduly severe, and recommending that latest directive be cancelled and that transfer be on basis of documents a, b, and c of 22 December. These documents were transmitted to General Alexander and General Joyce by letter HGS 387.4 - 2 of 25 December, and are the original documents a, b, and c somewhat modified in details. This Headquarters therefore awaits reply of CCS before further action taken.

DISTRIBUTION:

- 2 - AG
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- 1 - C of S - INFO
- 1 - General MacFarlane - INFO

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13 JAN 1944
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Jan 121600A

Jan 121959A

FREEDOM SIGNED CIRC DITE PERS
Reference PBS 4839 of 11 January.

FATIMA FOR JOYCE AND FARGO FOR JOYCE RPT PBS FOR PENCE

Your proposal approved. Transfer documents will be presented by
Mason MacFarlane.

DISTRIBUTION:

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1 - Diary

*Transfer of territory back to
Italian Govt*

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URGENT

FATIMA FROM FAIRMAN SIGNED JOYCE

FREEDOM FOR MOS

OBSEIVE OPENING SENTENCE OF PAR THREE ONE FIVE PD EVIDENT THIS DIRECTIVE
RELATES TO THOSE TERRITORIES EMBRACED WITHIN PROPOSAL OF MAP FIVE THREE
FOUR PD DOCUMENT A HOWEVER OMITS DEFINITION OF TERRITORIES WITHIN WHICH
PROCLAMATIONS ARE REVOKED PD FREEDOM FOR MOS FROM FATIMA FROM FAIRMAN
SIGNED JOYCE PD ACCORDINGLY ARTICLE ONE WILL BE MADE TO READ IN PART AS
FOLLOWS COLON QUOTE ALL PROCLAMATIONS AND ORDERS HERETOFORE ISSUED BY ME
OR UNDER MY AUTHORITY ARE HEREBY TERMINATED AS AT ZERO ZERO ZERO ONE
HOURS ON BLANK DAY OF BLANK ONE NINE FOUR FOUR THROUGHOUT THAT PORTION OF
THE MAINLAND OF ITALY SOUTH OF THE NORTHERN BOUNDARIES OF THE PROVINCES
OF SALERNO CMA POTENZA CMA AND BARI CMA AND SICILY AND ADJACENT ISLANDS
PAREN BUT NOT PANTELLERIA OR LAMPEDUSA OR LINOSA PAREN UNQUOTE PD PARA
DOCUMENT B PD OMIT QUOTE AND DECREE UNQUOTE FROM SECOND PARAGRAPH PD
CONSTITUTIONAL PRACTICE REQUIRES DECREES BE MADE IN NAME OF KING PD
PROCLAMATION BY MADGLIO CMA HOWEVER CMA WILL CREATE INTERNATIONAL DUTY
WHICH ITALIAN GOVERNMENT MAY DISCHARGE BY MEANS OF WHATEVER DECREES
APPEAR REQUISITE PD PARA DOCUMENT C PD IN SECOND PARAGRAPH WILL ENUMERATE
ALL PROVINCES IN REGIONS ONE AND TWO CMA THE FOUR PROVINCES OF APULIA CMA
AND THE TRIBE OF SARDINIA PD ARTICLE SEVEN WILL BE MADE TO READ SIMPLY

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outgoing message TO FREEDOM FOR MGS JAN 1944 CE/mrs

QUOTE TO REQUISITION PRIVATE OR PUBLIC PROPERTY UNQUOTE PD PARA REGARDED
HERE AS ESSENTIAL THAT ITALIAN GOVERNMENT EXECUTE DECREES TO CARRY FORWARD
CERTAIN MEASURES NOW ESTABLISHED BY PROCLAMATION CMA E POINT G POINT CMA
CONTROLLING FOREIGN EXCHANGE TRANSACTIONS AND PROHIBITING SYNDICATE PAYMENTS
PD LETTER OF TRANSMITTAL TO HEAD OF ITALIAN GOVERNMENT WILL CALL UPON THAT
GOVERNMENT TO ISSUE DECREES TO CONTINUE SUCH MEASURES AS TERM OF RESTORATION
PD PARA REQUEST ABOVE BE CONFIRMED AND MADE FINAL SEMICOLON THAT AUTHORITY
AND DIRECTION BE GIVEN TO GENERAL ALEXANDER TO EXECUTE DOCUMENT A AND TO
DEPUTY PRESIDENT TO SERVE PAPERS ON ITALIAN GOVERNMENT AND TO EXECUTE DOCUMENT
C AS REPRESENTATIVE OF ALLIED C IN C PD PARA HAVE NOTIFIED GENERAL
ALEXANDER APOSTROPHE S HEADQUARTERS THAT I HAVE ARRIVED HERE AND WILL
BRING TEXTS AS SOON AS ERRORS IN TRANSMISSION ARE SETTLED PD MEANWHILE AM
SENDING HIM TEXTS AS CORRECTED ABOVE PD GENERAL JOYCE DUE HERE TONIGHT PD
IT NOW APPEARS EARLIEST POSSIBLE SERVICE OF PAPERS ON ITALIAN GOVERNMENT
WILL BE UPON ASSUMPTION OF OFFICE BY NEW DEPUTY PRESIDENT

AUTHENTICATED:

ROBERT E. DOE
Major, A. G. D.
Secretary of CommissionDISTRIBUTION2 - AG
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305
ALLIED FORCE HEADQUARTERS
Military Government
Section

Written from A.F.G.
12 January 1944.

SUBJECT: Documents on Transfer of Territory to Italian Jurisdiction.

TO : G.C.G. in C., 15th Army Group.

1. Attention is invited to Message 25545 of 7 January 1944, from Freetown to Faticca, repeated to Milpot and Pirgo. The Combined Chiefs of Staff have directed that the transfer of certain territory to the Italian Government be carried out on the basis of three documents as transmitted by them. Certain errors, however, appear in the text as transmitted. Enclosed are documents A, B, and C in the corrected form which it is believed will be confirmed by Allied Force Headquarters. In the meantime they are transmitted for information. When the documents in form approved by Allied Force Headquarters are available the undersigned will bring them to Headquarters 15th Army Group.

CHARLES F. MURPHY
Maj. Col. JAGD
Legal Advisor,
Military Government Section.

305 ✓
0
ALLIED FORCE HEADQUARTERS
Military Government
Section

Written from A.G.C.
11 January 1944.

SUBJECT: Proclamation on Transfer of Territory to Italian Jurisdiction.

TO : G.O.C. in C., 15 Army Group.

Attention is invited to Message 25348 of 7 January 44, from Freedom to Fatima, repeated to Filpot and Farge. Lieut. Col. Fairman has arrived at A.G.C. in Brindisi today, and will bring to General Alexander's Headquarters the text of the Proclamation as settled by the Combined Chiefs of Staff within a few days, when certain errors in transmission have been clarified.

CHARLES FAIRMAN,
Lieut. Col., J.A.G.D.
Legal Advisor, Military Govern-
ment Section.

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JAN 1944

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FREEDOM SIGNED CINC CITE FRANCE

WATERS FOR JOYCE

18/09

25992

JAN 091213A

JAN 091505A

Reference your 1884 of 8 January.

Summary terms of transfer sent you in our 25948 of 7 January. Lt Colonel
Fairman enroute Brindisi with full text. Under circumstances believe
acceptance of conditions can be promptly obtained. This will obviate
necessity partial turn back and permit move as planned.

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - C of S - INFO
- 1 - Mr. Cassia - INFO
- 1 - Col Upjohn - INFO



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8 JAN 1944
1438

SVC/RELAY NO. 305

M/C NO : 5/08

CLASS: SECRET

REF NO: 25348

PREC : PRIORITY

FILED : JAN 072128A

FROM : FREEDOM SIGNED CINC CITE FMGS

REC'D : JAN 080920A

TO : FATIMA FOR JOYCE RPTD FILPOT FOR ALEXANDER AND
FARGO FOR AMG

Directive on transfer of certain territories just received from CCS. They send text of three documents of which summary follows:

NEW A. Proclamation by Military Governor.

1. Without prejudice to continued status of territory as "occupied," to position and powers therein of Allied Forces, or to rights of Allied C-in-C in regard thereto, proclamations and orders will be terminated at certain date. Government thenceforth to be exercised by Italian Government subject to instructions of ACC.

2. Allied C-in-C may cancel any act of Italian Government or resume government if required by military exigencies or interests of public order or good government.

3. Nothing herein shall affect right of Allied C-in-C to do all necessary for security, operations, etc., of Allied Forces and to issue proclamations binding on Italian authorities and people, or of the ACC to take action necessary for execution of Armistice.

NEW B. Proclamation by Italian Government. As in old draft proclamation "C".

NEW C. Agreement to be entered into between representative of Allied C-in-C and representative of Italian Government, expressly stipulating in 13 articles the points made in original draft document "A".

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8 JAN 1944
1438

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Incoming message # 25348 from Freedom dtd 7 Jan 44, cont'd.

dfe

End of Summary

Fairman will bring text to Bari and Brindisi Sunday or Monday.

DISTRIBUTION:

2 - AG
1 - Diary
1 - Gen. Taylor)
1 - Col. Upjohn)-INFO
1 - Mr. Cassia)

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**U.S. SECRET EQUALS BRITISH MOST SECRET
INCOMING MESSAGE**

AFHQ MESSAGE CENTER

W/B

FILED: 052330Z

AFSC N 594/06
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ROUTINE

FROM: AGWAR FROM THE COMBINED CHIEFS OF STAFF

TO: EISENHOWER FREEDOM AIRBOERS

REV. NO. THIS MESSAGE: 645 5 JANUARY 1944

PAN 315.

RAF 534 is your reference in which you propose to restore certain territories to the Italian Government. The following is your directive concerning the transfer.

You are directed to implement the instruments of transfer which follow:

DOCUMENT A

Following is text of first of 3 documents referred to as DOCUMENT A.

DRAFT PROCLAMATION FOR MILITARY GOVERNOR

Whereas I assumed all the powers of Government and jurisdiction in the territory of ITALY and SICILY, occupied by my troops and over its inhabitants and established Military Governments to exercise these powers in such territory under my direction, and

Whereas in exercise of such powers, proclamations and orders have been issued from time to time by me or under my authority throughout such territory, and

Whereas an Armistice has been concluded with the Italian Government and an Allied Central Commission has been appointed, and

Whereas the Italian Government has declared War on GERMANY and has become cobelligerent with UNITED NATIONS, and

U.S. SECRET EQUALS BRITISH MOST SECRET COPY No. 2215 41

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

Continued Sheet 2.

REF. NO. THIS MESSAGE: 644 SI, 5 JANUARY 1944

AFSC N 594/06

Whereas the UNITED NATIONS have consented at the request of the Italian Government to restore the jurisdiction of the Italian Government in the occupied territory to such extent as may be compatible with military exigencies,

Now, therefore, I, HAROLD R. L. G. ALEXANDER, GCB, CSI, DSO, MC, General Officer Commanding Allied Forces in SICILY and on the mainland of ITALY and Military Governor of all Occupied Territory, by virtue of authority vested in me by Commander in Chief of Allied Forces, hereby proclaim as follows: -

Without prejudice to the continued status of the territory concerned as occupied territory, to the position and powers therein of the forces of the UNITED NATIONS, or to the rights of the Allied Commander in Chief in regard thereto, all proclamations and orders heretofore issued by me or if not, by my Chief of Staff in the occupied territory, are hereby terminated as at 0001 hours of this date and all powers of Government and jurisdiction in such territory and over its inhabitants will henceforth be exercised by the Government of ITALY subject to the guidance and instructions of the Allied Control Commission and on the understanding that the powers in question will be exercised by officials of proven good faith and Allied sympathies.

2. The said powers or any part of them (including the right to cancel or override any act of the Italian Government) may at any time be resumed or exercised by the Allied Commander in Chief or anyone acting under his authority, if in his opinion this should be rendered necessary by military exigencies or in the interests of public order or good government.

3. Nothing herein shall affect

(A) The right of the Allied Commander in Chief to take all steps necessary to ensure the security, maintenance, welfare, accommodation, communications, movements and operations of the occupying forces or any other UNITED NATIONS Forces, and to issue all such proclamations or orders as may be necessary for any of these purposes, with which all Italian Authorities and the inhabitants of the territory concerned will be bound to comply;

(B) The right of the Allied Control Commission to take any action necessary for the execution of the armistice with ITALY.

**U.S. SECRET EQUALS BRITISH MOST SECRET
INCOMING MESSAGE**

AFHQ MESSAGE CENTER

Continued Sheet 3.

REF. NO. THIS MESSAGE: 644 ST, 5 JANUARY 1944 AFSC H 594/06

DOCUMENT B

Following is text of second of 3 documents referred to as DOCUMENT B.

DRAFT PROCLAMATION BY ITALIAN GOVERNMENT
TO THE ITALIAN PEOPLE

Whereas, the UNITED NATIONS have agreed to the request of the Italian Government that they should henceforth exercise all powers of Government and jurisdiction in certain territories upon such terms and conditions as are necessary for the proper prosecution of the War,

Now, therefore, I, (Head of the Italian Government) by virtue of the authority vested in me hereby proclaim and decree as follows:

1. Military Government in the said territory having been terminated by the Allied Military Government, all powers of Government and jurisdiction in the said territory and over its inhabitants, subject only to the rights therein reserved to the UNITED NATIONS, are vested in the Government of ITALY.

2. All proclamations and orders which have heretofore been issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor, as upon its restoration, are hereby recognized by the Italian Government and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian Courts and Officials.

3. All acts done by any member of the UNITED NATIONS Forces in pursuance of such proclamation or orders, and all official actions of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private will be recognized by all Italian Courts and Officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian Government with the consent of the Allied Control Commission.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian Government as valid and legal and of the same effect as if imposed by an Italian Court and will be so recognized by all Italian Courts and Italian Officials unless set aside or modified by or with the consent of the Allied Control Commission.

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COPY No.

Continued Sheet 4

REF. NO. THIS MESSAGE: 64/ SI, 5 JANUARY 1944 AFSC N 591/06

5. The Allied Forces are fighting our common enemy against whom ITALY has declared War for the purpose of driving the German invader from Italian Territory and restoring ITALY as a free nation, liberating thousands from AXIS Domination and from all trace of FASCISM. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of ITALY depends.

6. It will be necessary for the prosecution of the War for the Forces of the UNITED NATIONS to continue to occupy the said territory. It is the duty of every Italian to cooperate fully with all these Forces and to obey all orders and regulations which may from time to time be posted by the Commander of the UNITED NATIONS Force in the said territory.

7. Only by the most wholehearted cooperation can our War be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof, or doing any act which in any way impedes the War effort or aids the enemies of ITALY, will be severely punished either by Italian Courts or by Allied Military Courts.

DOCUMENT C

Following is text of last of three documents referred to as DOCUMENT C.

DRAFT SECRET DOCUMENT

Whereas the Italian Government has requested that the exercise be henceforth vested in them of Governmental and Jurisdictional Powers in certain territory occupied by the Allied Forces:

And whereas the Allied Commander in Chief is prepared to accede to this request on the terms set out in the proclamation issued under his authority, dated (blank space) and provided the requirements of the UNITED NATIONS in regard to certain Italian Provinces, namely (blank space) are complied with:

It is hereby agreed between (blank space) representing the Allied Commander in Chief and (blank space) representing the Italian Government, duly authorized to that effect, as follows:

I. The Allied Commander in Chief and any such Officer or other representative, including the Allied Control Commission, as the Allied

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INCOMING MESSAGE**

AFHQ MESSAGE CENTER

Continued Sheet 5

REF. NO. THIS MESSAGE: 644, BY 5 JANUARY 1944

AFSC 4 594/06

Commander in Chief may designate, shall have the following rights and powers in the province above mentioned.

I. To operate and use such ports and airfields and all such means of transportation or communication within the said territory as he may desire:

II. To quarter troops in such parts of the said territory as he may see fit.

III. To declare any area within the said territory which may be needed for operation of ports, airfields, transport or communication facilities for quartering of troops or for such other purpose as he may deem necessary for successful prosecution of the War as an Allied Military Zone:

IV. To assume full administrative jurisdiction over such military zones and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones as he may see fit.

V. To convene Allied Military Courts for the trial of any person violating any such orders or regulations and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the said territory and to inflict such punishment upon such person as such court may direct:

VI. To retain the right through Allied Military Courts to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of Allied Military Government:

VII. To exercise the same rights to requisition private or public property in unoccupied territory as he possesses in occupied territory:

VIII. To import and control and supervise the distribution to the Civilian Population of such civilian supplies as the Allied Forces may determine without payment of any import tax charge or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies:

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2213

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Continued Sheet 6.

REF. ED. THIS MESSAGE: 644 SI, 5 January 1944 AFSC N594/06

IX. To engage in such operations and import such military or other supplies or property of any nature as maybe deemed necessary for the proper prosecution of the war free from imposition of any import tax charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

X. Any official or other representative or agent of the UNITED NATIONS, Civilian or Military, may enter and remain within the said territory free from the imposition of any import, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies.

XI. No member of the Allied Forces or any Official or other representative or agent of the UNITED NATIONS, Civilian or Military shall be brought to trial in any Italian Court for any cause whatever either civil or criminal without the consent of the Allied Powers.

XII. All expense and costs arising from the maintenance of Allied Troops or other personnel within the said territory will be chargeable to the Italian Government as a part of the costs of occupation.

2. The foregoing provisions shall form an integral part of the terms on which Governmental and Jurisdictional Powers in certain parts of Italian Territory are vested in the Italian Government in virtue of the aforesaid proclamation, and shall be without prejudice to the exercise of any Allied rights or powers under the Armistice with ITALY.

(End of C)

You are to make certain that the proclamations issued on the Italian side are issued in the name of the Italian Government and not in the name of the King. The US and UK Governments do not consider it essential that the draft document referred to as the secret document be kept secret. In the event the Italians, for internal reasons, prefer to withhold publicity as to that instrument the US and UK Governments have no objection thereto.

**U.S. SECRET EQUALS BRITISH MOST SECRET
INCOMING MESSAGE**

AFHQ MESSAGE CENTER

(NO IN 3583 Ref No. 646 SI Continued)

NOTE: MAP 534 is Reference W 6483/7495, MC OUT 5018 30/11/43 MGS

ACTION: MGS

INFO : SCS
MR MACMILLAN
MR MURPHY
TSC
G-2
CINCPAC
CINCPAC
G-1
G-3
DAO
JAG
AS RECORDS
etc

NO IN 3583

6 Jan 44

1900A

Ref No. 646

ppx/R

2212

U.S. SECRET EQUALS BRITISH MOST SECRET COPY No.

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HEADQUARTERS ALLIED CONTROL COMMISSION

Office of the Deputy President

7 January 1944

To His Excellency Marshal Pietro Badoglio -

Dear Marshal Badoglio:-

I have the honor to present to Your Excellency four documents embodying the conditions agreed upon by the United Nations for the restoration to the Italian Government of the Italian territory now occupied by Allied Forces.

These documents are the following:

- a The Terms of Restoration.
- b Proclamation to be signed by General Alexander.
- c Proclamation to be signed by His Excellency Marshal Badoglio.

d The desiderata of the United Nations in regard to the promulgation of decrees with a view to preventing a possible breakdown of administration on the restoration. These decrees will have the purpose of insuring continuity of government. In addition it is possible that Your Excellency may find it desirable to issue further legislation in order to give force of law to certain provisions of your own proclamation and of the terms of transfer.

At Your Excellency's convenience I shall be glad to receive an acknowledgment expressing the Italian Government's acceptance of the terms set out in the above mentioned documents.

As to the date on which the restoration of said territory will be effective may I ask Your Excellency if would be acceptable?

Most sincerely,

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Equals British SECRET

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SECRET

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FREEDOM MGS

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JAN

WITH REGARD TO DOCUMENTS PAREN A PAREN AND PAREN B PAREN GENERAL ALEXANDER IS
 EXPENSED TO ACT BY VIRTUE OF AUTHORITY OF GENERAL EISENHOWER PD TO FREEDOM MGS
FOR FAIRMAN FROM NATIA FROM UNION SIGNED JOYCE PD IN VIEW OF RECENT STAFF
 CHANGES THIS MAY REQUIRE ALTERATION PD THERE ARE THREE ALTERNATIVES CIN PARA
 PAREN ONE PAREN IF EISENHOWER HAS NOT REPEAT NOT HANDED OVER YET TO MAITLAND
 WILSON DOCUMENTS REMAIN AS DRAWN PD PARA PAREN TWO PAREN IF EISENHOWER HAS HANDED
 OVER TO MAITLAND WILSON THEN LAST NAME SHOULD BE SUBSTITUTED FOR EISENHOWER PD
 IF THIS IS CORRECT PLEASE SIGNAL FULL NAMES TITLE AND DECORATIONS OF MAITLAND
 WILSON PD PARA PAREN THREE PAREN APPOINTMENT OF GENERAL ALEXANDER AS C IN C
 ITALY MAKE IT UNNECESSARY TO REFER TO ANY AUTHORITY CONFERRED UPON HIM PD PARA
 AS WE HAVE ONLY SEEN PRESS REPORTS AND GENERAL ALEXANDER IS HIMSELF UNCERTAIN OF
 POSITION PLEASE ADVISE AS TO CORRECT COURSE

AUTHENTICATED:

DISTRIBUTION:

2 - AG
 1 - Diary
 1 - Col. Spjohn

ROBERT E. DOE
 Major, A.G.D.
 Secretary of Commission

2230

U. S. SECRET
 Equals British SECRET

305
Memorandum on Handover of Areas from Military Occupation to the Italian Government.

1. Now that it is desired to hand over the occupied territories of Sicily and S. Italy to the Italian Government in the near future it seems appropriate to make one or two observations so that the handover may be properly planned before hand.

2. The difference between military government and administration under the Italian Government is fundamental and obvious. Under the former the supreme authority is the Military Governor who exercises all the rights conferred by International Law on occupying forces and the sovereignty of the King in the occupied territory is suspended. The Military Governor makes special regulations and creates special offences to ensure the safety of his troops and law and order, he sets up special tribunals to try these and other offences; he imposes his own currency on the inhabitants and may declare a moratorium; he suspends officials in proper cases and closes the native courts or suspends and replaces judges. He may take custody of Allied and enemy property and supervises education. He fixes prices of commodities as he sees fit and has ample powers of requisition of supplies and services of all kinds both for the needs of his forces and for the better administration of the occupied territory. He may collect taxes provided he uses the money for the proper administration of the occupied territory; his troops have extra-territorial rights. Many other examples of the powers and duties of the Military Governor could be given.

On the handover to the Italian Government the position changes overnight.

All the powers and duties of the Military Governor come to an end and are replaced by those of the Italian Government.

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On the handover to the Italian Government the position changes overnight. All the powers and duties of the Military Governor come to an end save insofar as the same may be preserved by agreement. Thus in the absence of agreement, the regulations made and the special offenses created by the Military Governor cease to be of force or effect and his military courts have no further jurisdiction; his currency ceases to be legal tender and his moratorium and price control comes to an end. He no longer has any powers of requisition and possibly his troops do not enjoy extra-territorial rights although this last point is of some controversy. Again his supervision of education comes to an end and the schools may revert to their former teachings and practices

and he withdraws from properties of which he has taken custody. Furthermore, although International Law validates the acts of the Military Governor in occupied territory during the time of occupation, it gives no continuing validity to the consequences of such acts after the cessation of occupation, e.g. contracts entered into during the occupation cannot necessarily be sued on afterwards, sentences imposed by Allied Courts do not have to be recognized by the Italian Government and ^{therefore} prisoners incarcerated for the full term of their sentences.

3. The above presents the position in the absence of agreement. Where there is agreement between the parties then the position is in my view accurately summed up by saying that the powers, rights and duties of the military forces in the territory formerly occupied by them are governed entirely by the agreement reached between the parties, that is in the present case the Armistices Terms.

These Terms confer on the Allied Commander in Chief very broad powers in unoccupied territory and provide the charter of our status in such territory. While the Terms do not deal in detail with our powers, rights and duties in unoccupied territory, the powers conferred by the Terms are sufficiently wide in my view to form the basis for a series of detailed agreements which for the reasons appearing below must be an essential of any transfer of territory to the Italian Government.

2298

4. Now it is obvious that if no agreement is reached between A.C.G. and the Italian Government before the handover in order to ensure reasonable continuity of administration, much confusion and even chaos is bound to arise. The administration which may be reimposed by the Italian Government in areas returned to them is bound, in the absence of agreement beforehand, to be subject

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2208

4. Now it is obvious that if no agreement is reached between A.C.C. and the Italian Government before the handover in order to ensure reasonable continuity of administration, much confusion and even chaos is bound to arise. The administration which may be reimposed by the Italian Government in areas returned to them is bound, in the absence of agreement beforehand, to be subject to the people to some rules and regulations which may be conflicting or at least inconsistent with the previous military government and which may seem to the Allies to be undesirable. Other matters (especially those necessary for the continued safety of Allied troops in nonoccupied territory) may be left altogether unprovided for. On the other hand some measures might be imposed which are politically undesirable.

