

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

785015

ACC

10000/101/480

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

785015

10000/101/480

TRANSFER OF TERRITORY
NOV. 1943 - SEPT. 1944

LIST OF PAPERS

File under No 602.3

"B" FILES

(3) TOP SECRET

TRANSFER OF TERRITORY

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
62) 602.3	Capt Stone	20 July	SACMED	Transmittal of Documents re Toft
63) 4102/3/L	Col Wilmer	1 Aug	A/CC	Fenoltea claims there were errors in translation of Doc. "C".
64) 4102/3/L	Col Wilmer	4 "	A/CC	For signature of Gen Alex: Docs.
65) 602.3	Capt Stone	6 "	Cin-C AAI	for Transfer of Rome, Frosinone & Littoria.
66) 276/24/CA	Brig Lush	7 "	PCs and SCAOs	Changes in AMG/ACC due to Toft.
67) 602.3	Capt Stone	14 "	SAC-MED	Transmittal of Docs. on Toft.
68) 1872	Pol Sec	16 "	Gen Alexander	
69) MA 1564	Gen Alexander	17 "	Capt Stone	Exchange of Greetings: Gen Alexander - Bonomi on restoration of
70) S-313	Capt Stone (Doc)	17 "	Gen Alexander	Rome as Capital of Italy.
71) MA 1569	Gen Alexander	19 "	Capt Stone	
72) - -	Capt Stone	19 "	Bonomi	
73) 1/346	R. Prunas	27 "	Mr Caccia	
73a) - -	Mr Caccia	29 "	A/CC	Proposed Transfer of Teramo, Aquila, Pescara, Chieti, Viterbo, and Rieti.
73b) - -	Capt Stone	30 "	Brig Lush	
74) 276/8/CA	Capt Stone	12 Sept.	Hq AAI	
75) 276/129/CA	Capt Stone	30 "	Secy, ACI	

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LIST OF PAPERS

"B" FILES

File under No. 602.3

(2) TOP SECRET

TRANSFER OF TERRITORY

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
28) - -	Gen Robertson	5 Mar	Gen MacFarlane	Suggests amendments and changes to Toft Documents (222).
CG/2/155	Gen MacFarlane	11 "	Gen Robertson	
29) 287.4-2	G-2 AFHQ	2 May	Hq AGC	
30) 4140/L	Legal SubCom.	16 "	VP Admin Sec	"Execution of Document "D" for Transfer of Territory."
31) 4140/L	CSO Admin Sec	20 "	Secy General	
32) - -	Capt Slaughter	20 "	Major Doe	
33) SG 602.3	Major Doe	22 "	Eccon, MMIA, Navy S/C	Suggest following Toft: (1) Campania on 24 June; (2) Foggia & Campobasso 20 July; (3) Rome, Littoria, Posinone on 20 Jul.
34) 4140/L	CSO Admin Sec	25 "	Secy General	
35) ALA-7/NSC	Commo. Zirotti	29 "	Sec'y General	
36) AQ/8	MMIA	30 "	Hq AGC	Transfer of Rome.
37) ES/7	Economic Sec	6 June	Sec'y General	
38) SG 602.3	Major Doe	6 "	CSO Admin Sec	
39) SG 602.3	Gen MacFarlane	8 "	G-5 AFHQ	Subject of (40) being submitted to Advisory Council's recommendations
40) CG/G/367	Gen MacFarlane	11 "	SAC AFHQ	
41) - -	Forconi	27 "	Capt Stone	
42) FX66748	AFHQ G5	1 July	ACC, MAE, AFHQ ADV	Advisory Council OKs move to Rome; impossible yet approve Toft as Chairman in Algiers.
43) FX67063	AFHQ G5	1 "	ACC for ACI	
44) S-266	Capt Stone	5 "	AFHQ, ADV AAI	
45) F 68618	AFHQ SAC	5 "	ACC FOR CC	Toft suggested in (40) approved in principle subject to recommendation of ACI
46) ADV 297	Capt Stone	7 "	AFHQ, AAI	No changes to provinces in (40) but may change times/dates proposed.
47) S-272	Capt Stone	9 "	AFHQ AAI	Propose Toft: (1) Campania, Foggia & Campobasso 20 Jul; (2) Rome, Littoria
48) S-277	Capt Stone	9 "	ACC Adv for SecGen	Posinone, Aug 15; Naples Commune to remain Military Zone under AMG
49) - -	Capt Stone	9 "	Kirk & Charles	Aide Memoire re (47) to ACI.
50) - -	Alex Kirk	10 "	Capt Stone	As instructed by US Govt to OK Toft. provided safeguards are kept.
51) - -	Capt Stone	11 "	Chairman, ACI	Submitting Aide Memoire (49)
52) 276/74/CA	Brig Lush	14 "	PCS and SC:Os	Changes in AEF/ACC due to Toft, etc
53) S-287	Capt Stone	15 "	AFHQ, ADV AAI	AAI & ACI have approved Toft. Request instructions on publicity.
54) - -	Chairman ACI	15 "	Capt Stone	Advisory Council pass unanimously