To sum up therefore it is essential that before any handover takes place A.C.C. should have arranged with the Italian Government certain essential terms, which, pursuant to the Armistice Terms must be imposed as the King's

las in the territories returned to the Government on the very day of the handover. Such essential terms may conveniently be called "Transitional Provisions" for they cover the transfer of territory to the Govt.

5. The proper persons to consider what "transitional provisions" are necessary to be imposed on the Italian Govt are, it is suggested, the Sub-commissions themselves for they are in the best position as experts in their respective fields to know what essential regulations and matters must be contained in force. I have prepared in Appendix "A" hereto a number of matters which appear to me to require consideration in various fields but it is really a matter for Sub-commissions themselves and the list does not claim to be exhaustive.

It is submitted that Sub-commissions should be asked to prepare as a matter of urgency a list of Transitional Provisions so far as each Sub-Commission is effected. These provisions need not be in the form of a legal draft but merely a statement of the Terms to be imposed. Furthermore, Sub-commissions should remember that they are not required to deal with matters of longer term policy which may require to be dealt with at a later stage but only essential provisions to be imposed by the Italian Govt in unoccupied territory on the day of transfer. Further as a matter of policy it seems desirable to reduce these terms to an absolute minimum.

6. As to the machinery for effecting the handover and imposition of Transitional Provisions.

It seems appropriate that the Military Governor should declare the end of occupation by a Proclamation and a suggested draft is annexed hereto as *Exh 157*.

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6. As to the machinery for effecting the handover and imposition of Transitional Provisions.

It seems appropriate that the Military Governor should declare the end of occupation by a Proclamation and a suggested draft is annexed hereto as Annex J.

It would also seem appropriate that the King should announce his recognition of Sovereignty by some proclamation but this document should in the first place be prepared by the King or his Govt. It is also a matter for the Govt and their legal advisers to consider how best to give legislative force to the Transitional Provisions and it seems wholly out of place to consider any handover until the Govt has at hand a sufficient number of departmental advisers to assist them in this work.

It seems probable that the Govt may want to declare Martial Law (State of Emergency) in such territories handed over and such Law already obtained in the four liberated provinces today. If this is done then the position is

that the Italian Supreme Council take over the administration of the whole territory but like A.M.C. they work largely through the existing civilian agencies, prefects, sindaco and so on. Presumably they would put into effect the Transitional Provisions by a further series of Proclamations or decrees or by instructions issued direct to the Provincial Officials. There are, however, some drawbacks to permitting Martial Law to be declared. For instance, it involves the closing of all Italian criminal courts and the substitution of military tribunals; in fact today no criminal courts are permitted to sit in the four liberated provinces. It would seem a most retrograde step to permit the Italian Govt to set up any form of administration which would involve the closing of the criminal courts after the whole policy of the A.M.C. has been to open them as soon as possible. Politically too, it may be very undesirable to allow the King to rule by Martial Law.

If Martial Law is not declared, presumably the King would govern by decree, but the method of carrying out the transitional provisions and the general administration of the country is entirely a matter of Italian law and practice and until the King's Ministry or reasonably responsible representatives are present in some form it does not seem practicable to go more deeply into the matter.

It is submitted, finally, that in these circumstances, unless political pressure is overwhelming it would be the greatest possible mistake to transfer any territory to the Italian Govt until they have a sufficient number of governmental representatives present to ensure a reasonable prospect not only of the directives of A.M.C. being carried out but also of a sound working skeleton governmental general administration.

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It is submitted, finally, that in these circumstances, unless political pressure is overwhelming it would be the greatest possible mistake to transfer any territory to the Italian Govt until they have a sufficient number of governmental representatives present to ensure a reasonable prospect not only of the directions of A.S.G. being carried out but also of a sound working skeleton, governmental general administration.

G. R. Heston, Col.
Deputy Chief Legal Officer.

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APP. B

ALLIED MILITARY GOVERNMENT OF OCCUPIED
TERRITORY.

PROCLAMATION NO.

TO THE PEOPLE OF ITALY.

WHEREAS the Allied Forces under my Command have heretofore occupied parts of the Kingdom of Italy and I have established Allied Military Government in Sicily and in certain parts of the Italian mainland; and

WHEREAS on the 3rd day of September 1943 the Italian Forces surrendered unconditionally to the Allied Forces and accordingly the military operations of our respective forces against each other have ceased under the terms of an armistice; and

WHEREAS His Majesty, Victor Emmanuel III, King of Italy, has declared that a state of war exists between the Kingdom of Italy and the German people; and

WHEREAS an Allied Control Commission has been set up to assist the Italian Government in the prosecution of the war against the German people and to supervise and direct the execution of the said armistice; and

WHEREAS it is deemed desirable to terminate the Allied Military Government in Sicily and those parts of the Italian mainland which have been completely liberated from Nazi domination and are no longer required for military operations and to re-establish the Italian Government therein;

NOW, therefore, I, HAROLD R. E. G. ALEXANDER, G.C.B., G.S.I., D.S.O., M.C., General Officer Commanding the Allied Forces and Military Governor of the territory occupied, by virtue of the authority vested in me by GENERAL

DEWEY B. WISNIEWSKI, Commander-in-Chief of the Allied Forces in the South 2215

unconditionally to the Allied Forces and accordingly the military operations of our respective forces against each other have ceased under the terms of an Armistice; and

WHEREAS His Majesty, Victor Emmanuel III, King of Italy, has declared that a state of war exists between the Kingdom of Italy and the German people; and

WHEREAS an Allied Control Commission has been set up to assist the Italian Government in the prosecution of the war against the German people and to supervise and direct the execution of the said Armistice; and

WHEREAS it is deemed desirable to terminate the Allied Military Government in Sicily and those parts of the Italian mainland which have been completely liberated from Nazi domination and are no longer required for military operations and to re-establish the Italian Government therein;

NOW, therefore, I, HAROLD R. T. G. ALEXANDER, G.C.B., C.B.E., D.S.O., K.C., General Officer Commanding the Allied Forces and Military Governor of the territory occupied, by virtue of the authority vested in me by GENERAL DUCHEZ D. KIRKPATRICK, Commander-in-Chief of the Allied Forces in the North African Theatre of Operations do hereby proclaim as follows:

I.

The Allied Military Government established by me in SICILY and in all of the Italian mainland south of the northern boundary of the Provinces of Salerno, Potenza, and Bari is terminated and dissolved as of 2400 hours (Central European Time) on the.....day of.....1945.

II.

All powers of government and jurisdiction in the said territory from the time hereinafter mentioned are hereby restored to His Majesty, Victor Emmanuel III, King of Italy, subject to the terms of the Armistice, and to all powers, authorities and privileges conferred upon the said Allied Central Commission.

DATE

1943.

General Officer Commanding
The Allied Forces.

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11/1/48
Draft
In order to avoid any hiatus occurring upon restoration of territory to your Government a decree should be prepared and issued to cover the following points:

1. Constituting as obligatory legal tender all United States coin, United States Yellow Seal Currency, coin of Great Britain, British Military Authority Notes and Allied Lira Notes.
 - One Dollar equals 100 Lira.
 - One Pound Sterling (or 20 Shillings) equals 400 Lira.
 - One Pound Sterling (or 20 Shillings) equals Four Dollars.
3. Barring all transfers of lands or buildings or leases for a condonation in excess of 50,000 Lira, if made for more than one year, without the written consent of the Minister of Finance or some officer empowered by him or until such prohibition is suspended, modified or terminated by him.
4. Except as permitted or licensed by the Minister of Finance, barring all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorized by them.
5. Authorizing the Minister of Finance to prohibit the entering into or carrying out of any type of business except upon such terms or in such

One Pound Sterling (or 20 Shillings) equals 400 Lire.

One Pound Sterling (or 20 Shillings) equals Four Dollars.

3. Barring all transfers of lands or buildings or issues for a consideration in excess of 20,000 Lire, if made for more than one year, without the written consent of the Minister of Finance or some officer appointed by him or until such prohibition is suspended, notified or terminated by him.

4. Except as permitted or licensed by the Minister of Finance, barring all transactions in foreign exchange, import or export of coins, currency, securities or gold or silver bullion and barring financial, commercial or other transactions involving trade or communication with any person outside the territory actually administered by the Italian Government except as between such territory and Italian territory still occupied by the Allied Military Forces and except transactions, imports or exports for the Allied authorities or authorized by them.

5. Authorizing the Minister of Finance to prohibit the entering into or carrying out of any type of business except upon such terms or in such areas as he may prescribe and to require property to be delivered to any agency designated by him to be blocked or to become subject to some other form of control; and providing that subject to the provisions prescribed by the Minister of Finance property now held in a blocked account shall remain in its present status, and further providing that financial institutions holding blocked accounts are to make semi-annually reports to the Minister of Finance showing any dealings in these accounts.

6. Requiring all future initial openings of safe deposit boxes and delivery of contents to be made only in presence of representatives designated by the Minister of Finance.

7. Prohibiting payments of syndicate contributions.
8. Prohibiting the advertising, teaching, dissemination or the giving of instructions on Fascist Philosophy or doctrine in any University, School or Educational Establishment.
9. Providing for the punishment of offenses against the foregoing by Italian Courts or Allied Military Courts.
10. Providing that any person doing or assisting in doing or conspiring to do or advising, assisting or procuring the doing of any act hostile to the Allied Forces or property or personnel thereof may be tried and punished by an Allied Military Court (the sentence to be given full effect by the Italian Government) and providing ~~in~~ connection that any member of the Allied Forces shall have full right of arrest, search and seizure.

Consideration should be given by you to making effective by decrees the wage rates, maximum prices, charges for services, quantities of grain and other articles which may be held by any one, etc., as existing at the time of restoration and until altered by further decrees or regulation.

The proposed draft of any decrees or decrees designed to carry out the foregoing should be submitted to us at the earliest possible date.

or Jan 1, 1944

31 DEC 1943

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Equals British SECRET
ALLIED FORCE HEADQUARTERS

JCH/CF/eg

Military Government Section

MGS 387.4-2

26 December 1943.

SUBJECT: Draft Document on Transfer of Jurisdiction to Italian Government.

TO : Acting Deputy President, Allied Control Commission.

Attention is invited to your cablegram of 21 December, Message 1556, MC IN 12812 at this Headquarters. The recital in Draft Documents A and B that the transfer of jurisdiction over certain areas to the Italian Government has been requested by that Government is in fact justified on the basis of the message of the King of Italy to the King of England and the President of the United States, respectively, which was transmitted on 23 September at the request of the Italian Government.

J. C. Holmes
J. C. HOLMES
Brigadier General, G.S.C.
Chief, Military Government Section.

2201

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Equals British SECRET

51 DEC 1943

954

Military Government Section

26 December 1943.

TO : Acting Deputy President, Allied Control Commission.

Attention is invited to your cablegram of 21 December, Message 1556, MC IN 12812 at this Headquarters. The recital in Draft Documents A and B that the transfer of jurisdiction over certain areas to the Italian Government has been requested by that Government is in fact justified on the basis of the message of the King of Italy to the King of England and the President of the United States, respectively, which was transmitted on 23 September at the request of the Italian Government.

J. C. HOLMES
Brigadier General, G.S.C.
Chief, Military Government Section.

Off. J. - J. L. Lark

224

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Equals British MOST SECRET

ALLIED FORCES HEADQUARTERS

JCH/CF/mls

Military Government Section

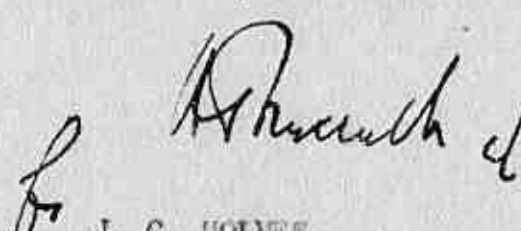
MGS: 387.4-2

25 December 1943.

SUBJECT: Preparation for Restoration of Occupied Territory to Italian Jurisdiction.

TO : General Officer Commanding ~~in~~ Chief 15 Army Group.
✓ Acting Deputy President, Allied Control Commission.

1. Reference is made to the letter of this Headquarters of 18 December 1943, addressed to the Acting Deputy President, ACC, with copy to G O C-in-C 15 Army Group and Hq. AMG, subject as above. Since that letter was sent Message 5378, MC IN 13277 of 22 December, has been received from the War Department. A copy is inclosed for your information. From this message it now appears that the contemplated restoration of certain areas of occupied territory will be on the basis of Documents A, B, and C, with certain small amendments settled by the Combined Civil Affairs Committee. Those documents, as ~~was~~ provisionally settled, are herewith communicated for your information and in order that you may be prepared to proceed on that basis in the event that you receive instructions to that effect.


J. C. HOLMES
Brigadier General, G. S. C.
Chief, Military Government Section

4. Inclosures:

1. Message 5378
2. Doc. A of 22 Dec.
3. Doc. B " " "
4. Doc. C " " "

Copy to:
Hq. AMG,

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INCOMING MESSAGE

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AFSC N 126/22
220050A
elh

ROUTINE

FROM: AGWAR FROM HILLDRING SIGNED MARSHALL

TO : EISENHOWER PERSONAL FOR SMITH

REF NO THIS MESSAGE: 5378, 21 December 1943

Terms of Restoration of Italian Territory.

After discussion with MCCLOY we are now recommending to LONDON that FAN 307 be cancelled and that your original proposal in NAF 534 as amended and approved by MCCLOY in your W-7532 of 13 December 1943, be approved except for following amendments:

Document C, paragraph 2, line 2, substitute "Terminated" for "Suspended"; in line 4, between the words "Government" and the words "and are declared" insert "as having been validly issued".

This has been approved by all interested US agencies here and request for immediate approval has been sent to LONDON.

NOTE: W 7532 is MC OUT 3818 13/12/43 MGS
NAF 534 is Ref No. W 6488/7495 - MC OUT 9018 30/11/43 MGS
FAN 307 is Ref No. 4536 - MC IN 8584 14/12/43 MGS

ACTION: MGS

INFO : SGS MR MURPHY
INC MR MACMILLAN
AG RECORDS **

MC IN 13277

22 Dec 43

0748A

Ref No. 5378

2144
pm/R

SECRET EQUALS BRITISH MOST SECRET

COPY No.

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305

ALLIED CONTROL COMMISSION INCOMING MESSAGE /dfe
/mip

SVC/RELAY NO.

M/C NO : 2/26

CLASS: SECRET

REF NO: 19174

PREC : PRIORITY

FILED : DEC 251845A

FROM : FREEDOM SIGNED EISENHOWER CITE FMMS

REC'D : DEC 260359A

TO : FATIMA RPTD FILPOT AND FARGO

Documents (A), (B), (C) in form settled by combined Civil Affairs Committee and only awaiting final approval CCS are being brought over by Upjohn on Monday. To save time he will hand them to Filpot for their immediate information on his way to Brindisi. Can you arrange vehicle to be 1600 hours Monday at Bari airport?

*hate sent to
for U.S. instead all
1230 hrs
16 Dec*

DISTRIBUTION:

- 2 - AG Files
- 1 - Diary
- 1 - General Taylor - INFO
- 1 - Mr. Caccia - INFO

1 *Playa Thichach*

[Signature]

219

220C

305
SECRET EQUALS BRITISH MOST SECRET

AFHQ MESSAGE CENTER

OUTGOING MESSAGE

PRIORITY

TO FOR ACTION: FATIHA

FOR INFORMATION: FILPOT FOR ANG AND FARGO AND FAIRBANKS

REF NO: 17908

SIGNED: EISENHOWER CITE: FIMGS

AGWAR now indicates that subject to consent of London restoration of territory to Italian Government will be on basis of documents (A), (B) and (C) and that FAM 307 will be cancelled.

Documents (A), (B) and (C) have been slightly amended and are being sent you by fast air mail.

UPJOHN returns soonest.

There will be no communications of documents to Italian Government until you receive further instructions.

ORIGINATOR: MGS

AUTHENTICATION: MAJOR T B JACKMAN

INFORMATION: SGS

**

AG RECORDS

MC OUT 6735

22 Dec 43

1946A

Ref No: 17908 ggh/S

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X 201 Upjohn

action on 387.4-2

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SECRET EQUALS BRITISH MOST SECRET

AFHQ MESSAGE CENTER

OUTGOING MESSAGE

PRIORITY

TO FOR ACTION: FARGO

FOR INFO : FATIMA

REF NO. 17909

SIGNED: EISENHOWER, CITE FINGS

If WILMER not already left for ALGIERS stop him.

New Subject:

Since it now appears transfer of territory will be on basis of documents (A), (B), and (C) as slightly amended, let us know how soon directives to officers in the field on transfer from AMG to ACC will be ready for distribution.

ORIGINATOR: MGS

AUTHENTICATION: MAJOR T. B. JACKMAN

INFORMATION: SGS
AG RECORDS

MC OUT 6737

22 Dec 43

1947A

Ref No. 17909

rht/s

action on 387.4-2

+ 201 Wilmer

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INDEXING

3 DEC 1943

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3/23

APPENDIX

17909

SIGNED WISNIEWSKI R CITY PRINCS

Doc 321947A

FARGO REPEATED FATIMA

Doc 230130A

If Wilner not already left for Algiers stop him. New Subject. Since it now appears transfer of territory will be on basis of documents (a) (b) (c) as slightly amended, let us know how soon directives to officers in the field on transfer from ANG to ACC will be ready for distribution;

2 - AG #100

- 2 - AG Files
1 - Diary
1 - Gen Taylor - INFO

0911-1 - Great (strong)
X 701 - Weak

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INCOMING

23 DEC 1943

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PRIORITY

17909

SIGNED EISENHOWER CITE FRIGS

Dec 221947A

FARGO REPEATED FATIMA

Dec 230130A

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DISTRIBUTION:

- 2 - AG Files
- 1 - Diary
- 1 - Gen Taylor - INFO

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U. S. SECRET
Equals British SECRET

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Equals British SECRET CONTROL COMMISSION

OUTGOING

KAJ/ria

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URGENT

FATIMA

FREEDOM FOR HOLMES

DEC

DEC

IN THE EVENT THAT PARAGRAPH STATING THAT THE ITALIAN GOVERNMENT HAVING
et cetera and quote
REQUESTED THE RETURN OF TERRITORY, IS STILL IN PREAMBLE OF TRANSFER DOCUMENT
I RECOMMEND IT BE ELIMINATED TO PARA PAREN TO FREEDOM FOR HOLMES FROM FATIMA
SIGNED JONCE PAREN BADGOLIO IN HIS LETTER OF NOVEMBER TWENTY SIXTH SIMPLY
STATED THAT THE GOVERNMENT WOULD BE READY TO RECEIVE THE TERRITORY BETWEEN
DECEMBER TENTH AND FIFTEENTH BUT BY STRICT INTERPRETATION HE HAS NEVER
REQUESTED THAT IT BE TURNED OVER TO THE INITIATIVE IN THIS PROPOSAL ORIGINATED
WITH ALLIES

AUTHENTICATED:

ROBERT E. DOE
Major, AGC
Secretary of Commission

DISTRIBUTION:

2 - AG Files
1 - Diary

U. S. SECRET
Equals British SECRET

219

U. S. SECRET

ALLIED CONTROL COMMISSION INCOMING MESSAGE /msr

SVC/RELAY NO. M/C NO : 4/19
CLASS: SECRET REF NO: 15894
PREC : PRIORITY FILED : DEC 181845A
FROM : FREEDOM SIGNALD EISENHOWER CITE FHMGS REC'D : DEC 190510A
TO : FATIMA FOR JOYCE RPTD FILPOT FOR AMG 15 ARMY GR RPTD FARCO FOR AMG

Further on basis of transfer of territory to Italian Administration.

See message 15429 of 17 December. Message received today indicates CCS

^{WILL}
~~WILL~~ direct transfer of administration be upon basis involving no change from occupied to non-occupied territory within meaning of article 21 of Long Terms. Directive expected within 2 days, setting out approved system for transfer of responsibility for administration.

Send a senior Legal Officer each from ACC and AMG here soonest to participate in preparation of documents.

2 - AG
1 - Diary
1 - Gen. Taylor ACTION
1 - Mr. Caccia - INFO
1 - Col. Upjohn INFO

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PRIORITY

SIGNED EISENHOWER CITE PHOTOS

PATTEN FOR JOYCE REPEAT FILPOT FOR AMG 15 ARMY GROUP
REPEAT FARGO FOR AMG

INCOMING

18 DEC 1943

/arr

3/18

15429

Dec 171922A

Dec 180208A

Recommendation of Advisory Council is that transfer of territory to Italian Administration be carried out, subject to 2 conditions. Administration to be carried on by officials of proved good faith and Allied sympathies, and that transfer involves no commitment to Badoglio Government after capture of Rome.

CCS disapproved draft document A and required certain changes in other respects. Have directed that no action be taken here until further directive after examination of documents. McCloy took with him drafts revised to meet some of objections.

Texts involved in above are being sent by fast air.

Recall that CCS do not yet approve plans, and therefore no publicity should be given to contemplated transfer.

DISTRIBUTION:

2 - AG Files

1 - Diary

1 - General Taylor - ACTION

1 - *McLain* Inf.1 - *Ed Luf/Am*

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4/19

SECRET

15894

PRIORITY

DEC 180845A

PRESUM STONE EISENHOWER CITE FHMG

DEC 190510A

FATMA FOR JOYCE RPTD FILPUT FOR AMG 15 ARMY GR RPTD FARGO FOR AMG

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- 2 - AG
- 1 - Diary
- 1 - Gen. Taylor ACTION
- 1 - Mr. Caccia - INFO
- 1 - Col. *Wojahn* - INFO

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THIRTY

Doc 171932A

ALBANY DISTRICT CITY INDEX

DATA 180208A

EATING FOR JOYCE REPEAT FILPOT FOR AND 15 ARMY GROUP
REPEAT FARGO FOR AND

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DISTRIBUTION:

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

1. M. Caccini

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Nuclear Energy - SECRET

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DEC 181149A

DEC 190725A

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ROUTINE

FREEDOM SIGNED EISENHOWER CITE PFCIV

FATIMA

Advisory Council decided at its meeting December 15 to recommend that General Eisenhower transfer promptly to Italian administration all Italian territories occupied by the Allies south of the Salerno - Bari line including Sardinia and Sicily subject to the Allied Control Commissions guidance and instructions. It was stipulated that the transfer also be subject to the conditions that the central and local administration will be carried out by officials of proven Allied sympathy and good faith and that no commitment to Badoglio Government after the capture of Rome is involved. It was also recommended by the Council that the Commander in Chief issue a specific directive to General Joyce that he should be guided so far as permitted by Military necessity by the terms of the Moscow Conference Declaration regarding Italy with reference especially to that measure concerning restoration to the Italian people of freedom of speech, worship, press, political belief and public meeting in exercising his control functions. The substance of these decisions is expected to be announced to the press later this week but is confidential for the time being.

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - General Taylor - INFO
- 1 - Mr. Caccia - INFO
- 1 - Colonel Upjohn - INFO

U. S. SECRET
Equals British SECRET

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U. S. SECRET
Equals British SECRET

JCH/GF/mit

ALLIED FORCE HEADQUARTERS
Military Government Section

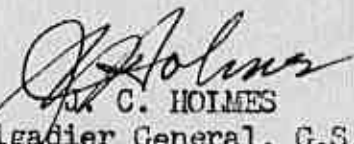
18 December 1943

SUBJECT: Preparation for Restoration of Occupied Territory to
Italian Jurisdiction.

TO : Acting Deputy President, Allied Control Commission.

1. On 1 December 1943 this Headquarters referred to the Advisory Council for its recommendation the projected restoration of certain areas of occupied territory to Italian jurisdiction. On 3 December the Chief of Staff directed that the proposed directives to the G.O.C. in C. 15 Army Group and to the Acting Deputy President of the Allied Control Commission be held in suspense for the time being. The Advisory Council has now made its recommendation, as notified in Mr. Murphy's letter of 15 December, a copy of which is inclosed for your information (Incl. 1).

2. There are also enclosed for your information one copy each of Message 4243 dated 7 December from the War Department (Incl. 2), Message 4536, FAN 307, of 14 December from the CCS (Incl. 3), and Message 5106 of 18 December from the War Department (Incl. 4). You will be informed as soon as a final directive is received as to the basis on which transfer of territory to Italian administration may take place.


J. C. HOLMES
Brigadier General, G.S.C.
Chief, Military Government Section

4 Incls. as above.

Copies to:
G.O.C.inC., 15 Army Group
HQ AMG

2188

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AFHQ MESSAGE CENTER

INCOMING MESSAGE

WAR
NR 12/18
FILED : 180043Z

AFSC W161/18
180240A
hjj

P R I O R I T Y

FROM : ACWAR FROM HILLIERING SIGNED MARSHALL

TO : EISENHOWER PERSONAL FOR SMITH

REF NO THIS MESSAGE : 5106, 18 December 1943.

Herewith is the statement prepared by CCAC as recommended reply of the CCS regarding the establishment of Allied Control Commission. It has been approved by all interested agencies on the US side and is awaiting concurrence from LONDON:

"Consideration has been given to the documents prepared in connection with the proposed transfer of governmental administrative functions from AMG to Italian Government. It is apparent that these documents were prepared under the impression that full administration of the territory was to be restored to Italian sovereignty, thus giving up the rights of an occupying power. Under no circumstances should any governmental powers be surrendered to the Italian Government which would have the effect of changing the character of the areas involved from occupied territory to non-occupied territory within the meaning of Article 21 of the Long Terms. It is suggested that this objective might be accomplished by a proclamation issued by General EISENHOWER or General JOYCE stating that the powers of government heretofore vested in the Military Governor are hereby transferred to the Allied Control Commission to be exercised by it through the Italian Government and its duly authorized representatives. As a first step in carrying out this program the proclamation might state that hereafter proclamations for general application may be issued by the Italian Government with the consent of ACC and all general orders and ordinances of local application may be issued by Prefects and Syndacos with the consent of regional or local representatives of ACC. Existing

-1-

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REF NO THIS MESSAGE : 5106, 18 December 1943 cont'd. AFSC #161/18

proclamations would, therefore, remain in effect until gradually repealed by order of the Allied Control Commission and followed as may be desirable by proclamations of the Italian government. The enforcement of existing proclamations should be gradually transferred to Italian courts reducing the sanctions of Allied Military Courts primarily to the punishment of offenses against the Allied Forces. As the rights of an occupying force will be preserved, the declarations of validity of our proclamations and acts thereunder can be postponed until Allied military occupation of the territory is finally terminated after military interest in the Italian Theater has ceased, or until the final peace treaty".

I am endeavoring to force a decision from LONDON so that you can get the green light you need. The BRITISH here tell me that they expect to be able to clear the cable today.

New subject: For over three weeks we have done our utmost to get the BRITISH to concur in recommendations contained in your NAF 516 FBMS regarding appointment of Admiral MCGREGOR and related matters. This morning I asked the BRITISH if they would agree to detach consideration of MCGREGOR'S appointment from other propositions covered in your NAF 516, and lend their approval to his appointment. They have agreed to the separation of the MCGREGOR appointment from other considerations, but insist that they must consult LONDON before approval is given to his appointment. I hope to get CCS approval to you on this appointment tomorrow.

NAF 516 REF NO. W5128/332 MC OUT 3939 13/11/43 MGS

ACTION: MGS

INFORMATION: MR MURPHY
MR MACMILLAN
SCS
CINC MED
RECORDS
**

MC IN 10937

18 DEC 43

1334A

Ref No: 5106 JOHFK

DRAFT -- For approval by Brig. Gen. M. D. Taylor.

305

HEADQUARTERS
ALLIED CONTROL COMMS IOW

CEU/gmf

CABLE - OUTGOING

12/18/43

EXCLUDED

PRIORITY

SECRET

FROM PARTIAL MESSAGE

TO FOREIGN MILLS

CEU

With regard to disapproval of Document A by COS request that following points be strongly urged PD without detracting from importance of other reservations in Doc A practical experience in Apulia has shown great importance of following PD

2187

(1) Power to requisition pd There has been much difficulty over this in liberated provinces and without power to requisition it will be difficult to carry on PD

(2) Right to hold Allied Military Courts in cases of acts hostile to Allied Forces PD Proved cases of sabotage by Italians to Allied property have occurred in liberated provinces and these can only be dealt with effectively if Allied Forces have power of arrest and trial in their own Courts PD

FROM EATON, JAMES

TO FARMER, JAMES

CM

With regard to disapproval of Document A by COS request that following points be strongly urged PD without detracting from importance of other reservations in Doc A practical experience in Apulia has shown great importance of following PD

2181

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Brig Gen Taylor,

*Gen Taylor
not on
201/100/100*

Herewith draft of a letter to
Marshal Bagdikian re circulation of official
Gazette for consideration by Gen Tyce.

I note the concluding words
of signal of 17 Dec from M.G.S. re restoration
of territory "no publicity should be given
to contemplated transfer" but scarcely
think circulation of the Gazette would amount
to such publicity.

2183

G. W. Shipman
CL

18 Dec

To Col. Upshaw

Please see me re this
now

A.R.T.
Please see Gen
T. re this
G. W. Shipman

HEADQUARTERS
ALLIED CONTROL COMMISSION

CHU/CHU

18 December 1943.

My dear

I should like to explain our attitude in regard to the publication of the Official Gazette in occupied territory.

With regard to the territory which it is hoped will be restored to your jurisdiction shortly, we shall be very happy to circulate copies of this Gazette to all officials named by you, with a view to enabling such officials to prepare for the restoration.

Of course you will understand that this circulation of this Gazette in occupied territory does not mean that the decrees published in the Gazette become law in such territory until the date of restoration. However, if in any specific case you desire that any decree published by you in the Gazette should become effective forthwith in occupied territory, ^{and} you will notify the Commission, I shall be happy to consider the matter and make suitable recommendations to the appropriate authorities. Arrangements have already been made between us for the publication of your proposed decrees relating to the abrogation of discriminatory laws when received from you.

With regard to the area over which the Allied Forces propose, for military reasons, to retain the rights of an occupant for the time

27 October

Returned by Mr. [unclear] 18 Dec 43

With regard to the territory which it is hoped will be restored to your jurisdiction shortly, we shall be very happy to circulate copies of this Gazette to all officials named by you, with a view to enabling such officials to prepare for the restoration.

Of course you will understand that this circulation of this Gazette in occupied territory does not mean that the decrees published in the Gazette become law in such territory until the date of restoration. However, if in any specific case you desire that any decrees published by you in the Gazette should become effective forthwith in occupied territory, ^{as} if you will notify the Commission, I shall be happy to consider the matter and make suitable recommendations to the appropriate authorities. Arrangements have already been made between us for the publication of your proposed decree relating to the abrogation of discriminatory laws when received from you.

With regard to the area over which the Allied Forces propose, for military reasons, to retain the rights of an occupant for the time being, I do not think any useful purpose would at present be served by sending copies of the Gazette to Italian officials operating there but we carefully study all decrees published by you and communicate them to the Military authorities in ^{that} the area with a recommendation as to which, if any, should be made effective ^{there} in that area. If there are any decrees which you desire should become effective at once in that area and will notify the Commission I shall in this case also be happy to consider the matter and make suitable recommendations to the appropriate authorities.

U. S. SECRET

Equals British **MOST SECRET**
ALLIED FORCE HEADQUARTERS

C O P Y

Civil Affairs Office

December 15, 1943.

My dear General Smith:

Reference is made to your letter of December 1, 1943, in which you communicated the request of the Commander-in-Chief for an expression of opinion by the Advisory Council for Italy with respect to the question whether the proposed transfer of presently occupied Italian territory to the control of Marshal Badoglio's Government would, at this time, be interpreted as a gesture of confidence and support of the present head of the House of Savoy. If in the opinion of the Council this action would be so interpreted, it was further requested whether it would be desirable to delay the transfer of the authority over presently occupied areas in Italy until the Italian Government is established in Rome on the broad basis which has been indicated would be acceptable to our Governments.

After due deliberation of this question, the Advisory Council unanimously decided officially to recommend to the Commander-in-Chief that all Italian occupied territories south of the line Salerno - Bari and including Sicily and Sardinia be transferred to Italian administration, subject to the guidance and instructions of the Allied Control Commission. This recommendation was made with the understanding that the transfer be subject to two conditions, namely: (1) that the administration, central and local, will be carried on by officials of proven good faith and Allied sympathies; and (2) that the transfer involves no commitment to Marshal Badoglio's Government after the capture of Rome.

The ..

Major General W. B. Smith,
Chief of Staff,
A.F.H.Q.

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Equals British **MOST SECRET**

U. S. SECRET

Equals British MOST SECRET

- 2 -

The Council agreed that the transfer might at the outset appear to reflect new and additional support of the present Italian Government and the House of Savoy, but was unanimously of the opinion that the two conditions set forth immediately above would adequately correct any such tendency.

The Council agreed on a further recommendation to the Commander-in-Chief in the following terms:

"The Advisory Council for Italy recommends to the Commander-in-Chief that a specific directive be issued to the Deputy President of the Allied Control Commission that in exercising the functions of control he should be guided insofar as military necessity permits by the terms of the declaration regarding Italy made at the Moscow Conference, with particular reference to the second of the measures set out in that declaration."

It will be recalled that the text of the second measure here referred to is as follows:

"2. Freedom of speech, of religious worship, of political belief, of the press and of public meeting shall be restored in full measure to the Italian people, who shall also be entitled to form anti-Fascist political groups."

/s/Robert D. Murphy
Robert D. Murphy
United States Member
Advisory Council for Italy

U. S. SECRET

Equals British MOST SECRET

Amplified Press Note
to Reduce Inflation

(May from Chief Commissioner)

AC 63-5 AFHQ

12 May 44)

I have

4 Committee

OCM# F. AFHQ Papers

Cable MC-1N7418.

✓

HEADQUARTERS
ARMY GROUND FORCE
Legal Subordination

CHW/gmf

In reply
refer to: AG3/L/303.

15 December 1943.

*No hold - by order
of Gen. Taylor*

SUBJECT: Administration in Unoccupied Territory.

TO : Major General Kenneth A. Joyce.

This seems an appropriate moment to draw to your attention the extremely important question of policy which arises with regard to the attitude in respect of unoccupied territory of the purely military organizations operating in Italy and Sicily; 15th Army Group, PHIBO and its Districts 1 & 2 and their successors and the various boards (e.g. communications, internal transport, local resources) set up by them.

The attitude of these bodies is from a purely military standpoint quite understandable. Whatever may be the legal and political concept of unoccupied territory, the purely military mind quite reasonably sees a *de facto* occupation by the military of large areas even in unoccupied territory, e.g. Bard, Belluno and Taranto and the execution by them of many administrative matters in such territory, e.g. control of shipping, railways and telephones and even the repair of telephone lines. In consequence it is difficult for them to appreciate the essential difference between occupied and unoccupied territory and this is already leading to

This seems an appropriate moment to draw to your attention the extremely important question of policy which arises with regard to the attitude in respect of unoccupied territory of the purely military organizations operating in Italy and Sicily: 15th Army Group, MALINO and its Divisions 1 & 2 and their subunits and the various boards (e.g. command, internal transport, local resources) set up by them.

The attitude of these bodies is from a purely military standpoint quite understandable. Whatever may be the legal and political concept of unoccupied territory, the purely military mind quite reasonably sees a *de facto* occupation by the military of large areas even in unoccupied territory, e.g. Bari, Brindisi and Taranto and the execution by them of many administrative matters in such territory, e.g. control of shipping, railways and telephones and even the repair of telephone lines. In consequence it is difficult for them to appreciate the essential difference between occupied and unoccupied territory and this is already leading to misconceptions, e.g. in the right of arrest and disposal of persons offending against Allied Forces, a faulty approach to the problem of telecommunications, high handed action in dealing with employees of the Bari Radio Station, the treatment of the ships of Italy as "occupied" by the transportation Commission, and so on.

While the difficulties so far encountered are small owing to the limited area under control of the Italian Government and the present weakness of that Government, it is suggested that unless the position is forthwith clarified, the difficulties will rapidly increase as the area under

the jurisdiction of the Government is enlarged and as its own strength grows.

Furthermore, although the purely military organizations might desire to continue A.M.C. over as large an area as possible (for it undoubtedly facilitates their administration), policy demands that as large an area as possible should be returned to the Government as soon as possible and it necessarily follows that, subject only to military necessity, the Italian Government must be allowed the maximum possible control in unoccupied territory so as to rebuild its organization effectively as quickly as can reasonably be done.

It is suggested therefore that this Commission should take up with the Military Police I have mentioned above this important question and ask them to make it plain to all officers the essential differences between occupied and unoccupied territory - namely:

(a.) In occupied territory the supreme authority is the Military Governor who exercises all the rights conferred by International Law on occupying forces and the sovereignty of the King in the occupied territory is suspended. The Military Governor makes special regulations and creates special offences to ensure the safety of his troops and law and order, he sets up special tribunals to try these and other offences; he imposes his own currency on the inhabitants and may declare a moratorium; he suspends officials in proper cases and closes the native courts of sessions and replaces judges. He may take custody of Allied and enemy property and supervises education. He fixes prices of commodities as he sees fit and has complete powers of requisition of supplies and services of all kinds both for the

unoccupied territory so as to rebuild its organization effectively as quickly as can reasonably be done.

It is suggested therefore that this Commission should take up with the Military Bodies I have mentioned above this important question and ask them to make it plain to all officers the essential difference between occupied and unoccupied territory - namely:

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(b) In the restoration of territory to the Italian Government or in the four provinces of Bari, Brindisi, Lecce and Taranto, which have never been occupied, the position is wholly different.

The powers of the former Military Governor (where there has been occupation) come to an end forthwith and he ceases to have any powers of administration over the territory formerly occupied save as may be reserved by agreement with the Italian Government.

This agreement is of course contained in the Armistice Terms, but it should be stressed that apart from such Terms the military authorities have no greater powers of administration than have forces of the U.S.A. quartered in Great Britain over local or national administration there. The Armistice Terms give wide powers to the Allied Forces in order to carry out matters of military necessity but the broad approach to problems that arise in unoccupied territory remains that so far as possible in unoccupied territory the administration must be left to the Italian Government and the powers conferred by the Armistice Terms should only be resorted to for reasons of real military necessity.

Furthermore, where the powers conferred by the Armistice Terms are involved, the required action should, if possible, be taken through the local administration and not by direct action. This may not always be possible - especially in some fields, e.g. transportation, but the principle remains.

To sum up the position in unoccupied territory:- While the military necessities of the situation must remain paramount, the satisfaction of these necessities must be by an encroachment upon the Italian Administration under powers conferred by the Armistice Terms and NOT (as in occupied territory) by a Military Administration.

For the above reasons it is strongly recommended that the matter be

order to carry out matters of military necessity but the broad approach to problems that arise in unoccupied territory remains that so far as possible in unoccupied territory the administration must be left to the Italian Government and the powers conferred by the Armistice Terms should only be resorted to for reasons of real military necessity. Furthermore, where the powers conferred by the Armistice Terms are involved, the required action should, if possible, be taken through the local administration and not by direct action. This may not always be possible - especially in some fields, e.g. transportation, but the principle remains.

To sum up the position in unoccupied territory:- While the military necessities of the situation must remain paramount, the satisfaction of these necessities must be by an encroachment upon the Italian Administration under powers conferred by the Armistice Terms and NOT (as in occupied territory) by a Military Administration.

For the above reasons it is strongly recommended that the matter be taken up with 15th Army Group and ELAFSO to prevent a recurrence of the misconceptions that have already taken place and to ensure for the future that the military organizations operating in unoccupied territory shall understand the true position and their rights, duties and obligations thereunder.

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

U.S. SECRET EQUALS BRITISH MOST SECRET

AFHQ MESSAGE CENTER

INCOMING MESSAGE

WAR

filed 140740Z

AFSC W543/14
141350A
ref

P R I O R I T Y

FROM: ACWAR, FROM THE COMBINED CHIEFS OF STAFF

TO : FREEDOM ALGIERS FOR EISENHOWER

REF. NO. THIS MSG: 4556, 14 December 1943

PAN 307.

Restoration of occupied territory to Italian Jurisdiction as proposed in your NAF 534. In restoring territories mentioned to Italian Jurisdiction it is important that no rights under terms of surrender be compromised by any agreement with the Italian Government or any representative thereof. In this connection see final paragraph of cable number 9763, 9 October 1943, where it is said, in substance, that the relationship of co-belligerency between the governments of the United Nations and Italy cannot of itself affect the terms of surrender which retain their full force and can only be adjusted by agreement between the Allied Governments in the light of such assistance as may be afforded to the United Nations cause by the Italian Government. It is believed that the surrender terms, in particular paragraph 10 of short terms and paragraphs 22, 36, and 42 of long terms, are sufficiently broad in scope to give you authority to direct the Italian Government to do anything which you might feel necessary for it to do, without the necessity of a secret agreement as proposed in your document number 1. The question of occupation costs is already adequately provided for in paragraph 33 of long surrender terms. In view of these factors, and since we are not transferring "Sovereignty" or "territory," but rather administration of territories, the proposed secret document is considered inadvisable and should not be entered into.

As regards remaining documents, complete texts of which we have not seen, we are ready to leave responsibility for details with you. The reference to formal transfer of territory to Crown of ITALY should however be eliminated from the second document, which is a proclamation announcing termination of Military Government.

-1-

U.S. SECRET EQUALS BRITISH MOST SECRET COPY No.

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

20

(4536, 14 December 1943)

N-543/14

Continued Page 2

Your proposed reservation of all rights of the Allied Commander in Chief and of the Allied Control Commission should of course be included in this proclamation.

As regards proclamations, decrees and technical decrees to be issued by the Italians, these should be in the name of the Italian Government rather than of the King, if this is in accordance with constitutional processes. Proclamation and decree mentioned in your 4th paragraph should refer to assumption of administration of Government rather than to assumption of "Powers" of government. It is important in connection with all proposed documents that Royalty, Crown and King be not emphasized.

Addendum. Drafts of your proposed documents have just been received and are receiving consideration. No action should be taken by you until you receive our further directive concerning these drafts.

-2-

NAF 534 is Ref No. MC OUT 9018 30/11/43 MGS
9763 is MC IN 5466 10/10/43 Col McCrystal (Pers)

ACTION: MGS

INFO: SGS
MR MURPHY
MR MACMILLAN
INC
AG RECORDS
**

MC IN 8584 14 Dec 43 2006A Ref No. 4536 1p R

ALLIED FORCE HEADQUARTERS
Military Government Section

DM/CF/thh
13 December 1943

MEMORANDUM FOR: The Chief, Military Government Section, AFHQ
SUBJECT : Papers for transfer to Italian administration

1. Document A is an ex parte paper, signed by General R.L.G. Alexander. To be effective it must be seen by the Italian Government.
2. General Kenyon A. Joyce should transmit it and a copy to General Badoglio. General Badoglio should sign the original document as follows:

Noted by _____

For the Italian Government _____

and execute a letter to General Joyce as follows:

The Italian Government acknowledges the receipt of the Proclamation of _____ and understand that its resumption of administration is on the basis contained in its terms and conditions.

DAVID MARCUS,
Colonel, G.S.C.,
Civil Affairs Division, WDGS.

785015

U. S. SECRET
 Equals British SECRET

OUTGOING

Col Upjohn
 1
 GBU/af's
 11/319
 071525A
 DEC
 DEC

SECRET

URGENT

FATIMA

~~NO~~ FREEDOM FOR HOLMES

DOCUMENTS RELATING TO RESTORATION OF TERRITORY OF ITALIAN GOVERNMENT NOT YET
 RECEIVED BUT STRONGLY RECOMMEND THAT PARA SEVEN OF DOCUMENT PARIN A PARIN BE
 SHORTENED TO READ AS FOLLOWS CLIN/NO FREEDOM FOR HOLMES FROM FATIMA SIGNED JOYCE
 PARIN PARA SEVEN PD TO EXERCISE THE RIGHT TO REQUISITION PRIVATE OR PUBLIC
 PROPERTY IN THE UNOCCUPIED TERRITORY PD PARA THIS IS TO ENSURE SPECIFICALLY
 THAT THE ALLIES HAVE SAME RIGHT TO REQUISITION IN FOUR PROVINCES NOW UNDER
 JURISDICTION OF ITALIAN GOVERNMENT AS IN THE TERRITORY TO BE RESTORED PD THIS
 RIGHT IS DOUBTFUL AS I CONSIDER PARA SEVEN AS IT STANDS AT PRESENT

AUTHENTICATED:

ROBERT E. DOB
 Major, A.G.D.
 Secretary of Commission

DISTRIBUTION:

2 - AG Files
 1 - diary
 1 - Col. Upjohn

(wc)
 U. S. SECRET
 Equals British SECRET

Resist 7 Dec

U.S. SECRET EQUALS BRITISH MOST SECRET

AFHQ MESSAGE CENTER

INCOMING MESSAGE

WARP

filed 070021Z

AFSC N151/07

070225A

gwc

PRIORITY

FROM: AGWAR FROM HILLDRING SIGNED MARSHALL

TO : FREEDOM, EISENHOWER

REF. NO. THIS MESSAGE: 4243, 7 December 1943

Restoration of Occupied Territory to Italian jurisdiction as proposed in your NAF 534.

The following proposed reply represents US views which have not yet been concurred in by the British. These views are transmitted for your information only. "In restoring Territories mentioned to Italian jurisdiction, it is important that no rights under terms of surrender be compromised by any agreement with the Italian Government or any representative thereof. In this connection see final paragraph of cable number 9763, 9 October 1943, where it is said, in substance, that the relationship of co-belligerency between the Governments of the United Nations and ITALY cannot of itself affect the terms of surrender which retain their full force and can only be adjusted by agreement between the Allied Governments in the light of such assistance as may be afforded to the United Nations cause by the Italian Government. It is believed that the surrender terms, in particular paragraph 10 of short terms and paragraphs 23, 36, and 42 of long terms, are sufficiently broad in scope to give you authority to direct the Italian Government to do anything which you might feel necessary for it to do, without the necessity of a secret agreement as proposed in your document number 1. The question of occupation costs is already adequately provided for in paragraph 33 of long surrender terms. In view of these factors, and since we are not transferring "Sovereignty" or "Territory", but rather administration of Territories, the proposed secret document is considered inadvisable and should not be entered into.

The reference to formal transfer of Territory to Crown of ITALY should be eliminated from 2nd document which is a proclamation announcing termination of Military Government. With this elimination proposed, proclamation is approved. Your proposed reservation of all rights of the Allied Commander-in-Chief and of the Allied Control Commission

U.S. SECRET EQUALS BRITISH MOST SECRET

COPY No.

19

THE MAKING OF AN EXACT COPY OF THIS MESSAGE IS FORBIDDEN

- 2 -

REF. NO. THIS MESSAGE: 4243, 7 December 1943 AFSC W151/07

As to 3rd proposal, the announcement should be by the Italian Government and should (4 groups missing) the form of a proclamation by the KING. This announcement should refer to assumption of administration of Government rather than to assumption of "Powers" of Government.

Finally, the additional technical documents should be issued by the Italian Government rather than by the KING. It is important in connection with all proposed documents that Royalty, Crown and KING be not emphasized, and that all steps taken by Italian Government be in accordance with its constitutional processes without modifying in any way terms of surrender.

NOTE: This message being serviced for missing group.

NOTE: NAF 534 Ref W 6488/7495 is MC OUT 3013 30/11/43 MCS
9765 16 MZ IN 5466 10/10/43 COL MCCRYSTAL (PERSONAL)

ACTION: MCS

INFO : SOS
INC
AC RECORDS
**

MC IN 4258

8 Dec 43

0031A

Ref No. 4243

ppm/R

TRANSLATION

HEAD OF THE GOVERNMENT
No. 1082 of Prot.

7 December 1943

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

Dear General Joyce:

In my communication No. 1085 of Protocol, dated 26 November, I informed you of my intention to return into the hands of the civilian authorities the administration of those provinces under the direct control of the Italian Government, leaving the military authorities free to dedicate themselves exclusively to their ordinary duties.

I begged you at the time, and I beg you now, to give me your opinion on this matter.

Very cordially,

BADOGLIO

CIA

Nr. 1082 di prot.



IL CAPO DEL GOVERNO

7 dicembre 1943.-

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

S E D E

Caro Generale Joyce,

Nel mio foglio nr. 1085 di protocollo del 26 novembre c.a. Vi comunicavo la mia intenzione di ritornare alle autorità civili la direzione superiore nelle provincie sotto il diretto governo italiano, lasciando che le autorità militari si dedichino esclusivamente ai loro ordinari compiti.

Vi pregavo allora, e Vi prego ora di volermi dare il Vostro parere al riguardo.

Molto cordialmente.

scr 091.1- Gnt (Italy)

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee

GRU/gmf

5 December 1943.

SUBJECT: Restoration of Territory to the Italian Government.

TO : Major General Kenyon A. Joyce.

When the documents (A) (B) & (C) arrive and have been considered, they will be handed to the Italian Government and presumably you will desire to hand them to Marshal Badoglio yourself though if you think it more appropriate I could hand them to the Minister of Justice.

In either event owing to the complexity of the matter it would seem best to hand to the Government a covering letter explaining the purport of the documents and what is to be done. Such a letter will, it is suggested, be much better than a long conference to explain matters.

I have drafted such a letter for consideration by you but it must be borne in mind that such letter may require revision when Documents A, B & C have been considered.

I also submit a Memorandum which I prepared for you at Palermo when we went through the transitional legislation verbally in case you should like to consider Documents (D) in greater detail.

One further point arises. Lt. Col. Gayle, Education Subcommittee,

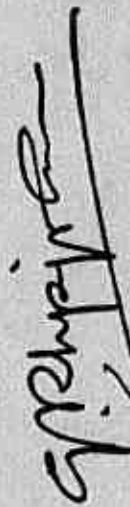
When the documents (A) (B) & (C) arrive and have been considered, they will be handed to the Italian Government and presumably you will desire to hand them to Marshal Badoglio yourself though if you think it more appropriate I could hand them to the Minister of Justice.

In either event owing to the complexity of the matter it would seem best to hand to the Government a covering letter explaining the purport of the documents and what is to be done. Such a letter will, it is suggested, be much better than a long conference to explain matters.

I have drafted such a letter for consideration by you but it must be borne in mind that such letter may require revision when Documents A, B & C have been considered.

I also submit a Memorandum which I prepared for you at Palermo when we went through the transitional legislation verbally in case you should like to consider Documents (D) in greater detail.

One further point arises. Lt. Col. Gayne, Education Subcommittee, is anxious for one further clause in that express provision that all schools opened under A.M.G. should remain open and all schools closed by them should remain closed. It is suggested that this might be a more suitable matter for agreement between the Education Subcommittee and the Minister of Education, but your decision hereon is requested.



G. R. UPJOHN, Colonel
Legal Subcommittee, AGC.

DRAFT

HEADQUARTERS
ALLIED CONTROL COMMISSION

SUBJECT: Restoration of Territory to the Italian Government.

TO : H.E. Marshal Badoglio.

1. I have the honour to present to H.E. the following documents in connection with the above mentioned subject matter.

(A) A document containing the terms upon which the Military Governor by authority of the Commander in Chief is willing to hand over the territory to the Italian Government. This is and will remain a secret document and I shall be glad if you will treat it as such.

(B) A proclamation to be signed by the Military Governor renouncing his jurisdiction over the restored territory.

(C) A decree and proclamation to be signed by H.M. the King.

(D) Certain documents required to be passed into law by the Italian Government before any territory is restored.

2. With regard to document A, two points arise.

(1) H.E. Marshal Badoglio will be required to sign a document on behalf of the Government accepting the restored territory on the terms therein mentioned.

(2) In order to give effect to certain of the terms in Document A it will be necessary to pass certain decrees and H.E. will please indicate at the earliest possible moment which matters he considers it necessary to

(A) A document containing the terms upon which the Military Governor by authority of the Commander in Chief is willing to hand over the territory to the Italian Government. This is and will remain a secret document and I shall be glad if you will treat it as such.

*Secret
Faint*

(B) A proclamation to be signed by the Military Governor renouncing his jurisdiction over the restored territory.

(C) A decree and proclamation to be signed by H.M. the King.

(D) Certain documents required to be passed into law by the Italian Government before any territory is restored.

2. With regard to Document A, two points arise.

(1) H.E. Marshal Badoglio will be required to sign a document on behalf of the Government accepting the restored territory on the terms therein mentioned.

*Del
?*

(2) In order to give effect to certain of the terms in Document A it will be necessary to pass certain decrees and H.E. will please indicate at the earliest possible moment which matters he considers it necessary to enact by decree and to prepare such decrees with all possible speed.

3. With regard to Proclamations mentioned as Documents B & C no point arises therein except to agree with H.E. upon first the fixation of the date of restoration, and second upon the printing and publication of the two proclamations. In order to ensure that the proclamations shall be printed in a suitable manner and sufficiently in advance of the date fixed for publication it is suggested that their numbers and size be mutually agreed upon at once.

For the information of H.E. we may say that in the territory

2177

be restored rather less than 40,000 copies of each proclamation already issued by the Allied Military Government were posted up and the format of the paper was 70cm X 50cm printed both in English and Italian. Will H.E. please indicate at the earliest possible moment whether it is agreeable to have these proclamations printed in the above mentioned size and numbers.

With regard to the date of the restoration the Allied Control Commission desire to give all the assistance in their power to ensure the restoration at the earliest possible moment, bearing in mind the necessity for passing and publishing the decrees mentioned in this letter under (1) B & C and the printing and distribution of the two proclamations mentioned under (1) B & C sufficiently in advance of the actual date of restoration. Will H.E. please indicate at the earliest possible moment the nearest date at which he considers this may be effected and it is hoped that he will be able to suggest a date within 5 weeks from today.

4. With regard to Document C it is desired that this should be in the King's name and should be effective as a decree. Accordingly it will be posted as a proclamation and published as a decree in the Official Gazette. It will be for H.E. therefore to consider the exact form of this document. Will H.E. please indicate as soon as possible to the Legal Subcommittee of the Allied Control Commission any amendments necessary to give full legal effect to the expressed intention of this document.

5. With regard to Document D, H.E. will appreciate that solely with a view to prevent an immediate breakdown of administration on the restoration it will be necessary to keep in force the provisions of certain Proclamations

and General Orders promulgated by the Military Government.

for passing and publishing the decrees mentioned in this letter under (D) C & D and the printing and distribution of the two proclamations mentioned under (1) B & C sufficiently in advance of the actual date of restoration. Will H.E. please indicate at the earliest possible moment the nearest date at which he considers this may be effected and it is hoped that he will be able to suggest a date within 5 weeks from today.

4. With regard to Document C it is desired that this should be in the King's name and should be effective as a decree. Accordingly it will be posted as a proclamation and published as a decree in the Official Gazette. It will be for H.E. therefore to consider the exact form of this document. Will H.E. please indicate as soon as possible to the Legal Subcommittee of the Allied Control Commission any amendments necessary to give full legal effect to the expressed intention of this document?

5. With regard to Document D, H.E. will appreciate that solely with a view to prevent an immediate breakdown of administration on the restoration it will be necessary to keep in force the provisions of certain Proclamations and General Orders promulgated by the Military Governor during his occupation. The number of these decrees has been cut down to a minimum and is intended only to cover the immediate period of transition.

H.E. will likewise appreciate that though these documents are cast in the form of Articles appropriate for a decree it will be entirely a matter for H.E. and his advisers to consider how and in what form these matters are to be passed into law. The Allied Control Commission is solely concerned with seeing that the intentions expressed in these documents are carried out.

6. With regard to the Document headed Property Control provided that H.E.

will give us his assurances that legal effect will be given to this Document at the earliest possible moment it does not seem necessary that any decree should actually be passed before restoration.

7. When H.E. has considered the Documents it would appear desirable for an early conference to be arranged so that any outstanding matters may be discussed and mutual steps taken to ensure the restoration of territory to the Italian Government at the earliest possible moment.

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

2175

U. S. SECRET
Equals British SECRET

ALLIED FORCE HEADQUARTERS
Military Government Section

ATM/CF/jm

6 December 1943

SUBJECT: Copies of Documents for Restoration of Territory

TO : Acting Deputy President, A.C.C.

1. Your message 1278 of 4 December requested copies of documents A, B and C for restoration of territory to the Italian government. Before these papers could be sent to you for action it was decided to ask the opinion of the Advisory Council on the subject of the turnover of territory to Italian administration, and in the meantime it was directed that the matter be held in suspense.

2. For your information only draft copies of documents A, B and C as they now stand were taken by General Holmes this morning with a view to supplying them to you in person.

A. T. MAXWELL
Colonel
Military Government Section

602.379
0411-9nd (Italy)
X 3/2.1- Documents

CA



File

U. S. SECRET
Equals British SECRET

Col. Upjohn
~~U. S. SECRET~~
Equals British SECRET

-OUTGOING

CHI/mst

13/04

1278

DEC 04/7257

SECRET

URGENT

FATIMA

DEC

FREEDOM MOS RPTD SEARS FOR FARGO

DOCUMENTS PAREN A PAREN QMA PAREN B PAREN QMA PAREN C PAREN FOR
RESTORATION OF TERRITORY TO ITALIAN GOVERNMENT NOT RPT NOT RECEIVED
HERE YET PD ~~PAREN~~ TO FREEDOM MOS REPEATED SEARS FOR FARGO FROM
FATIMA SIGNED JOYCE PD PLEASE FORWARD AS SOON AS POSSIBLE AS
OTHERWISE MUCH DELAY INEVITABLE

AUTHENTICATED:

ROBERT E. DOE
Major A. C. D.
Secretary of the Commission

DISTRIBUTION:

2 - AD
1 - Diary
1 - Col. Upjohn

U. S. SECRET

Equals British

(4c)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
A.P.O. 512
LEGAL SUB-COMMISSION

AMG/4102/L

Subject:- Restoration of Territory to
the Italian Government

To: Major General Kenyon A. Joyce

30th November 1943

1. Appended hereto are :-

- (A) Secret draft Terms of Restoration
- (B) Draft Proclamation by the Military Governor
- (C) Draft Proclamation and Decree by the King of Italy
- (D) Draft Decrees referred to in para 11 of Document (A).

2. Documents (A), (B) and (C) in their present form were taken by Lt. Col. Chanler for approval by A.F.H.Q. They have not yet been returned. A signal has been received which is attached hereto marked (E) saying that General Alexander agrees to these terms subject to some amendments agreed to by Lord Rennell and General Holmes while in Naples. A signal has been sent asking what amendments were then made.

3. Documents (D) have not yet been approved by anyone. They cover only immediate matters on the restoration and although put in the form of decrees, it will be stressed, of course, that it is entirely for the Italian Government to shape their own decrees as they like provided they carry out the intention of these documents. It may well be that the Italian Government can point to existing legislation which covers some of the matters referred to in these decrees.

4. As will be seen, these decrees which have been extracted from existing Proclamations and General Orders after discussion with the sub-commissions concerned, cover six main headings :-

- (A) Finance and currency.
- (B) Commerce and Business.
- (C) Rationing prices and wages.
- (D) Education

(B) Draft Proclamation by the Military Governor

(C) Draft Proclamation and Decree by the King of Italy

(D) Draft Decrees referred to in para 11 of Document (A).

2. Documents (A), (B) and (C) in their present form were taken by Lt. Col. Chanler for approval by A.F.H.Q. They have not yet been returned. A signal has been received which is attached hereto marked (E) saying that General Alexander agrees to these terms subject to some amendments agreed to by Lord Rennell and General Holmes while in Naples. A signal has been sent asking what amendments were then made.

3. Documents (D) have not yet been approved by anyone. They cover only immediate matters on the restoration and although put in the form of decrees, it will be stressed, of course, that it is entirely for the Italian Government to shape their own decrees as they like provided they carry out the intention of these documents. It may well be that the Italian Government can point to existing legislation which covers some of the matters referred to in these decrees.

4. As will be seen, these decrees which have been extracted from existing Proclamations and General Orders after discussion with the sub-commissions concerned, cover six main headings :-

(A) Finance and currency.

(B) Commerce and Business.

(C) Rationing prices and wages.

(D) Education

(E) Public Safety

(F) Property Control.

5. Much discussion has taken place with sub-commissions and in certain cases (notably Public Safety) it was felt that sub-commissions went too far in their requests. Public Safety suggested that the War Crimes set out in Proclamation 2 should be re-enacted but it was thought that this went too far and a general clause giving powers of arrest and trial where an act hostile to the Allied Forces is committed or suspected has been substituted. The matter is referred to you for decision.

It must be emphasised that this legislation is only intended to cover the immediate transition to the Italian Government and to deal with matters which must be continued on the very day of the restoration to prevent a breakdown of administration.

Many Sub-Commissions put forward requests of a nature which could not be described as immediate but which should form the basis of Italian decrees at

a later stage when sub-commissions have had an opportunity of discussing matters with the appropriate ministries and making longer term plans.

It is therefore contemplated that sub-commissions will at a later stage put forward requests for further Italian decrees which will deal with many matters not touched on in the immediate decrees attached hereto, and your confirmation of this policy is requested.

6. No control of censorship, telecommunications, transportation or shipping has been included in the transmitted decrees as the United Nations can control these matters under the Armistice Terms and it is assumed that the appropriate authorities are making plans for this when the restoration takes place. Furthermore no approach has been made to the sub-commissions of the Military or Political Sections, who it is assumed are handling matters direct with the Italian Government.

7. Property Control is in a separate class to other sub-commissions. The task of all other sub-commissions is advisory and supervisory and not executive. The Director of Property Control feels that it is very desirable that he should continue without interruption his executive powers of control of United Nations property and that it is unsound and politically undesirable to leave this property to the custody of the Italian Government having him with only advisory and supervisory powers. In order to protect this property some of which has been bombed and which requires the expenditure of money for its proper preservation, the proposed decree gives power to the Director of Property Control at his request, to raise money in security of the property and in proper cases to sell, or lease such property.

Your decision on the policy with regard to the continuance of these executive powers is requested.

8. With regard to the Secret Terms, (Document A),

(a) It is suggested that the Italian Government should assent thereto by a brief document accepting the restored territory on those terms.

(b) It will probably be necessary for the Italian Government to pass decrees with regard to some of the clauses of the Secret Terms but it is suggested that the Italian Government should be informed that it is entirely a matter for them to take such steps as may be appropriate in this direction and that it is not immediately the concern of the United Nations.

Gerald Upjohn

GERALD UPJOHN,

Colonel,

Acting Chief Legal Officer.

continue without interruption his executive powers of control of United Nations property and that it is unsound and politically undesirable to leave this property to the custody of the Italian Government having him with only advisory and supervisory powers. In order to protect this property some of which has been bombed and which requires the expenditure of money for its proper preservation, the proposed decree gives power to the Director of Property Control at his request, to raise money in security of the property and in proper cases to sell, or lease such property.

Your decision on the policy with regard to the continuance of these executive powers is requested.

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- (a) It is suggested that the Italian Government should assent thereto by a brief document accepting the restored territory on those terms.
- (b) It will probably be necessary for the Italian Government to pass decrees with regard to some of the clauses of the Secret Terms but it is suggested that the Italian Government should be informed that it is entirely a matter for them to take such steps as may be appropriate in this direction and that it is not immediately the concern of the United Nations.

Gerald Upjohn

GERALD UPJOHN,

Colonel,

Acting Chief Legal Officer.

ARTICLE IINTERPRETATION

In this Decree-

"Property" includes all forms of movable and immovable property and rights of property.

"Director of Property Control" is the Director of Property Control, Allied Control Commission.

ARTICLE IIPOWER TO REQUIRE RETURNS AND ACCOUNTS

The Director of Property Control may by notice in writing require any person to furnish returns, accounts and other information and to produce documents relating to any property as the Director of Property Control considers necessary for the discharge of his functions.

ARTICLE IIIUNITED NATIONS PROPERTYSection 1. Cancellation of Italian Measures affecting United Nations Property.

All laws, decrees, orders or other measures taken by the Italian Government to sequester, black, confiscate, or otherwise discriminate against property situated in Italy, including obligations of debtors within Italy, owned by the Governments of any of the United Nations, or by the Nationals of such Nations or in which any such Government or Nationals have any interest are hereby repealed.

Section 2. Declaration of Property.

All public officials of the Italian Government and all other persons in Italian Territory as and when restored to the Government of Italy, who have under their control or administration or in their possession or custody any property of the nature referred to in Section 1 shall:

(a) forthwith declare such property as follows:

The Director of Property Control may by notice in writing require any person to furnish returns, accounts and other information and to produce documents relating to any property as the Director of Property Control considers necessary for the discharge of his functions.

ARTICLE III

UNITED NATIONS PROPERTY

Section 1. Cancellation of Italian Measures affecting United Nations Property.

All laws, decrees, orders or other measures taken by the Italian Government to sequester, block, confiscate, or otherwise discriminate against property situated in Italy, including obligations of debtors within Italy, owned by the Governments of any of the United Nations, or by the Nationals of such Nations or in which any such Government or Nationals have any interest are hereby repealed.

Section 2. Declaration of Property.

All public officials of the Italian Government and all other persons in Italian Territory as and when restored to the Government of Italy, who have under their control or administration or in their possession or custody any property of the nature referred to in Section 1 shall:

- (a) Forthwith declare such property by delivering to the Director of Property Control a schedule or list describing the same, if such declaration in full has not already been made to the Controller of Property, Allied Military Government;
- (b) Upon demand of the Director of Property Control, turn over such property or the control, possession, or custody thereof to the Director of Property Control or such person as may be designated by him;
- (c) Upon demand of the Director of Property Control, turn over all books accounts, and records of the administration of such property during the period of Italian sequestration or other control to the Director of property Control or to such person as may be designated by him.

Section 3. Maintenance and Care of Property Pending Restitution.

Until such time as they are ordered to turn over any property which is the subject of this Decree, all persons who are charged with the administration, custody or control thereof shall be fully responsible for the maintenance thereof and for taking all necessary measures for safeguarding and preserving the same. All such persons shall, as demanded by the Director of Property Control, render regular reports as to the operations, custody and administration of the properties.

Section 4. Consent as to Certain Action.

No persons so charged with the administration, custody or control of such property shall take or suffer to be taken any action which shall materially effect the value or the income therefrom without the consent of the Director of Property Control. Without limiting the generality of the foregoing, and such persons may obtain consent of the Director of Property Control to the sale or mortgage of the property or any portion thereof and shall also give notice to him of any attachments of lien, terminations of leases or other similar events.

Section 5. Rights and Powers over Property.

The Director of Property Control shall have the full right and power to do all things in relation to any private property, real personal or mixed which he shall have in his possession or under his control, which he would have if he were the true lawful and real owner thereof, or which he would have if he held a general unlimited power of attorney in connection therewith. Without limiting the generality of the foregoing, such rights and powers shall include the right and power to sell, rent, lease, mortgage, pledge, pay taxes, mortgage interest or other payments or charges accrued on or against the property, and any sums necessary for its preservation, to carry on as business if the property consists of a business, and to enter into any contract and to execute any legal deed or instrument necessary for the exercise of any of the foregoing rights and

No persons so charged with the administration, custody or control of such property shall take or suffer to be taken any action which shall materially effect the value or the income therefrom without the consent of the Director of Property Control. Without limiting the generality of the foregoing, and such persons may obtain consent of the Director of Property Control to the sale or mortgage of the property or any portion thereof and shall also give notice to him of any attachments of lien, terminations of leases or other similar events.

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ARTICLE IV

PENALTIES

A Anyone who knowingly and without lawful authority:

- (a) interferes with or obstructs the Director of Property Control or any of his Assistants in the exercise of any of their functions hereunder;
- (b) interferes with, removes, damages, conceals or makes away with any property which the Director of Property Control, has taken or is authorized to take into his control;
- (c) interferes with, removes, damages, conceals or makes away with any property with intent to defeat

(d) evade or avoid any responsibility, fine or punishment; withhold any information or any document which the Director of Property Control is entitled to receive, or makes any false statement, or uses or refers to any false document in order to mislead the Director of Property Control as to any of the matters which he requires to know for the purpose of this Decree; or

(e) violates any other provision of this Decree;

shall on conviction by an Italian or Allied Military Court be liable to imprisonment or fine, or both, as the Court may determine, or according to law.

ARTICLE V

POWER TO VOID TRANSACTIONS

The Director of Property Control may by order direct that any transaction made at any time with regard to any property, movable or immovable, shall be set aside and held null and void if, in his opinion the transaction was made to defeat, evade or avoid any provision of this Decree or any responsibility, fine or punishment imposed or to be imposed on any person or enemy government.

ARTICLE VI

POWER TO SUE IN ITALIAN COURTS

In the exercise of his duties and powers the Director of Property Control in his own name or on behalf of an owner of property, shall have full and complete right to institute suit in any Italian Court of appropriate jurisdiction. No person shall institute any suit, countersuit or counter claim against the Director of Property Control in any Italian Court.

ARTICLE VII

PROTECTION OF DIRECTOR OF PROPERTY CONTROL

The Director of Property Control and his agents and

ARTICLE V

POWER TO VOID TRANSACTIONS

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ARTICLE VII

PROTECTION OF DIRECTOR OF PROPERTY CONTROL

The Director of Property Control and his agents and representatives shall be under no responsibility to the owner of any property taken into control under this Decree, or to any person interested therein, to make good any loss of or damage to such property, however caused, or to compensate any such owner or other person for any loss suffered directly or indirectly by reason of the taking of control of such property.

ARTICLE VIII

EFFECTIVE DATE

This decree becomes effective as of the date hereof, in all territory restored to the jurisdiction of the Italian Government and shall become immediately effective in any other territory which shall be restored to the jurisdiction of the Italian Government.

Education.

ARTICLE I

It shall be unlawful for any person to advocate, teach, disseminate or otherwise give instruction in Fascist Philosophy or Doctrine in any University School or Educational establishment.

ARTICLE II

Any person violating the provisions of this Decree shall on conviction by an Italian or Allied Military Court, be liable for imprisonment or fine, or both as the Court may determine, or according to law.

ARTICLE III

This Decree becomes effective as of the date hereof, ~~in all territory restored to the jurisdiction of the Italian Government and shall become immediately effective in any other territory which shall be restored to the jurisdiction of the Italian Government.~~

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

~~THIS Decree becomes effective as of the date hereof,
in all territory restored to the jurisdiction of the Italian
Government and shall become immediately effective in any
other territory which shall be restored to the jurisdiction
of the Italian Government.~~

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ARTICLE ICURRENCY.

SECTION 1. United States Coin and Currency and British Coin and Military Authority Notes. All United States coin and all United States currency bearing a yellow seal on the right side of the face of the bill and known as United States Yellow Seal Currency, and all notes bearing the inscription "British Military Authority" issued by the British Government, as well as all coins of Great Britain, are hereby made legal tender in the ~~occupied territory~~ ^{Italy} and no person shall refuse to accept such legal tender for the payment of any amount.

SECTION 2. Allied Military Lira Notes. Lira currency in the forms of Allied Military notes of the denominations herein specified is hereby constituted and made legal tender for the payment of any amount in the ~~occupied territory~~ ^{Italy} and shall in all respects be equivalent in value and interchangeable with any other lira currency that is legal tender at the time of the issue of this Decree.

Denominations of Allied Military Lira Notes.

Lit.	1.
"	2.
"	5.
"	10.
"	50.
"	100.
"	500.
"	1,000.

ARTICLE IIEXCHANGE

SECTION 1. Rates of Exchange. The rates of exchange between the currencies and coin mentioned in Section 1 of Article 1 hereof and any form or denomination of Italian lire shall be as follows:

THE SCHEDULE RATES OF EXCHANGE

- 1 Dollar in United States coin or in United States Yellow Seal Currency equals 100 lire (all forms or denominations).
- 1 Pound Sterling or 20 shillings in coin of Great Britain or in British Military Authority Notes equals 400 lire (all forms or denominations).
- 1 Pound Sterling or 20 shillings in coin of Great Britain or in British Military Authority Notes equals, 4 Dollars in United States coin or in United States Yellow Seal Currency.

Denominations of Allied Military Lira Notes.

Lit. 1.
" 2.
" 5.
" 10.
" 50.
" 100.
" 500.
" 1,000.

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1 Pound Sterling or 20 shillings in coin of Great Britain or in British Military Authority Notes equals 400 lire (all forms or denominations).

1 Pound Sterling or 20 shillings in coin of Great Britain or in British Military Authority Notes equals, 4 Dollars in United States coin or in United States Yellow Seal Currency.

SECTION 2. Exchange Obligatory. Every person in the business of banking or the exchange of money on demand of any holder of currency or coins described in Section 1 of Article 1 hereof, shall exchange such currency or coins for lire in his possession at the rates specified on the above schedule, without charging any commission or fee for making such exchange. No person shall refuse to accept at its face value any form or denomination of lire currency.

SECTION 3. Prohibition of other rates. No transaction of any nature shall be entered into on the basis of rates of exchange other than those outlined by or under this decree.

ARTICLE III

TRANSACTIONS IN LANDS AND BUILDINGS

SECTION 1. No transfer of lands or buildings or leases for more than one year. No transfer of any lands or building, or any interest therein, whether by sale, gift, mortgage, charge or otherwise, where the total consideration for

the transfer including any consideration passing in related transactions is in excess of fifty thousand lire, and no lease of any such lands or buildings or any interest therein for a term longer than one year shall hereafter be effected without the written consent of the Ministry of Finance or of an officer empowered by him.

SECTION 2. Transfers or leases without consent to be void.

Any such transfer or lease or contract therefor made hereafter without such written consent shall be void.

SECTION 3. Removal of Prohibition.

The Ministry of Finance or any officer empowered by him may by general or specific order suspend, modify or terminate the restriction contained in this Article in respect of any transaction or class of transactions.

ARTICLE IV

RESTRICTION ON EXCHANGE AND COMMERCE

SECTION 1. Transactions prohibited. From the effective date of this Decree except as authorized by the Ministry of Finance

(a) All transactions in foreign exchange, and the import and export of any coins, currency, securities and gold and silver bullion are prohibited;

(b) All financial, commercial or other transactions involving trade or communication of any kind with any person outside any part of the territory under the jurisdiction of the Italian Government are prohibited.

Provided however that the prohibitions herein contained (Section 1, (a) and (b)) shall not operate as between territory restored to the Central Administration of the Italian Government and Italian territory occupied by the Allied Military Forces.

SECTION 2. Regulation authorized.

The Ministry of Finance will from time to time issue regulations, rules, licenses and instructions which may permit transactions with persons in certain areas and may prescribe conditions for licensing of transactions.

ARTICLE V.

REGULATION OF BUSINESS

SECTION 1. Orders regulating certain business transactions.

The Ministry of Finance or any officer empowered by him may from time to time by order direct :

RESTRICTION ON EXCHANGE AND COMMERCE

SECTION 1. Transactions prohibited. From the effective date of this Decree except as authorized by the *Ministry of Finance*

(a) All transactions in foreign exchange, and the import and export of any coins, currency, securities and gold and silver bullion are prohibited;

(b) All financial, commercial or other transactions involving trade or communication of any kind with any person outside any part of the territory under the ~~jurisdiction~~ *administration* of the Italian Government are prohibited.

Provided however that the prohibitions herein contained (Section 1, (a) and (b)) shall not operate as between territory ~~reverted to the Italian Government~~ *administered by the Italian Government* and Italian territory occupied by the Allied Military Forces.

SECTION 2. Regulation authorized.

The Ministry of Finance will from time to time issue regulations, rules, licenses and instructions which may permit transactions with persons in certain areas and may prescribe conditions for licensing of transactions.

ARTICLE V.REGULATION OF BUSINESS

SECTION 1. Orders regulating certain business transactions.

The *Ministry of Finance* or any officer empowered by him may from time to time by order direct :

(a) That any specified company, institution, corporation, body or person shall be prohibited from entering into or carrying out any business, financial or property transactions, or that any such transactions may only be entered into or carried out upon such terms and conditions and subject to such limitations as the *Ministry of Finance* or such officer empowered may direct.

(b) That the whole or any part of the property or assets of any specified company, institution, corporation, body or person shall be delivered or paid to any institution or agency designated by the *Ministry of Finance* to be blocked or made subject to any other form of control.

SECTION 2.

All bullion, coin, currency, securities, deposits, accounts or property of any nature whatsoever now held in a "blocked account" or in an "account subject to previous authorization" shall remain in its present status.

All payments, transfers, withdrawals or other dealings with respect

to blocked accounts or with respect to accounts subject to prior authorization are prohibited except as specifically authorized by _____

Beginning _____ all banks or other financial institutions holding either blocked accounts or accounts subject to prior authorization shall furnish semi-monthly reports in triplicate to _____ in regard to all payments, withdrawals, transfers or other dealings in such accounts.

SECTION 3.

?? } The initial opening, *after the effective date hereof* of safe deposit boxes and the handing out of articles held in safe custody may not take place except in the presence of a representative of the Ministry of Finance, unless it has heretofore been *agreed* in the presence of a representative of the Allied Military Government. *(Openly)*

ARTICLE VI

SYNDICATE CONTRIBUTIONS

The payment of syndicate contributions is abrogated.

ARTICLE VII

PENALTIES

Any person committing any offence under this Decree or otherwise violating any of the provisions hereof shall, upon conviction by an Italian or Allied Military Court be liable to punishment by imprisonment or fine, or both, as the Court may determine, or according to law.

ARTICLE VIII

EFFECTIVE DATE

This Decree becomes effective as of the date hereof.

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The payment of syndicate contributions is abrogated.

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PENALTIES

Any person committing any offence under this Decree or otherwise violating any of the provisions hereof shall, upon conviction by an Italian or Allied Military Court be liable to punishment by imprisonment or fine, or both, as the Court may determine, or according to law.

ARTICLE VIII

EFFECTIVE DATE

This Decree becomes effective as of the date hereof.

Rationing and Prices for Articles and Services

ARTICLE I

RATIONING

The present system of rationing will remain in force.

ARTICLE II

LIMITATIONS ON WAGES AND MAXIMUM PRICES

All rates of wages for labor prevailing and all maximum prices for foodstuffs and goods officially in force in any locality on the date hereof shall remain unaltered and no person shall demand, receive or pay any sum for labor or purchases in excess of such rates or maximum prices.

ARTICLE III

MARKING OF PRICES

All persons engaged in the business of selling foodstuffs by retail to the public shall plainly mark the same with the price thereof.

ARTICLE IV

SCHEDULE OF CHARGES FOR COMMERCIAL SERVICES

The proprietor or manager of:

- (a) Every place where food or drink is offered for sale to be consumed upon the premises,
- (b) Every hotel, inn or boarding or lodging-house,
- (c) Every theater or place of entertainment,
- (d) Every taxicab or public vehicle,
- (e) Every barber's shop, laundry or cleaning establishment and
- (f) Every other business rendering services for reward

shall display at each such place of business or in each such vehicle, in a position where it will be clearly visible to all prospective customers, a schedule of charges for the goods, accommodation or services provided and within ten days from the date of this Order shall file a copy of every such Schedule with having jurisdiction over the area in which such place of business is situated or such vehicles are operated.

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shall display at each such place of business or in each such vehicle, in a position where it will be clearly visible to all prospective customers, a schedule of charges for the goods, accommodation or services provided and within ten days from the date of this Order shall file a copy of every such Schedule with the having jurisdiction over the area in which such place of business is situated or such vehicles are operated.

ARTICLE V

MARKING AND POSTING OF PRICES OF FOODSTUFFS AND GOODS

Section 1. All persons, firm, or organizations, with the exception of farmers, engaged in the sale ^s either at wholesale or retail, of foodstuffs or liquors to be carried away, agricultural products, machinery, tools, fuel, petrol or petrol products, cement, metals and all articles manufactured by machine or hand, shall post in each of their premises, places or vehicles from which they carry on business, a schedule or list of the prices charged for the respective items in a position where it will be clearly visible to all prospective customers.

Section 2. All persons, firms or organizations, with the exception of farmers, pharmacies and dealers in hardware, engaged in the sale either

at wholesale or retail, of any of the articles or goods enumerated in Section 1 of this Article by the individual article or in packages or containers shall plainly mark each package or container with the price thereof in addition to posting a schedule or list of prices as required by Section 1 of this Article.

Section 3. Within ten days from the date of this Decree a copy of each of the said respective price lists or schedules shall be filed with _____ in charge of the area within which such individuals or organizations carry on their business.

ARTICLE VI

MAXIMUM CHARGES AND PRICES

Section 1. Until further notice the charges and prices to be listed under Articles IV and V of this Decree shall not exceed the charges and prices therefor prevailing and in force in the respective places of business on the date hereof.

Section 2. Any change or alteration of or in such charges or prices may be made by notice signed by the _____ for the area over which he has jurisdiction.

ARTICLE VII

PAYMENTS IN EXCESS OF MAXIMUM PRICES PROHIBITED

No person, firm or organization shall demand or receive and no purchaser offer or pay any price for any article or service specified in this Decree in excess of that marked thereon or set out in the list of prices posted as herein provided.

ARTICLE VIII

PROHIBITION AGAINST REMOVAL AND TRANSFER OF CERTAIN COMMODITIES

Section 1. From and after the date of this Decree, no person, company or association owning any of the commodities listed in Section 2 of this Article in excess of the quantities specified in the Schedule hereto shall remove, sell, exchange or transfer any such articles without the permission in writing of _____ or his duly authorized agent.

Section 2. This Article applies to the following commodities:

Section 1. Until further notice the charges and prices to be listed under Articles IV and V of this Decree shall not exceed the charges and prices therefor prevailing and in force in the respective places of business on the date hereof.

Section 2. Any change or alteration of or in such charges or prices may be made by notice signed by the _____ for the area over which he has jurisdiction.

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PAYMENTS IN EXCESS OF MAXIMUM PRICES PROHIBITED

No person, firm or organization shall demand or receive and no purchaser offer or pay any price for any article or service specified in this Decree in excess of that marked thereon or set out in the list of prices posted as herein provided.

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PROHIBITION AGAINST REMOVAL AND TRANSFER OF CERTAIN COMMODITIES

Section 1. From and after the date of this Decree, no person, company or association owning any of the commodities listed in Section 2 of this Article in excess of the quantities specified in the Schedule hereto shall remove, sell, exchange or transfer any such articles without the permission in writing of _____ or his duly authorized agent.

Section 2. This Article applies to the following commodities:

WHEAT
CEMENT
CAUSTIC SODA
AUTO OR BUS TIRES
COAL (SOFT AND ANTHRACITE)
COKE
PETROL OF ALL GRADES

NAPHTHA
DIESEL OIL (ALL GRADES)
LUBRICATING OILS & GREASES
CRUDE OIL
ASPHALT, BITUMEN, ETC.
TRUCKS.

Section 3. This Article does not affect existing regulations pertaining to any commodities not listed in Section 2.

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ARTICLE IX

DECREE NOT TO AFFECT ITALIAN LAW

The provisions of this Decree are in addition to the ^{existing} provisions of Italian law relative to the "smuggling", holding or sale of any such commodities and do not supersede or otherwise affect the same.

ARTICLE X

VARIATION OF SCHEDULE

The commodities and the quantities thereof specified in the Schedule hereto may be added to, raised or cancelled from time to time by notice issued under the hand of the _____ or his duly authorized agent.

ARTICLE XI

PENALTIES

Any person violating the provisions of this Decree shall upon conviction by an Allied Military or Italian Court be liable to imprisonment or fine, or both, as the Court may determine or according to law, and any property in respect of which such an offence has been committed may be ordered to be forfeited to the Italian Government.

ARTICLE XII

EFFECTIVE DATE

This Decree becomes effective as of the date hereof.

ARTICLE XI

PENALTIES

Any person violating the provisions of this Decree shall upon conviction by an Allied Military or Italian Court be liable to imprisonment or fine, or both, as the Court may determine or according to law, and any property in respect of which such an offense has been committed may be ordered to be forfeited to the Italian Government.

ARTICLE XII

EFFECTIVE DATE

This Decree becomes effective as of the date hereof.

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

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THE SCHEDULE

AGRICULTURAL PRODUCTS AND FOODSTUFFS

COMMODITY

QUANTITY.

Wheat (producer).....Seed and family allowance

Wheat (non-producer)100 Kg.
 Flour.....100 "
 Pasta100 "
 Coffee50 "
 Sugar.....50 "
 Olive Oil.....100 "
 Oats500 "
 Livestock (Classified).....Nil

BEVERAGES, TOBACCO, ETC.

Wine.....500 Litres.
 Tobacco, cigarettes, etc.....100 Kg.
 Matches.....1 Gross Boxes

WEARING APPAREL, TEXTILES, ETC.

Boots or Shoes25 Pair
 Tanned Leather100 Kg.
 Blankets25 Units.
 Woolen Yard Goods1000 Metres

MINERALS, BUILDING MATERIALS, ETC.

Timber1000 Kg.
 Cement500 "
 Roofing Tiles1000 "
 Roofing Materials500 "
 Window Glass100 "
 Nitric Fertilizers200 "
 Phosphatic Fertilizers200 "
 Potassic Fertilizers200 "

DRUGS, SOAPS, CHEMICALS, ETC.

Soap50 Kg

Sugar.....	50 "
Olive Oil.....	50 "
Oats	100 "
Livestock	500 "
Livestock (Classified).....	Nil

BEVERAGES, TOBACCO, ETC.

Wine.....	500 Litres.
Tobacco, cigarettes, etc.....	100 Kg.
Matches.....	1 Gross Boxes

WEARING APPAREL, TEXTILES, ETC.

Boots or Shoes	25 Pair
Tanned Leather	100 Kg.
Blankets	25 Units
Woolen Yard Goods	1000 Metres

MINERALS, BUILDING MATERIALS, ETC.

Timber	1000 Kg.
Cement	500 "
Roofing Tiles	1000 "
Roofing Materials	500 "
Window Glass	100 "
Nitric Fertilizers	200 "
Phosphatic Fertilizers	200 "
Potassic Fertilizers	200 "

DRUGS, SOAPS, CHEMICALS, ETC.

Soap	50 Kg
Caustic Soda	10 "
Chloric Acid	100 "
Quinine	1 "

THE SCHEDULE (Cont'd)

COMMODITYQUANTITY

WOOD, RUBBER, LEATHER, ETC.

Hides	100 Hides
Auto or Bus Tyres (by sizes)	Nil
Bicycle Tyres	Nil
Other Rubber Tyres	Nil

PETROL, OIL, LUBRICANTS, FUELS, ETC.

Coal (Soft)	1000 Kg
Coal (Anthracite)	1000 "
Coke	1000 "
Charcoal	500 "
Petrol of all Grades	Nil
Naphtha	"
Diesel Oil (All Grades)	"
Lubricating Oils & Greases	"
Crude Oil	"
Asphalt, bitumen, etc	"

VEHICLES

Automobiles by make, model and year	Nil
Trucks by make, model and year	"
Motorcycles by make, model and year	"
Tractors by make, model and year	"
Trailers by make, model and year	"
Threshing machines by make, model and year	"

Dated: 1st October, 1943

FORWARDED TO RCDM

Major General

Chief Civil Affairs Officer

Coal (Soft)	1000 Kg
Coal (Anthracite)	1000 "
Coke	1000 "
Charcoal	500 "
Petrol of all Grades	Nil
Naphtha	"
Diesel Oil (All Grades)	"
Lubricating Oils & Greases	"
Crude Oil	"
Asphalt, bitumen, etc	"

VEHICLES

Automobiles by make, model and year	Nil
Trucks by make, model and year	"
Motorcycles by make, model and year	"
Tractors by make, model and year	"
Trailers by make, model and year	"
Threshing machines by make, model and year	"

~~Dated: 1st October, 1943~~

~~REMIFFED ON ROPE~~

~~Major General~~

~~Chief Civil Affairs Officer~~

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ARTICLE I

Any person who shall perform or do any act hostile to the Allied Forces or any member thereof, or who conspires to do any such act or who advises, assists, in or procures the commission of any such act, shall be brought to trial before an Allied Military Court and on conviction by such court may be punished as such court may direct. Any sentence or punishment so imposed by an Allied Military Court shall be of the same force and effect as if imposed by an Italian Court and shall be so recognized by all Italian Courts and Italian Officials unless set aside or modified by or with the consent of the United Nations ~~Commission~~ *Allied Control Commission*.

ARTICLE II

Any member of the Allied Forces may arrest or search any person suspected of having committed or being about to commit offenses under this Decree and may enter and search any place and seize and take away any property for the purpose of investigating any such offense where there are grounds for believing that it is intended to be committed.

ARTICLE III

This decree becomes effective as of the date hereof. ~~in all territory restored to the jurisdiction of the Italian Government and shall become immediately effective in any other territory which shall be restored to the jurisdiction of the Italian Government.~~

*or any Allied
to
or any official or representative of the United Nations
or to any property of the United Nations or any national
of such nation of or them under the Control of the
Allied Forces.*

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or to any property of the United Nations or any national
of such nations of or those under the control of the
Allied Forces.

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PUBLIC SAFETYARTICLE I

Any person who shall perform or do any act hostile to the Allied Forces or any member thereof or who conspires to do any such act or who advises, assists, in or procures the commission of any such act, shall be brought to trial before an Allied Military Court and on conviction by such court may be punished as such court may direct. Any sentence or punishment so imposed by an Allied Military Court shall be of the same force and effect as if imposed by an Italian Court and shall be so recognized by all Italian Courts and Italian Officials unless set aside or modified by or with the consent of the United Nations.

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U. S. SECRET
Equals British SECRET

INCOMING

/JJF

3/30

SECRET

7414

PRIORITY

NOV 29 2145A

DEFENSE

NOV 30 0115A

FATIMA

Responsibility yours for printing distributing and posting (TO FARGO FOR
JOYCE REPEATED FATIMA SIGNED EISENHOWER CITE FIMGS). Proclamations on transfer.

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - M/C
- 1 - General Taylor (ACTION)

U. S. SECRET
Equals British SECRET

2158

*230.4135 - Printed matter
2315 - Distribution of printed matter.*

Pol

U. S. SECRET
 Equals British SECRET

INCOMING

/mip

SECRET

PRIORITY

FREEDOM

FATIMA

31/30

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NOV 292144A

NOV 301728A

Documents A, B and C for handing over of territory to Italian administration, with slight changes, have been approved by this Headquarters and summary is being sent to CCS asking approval of our proposed course of action. (TO FARGO PERSONAL FOR MCSHERRY AND JOYCE REPEATED FATIMA REPEATED FILPOT FOR ANG SIGNED EISENHOWER CITE FMGS). We are forwarding full sets of documents by fast air.

Timing of presentation of documents to Badoglio and subsequent transfer of territory to Italian administration is dependent upon approval of CCS. Since date is uncertain do you consider it advisable to hold McSherry awaiting actual hand-over or has reorganization progressed sufficiently to permit his departure. If his presence is not necessary we would issue an order relieving Hilland (?) appointing a CCAO for ANG rear effective December 7th. Rennell would be relieved and Lush appointed CCAO ANG 15 Army Group on same order and effective same time if agreeable to General Alexander. Delegation of authority to Lush and McSherry's successor by General Alexander would be required. If you are in agreement submit your recommendation as to who should be appointed CCAO ANG rear.

In anticipation of early approval of plans by CCS please submit revised estimate of earliest safe target date for handover considering

(a) status of documents being prepared at Palermo for continuing in force certain ANG measures

U. S. SECRET
 Equals British SECRET

Handwritten notes:
 0941-941, Italy
 X 3121-1-December 5

U. S. SECRET

Equals British **SECRET**

Incoming cable reference number 7411 continued.

(b) time required by Italian Government to act upon documents we submit
(c) printing and distribution of proclamations and publication of decrees
(d) issuance of necessary instructions to AMG personnel who will become
control officers

(e) time required by Italian Government to prepare to assume administrative
duties, and all other factors involved. 2156

Not necessary to submit here documents referred to in (a) above, but we wish
to know firm date when they will be completed.

Publicity respecting transfer will be planned here. In meantime no public
announcement on the subject should be made. This answers Badoglio's request in
message 1164 for statement from Anglo American sources.

DISTRIBUTION:

2 - AG
1 - Diary
1 - M/C
1 - Major Thackran - ACTION
1 - General Taylor - INFO

U. S. SECRET
Equals British **SECRET**

U. S. SECRET
Equals British SECRET

INCOMING

/mip

SECRET

PRIORITY

FREEDOM

FATIMA

31/30

7411

NOV 2921444

NOV 301728A

213

Documents A, B and C for handing over of territory to Italian administration, with slight changes, have been approved by this Headquarters and summary is being sent to CCS asking approval of our proposed course of action. (TO FARGO PERSONAL FOR MCHERRY AND JUDGE REPEATED FATIMA REPEATED FILPOT FOR AND SIGNED EISENHOWER CIVIL FIDES). We are forwarding full sets of documents by fast air.

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(a) status of documents being prepared at Palermo for continuing in force certain AMG measures

U. S. SECRET
Equals British SECRET

043 - Lush's instructions

U. S. SECRET

Equals British **SECRET**

Incoming cable reference number 7411 continued.

- (b) time required by Italian Government to act upon documents we submit
- (c) printing and distribution of proclamations and publication of decrees
- (d) issuance of necessary instructions to ANG personnel who will become control officers
- (e) time required by Italian Government to prepare to assume administrative duties, and all other factors involved.

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Publicity respecting transfer will be planned here. In meantime no public announcement on the subject should be made. This answers Badoglio request in message 1164 for statement from Anglo American sources.

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - M/C
- 1 - Major Thackery - ACTION
- 1 - General Taylor - INFO

2154

U. S. SECRET
Equals British **SECRET**

OUTGOING

F
MET/hjp

SECRET

PRIORITY

FATIMA

FREEDOM FOR MOS

Nov

13

1198

391329A

2153

REFERENCE YOUR SIX TWO FIVE FIVE PLANS AND PREPARATIONS FOR THE TRANSFER OF TERRITORY TO ITALIAN ADMINISTRATION ARE PROGRESSING PD PARENT TO FREEDOM FOR MOS FROM FATIMA SIGNED JOYCE PAREN PD FOR TIME ELEMENT REFER TO MY ONE ONE SIX FOUR AND ONE ONE SIX FIVE

AUTHENTICATED:

MAXWELL D. TAYLOR
Brigadier General, USA

DISTRIBUTION:

2 - AG
2 - Diary

093-Notation of denials

RL

U. S. SECRET
Equals British SECRET

INCOMING

/JH

3/29

6/74

NOV 28 2104

NOV 29 3104

2152

SECRET

PRIORITY

FRANCO

FATIMA

F

request formal confirmation that GOC in charge 15th Army Group approves all handing over documents for transfer of territory south of northern boundaries provinces of Salerno Potenza and Bari to Italian Government on date to be fixed by Allied CINC. (TO FILE OF FM ARG FOR RENNELL REPEATED FATIMA FOR JOYNS REPEATED FRANKO SIGNED HIGHNESS CITE FRANKO REPEATED YOUR MESSAGE 691 OF 15 NOVEMBER CITE FA 197 AND 4524 OF 25 NOVEMBER CITE FA 271) Expect your normal reply.

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - M/G
- 1 - General Taylor (ACTION)

323.31 - Bonachera, directed to ...
The ... - 093

U. S. SECRET
Equals British SECRET

PRC

HEADQUARTERS, ALLIED CONTROL COMMISSION

27 November 1943

SUBJECT: Handing over to Italian Government.

TO: Major General Joyce

1. From the Italian point of view, as revealed in conferences on 26 November, the time factors are as follows:-

- (a) All estimates of time were based on previous provision of communications.
- (b) Minister of Justice requires accommodation and reference library. He is prepared to set up at short notice at Bari, otherwise a library and staff have to be moved to Sorrento/Salerno.
- (c) Minister of Communications requires release of AFHQ restrictions on posts and telegraph service.
- (d) Minister of Public Works estimates seven days after arrival at Sorrento/Salerno.
- (e) Minister of Industry and Commerce required accommodation and made an impracticable condition of availability of all transportation and communications he might require.
- (f) Minister of Interior is setting up a temporary organization at Bari and could work from there at short notice.
- (g) Other Ministries' estimates varied from immediately now in the case of Finance to several months in the case of Education.

2. No minister had a clear conception of all the problems involved. It appeared to the Allied officers that the minimum time was three weeks after AFHQ orders to clear accommodation and provide Signals aid.

E. Gueterbock
E. GUETERBOCK
Brigadier

Copy to Brig. Gen. Taylor
Brig. Gueterbock

ALLIED CONTROL COMMISSION
Legal Subcommittee

MEMORANDUM

SUBJECT: Documents concerned with restoration of territory to Italian Government.

TO: Major General Joyce.

FROM: Col. G.R. Upjohn.

2150

The position with regard to the above mentioned documents is as follows:

1. The final draft form of (1) Secret Terms (2) General Alexander's Proclamation (3) the King's Proclamation have been approved by General Alexander and were taken by Col. Chanler to AFHQ for approval on Wednesday 24 Nov. 1943.
2. The decrees to be passed by King of Italy to continue certain provisions of Allied Proclamations and General Orders in occupied territory were not completed when I left Palermo but they should be ready by now.

G. R. Upjohn

G. R. UPJOHN, Colonel
Legal Subcommittee, ACC.

27 November 1943.

gru/inf.

TO: Major General Joyce.

FROM: Col. G.R. Upjohn.

2150

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G.R. Upjohn

G. R. UPJOHN, Colonel
Legal Subcommittee, AGC.

27 November 1943.

gru/gmf.

Copy to: Brig. Gen. Maxwell Taylor
Brig. Gueterbock.

ALLIED CONTROL COMMISSION
Legal Subcommittee

MEMORANDUM

SUBJECT: Documents concerned with restoration of territory to Italian Government.

TO: Major General Joyce.

FROM: Col. G.R. Upjohn.

2149

The position with regard to the above mentioned documents is as follows:

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2. The decrees to be passed by King of Italy to continue certain provisions of Allied Proclamations and General Orders in occupied territory were not completed when I left Palermo but they should be ready by now.

27 November 1943.

GRU/GRF.

G. R. Upjohn
G. R. UPJOHN, Colonel
Legal Subcommittee, AFHQ.

093 - territories, restoration

093 - territories restoration

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G. R. Upjohn
G. R. UPJOHN, Colonel
Legal Subcommittee, AOC.

27 November 1943.

GRU/gmf.

Copy to: Brig. Gen. Maxwell Taylor
Brig. Gustarbock.

P.L.

U. S. SECRET

Equals British ~~SECRET~~
CONTROL COMMISSION
~~XXXXXXXXXXXXXXXXXXXX~~ INCOMING

MDT/EAR

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NOV 27 1597A

NOV 28 0943A

MOST SECRET

IMPORTANT

FREEDOM

CITE FH MGS

FATIMA FOR JOYCE

2148

Reference your 1070 of 21 November 1943 it is considered essential that plans for the transfer of (?) settled (?) areas to Italian administration should go forward as rapidly as possible regardless of private physical move Italian Government and the Commission. As you have been informed efforts are being made to accommodate Commission and Italian Government at Sorrento.

DISTRIBUTION

- 2 - AG
- 1 - Diary
- 1 - M/C
- 1 - Gen. TAYLOR (INFO)

U. S. SECRET

Equals British ~~SECRET~~

CAF

3706 Mountaintop

U. S. SECRET
Equals British SECRET
CONTROL COMMISSION

OUTGOING

/ria

30/07

1165

272317A

NOV

NOV

2147

SECRET

PRIORITY

FATIMA

FREEDOM FOR HOLMES

REQUEST EARLY APPROVAL ^{of} TO DRAFT DOCUMENTS PREPARED FOR SIGNATURE ON RESTORATION
OF TERRITORY TO ITALIAN GOVERNMENT PAREN TO FREEDOM FOR HOLMES FROM FATIMA
SIGNED JOYCE PAREN PD THESE DOCUMENTS SHOULD BE SUBMITTED TO GOVERNMENT ABOUT
TWO WEEKS BEFORE DATE OF RESTORATION FOR PERUSAL BY THEM AND TO ENABLE PRINTING
AND DISTRIBUTION OF PROCLAMATIONS ID PARA DOCUMENTS REQUIRING GOVERNMENT TO
CONTINUE BY DECREE CERTAIN PROVISIONS OF ALLIED PROCLAMATIONS AND ORDERS
NEARLY READY AT PALERMO PD ASSUME YOU DO NOT WISH TO APPROVE THESE PD PROPOSE
TO DISCLOSE THEM TO GOVERNMENT AS SOON AS DATE OF TURN OVER IS DECIDED SO AS
TO ENABLE NECESSARY DECREES TO BE PASSED AND PUBLISHED IN OFFICIAL GAZETTE

AUTHENTICATED:

ROBERT E. DOE
Major, ADC

SECRETARY of the Commission

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - Col. Upjohn

U. S. SECRET
Equals British SECRET

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for presentation of
the document

Pol

U. S. SECRET
U. S. SECRET
CONTROL COMMISSION
OUTGOING

/ria

30/87
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242317A

NOV

NOV

2146

SECRET

PRIORITY

FATIMA

FREEDOM FOR HOLMES

REQUEST EARLY APPROVAL ^g TO DRAFT DOCUMENTS PREPARED FOR SIGNATURE ON RESTORATION
OF TERRITORY TO ITALIAN GOVERNMENT PAREN TO FREEDOM FOR HOLMES FROM FATIMA
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TWO WEEKS BEFORE DATE OF RESTORATION FOR PERUSAL BY THEM AND TO ENABLE PRINTING
AND DISTRIBUTION OF PROCLAMATIONS PD PARA DOCUMENTS REQUIRING GOVERNMENT TO
CONTINUE BY DECREE CERTAIN PROVISIONS OF ALLIED PROCLAMATIONS AND ORDERS
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TO ENABLE NECESSARY DECREES TO BE PASSED AND PUBLISHED IN OFFICIAL GAZETTE

AUTHENTICATED:

ROBERT E. DOE
Major, AGD
Secretary of the Commission

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - Col. Upjohn

U. S. SECRET
U. S. SECRET

URGENT - CABLE

SECRET

CIBU

FROM PAFIMA FROM URUGUAY.

TO WASHINGTON FOR INFO.

2143

Please signal earliest approval to draft documents prepared for signature on restoration of territory which have been handed to you by Col. Claudio P. It will be necessary to hand these documents to Italian Government at least fortnight before date of restoration for perusal by them and to enable printing and distribution of Proclamations to be effective by above date P.

Documents regarding Government to continue by decree certain provisions of Allied Proclamations and orders nearly ready at PAFIMA P. Assume you do not wish to approve these P. Propose to disclose them to Government at earliest date so as to enable necessary decrees to be passed and published in Official Gazette.

DATE: 27 Nov. 43.

U. S. SECRET
Equals British SECRET

OUTGOING

F

KAJ/dhl

29/27
1164

272315A

NOV

NOV

2141

SECRET

PRICITY

FATIMA

FREEDOM PERSONAL FOR EISENHOWER

THE FOLLOWING COMMUNICATION WAS RECEIVED FROM MARSHAL BADOLIO TODAY QUOTE DURING THE MEETING IN MALTA WITH GENERAL EISENHOWER CMA HE MENTIONED TO ME THAT AS SOON AS MY GOVERNMENT WOULD BE COMPLETED AND IN CONDITION TO FUNCTION ALL LIBERATED PROVINCES WOULD BE PUT UNDER ITALIAN JURISDICTION CMA LEAVING ONLY UNDER DIRECT ANGLIO DASH AMERICAN CONTROL THOSE PROVINCES IN THE ZONE OF OPERATIONS PD PARA I BELIEVE THAT IN ABOUT TWO WEEKS CMA WHEN THE COMMISSION SECTIONS WILL BE WORKING SMOOTHLY WITH THE SEPARATE ITALIAN MINISTRIES CMA WE SHALL BE ABLE TO SAY THAT THE FUNCTIONING OF THE GOVERNMENT IS COMPLETELY NORMAL AND SUCH AS TO GUARANTEE A GOOD ADMINISTRATION PD PARA THE TRANSFER OF THESE PROVINCES UNDER OUR DIRECT CONTROL MAY THEN BE ESTABLISHED BETWEEN THE TENTH AND THE FIFTEENTH OF DECEMBER PD PARA ALLOW ME TO SAY THAT A STATEMENT ON THIS SUBJECT EMANATING FROM ANGLIO DASH AMERICAN SOURCES WOULD HAVE THE GREAT VALUE OF CUTTING OFF ALL RUMORS ISSUED BY ENEMY PROPAGANDA CMA ESPECIALLY IN REGARD TO SICILY PD PARA PLEASE LET ME KNOW GENERAL EISENHOWER'S VIEWS ON THIS POINT PD UNQUOTE PARA IN A TALK WITH BADOLIO AFTER RECEIPT OF HIS NOTE I TOLD HIM MY ESTIMATE OF MINIMUM TIME REQUIRED TO ESTABLISH GOVERNMENT AND COMMISSION IN NAPLES AREA WAS THREE WEEKS FROM DATE OF AUTHORITY TO GO AND HE ACQUIRED ENTIRELY PD TO FREEDOM PERSONAL FOR EISENHOWER FROM

Pol FATIMA SIGNED JOYCE PD THIS TIME FACTOR NATURALLY IS BASED ON COMPLETE COOPERATION

U. S. SECRET
Equals British SECRET

093 - Territory

U. S. SECRET
Equals British SECRET

OF THOSE IN AUTHORITY IN CLEARING PREMISES TO BE OCCUPIED AND ESTABLISHING
COMMUNICATIONS PD PARA 1 RECOMMEND THAT AS SOON AS DECISION AS TO LOCATION IS
REACHED THE DATE OF TURNOVER BE SET AND THAT I BE ADVISED ACCORDINGLY

AUTHENTICATED:

ROBERT E. DOE
Major, A.G.D.
Secretary of Commission

DISTRIBUTION:

2 - AG Files
1 - Diary

U. S. SECRET
Equals British SECRET

2143

OUTGOING

KAJ/bhl

U. S. SECRET
Equals British MOST SECRET

SECRET

PRIORITY

FATIMA

FREEDOM PERSONAL FOR EISENHOWER

29/27

1164

Nov 272315A

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201-13adoglio

U. S. SECRET
Equals British MOST SECRET

2142

U. S. SECRET
Equals British MOST SECRET

OF THOSE IN AUTHORITY IN CLEARING PREMISES TO BE OCCUPIED AND ESTABLISHING
COMMUNICATIONS PD PARA I RECOMMEND THAT AS SOON AS DECISION AS TO LOCATION IS
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AUTHENTICATED:

ROBERT E. DOE
Major, A.G.D.
Secretary of Commission

DISTRIBUTION:

2 - AG Files
1 - Diary

U. S. SECRET
Equals British MOST SECRET

TRANSLATION

THE CHIEF OF GOVERNMENT

26 November 1943

No. 1085 Of Prot

TO GENERAL JOYCE
HEAD OF THE ALLIED COMMISSION

During the meeting in Malta with General Eisenhower, he mentioned to me that as soon as my government would be completed and in condition to function all liberated provinces would be put under Italian jurisdiction, leaving only under direct Anglo-American control those provinces in the zone of operations.

I believe that in about two weeks, when the Commission sections will be working smoothly with the separate Italian Ministries, we shall be able to say that the functioning of the Government is completely normal and such as to guarantee a good administration.

The transfer of these provinces under our direct control may then be established between the 10th and the 15th of December.

Allow me to say that a statement on this subject emanating from Anglo-American sources would have the great value of cutting off all rumors issued by enemy propaganda, especially in regard to Sicily.

Please let me know General Eisenhower's views on this point.

I would like to bring another point to your attention.

All liberated provinces are under a state of war whereby all civil powers are held by military authorities.

I believe the time has come to suspend this martial control, except, it is understood, in the provinces of the zone of operations.

This move would have a double effect: before all, it would assure a better administration since it would return under those civilian departments which ordinarily have fulfilled the necessary functions, therefore more practical and experienced; secondly, this would also have a great influence on world public opinion because it would show that while the Germans are obliged to proclaim states of emergency in the various provinces occupied by the, the peaceful condition in zones liberated by the Anglo-Americans is such that all military onus is eliminated and a normal life is restored to these territories.

On this point also I beg you to inform me of your decision,

RADOGLIO

See 091.1 - Govt (Italy)

TRANSLATION

26 November 1943

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No. 1085 of Pret

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BADOGLIO

901 - Eisenhower
901 - Badoglio

21

TRANSLATION

26 November 1943

THE CHIEF OF GOVERNMENT

No. 1085 of Prot

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BADOGLIO

2139

1085 di prot.



IL CAPO DEL GOVERNO

26 novembre 1943

AL SIGNOR GENERALE JOYCE
CAPO DELLA COMMISSIONE ALLEATA

Nell'incontro avuto a Malta con il generale Eisenhower, questi mi accennò che non appena il mio governo fosse completato ed in condizioni di funzionare, sarebbero state poste sotto l'amministrazione italiana tutte le provincie liberate, restando solo alla diretta amministrazione anglo-americana le provincie comprese nella zona di operazioni.

A me sembra che fra un paio di settimane, quando le sezioni della commissione siano completamente affiatate ai singoli Ministeri italiani, si potrà affermare che il funzionamento del governo è completamente normale e tale da garantire una buona amministrazione.

Così si potrebbe stabilire per il 10 od il 15 dicembre il passaggio di dette provincie alla diretta nostra amministrazione.



IL CAPO DEL GOVERNO

2

Mi permetto di far considerare che una dichiarazione di tal genere fatta dagli anglo-americani avrebbe un'efficacia grandissima per stroncare tutte le voci messe in giro dalla propaganda nemica, specie per quanto riguarda la Sicilia.

Su questo punto prego V.S. di volermi far conoscere le decisioni del generale Eisenhower.

Su di un altro punto desidero intrattenerVi.

In tutte le provincie liberate, vige lo stato di guerra per cui i poteri civili sono tenuti dall'autorità militare.

Io ritengo giunto il momento in cui sia opportuno smontare questa bardatura guerresca, salvo ben s'intende nelle provincie della zona di operazione.

Questo provvedimento avrebbe un duplice effetto: anzitutto assicurerebbe una migliore amministrazione dato che essa ritornerebbe a quegli enti civili che sono ordinariamente incaricati di essa e quindi più pratici e più esperti - in secondo luogo ciò avrebbe un'influenza grande sulla pubblica opinione mondiale perché di



IL CAPO DEL GOVERNO

3

mostrerebbe che mentre i tedeschi sono obbligati a proclamare in diverse provincie della zona da loro occupata lo stato di emergenza, lo stato di tranquillità nella zona liberata dagli anglo-americani é tale che viene tolto ogni grave militare e si é ritornati alla vita normale.

Anche su questo punto prego V.E. di dirmi le sue decisioni.

Badoglio

CONTROL COMMISSION

OUTGOING

SECRET

15/19

URGENT

1026

FATIMA

Nov 191925A

FREEDOM PERSONAL FOR EISENHOWER

THE RESULTS OF THE TAYLOR DASH MCSHERRY RECONNAISSANCE OF THE NAPLES AREA INDICATE CONCLUSIVELY THAT THE ITALIAN GOVERNMENT AND ALLIED CONTROL COMMISSION SHOULD MOVE TO SORRENTO WITHOUT DELAY PD TO FREEDOM PERSONAL FOR EISENHOWER FROM FATIMA SIGNED JOYCE PD THIS WILL REQUIRE TAKING OVER THE BEST HOTELS, ONE OR MORE SCHOOLS AND PROBABLY CERTAIN OTHER FACILITIES PD ALL OF THESE ARE PROSPECTIVELY OR NOW IN USE AS REST CAMPS AND CONVALESCENT RESORTS PD PARA SALERNO CMA THE ONLY OTHER ALTERNATIVE CMA IS A POSSIBLE BUT MUCH INFERIOR SOLUTION PD IT IS POSSIBLE ONLY IF A LARGE SEMINARY WHICH IS VATICAN PROPERTY CAN BE OBTAINED PD NEGOTIATIONS WITH THE POPE AS WELL AS EXTENSIVE REPAIRS TO CERTAIN OTHER BUILDINGS WILL BE TIME CONSUMING PD FURTHERMORE THE PRESENCE OF THE GOVERNMENT AND COMMISSION IN SALERNO WILL ADVERSELY AFFECT OPERATIONAL ACTIVITIES OF THE PORT PD PARA IF THE ITALIAN GOVERNMENT IS TO DISCHARGE THE RESPONSIBILITIES WHICH YOU WISH IT TO ASSUME CMA IT MUST BE GIVEN SUITABLE WORKING SPACE CMA LIVING ACCCOMODATIONS AND COMMUNICATIONS PD THESE ARE IMMEDIATELY AVAILABLE IN SORRENTO PD IN SPITE OF THE DISADVANTAGES THAT MAY ATTEND THE DISPLACING OF PRESENT OCCUPANTS CMA I STRONGLY RECOMMEND THAT FULL AUTHORITY BE GIVEN ME TO DESIGNATE FOR IMMEDIATE TRANSFER TO THE USE OF THE ITALIAN GOVERNMENT AND THE ALLIED/COMMISSION SUCH FACILITIES IN SORRENTO AS I DEEM NECESSARY PD IF THIS DECISION IS MADE ALLIED AUTHORITIES IN ITALY SHOULD BE INSTRUCTED TO ASSIST IN EVERY WAY PD THE SOLUTION OF THIS MATTER IS ONE OF EMERGENCY AS ESTABLISHMENT OF GOVERNMENT AND ADEQUATE ORGANISATION OF COMMISSION ARE PRACTICALLY IMPOSSIBLE UNTIL SETTLEMENT IS REACHED PD PARA IF IT IS NECESSARY OR DESIRED I SHALL COME MYSELF OR SEND TAYLOR TO YOUR HEADQUARTERS TO MAKE A PRESENTATION.

AUTHENTICATED:

MAXWELL D. TAYLOR
Brig Gen. U.S.A.

2135

U. S. SECRET
Equals British SECRET CONTROL COMMISSION

OUTGOING

MDT/ear

SECRET

PRIORITY

FATIMA

FREEDOM for MGS

F
28/21
1070

Now 211923H

REFERENCE YOUR THREE THREE ZERO EIGHT PD GENERAL HOLMES HAS MY VIEWS ON TRANSFER
OF ADDITIONAL AREAS CMA WITH WHICH HE CONCURS PD TO FREEDOM FOR MGS FROM FATIMA
SIGNED JOYCE PD NO ESTIMATE OF DATE CAN BE MADE UNTIL THE MATTER OF MOVING THE
GOVERNMENT TO THE NAPLES AREA IS DECIDED PD OUR NUMBER ONE ZERO TWO SIX REFERS

AUTHENTICATED:

MAXWELL D. TAYLOR
Brigadier General, U.S.A.

DISTRIBUTION:
2 - AG Files
1 - Mary

370 - movement

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U. S. SECRET
Equals British SECRET

2131

CONTROL COMMISSION

OUTGOING

SECRET

15/19

URGENT

1026

FATIMA

Nov 191925A

FREEDOM PERSONAL FOR EISENHOWER

THE RESULTS OF THE TAYLOR DASH MCSHERRY RECONNAISSANCE OF THE NAPLES AREA INDICATE CONCLUSIVELY THAT THE ITALIAN GOVERNMENT AND ALLIED CONTROL COMMISSION SHOULD MOVE TO SORRENTO WITHOUT DELAY PD TO FREEDOM PERSONAL FOR EISENHOWER FROM FATIMA SIGNED JOYCE PD THIS WILL REQUIRE TAKING OVER THE BEST HOTELS, ONE OR MORE SCHOOLS AND PROBABLY CERTAIN OTHER FACILITIES PD ALL OF THESE ARE PROSPECTIVELY OR NOW IN USE AS REST CAMP AND CONVALESCENT RESORTS PD PARA SALERNO CMA THE ONLY OTHER ALTERNATIVE CMA IS A POSSIBLE BUT MUCH INFERIOR SOLUTION PD IT IS POSSIBLE ONLY IF A LARGE SEMINARY WHICH IS VATICAN PROPERTY CAN BE OBTAINED PD NEGOTIATIONS WITH THE POPE AS WELL AS EXTENSIVE REPAIRS TO CERTAIN OTHER BUILDINGS WILL BE TIME CONSUMING PD FURTHERMORE THE PRESENCE OF THE GOVERNMENT AND COMMISSION IN SALERNO WILL ADVERSELY AFFECT OPERATIONAL ACTIVITIES OF THE PORT PD PARA IF THE ITALIAN GOVERNMENT IS TO DISCHARGE THE RESPONSIBILITIES WHICH YOU WISH IT TO ASSUME CMA IT MUST BE GIVEN SUITABLE WORKING SPACE CMA LIVING ACCOMMODATIONS AND COMMUNICATIONS PD THESE ARE IMMEDIATELY AVAILABLE IN SORRENTO PD IN SPITE OF THE DISADVANTAGES THAT MAY ATTEND THE DISPLACING OF PRESENT OCCUPANTS CMA I STRONGLY RECOMMEND THAT FULL AUTHORITY BE GIVEN ME TO DESIGNATE FOR IMMEDIATE TRANSFER TO THE USE OF THE ITALIAN GOVERNMENT AND THE ALLIED/COMMISSION SUCH FACILITIES IN SORRENTO AS I DEEM NECESSARY PD IF THIS DECISION IS MADE ALLIED AUTHORITIES IN ITALY SHOULD BE INSTRUCTED TO ASSIST IN EVERY WAY PD THE SOLUTION OF THE MATTER IS ONE OF EMERGENCY AS ESTABLISHMENT OF GOVERNMENT AND ADEQUATE ORGANISATION OF COMMISSION ARE PRACTICALLY IMPOSSIBLE UNTIL SETTLEMENT IS REACHED PD PARA IF IT IS NECESSARY OR DESIRED I SHALL COME MYSELF OR SEND TAYLOR TO YOUR HEADQUARTERS TO MAKE A PRESENTATION.

AUTHENTICATED:

MAXWELL D. TAYLOR
Brig Gen. U.S.A.

U. S. SECRET

ejm

Equals British **SECRET** CONTROL COMMISSION

INCOMING

SECRET

30/20

PRIORITY

3309

FRANCON

NOV 201231A

FATIMA

NOV 1641

Boundaries shown by hour sig 91 of 15 Nov 1943 and FA 210 of 16 Nov 1943 (not repeated FARGO or FATIMA) are provisionally agreed here. (TO FILED FOR AMG AND FATIMA RPTD FARGO SIGNED EISENHOWER CITY FILES).

2. Drafts of documents (A) (B) (C) will be sent here earliest for approval.
3. Authority for hand item will be sent to you indicating date.
4. Before hand over allied control commission will make it clear to the Italian Government that full facilities and use of all ports will continue to be required by Allied Forces. That Italian Government requirements north of the boundary including the city of Naples and all activities herein will only be permitted in accordance with Fifteenth Army Group Directives or subsequently AFHQ Directives.

DISTRIBUTION

2- AG
1- Diary
1- HQ

U. S. SECRET

Equals British **SECRET**

2133

*325.31 - Boundaries, District 7
divisions*

U. S. SECRET
 Equals British SECRET

CONTROL COMMISSION

INFORMING

/GRT

27/20

3308

201231A Nov

201520A Nov

SECRET

FRIGHTY

FRANEDON

FATIMA

In view of number (691) of 15 November from 15 Army Group to AFHQ copy to you, can you forecast when your recommendation in accordance with paragraph twelve D of your directive dated 1 November 1949 (TO FATIMA FOR JOYCE REPEATED
FARGO AND FILPOT FOR AME SIGNED HIS NEGOTIATE SITE FIELDS) may be expected. Now that Italian Government has been reformed and protocol and verbal agreement have been agreed, there seems no reason for delay.

* This should be "FA197"

See document 14, file 238. 2 of 15 Army
 Group A146, handed to Archives by
 legal sub-committee.

DISTRIBUTION:

- 2 - AG
- 1 - Diary
- 1 - M/C
- 1 - Mr. Cassia - ACTION
- 1 - General Taylor - INFORMATION

000.1 - Political

213!

U. S. SECRET
 Equals British SECRET

CONTROL COMMISSION

INCOMING

SECRET

N2317 (N8/16)

IMMEDIATE

PA 191

FILIPOT FROM AMG

NOV. 151330A

FREEDOM RPMD SEARS PER FLMGO, FATIMA

Not Given.

For MGs. G. O. C. in C 15 Army Group in his capacity of Governor agrees hand over just contract (?) for Military Government territory to King of Italy near future on date to be fixed by you subject to concurrence C in C. Para 2. Boundary territory will probably be Northern Boundaries Italian provinces SALERNO - POTENZA and BARI for the concurrence of GENERAL ROBERTSON regards SALERNO which is being sought. Para 3. Brig GENERAL HOLMES has discussed here and presumes you will communicate with Combined Chiefs of Staff. Para 4. Presume formal Authority hand over to Italian Authority by C in C to G. O. C in C will be received here. Para 5. Necessary documents namely (a) Secret terms for restoration of proceedings. (b) Proclamation by G. O. C in C terminating AMG in handed over territory. (c) proclamation by Italian head of civil population which would accept transfer of territory, are being prepared by ACC. Final (?) form of documents (a) and (b) will be agreed (?) earliest here (?) by G. O. C in C before Signature. Formal authority reference to in para 4 of above to

IMMEDIATE

FILLOT FROM AMG

PA 197

NOV. 151330A

FREDDA RPTD SEARS FEB FLAGO, FALIA

Not Given.

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2130

INCOMING MESSAGE

DIV MDS TOTLE FILTPT EPCM ANG

67-1110-1000

67110000 200

INFORMATION ON THE 2000 ELECTIONS

[illegible]

CONTROL COMMISSION

NOVEMBER 1947

INCOMING

12356

ETALON

OIA WCTY POLICE N2317 (N8/16)

SECRET

IMMEDIATE

PA 197

FILIPOT FROM AMG

Nov. 151338A

FREEDOM RPTD SEARS FBR FAHGO. FATIMA

Not Given.

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IMMEDIATE

PA 197

FILPOT FROM AMG

Nov. 151338A

FREEDOM RPFD SEARS FBR FANGO, FATIMA

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2129

[illegible]

WITTENBERG, RUTH C. 1949. *WITTENBERG*

LET FOR US

2015年12月

Abstract

REVISED

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(DIANE) YES FILPOT FROM AMG

DATE

SECRET

THEORY

INCOMING MESSAGE

0261331

CONTROL COMMISSION

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

2128

ALLIED CONTROL COMMISSION
APO 512

12 November 1943

SUBJECT:

PRESENT: Major General Joyce
Brig. Gen. Taylor
Brig. Gen. Holmes
Brig. Gen. McSherry
Brigadier Gueterbock
Lt. Col. Charlier

3. TURN-BACK OF ITALIAN TERRITORY.

On the question for adoption of a general procedure to be followed, General Joyce suggested that the matter be arranged before the members of the conference before making any definite decisions. General Holmes suggested that as a matter of general policy it should be accomplished as quickly and as safely as possible stating that he thought that there was a lot to be gained in many ways by turning this territory back to the Italians. He stressed two qualifying points; namely, the Political and Administrative requirements. The political qualifications being that of the Italian government. Many questions hinged on the over-taking of Rome. However, it was agreed that this could not wait. It was stated that the statement Badoglio will make tomorrow will be well received. At present he is attempting to get government technicians to do the job both administratively and politically until the government is permanent in Rome. It is assumed that they will meet the qualified political requirements. This was merely a temporary set-up to postpone the formation of a Coalition Government until such government could be activated and put into operation. It was understood that Badoglio could get these technicians together within a week's time. Then, a week after that we should be able to turn over the territory. We will have to provide some facilities for the Italian Government; also lines of communication. The latter should not constitute a burden on us. At this point

3. TURN-BACK OF ITALIAN TERRITORY.

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should prepare a directive stipulating the date that this should be accomplished and how things should be run. At this point Lt. Col. Chaffery took the floor explaining in detail the various stipulations in the Armistice terms that constituted "loopholes" in our powers and what he proposed to do in order to forego any difficulties on this point; namely, by reserving certain additional powers so that we would not be entirely without power once the territory was turned back to the Italian Government. Secondly, producing three (3) documents which he had prepared, he continued to explain their purpose and intent and the advisability of their issue. A few of the points discussed were:

- a. Reoccupation of territory if necessary.
- b. Troops for the maintenance of order and the position of Carabinieri.
- c. Supervision of food and supply distribution.
- d. The present situation in Sardinia.
- e. Fascism and political prisoners.
- f. Prisoners of War.
- g. Public Opinion and propaganda.
- h. Our intentions towards the Education situation.
- j. Military Zoning.

NOTE: For copies of the three (3) proposed Proclamations, see attachments "A", "B", and "C".

The next point in the discussion was with relation to the Advisory Council for Italy. General Holmes produced a document outlining its proposed functions. (See attachment "D").

The relationship of this Council and its functions to those of the Commission were compared and the document stated above was entered on the record.

4. EXPENDITURE OF AMFA FUNDS FOR PUBLIC WORKS IN THE KINGDOM OF ITALY.

The above question was discussed at length as it applied to the payment of such funds for Public Works performed by the Italian Government. General McSherry stated that wage payments to certain units of the Italian Army were being suspended pending further instructions from high authorities as to its feasibility. However, if it could be shown that such stoppage of payment would greatly hamper the progress of the war effort and was an essential military necessity, such payments in AMFA funds could be made. General McSherry discoursed at length on the status of AMFA at present.

5. A REGULAR INFORMATION SERVICE FOR THE BENEFIT OF THE COMMISSION.

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5. A REGULAR INFORMATION SERVICE FOR THE BENEFIT OF THE COMMISSION.

General Holmes was charged with the responsibility of investigation

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5. A REGULAR INFORMATION SERVICE FOR THE BENEFIT OF THE COMMISSION.

General Holmes was charged with the responsibility of investigating the possibilities of procuring one or perhaps two additional short-wave radio sets for the Commission, in order that they might keep informed on world events. Also, General Holmes was going to look into the matter of getting certain information bulletins such as the Signal Corps News, G-2 Summary and Political Review, Sitreps, etc., to the Commission.

6. MISSION AIRCRAFT.

General Holmes was instructed to use his best offices to procure a plane with capable crew for the Mission. It was a vital necessity here and should be attended to immediately.

The question was raised as to the communications set-up. Captain Ellery W. Stone, USNR, was called in to explain the present situation. He reiterated that the cable between Naples and Bari would be repaired within three weeks. The work was progressing under the guidance of 15th Army Group. Accordingly, he had made arrangements to reserve six (6) circuits of this cable for the use of the Italian Government and the Allied Control Commission. The cable from Naples to Palermo was cut and he could not say when it would be repaired. He understood too, that work was progressing in the southern portion to restore the wire communications but this had only recently started and he could not venture a report on its progress.

In answer to the question of how long it would take to move our present wireless communications set-up to Salerno, Captain Stone estimated that two or three days would be necessary.

DISTRIBUTION:

1 - Gen. Joyce
1 - Gen. Taylor
1 - Gen. Holmes
1 - Brig. Gueterbock
1 - Lt. Col. Chanler

DRAFT OF NOV. 11, 1943.

DOCUMENT A.

No. 1

SECRET

Draft Terms for Restoration of Territory to Italian Government.

WHEREAS, in the course of their conduct of the war against the Axis powers, the Allied Forces have occupied certain Italian territory and

WHEREAS, an Armistice has been concluded with the Italian government pursuant to which the United Nations may take such measures within and in regard to such territory as they may deem necessary for the protection of the Allied Forces and for the successful prosecution of the war and to occupy such other portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has been granted the status of a co-belligerent by the United Nations and

WHEREAS, the Italian government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights and powers in all Italian territory which has been liberated from German domination and over the Italian people residing therein be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD R. L. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Italy and Sicily and Military Governor, hereby relinquish and restore to the government of Italy all

portions of Italian territory as they may deem necessary, and

WHEREAS, the Italian government has declared war on Germany and has been granted the status of a co-belligerent by the United Nations and

WHEREAS, the Italian government has requested that certain areas now occupied by the Allied Forces be restored to the jurisdiction of the Italian government and

WHEREAS, it is the desire of the United Nations to comply with this request in so far as may be compatible with the successful prosecution of the war and

WHEREAS, it is necessary for the successful prosecution of the war that certain rights and powers in all Italian territory which has been liberated from German domination and over the Italian people residing therein be retained by the Allied Forces,

NOW, THEREFORE, I, HAROLD R. L. G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Italy and Sicily and Military Governor, hereby relinquish and restore to the government of Italy all powers of government and jurisdiction heretofore assumed by me in the following territory and over its inhabitants, subject to the terms and conditions herein after set forth:

Territory Restored:

Terms of Restoration: Without prejudice to any rights of the United Nations under the instrument of surrender and Armistice terms heretofore granted to the Italian government, all of which remain in full force and effect throughout all Italian territory, there is hereby reserved to the Allied Forces the right

in any part of the said territory and in all other Italian territory which has been liberated from German domination and is under the jurisdiction of the Italian government, hereinafter referred to as "The Unoccupied Territory":

1. To operate and use such ports and airfields, and all such means of transportation or communication within the said territory as they may desire;
2. To quarter troops in such parts of the Unoccupied Territory as they may see fit;
3. To declare any areas within the Unoccupied Territory which may be needed for the operation of ports, air fields, transportation or communication facilities, for the quartering of troops, or for such other purposes as they may deem necessary for the successful prosecution of the war, to be Allied Military Zones;
4. To assume full administrative jurisdiction over such Military Zones, and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones as they may see fit;
5. To convene Allied Military Courts for the trial of any person violating any such order or regulation and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the Unoccupied Territory, and to inflict such punishment upon such persons as such Courts may direct;
6. To retain the right, through Allied Military Courts, to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor;

for the operation of ports, air fields, transportation or communication facilities, for the quartering of troops, or for such other purposes as they may deem necessary for the successful prosecution of the war, to be Allied Military Zones;

4. To assume full administrative jurisdiction over such Military Zones, and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones as they may see fit;
5. To convene Allied Military Courts for the trial of any person violating any such order or regulation and of any person otherwise doing any act hostile to the Allied Forces or any member thereof in any part of the Unoccupied Territory, and to inflict such punishment upon such persons as such Courts may direct;
6. To retain the right, through Allied Military Courts, to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied Military Governor;
7. To exercise the same rights to requisition private or public property in the Unoccupied Territory as they possessed before the present restoration;
8. To reoccupy the whole or any part of the Unoccupied Territory ²⁴at any time or to take such other steps or exercise such other rights in any part of such territory as they may from time to time deem necessary for the proper prosecution of the war;
9. To import and to control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine without the payment of any import, tax, charge, or duty of any kind

whatsoever either to the Italian government or to any of its political subdivisions or agencies.

10. An official or other representative or agent of the United Nations, civilian or military, may enter and remain within the Unoccupied Territory free from the imposition of any impost, tax, charge or duty of any kind whatsoever by the Italian government or any of its political subdivisions or agencies; nor shall any member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied Powers;

11. A proclamation or decree in the form annexed hereto and made a part of these terms and conditions will be issued by the head of the Italian State at the time of transfer of the territory.

...of other representative of agent of the United Nations, civilian or military, be brought to trial in any Italian Court for any cause whatsoever either civil or criminal without the consent of the Allied

Powers;

11. A proclamation or decree in the form annexed hereto and made a part of these terms and conditions will be issued by the head of the Italian State at the time of transfer of the territory.

SECRET

DRAFT OF NOV. 10

DOCUMENT B

Draft Proclamation for Military Governor.

WHEREAS by Proclamation No. 1 first published in the Island of Sicily on the 10th day of July, 1943, and on the mainland of Italy on the 15th day of September, 1943, I assumed all powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established the Allied Military Government of Occupied Territory to exercise these powers in such territory under my direction, and

WHEREAS in the exercise of such powers further Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government, and

WHEREAS the Italian Government, having declared war upon Germany has been granted the status of a co-belligerent by the United Nations, and

WHEREAS the Italian Government has requested that as much of the said Occupied Territory may be restored to the jurisdiction of the Italian Government as may be compatible with military exigencies and upon such terms and conditions as the Allied Forces may deem necessary for the successful prosecution of the war,

NOW, therefore, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and on the mainland of Italy and Military Governor of all the Occupied Territory, hereby Proclaim as follows:-

Allied Military Government established by me and all Proclamations and

WHEREAS in the exercise of such powers further Proclamations and Orders have been issued from time to time by me or under my authority throughout such territories, and

WHEREAS an armistice has been concluded with the Italian Government, and

WHEREAS the Italian Government, having declared war upon Germany has been granted the status of a co-belligerent by the United Nations, and

WHEREAS the Italian Government has requested that as much of the said Occupied Territory may be restored to the jurisdiction of the Italian Government as may be compatible with military exigencies and upon such terms and conditions as the Allied Forces may deem necessary for the successful prosecution of the war.

NOW, therefore, I, HAROLD R.L.G. ALEXANDER, G.C.B., C.S.I., D.S.O., M.C., General, General Officer Commanding the Allied Forces in Sicily and on the mainland of Italy and Military Governor of all the Occupied Territory, hereby Proclaim as follows:-

Allied Military Government established by me and all Proclamations and Orders heretofore issued by me or under my authority in the territory of

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are hereby terminated as at 0001 hours on this date and all powers of government and jurisdiction in such territory and over its inhabitants and final administrative responsibility are hereby restored to the Government of Italy, upon such terms and conditions as have been heretofore laid down by me.

C

SECRET

DRAFT of Nov. 10, 1943.

No. 1

Draft Proclamation of Acceptance of a Transfer of Territory by
Head of Italian State.

To the Italian People:

WHEREAS, the United Nations have agreed to the request of the Italian government that certain territories heretofore occupied by the Allied Forces be restored to the Italian government upon such terms and conditions as are necessary for the proper prosecution of the war, and

WHEREAS,

NOW, THEREFORE, I,

head of the Italian State by virtue of the authority vested in me by of 1931, hereby proclaim and decree as follows:

1. Military government by the Allied Forces in the territory restored has terminated;
2. All powers of government and jurisdiction in the territory restored and over its inhabitants, and final administrative responsibility, subject only to the rights therein reserved to the United Nations, are vested in the government of Italy, and all persons in the territory except members of the Allied Forces and other representatives and agents of any of the United Nations are hereby declared to be subject to the laws

the Allied Forces be restored to the Italian government
terms and conditions as are necessary for the proper prosecution of
the war, and

WHEREAS,

NOW, THEREFORE, I,

head of the Italian State by virtue of the authority vested in me by
of 1931, hereby proclaim and decree as follows:

1. Military government by the Allied Forces in the territory re-
stored has terminated;
2. All powers of government and jurisdiction in the territory
restored and over its inhabitants, and final administrative responsi-
bility, subject only to the rights therein reserved to the United Nations,
are vested in the government of Italy, and all persons in the territory
except members of the Allied Forces and other representatives and agents
of any of the United Nations are hereby declared to be subject to the laws
and decrees of the government of Italy;
3. All Proclamations and Orders heretofore issued by the Military
Governor or under his authority in the said territory and which have been
terminated therein by the Military Governor as upon its restoration, are
hereby recognized by the Italian government as having been validly and
legally issued and are declared to be of the same legal effect as if they
had been issued by the Italian government in accordance with Italian law,
and they will be so recognized by all Italian courts and officials.

4. All acts done by any member of the Allied Forces in pursuance of such Proclamations or Orders, and all official action of any nature taken by the Allied Military Government in pursuance thereof including all appointments to and removals from any office, public or private, are hereby recognized by the Italian government as legal, valid and binding, and will be so recognized by all Italian courts and officials.

5. All sentences imposed by Allied Military Courts are hereby recognized by the Italian government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials unless set aside or modified by or with the consent of the United Nations.

6. The Allied Forces are fighting our common enemy against whom Italy has declared war, for the purpose of driving the invader from Italian territory and restoring Italy as a free and independent nation, liberated from Axis domination and from all traces of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

7. In prosecuting the war, it will be necessary for the members of the Allied Forces and of the United Nations to circulate freely within the restored territory and to maintain military zones therein for the purpose of quartering troops or for other military purposes. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and of the United Nations within the said territory at all times, and to obey all orders and regulations which may from time to time be posted by

effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials unless set aside or modified by or with the consent of the United Nations.

6. The Allied Forces are fighting our common enemy against whom Italy has declared war, for the purpose of driving the invader from Italian territory and restoring Italy as a free and independent nation, liberated from Axis domination and from all traces of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

7. In prosecuting the war, it will be necessary for the members of the Allied Forces and of the United Nations to circulate freely within the restored territory and to maintain military zones therein for the purpose of quartering troops or for other military purposes. It is the duty of every Italian to cooperate fully with all members of the Allied Forces and of the United Nations within the said territory at all times, and to obey all orders and regulations which may from time to time be posted by Commanders of the Allied Forces in military zones. All persons within such zones will be subject to the jurisdiction of the Allied Military Forces and of such courts as they may set up.

8. Only by the most whole-hearted cooperation can our war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof or doing any act which in any way impedes the war effort or aids the enemies of Italy, will be severely punished either by Italian courts or by Allied Military Courts.

/jfr

SECRET

Terms of Reference for the Advisory Council
for Italy.

8 November 1943

An Advisory Council for Italy will be established forthwith composed in the first instance of representatives of the U.K., U.S. Soviet Union and French Committee of National Liberation. Representatives of Greece and Yugoslavia will be added as full members of the Council as soon as practicable in view of the special interests of these two countries arising from the aggressions of Fascist Italy upon their territory during the present war.

2. Each representative will be assisted when necessary by a small staff of technical advisers, civilian and military. The Council will establish itself as soon as possible in Italy at the same place as the Headquarters of the Allied Commander-in-Chief.
3. The Council will keep itself closely informed of current Italian affairs and advise the respective Governments and the French Committee of National Liberation in regard to problems relating to Italy, other than military operational problems. Members of the Council will be supplied by their respective Governments and by the French Committee of National Liberation with all relevant information on Political and military developments affecting their work. They will make joint or several representations to their Governments or to the French Committee, but will not have the power to take final decisions. They will not of course concern themselves with military functions of the Allied Commander-in-Chief.
4. The Council will have the duty in particular of watching the operation of the machinery of control in Italy which will enforce the terms of surrender.
5. The Council will advise the Allied Commander-in-Chief in his capacity as President of the Allied Control Commission on general policy connected with the work of control. For this purpose it will maintain close touch with the Allied Commander-in-Chief as President of the Control Commission and will have the right to ask him for information or explanations over matters affecting the Council's work. It will maintain close touch with such other technical inter-Allied bodies as may be established in Italy and will be entitled to obtain information and explanations from them on matters affecting its work.

and Yugoslavia will be added as full members of the Council as soon as practicable in view of the special interests of these two countries arising from the aggressions of Fascist Italy upon their territory during the present war.

2. Each representative will be assisted when necessary by a small staff of technical advisers, civilian and military. The Council will establish itself as soon as possible in Italy at the same place as the Headquarters of the Allied Commander-in-Chief.
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4. The Council will have the duty in particular of watching the operation of the machinery of control in Italy which will enforce the terms of surrender.
5. The Council will advise the Allied Commander-in-Chief in his capacity as President of the Allied Control Commission on general policy connected with the work of control. For this purpose it will maintain close touch with the Allied Commander-in-Chief as President of the Control Commission and will have the right to ask him for information or explanations over matters affecting the Council's work. It will maintain close touch with such other technical inter-Allied bodies as may be established in Italy and will be entitled to obtain information and explanations from them on matters affecting its work.
6. The Allied Commander-in-Chief will continue as in the past to receive instructions from the U.K. and U.S. Governments through the Combined Chiefs of Staff in Washington.
7. When, in the opinion of the Allied Commander-in-Chief, it is possible to bring direct military control of Italy's administration to an end, the Commander-in-Chief will relinquish the Presidency of the Allied Control Commission. The advisory council for Italy will thereupon assume direction of the work of the Allied Control Commission.

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

Major Thacker
for Captain Stone
Cof S

File.
Fairman draft.
Not to be used.

~~See above~~
Jan

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PROHIBITION

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

785015

Whereas I assumed all the powers of government and jurisdiction in the territory of Italy and Sicily occupied by my troops and over its inhabitants and established Military Governments to exercise these powers in such territory under my direction, and

Whereas in exercise of such powers proclamations and orders have been issued from time to time by me or under my authority throughout such territory, and

Whereas an Armistice has been concluded with the Italian Government and an Allied Control Commission has been appointed, and

Whereas the Italian Government has declared war on Germany and has become cobbelligerent with United Nations, and

Whereas the United Nations have consented at the request of the Italian Government to restore the jurisdiction of the Italian Government in the occupied territory to such extent as may be compatible with military exigencies,

Now, therefore, I, HAROLD S. L. G. ARTHUR, G.C.B., G.S.I., D.S.O., M.C., General Officer Commanding Allied Forces in Sicily and on the mainland of Italy and Military Governor of all Occupied Territory, by virtue of authority vested in me by the Commander in Chief of the Allied Forces, hereby proclaim as follows: -

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whereas an Article has been concluded with the Italian Government and an Allied Control Commission has been appointed,

Whereas the Italian Government has declared war on Germany and has become colligent with United Nations, and

Whereas the United Nations have consented at the request of the Italian Government to restore the jurisdiction of the Italian Government in the occupied territory to such extent as may be compatible with military exigencies,

Now, therefore, I, HAROLD R. H. G. ALEXANDER, G.C.B., G.C.I., D.S.O., M.C., General Officer Commanding Allied Forces in Italy and on the mainland of Italy and Military Governor of all Occupied Territory, by virtue of authority vested in me by the Commander in Chief of the Allied Forces, hereby proclaim as follows: -

11

Without prejudice to the continued status of the territory concerned as occupied territory, to the position and powers therein of the Forces of the United Nations, or to the rights of the Allied Commander in Chief in regard thereto, all proclamations and orders heretofore issued by me or under my authority are hereby terminated as at 0001 hours on ^{the day of} ~~January 1944~~ ¹⁹⁴⁴ throughout that portion of the mainland of Italy south of the northern boundaries of the Provinces of Salerno, Potenza, and Bari, and Sicily and Adjacent Islands (but not Pantelleria or Lampedusa).

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or income), and all powers of government and jurisdiction in such territory and over its inhabitants will hereafter be exercised by the Government of Italy subject to the guidance and instructions of the Allied Control Commission and on the understanding that the powers in question will be exercised by officials of proven good faith and Allied sympathies.

II

The said powers or any part of them (including the right to cancel or override any act of the Italian Government) may at any time be resumed or exercised by the Allied Commander in Chief or anyone acting under his authority, if in his opinion this should be rendered necessary by military exigencies or in the interests of public order or good government.

III

Nothing herein shall affect

(A) The right of the Allied Commander in Chief to take all steps necessary to ensure the security, maintenance, welfare, accommodation, communications, movements and operations of the occupying forces or any other United Nations Forces, and to issue all such proclamations or orders as may be necessary for any of these purposes, with which all Italian authorities and the inhabitants of the territory concerned will be bound to comply;

(B) The right of the Allied Control Commission to take any action necessary for the execution of the armistice with Italy.

The said powers or any part of them (limiting the right to

cancel or override any act of the Italian Government) may at any time be resumed or exercised by the Allied Commander in Chief or anyone acting under his authority, if in his opinion this should be rendered necessary by military exigencies or in the interests of public order or good government.

III

Nothing herein shall affect

(A) The right of the Allied Commander in Chief to take all steps necessary to ensure the security, maintenance, welfare, accommodation, communications, movements and operations of the occupying forces or any other United Nations Forces, and to issue all such proclamations or orders as may be necessary for any of these purposes, with which all Italian authorities and the inhabitants of the territory concerned will be bound to comply;

(B) The right of the Allied Control Commission to take any action necessary for the execution of the armistice with Italy.

W. H. L. ALFREDER
General Officer, Commanding.

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DOCUMENT B

PROCLAMATION

Whereas the United Nations have agreed to the request of the Italian Government that they should hereafter exercise all powers of government and jurisdiction in certain territories upon such terms and conditions as are necessary for the proper prosecution of the war,

Now, therefore, I, _____, Head of the Italian Government, by virtue of the authority vested in me hereby proclaim as follows:

1. Military Government in the said territory having been terminated by the Allied Military Government, all powers of government and jurisdiction in the said territory and over its inhabitants, subject only to the rights therein reserved to the United Nations, are vested in the Government of Italy.
2. All proclamations and orders which have heretofore been issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor, as upon its restoration, are hereby recognized by the Italian Government and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.
3. All acts done by any member of the United Nations Forces in pursuance of such proclamation or orders, and all officials

1. Military Government in the said territory having been terminated by the Allied Military Government, all power of government and jurisdiction in the said territory and over its inhabitants, subject only to the rights therein reserved to the United Nations, are vested in the Government of Italy.

2. All proclamations and orders which have heretofore been issued by the Military Governor or under his authority in the said territory and which have been terminated therein by the Military Governor, as upon its termination, are hereby recognized by the Italian Government and are declared to be of the same legal effect as if they had been issued by the Italian Government in accordance with Italian law, and they will be so recognized by all Italian courts and officials.

3. All acts done by any member of the United Nations Forces in pursuance of such proclamation or orders, and all official actions of any nature taken by the Allied Military Government in pursuance thereof, including all appointments to and removals from any office public or private, will be recognized by all Italian courts and officials as legal, valid and binding, except that any person so appointed may be removed at any time by the Italian Government with the consent of the Allied Control Commission.

4. All sentences imposed by Allied Military Courts are hereby recognized by the Italian Government as valid and legal and of the same effect as if imposed by an Italian court and will be so recognized by all Italian courts and Italian officials.

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unless set aside or modified by or with the consent of the

Allied Control Commission.

5. The Allied Forces are fighting our common enemy against whom Italy has declared war for the purpose of driving the German invader from Italian territory and restoring Italy as a free nation, liberating thousands from Axis domination and from all trace of Fascism. I call upon all Italians in every walk of life to aid in this fight upon the successful outcome of which the future of Italy depends.

6. It will be necessary for the prosecution of the war for the Forces of the United Nations to continue to occupy the said territory. It is the duty of every Italian to cooperate fully with all these Forces and to obey all orders and regulations which may from time to time be posted by the Commander of the United Nations Forces in the said territory.

7. Only by the most wholehearted cooperation can our war be won. Any person doing any act hostile to the Allied or Italian Forces or any member thereof, or doing any act which in any way hampers the war effort or aids the enemies of Italy, will be severely punished either by Italian courts or by Allied Military Courts.

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DOCUMENT C

ACR 100-100000

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

Whereas the Italian Government has requested that the exercise be henceforth vested in them of governmental and jurisdictional powers in certain territory occupied by the Allied Forces;

And whereas the Allied Commander in Chief is prepared to accede to this request on the terms set out in the proclamation issued under his authority, dated , and provided the requirements of the United Nations in regard to certain Italian provinces, namely Agrigento, Caltanissetta, Catania, Messina, Palermo, Ragusa, Siracusa, Trapani, Catanzaro, Cosenza, Matera, Potenza, Reggio, Salerno, Bari, Brindisi, Lecce, Taranto, Cagliari, Sassari, and Nuoro, are complied with:

It is hereby agreed between representing the Allied Commander in Chief and representing the Italian Government, duly authorized to that effect, as follows:

The Allied Commander in Chief and any such officer or other representative, including the Allied Control Commission, as the Allied Commander in Chief may designate, shall have the following rights and powers in the province above mentioned:

1. To operate and use such ports and airfields and all such means of transportation or communication within the said territory.

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and provided the requirements of the United Nations in regard to certain Italian provinces, namely Agrigento, Caltanissetta, Catania, Messina, Palermo, Ragusa, Siracusa, Trapani, Catanzaro, Cosenza, Matera, Potenza, Reggio, Salerno, Bari, Brindisi, Lecce, Taranto, Cagliari, Sassari, and Nuoro, are complied with:

It is hereby agreed between representing the Allied Commander in Chief and representing the Italian Government, duly authorized to that effect, as follows:

The Allied Commander in Chief and any such officer or other representative, including the Allied Control Commission, as the Allied Commander in Chief may designate, shall have the following rights and power in the province above mentioned:

I. To operate and use such ports and airfields and all such means of transportation or communication within the said territory as he may desire;

II. To quarter troops in such parts of the said territory as he may see fit;

III. To declare any area within the said territory which may be needed for operation of ports, airfields, transport or communication facilities, for quartering of troops or for such other purpose as he may deem necessary for successful prosecution of the war as an Allied Military Force;

IV. To exercise full administrative jurisdiction over such military zones and to issue and enforce such orders and regulations for the conduct of all persons in and about such zones

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Special Branch SECRET

as he may see fit;

V. To convene Allied military courts for the trial of any person violating any such orders or regulations and of any person otherwise doing any act hostile to the Allied forces or any member thereof in any part of the said territory and to inflict such punishment upon such person as such court may direct;

VI. To retain the right through Allied military courts to conduct and carry to ultimate conclusion the trial of any person charged with an offense heretofore committed and cognizable under any proclamation or order heretofore issued by or on behalf of the Allied military Government;

VII. To requisition private or public property;

VIII. To import and control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine, without payment of any interest, tax, charge or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies;

IX. To engage in such operations and import such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war, free from imposition of any interest, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies;

X. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within

2111

half of the Allied Military Government;

VII. To requisition private or public property;

VIII. To import and control and supervise the distribution to the civilian population of such civilian supplies as the Allied Forces may determine, without payment of any import, tax, charge or duty of any kind whatsoever either to the Italian Government or to any of its political subdivisions or agencies;

IX. To engage in such operations and import such military or other supplies or property of any nature as may be deemed necessary for the proper prosecution of the war, free from imposition of any import, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies;

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X. Any official or other representative or agent of the United Nations, civilian or military, may enter and remain within the said territory free from the imposition of any import, tax, charge or duty of any kind whatsoever by the Italian Government or any of its political subdivisions or agencies;

XI. No member of the Allied Forces or any official or other representative or agent of the United Nations, civilian or military, shall be brought to trial in any Italian court for any offense whatsoever either civil or criminal without the consent of the Allied Powers;

XII. All expense and costs arising from the maintenance of Allied troops or other personnel within the said territory will

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be chargeable to the Italian Government as a part of the costs of occupation.

The foregoing provisions shall form an integral part of the terms on which governmental and jurisdictional powers in certain parts of Italian territory are vested in the Italian Government in virtue of the aforesaid proclamation, and shall be without prejudice to the exercise of any Allied rights or powers under the Armistice with Italy.

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

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10/21

PRIORITY

3438

FREEDOM

11/15/50 Nov

FACIAL

11/15/50

Correspondents received Allied Control Commission announcement very favorably. Few questions were raised in their minds. Associated Press stressed the turn back of territory in straight factual story. IN ORDER FOR EDITOR FROM DIRECT BUREAU NEWSPAPER CITE STORY. New York Times pointed out Italy transformed into effective instrument of war against Germany and emphasized that Eisenhower controls the Commission. Times story factual and complete. United Press sent short lead with instructions for Washington to incorporate text. Reuters instructed London to write their own story from the text. Correspondents personally said announcement clarified and strengthened position of Allied Military Government operations in Italy and set the pattern for future operations. One said he could see that Military Government is sincere effort to get things done. Another correspondent however questioned whether Allied Control Commission would be dominated by Advisory Council and become Politic - Diplomatic football. He did not put that angle in his story. Union Jack used straight factual story. Stars and Stripes played double column leading page one or second only to top our news. He (Galle) got small story back page of Stars and Stripes.

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My Caccia
Att

PRIORITY *27/10*

ALLIED MILITARY MISSION - INCOMING MESSAGE

SVC/REPLY NR:

M/C NR : 01/22

CLASS: SECRET

REF. NO: 568

IR C : PRIORITY

FILED : 211202A

FROM : FREEDOM

Oct REC'D : 220046A

TO : FATIMA

Position of Badoglio concerning transfer of territory understood. TO FATIMA
FOR TAYLOR SIGNED EISENHOWER CITE FINDS REFERENCE YOUR 421 OCTOBER 20. No announce-
ment in this connection can be made until after Joyce has arrived in Brindisi and
the Allied Commission is constituted.

File - Staff

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Extract from FATIMA'S 512 to FREEDOM, dated 20th OCT 43.

SECRET

.....APART FROM MILITARY OFFICIALS THERE ARE VERY FEW OFFICIALS
IN BADOGLIO GOVERNMENT TO HANDLE ADMINISTRATIVE AND ECONOMIC MATTERS.
.....IN VIEW THESE CONSIDERATIONS AND GENERAL TAYLOR'S MESSAGE
THAT BADOGLIO DOES NOT REPEAT NOT FEEL ADEQUATELY EQUIPPED TO
ADMINISTER TERRITORY NOW UNDER ALLIED MILITARY GOVERNMENT SEEMS
ADVUSABLE TO LIMIT ADVANCE PARTY TO OFFICERS HAVING OPPOSITE NUMBERS
IN PRESENT ITALIAN GOVERNMENT. THIS MEANS HEADS CIVILIAN SUPPLY
AND FINANCE SUB COMMISSIONS. OTHER OFFICERS CAN BE ADDED AS
ITALIAN GOVERNMENT GROWS....

SECRET

ALLIED MILITARY MISSION - OUTGOING MESSAGE

SVC/RELAY NR:

M/C NO: 1/20

CLASS: SECRET

REF NO: 491

PREC: PRIORITY

FILED: 201015A Oct

FROM: FATIMA

REC'D:

TO: FREEDOM

REFERENCE YOUR SEVEN SEVEN SIX SEVEN PD TO FREEDOM FROM FATIMA SIGNED TAYLOR PD
I WISH TO STATE CLEARLY BADOGLIO'S POSITION REGARDING THE RETURN OF LIBERATED
TERRITORY TO HIS GOVERNMENT PD HE HAS TOLD ME MORE THAN ONCE THAT HE DOES NOT
DESIRE A COMPLETE TRANSFER UNTIL HIS GOVERNMENT IS CAPABLE OF HANDLING IT PD HE
THINKS THAT THIS WILL NOT BE THE CASE UNTIL HE GETS TO ROME WHERE HE CAN FORM A
GOVERNMENT CMA HAVE ACCESS TO THE ARCHIVES AND HAVE NECESSARY MEANS OF COMMUNICATION
AT HIS DISPOSAL PD AS THIS NECESSARILY ENTAILS CONSIDERABLE DELAY HE ASKS NOW THAT
SOME PUBLIC EXPRESSION OF OUR INTENTIONS BE MADE TO STRENGTHEN HIS INTERNAL POSITION
PD IF THE ALLIED GOVERNMENTS DO NOT WISH TO MAKE SUCH A DECLARATION WOULD THERE BE
ANY OBJECTION TO BADOGLIO HIMSELF SAYING PUBLICLY WHAT THE ALLIES HAVE UNDERTAKEN
TO DO WHEN THE ITALIAN GOVERNMENT IS QUALIFIED BOTH ADMINISTRATIVELY AND POLITICALLY
TO ASSUME THE RESPONSIBILITY

AUTHENTICATED:

MAXWELL D. TAYLOR
Brig. Gen., U.S.A.
Acting Chief of Mission

ALLIED MILITARY MISSION - OUTGOING MESSAGE

SVC/RELAY NR:

M/C NO: 1/20

CLASS: SECRET

REF NO: 491

PREC: PRIORITY

FILED: 201015A Oct

FROM: FATMA

REC'D:

TO: FREEDOM

REFERENCE YOUR SEVEN SEVEN SIX SEVEN PD TO FREEDOM FROM FATIMA SIGNED TAYLOR PD
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THINKS THAT THIS WILL NOT BE THE CASE UNTIL HE GETS TO ROME WHERE HE CAN FORM A
GOVERNMENT CMA HAVE ACCESS TO THE ARCHIVES AND HAVE NECESSARY MEANS OF COMMUNICATION
AT HIS DISPOSAL PD AS THIS NECESSARILY ENTAILS CONSIDERABLE DELAY HE ASKS NOW THAT
SOME PUBLIC EXPRESSION OF OUR INTENTIONS BE MADE TO STRENGTHEN HIS INTERNAL POSITION
PD IF THE ALLIED GOVERNMENTS TO NOT TO WISH TO MAKE SUCH A DECLARATION WOULD THERE BE
ANY OBJECTION TO BADOGLIO HIMSELF SAYING PUBLICLY WHAT THE ALLIES HAVE UNDERTAKEN
TO DO WHEN THE ITALIAN GOVERNMENT IS QUALIFIED BOTH ADMINISTRATIVELY AND POLITICALLY
TO ASSUME THE RESPONSIBILITY

AUTHENTICATED:

MAXWELL D. TAYLOR
Brig. Gen., U.S.A.
Acting Chief of Mission

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Equals E. S. SECRET

ALLIED MILITARY MISSION - OUTGOING MESSAGE

SVC/RELAY NR:

CLASS : SECRET

PRED : PRIORITY

FROM : FATIMA

TO : FREEDOM

M/C NR : 1/20

REF. NR: 491

FILED : 201015A

REC'D :

Del

REFERENCE YOUR SEVEN SEVEN SIX SEVEN PD TO FREEDOM FROM FATIMA SIGNED TAYLOR PD
I WISH TO STATE CLEARLY BADOGLIOS POSITION REGARDING THE RETURN OF LIBERATED
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DESIRE A COMPLETE TRANSFER UNTIL HIS GOVERNMENT IS CAPABLE OF HANDLING IT PD
HE THINKS THAT THIS WILL NOT BE THE CASE UNTIL HE GETS TO ROME WHERE HE CAN FORM
A GOVERNMENT CMA HAVE ACCESS TO THE ARCHIVES AND HAVE NECESSARY MEANS OF
COMMUNICATION AT HIS DISPOSAL PD AS THIS NECESSARILY ENTAILS CONSIDERABLE DELAY HE
ASKS NOW THAT SOME PUBLIC EXPRESSION OF OUR INTENTIONS BE MADE TO STRENGTHEN HIS
INTERNAL POSITION PD IF THE ALLIED GOVERNMENTS DO NOT WISH TO MAKE SUCH A DECLARATION
WOULD THERE BE ANY OBJECTION TO BADOGLIO HIMSELF SAYING PUBLICLY WHAT THE ALLIES HAVE
UNDERTAKEN TO DO WHEN THE ITALIAN GOVERNMENT IS QUALIFIED BOTH ADMINISTRATIVELY AND
POLITICALLY TO ASSUME THE RESPONSIBILITY

AUTHENTICATED:

MAXWELL D. TAYLOR
Brig. Gen., U.S.A.
Acting Chief of Mission

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Equals E. S. SECRET

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SECRET

The following is an extract from Freedom's cable 8953 to
Fatima, dated 18 Oct. 43. (From Eisenhower to Taylor):-

"For your private information only, machinery is now
being worked out preparing for transfer of AMGOT territory
to Italian Government at early date."

SECRET

ALLIED MILITARY MISSION - INCOMING MESSAGE

SVC/RELAY NR:

CLASS: SECRET

PREC : PRIORITY

FROM : FREEDOM

TO : FATIMA

M/C NR: 23/15

REF NR: 7767

FILED : 151827A Oct

REC'D : 152201A

Badoglio already knows that our intention is to hand over liberated Italian Territory to his Government as soon as the Government is in a position to administer it. FOR TAYLOR SIGNED CINC CITE FHDSC. Reference your 404. No public declaration will be made until the Italian Government is qualified both Administratively and Politically to assume this responsibility.

S E C R E T

ALLIED MILITARY MISSION - INCOMING MESSAGE

SVC/RELAY NR:

CLASS: SECRET

PREC: PRIORITY

FROM: FREEDOM

TO: FATIMA

M/C NR: 29/15

REF NR: 7767

FILED: 151827A Oct

REC'D: 152201A

Badoglio already knows that our intention is to hand over liberated Italian Territory to his Government as soon as the Government is in a position to administer it. FOR TAYLOR SIGNED CINC CITE FHDSG. Reference your 404. No public declaration will be made until the Italian Government is qualified both Administratively and Politically to assume this responsibility.

SECRET

ALLIED MILITARY MISSION - OUTGOING MESSAGE

SVC/RELAY NR:

CLASS: SECRET

PREC : URGENT

FROM : FATIMA

TO : FREEDOM

M/C NR: 07/14

REF NR: 404

FILED : 141840A Oct

REC'D :

MARSHALL BADOGLIO REQUESTS PAREN TO FREEDOM PERSONAL FOR GENERAL EISENHOWER FROM
FATIMA SIGNED TAYLOR PAREN THAT AN IMMEDIATE DECLARATION BE MADE OF OUR INTENTION
TO RETURN TO THE ITALIAN GOVERNMENT ALL LIBERATED ITALIAN TERRITORY OUTSIDE THE
COMBAT ZONE INCLUDING SICILY PD THE MARSHALL RECOGNIZES THAT THIS MAY NOT BE CARRIED
UNTIL THE GOVERNMENT IS ESTABLISHED IN ROME BUT FEELS THAT THE DECLARATION MADE NOW
WILL MAKE A DEEP IMPRESSION ON THE ITALIAN PEOPLE

AUTHENTICATED:.

MAXWELL D. TAYLOR
Brigadier General., USA
Acting Chief of Mission

ALLIED MILITARY MISSION - OUTGOING MESSAGE

SVC/RELAY NR:

CLASS: SECRET

PREC : URGENT

FROM : FATIMA

TO : FREEDOM

M/C NR: 07/14

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AUTHENTICATED:

MAXWELL D. TAYLOR
Brigadier General, USA
Acting Chief of Mission

ALLIED MILITARY MISSION - INCOMING MESSAGE

SVC/RELAY NR:

CLASS: SECRET

PREC: URGENT

FROM: FREEDOM

TO: EXTRA

M/C NR: 10/15

REF NO: 7368/14

FILED: 141956A Oct

REC'D: 150910A

Mat 53

In view of Italian declaration of war and uncertainty of date on which Italian Government may be able to function from ROME the following arrangements are being made.

1. Allied Commission being activated and will establish a skeleton headquarters in close contact with Italian Government at Brindisi. This skeleton headquarters will consist of heads of sub-commissions of Allied Commission absorbing the Allied Military Mission. First task will be to examine with Italian Government methods and machinery whereby Italian Territory, at present under Allied Military Government, can pass gradually to Italian Administration supervised by Allied Commission. Sicily likely to be first area transferred. General Joyce on arrival will assume charge of the ~~summarize~~ commission in capacity of Acting Deputy of President.
2. Forward elements of Allied Commission have been despatched to Palermo to join AMG headquarters. Intention is that experienced officers of AMG headquarters together with forward elements of Allied Commission will shortly join Allied Commission Headquarters at Brindisi. By that time it is intended that sufficient progress shall have been made to enable steps to be taken looking toward handing over Sicily as contemplated par 1. Balance of Allied Commission, composed of remainder.....

assigned personnel and certain AMG officers, will join headquarters at Brindisi in due course. This process must necessarily be slow owing to limitations of accommodation and communications etc.

3. Concurrently with above AMG Headquarters will be split into (A) AMG 15th Army Group responsible to Commander 15th Army Group for military government in rear of combat zone. ~~(B) HQ AMG responsible to AFHQ for military government in rear of combat zone.~~ (B) HQ AMG responsible to AFHQ for military government in rear of combat zone. (C) HQ Region 1 which will become an Allied Commission region on the transfer of Sicily.

4. Thus, when SICILY is transferred to Italian Administration HQ AMG will cease to function in that area, and be responsible solely for Region 2 or such other territory as is not the responsibility either of 15th Army Group or of Allied Commission. As soon as necessity for such responsibility disappears, HQ AMG will be merged into Allied Commission.

ALLIED MILITARY MISSION - INCOMING MESSAGE

SVC/RELAY NR:

CLASS: SECRET

PREC: URGENT

FROM: FREEDOM

TO: FATIMA

M/C NR: 10/15

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FILED: 141956A Oct

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4. Thus, when SICILY is transferred to Italian Administration Hq AMG will cease to function in that area, and be responsible solely for Region 2 or such other territory as is not the responsibility either of 15th Army Group or of Allied Commission. As soon as necessity for such responsibility disappears, Hq AMG will be merged into Allied Commission.

ALLIED MILITARY MISSION
APO 512

Int Adm

15 October 1943

MEMORANDUM FOR: His Excellency Marshal Badoglio, Chief of the Government.

I have the honor to communicate to Your Excellency the following personal message to you from General Eisenhower:

"I observe with great satisfaction that the Italian Government has declared war on Germany. By maintaining a vigorous resistance to the German forces, the Italian Nation, through its armed forces and its civilian population, may hasten the redemption of Italy.

"I take this occasion to inform you that the Allied Commission is being constituted and that an advance group of officers will shortly arrive at Brindisi prepared to discuss the most pressing problems with the Italian Government. It is important that we start examining forthwith problems connected with the gradual transfer of territory now under Allied Military Government to the administration of the Italian Government subject to guidance and instruction from the Commission. It is apparent that any measures of this sort require detailed consideration, and that it is a prerequisite that the Italian Government put itself in a position satisfactorily to discharge the responsibilities involved. The purposes disclosed in your proclamation and in your statement to the press yesterday point the way to the accomplishment of this objective.

Eisenhower"

x Freedomis 7366/14

of 14 Oct to Fatima.

af

MAXWELL D. TAYLOR
Brig. Gen., U.S.A.
Acting Chief of Mission

ALLIED MILITARY MISSION - INCOMING MESSAGE

SVC/RELAY NR:

CLASS: SECRET

PREC: PRIORITY

FROM: FREEDOM *from Eisenhower*TO: FATIMA *for Badoglio*

M/C NR: 7/15

REF NO: 7366/14

FILED: 142937A Oct

REC'D: 150745A

Observe with great satisfaction that the Italian Government has declared war on Germany by maintaining a vigorous resistance to the German forces the Italian Nation, through its armed forces and its civilian population, may hasten the redemption of Italy.

I take this occasion to inform you that the Allied Commission is being constituted and that an advance group of officers will shortly arrive at Brindisi prepared to discuss the most pressing problems with the Italian Government. It is important that we start examining forthwith problems connected with the gradual transfer of territory now under Allied Military Government to the administration of the Italian Government subject to guidance and instruction from the Mission. It is apparent that any measures of this sort require detailed consideration, and that it is a prerequisite that the Italian Government put itself in a position satisfactorily to discharge the responsibilities involved. The purpose disclosed in your proclamation and in your statement to the press yesterday point the way to the accomplishment of this objective.

*Transmitted to Badoglio by Gen Taylor letter 15 Oct.
See Political Sec files.*

ALLIED MILITARY MISSION - TELETYPE MESSAGE

SVC/RELAY NO:

CLASS: SECRET

PREC: PRIORITY

FROM: FREEDOM *from Eisenhower*TO: PATIA *for Badoglio*

M/C NR: 7/15

REF NO: 7366/24

FILED: 142937A Oct

REC'D: 150745A

Observe with great satisfaction that the Italian Government has declared war on Germany by maintaining a vigorous resistance to the German forces the Italian Nation, through its armed forces and its civilian population, may hasten the redemption of Italy.

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*Transmitted to Badoglio by Gen Taylor letter 15 Oct.
See Political Sec. file.*

SECRET

ALLIED MILITARY MISSION - OUTGOING MESSAGE

SVC/RELAY NO

CLASS: SECRET

PREC: URGENT

FROM: FATIMA

TO: FREEDOM PERSONAL FOR EISENHOWER

M/C NO. 8

REF. NO. 373

FILED: 121420A

REC'D:

IN HANDLING ITALIAN GOVERNMENT AND ALLIED PRESS HERE IT WOULD BE MOST HELPFUL IF YOU COULD LET ME HAVE SOME ADVANCE INDICATION OF MAIN POINTS COVERED IN PROPOSED ANGLO DASH AMERICAN DASH RUSSIAN DECLARATION OF CO DASH BELLIGERENCY PD TO FREEDOM PERSONAL FOR EISENHOWER FROM FATIMA SIGNED TAYLOR PD IF IT DOES NOT INCLUDE ANY REFERENCE TO the UNDERTAKING GIVEN THAT ITALIAN TERRITORY NOW RUN BY AMGOT BE TURNED OVER TO ITALIAN GOVERNMENT AS SOON AS ARRANGEMENTS CAN BE MADE PD I TRUST THIS WILL BE MADE CLEAR IN OFFICIAL COMMENT

AUTHENTICATED:

MAXWELL D. TAYLOR
Brig. Gen., U.S.A.
Acting Chief of Mission

DISTRIBUTION:

- 1 - AG File ✓
- 1 - Diary

SECRET

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Extract from FREEDOM's 3372 of 5 October 43, to FATIMA.

(Original in Brindisi Diary Vol III, folio 229)

Reference Italy's procrastination in declaring war
on Germany.

"We intend to advance rapidly on Rome and all recovered
territory will come under the control of the Italian
Government provided it now takes a firm position".

SECRET

SECRET.

Extract from FREEDOM's 3372 of 5 October 43, to FATMA.

(Original in Brindisi Diary Vol III, folio 229)

Reference Italy's procrastination in declaring war
on Germany.

"We intend to advance rapidly on Rome and all recovered
territory will come under the control of the Italian
Government provided it now takes a firm position".

RET.

RET

Extract from FREEDOM's cable 565 of 24 September 43, to FATIMA.

(Original in Brindisi Diary Vol II, folio 96)

SECRET

Reference agenda for Malta Conference.

- (d) King and Badoglio to build up broad based Anti-Fascist Coalition Government which will continue to work for Allies against Germans on basis of Armistice.
- (e) Payment to take form of possible modification of Military Armistice terms and handing over of territory to Italian Government as quickly as it is free of enemy.

SECRET

Extract from FREEDOM's cable 565 of 24 September 43, to MATDA.

(Original in Brindisi Diary Vol II, folio 96)

Reference agenda for Malta Conference.

- (d) King and Badoglio to build up broad based Anti-Fascist Coalition Government which will continue to work for Allies against Germans on basis of Armistice.
- (e) Payment to take form of possible modification of Military Armistice terms and handing over of territory to Italian Government as quickly as it is free of enemy.

SECRET

SECRET

Extract from FAIRFIELD REAR cable 548 of 22 September 43, to FATIMA.

(Original in Brindisi Diary Vol II, folio 71)

SECRET

3. Prime Minister has sent me agreed policy of War Cabinet which, in effect, approves our proposals. It agrees to co-belligerency, requires signature of long terms and offers return of liberated areas to Italian Government in return for broad-basis coalition government, and acceptance of authority of control commission. Prime Minister (uncipherable)'s policy as one of "Payment by Results".

Extract from AIRFIELD REAR cable 548 of 22 September 49, to FATIMA.

(Original in Brindisi Diary Vol II, folio 71)

SECRET

9. Prime Minister has sent me agreed policy of war Cabinet which, in effect, approves our proposals. It agrees to co-belligerency, requires signature of long terms and offers return of liberated areas to Italian Government in return for broad-basis coalition government, and acceptance of authority of control commission. Prime Minister (uncipherable)'s policy as one of "payment by Results".

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