SERIAL NUMBER	FROM-	DATE	TO-	SYNOPSIS
28) --	Gen Robertson	5 Mar	Gen MacFarlane	Suggests amendments and changes to Toft Documents (???)
29) CC/P/155	Gen MacFarlane	11 "	Gen Robertson	
29) 387.4-2	C-2 AFHQ	3 May	Hq AOC	
30) 4140/L	Legal SubComm.	16 "	VP Admin Sec	
31) 4140/L	CSO Admin Sec	20 "	Secy General	
32) --	Capt Slaughter	20 "	Major Doe	"Execution of Document 'D' for Transfer of Territory."
33) SG 602.3	Major Doe	22 "	Eccon, MIA, Navy S/C	
34) 4140/L	CSO Admin Sec	25 "	Secy General	
35) AD4-7/NSC	Campo. Zaroli	29 "	Sec'y General	
36) AD/8	MIA	30 "	Hq AOC	
37) ES/7	Economic Sec	6 June	Sec'y General	
38) SG 602.3	Major Doe	6 "	CSO Admin Sec	
39) SG 602.3	Gen MacFarlane	8 "	C-2 AFHQ	
40) CC/G/387	Gen MacFarlane	11 "	SAC AFHQ	Suggest following Toft: (1) Campania on 24 June; (2) Poggia & Campobasso 10 July; (3) Rome, Littoria, Grosinone on 20 Jul.
41) --	Pondul	27 "	Capt Stone	Transfer of Rome.
42) FX66746	AFHQ G5	1 July	AOC, MAF, AFHQ ADV	Subject of (40) being submitted to Advisory Council's recommendations
43) FX67063	AFHQ G5	1 "	AOC for ACI	Advisory Council OKs move to Rome; impossible yet approve Toft as Chairman in Alidors.
44) S-266	Capt Stone	5 "	AFHQ, ADV AAI	Toft suggested in (40) approved in principle subject to recommendation of ACI
45) P 68818	AFHQ SAC	5 "	AOC FOR CC	No changes to provinces in (40) but may change times/dates proposed.
46) ADV 297	Capt Stone	7 "	AFHQ, AAI	Propose Toft: (1) Campania, Poggia & Campobasso 20 Jul; (2) Rome, Littoria Prosinone, Aug 15; Naples Commune to remain Military Zone under AMG
47) S-272	Capt Stone	9 "	AFHQ AAI	Aide Memoire re (47) to ACI.
48) S-277	Capt Stone	9 "	AOC Adv for SecGen	An instructed by US Govt to OK Toft
49) --	Capt Stone	9 "	Kirk & Charles	T. provided safeguards are kept.
50) --	Alex Kirk	10 "	Capt Stone	Submitting Aide Memoire (42)
51) --	Capt Stone	11 "	Chairman, ACI	Changes in AOC/ACC due to Toft, etc
52) 276/72/CA	Brig Lush	14 "	PCS and SCAs	AAI & ACI have approved Toft.
53) S-287	Capt Stone	15 "	AFHQ, ADV AAI	Request instructions on publicity.
54) --	Chairman ACI	15 "	Capt Stone	Advisory Council pass unanimously
55) S-288	Capt Stone	15 "	AFHQ, ADV AAI	resolution approving Toft as in 49.
56) FX 72878	AFHQ G5	16 "	AOC, DERO AFHQ ADV	Publicity on Transfer.
57) A/CC 602.3	Capt Stone	16 "	C-in-C AAI	Toft Documents for 4320 Sure.
58) S-292	Capt Stone	17 "	AFHQ, ADV AAI	Publicity on Transfer.
59) P-73226	AFHQ G5	17 "	ADD ADV for Stone	Substance of provision reserving Naples Commune under AMG.
60) ACC 676	Col Upjohn	18 "	AFHQ FOR SAC/ED	SAC approves release on 20 July of press announcement on Toft.
61) FX 73322	AFHQ G5	18 "	AOC for Stone	

TOP SECRET

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LIST OF PAPERS

File under No 602.3

"E" FILES

(1) TOP SECRET

TRANSFER OF TERRITORY
(to Italian Government)

SERIAL NUMBER	FROM--	DATE	TO--	SYNOPSIS
1) - -	- -	12 Nov 43	- -	Discussion Gen Joyce, Holmes, Taylor etc on: (1) Transfer of Territory; (2) Advisory Council; (3) AMFA Funds for Public Works; (4) Airplane for ACC. INCL: Proposed Proclamations A, B, & C. Document by Holmes on proposed functions of Advisory Council.
2) FAN 315	AGWAP fr CCS	5 Jan	AFHQ - Eisenhower Directive on Toft.	
3) 25348	AFHQ MCS	7 "	PATIMA, FILPOT, FARGO	Directive on Toft rec'd fr CCS.
4) 1884-PAT	Gen Taylor	8 "	AFHQ	Badoglio requests transfer Salerno province to coincide with move.
5) 25992	AFHQ MCS	9 "	PATIMA	Col Pairman enroute with Terms of Text
6) 2013-PAT	Gen MacFarlane	17 "	AFHQ - Gen Wilson	Sardinia/Sicily ripe for ACC; took over from Joyce 16th; Govt ready move as soon as Toft is OK'd.
7) 41997	AFHQ MCS	23 "	PATIMA, FILPOT & FARGO, FAIRBANKS	General directive approved by CCS for transfer on 10 Feb; press announcement; etc.
8) Fargo 510	Gen MacFarlane	26 "	AFHQ	Gen Alex agrees on 10 Feb and also new Document "D".
9) Fargo -	Gen MacFarlane	27 "	AFHQ, FILPOT, PATIMA	Documents now with Badoglio, who agrees on 10 Feb.
10) 387.4-2	MCS AFHQ	24 "	-	Draft press announcement.
11) Pat 2188	Capt Stone	27 "	AFHQ, FARGO	Suggested comments on 10 by AGC.
12) Pat 2191	Capt Stone	28 "	AFHQ	Suggest change in press announce.
13) 091.1	Capt Stone	29 "	Gen MacFarlane	Forwards draft press announcement
14) DE/2/33	Gen MacFarlane	1 Feb	AFHQ USPA FPM SAC	Suggested changes of Docs. A, C, D
15) Fargo 655	Gen MacFarlane	1 "	AFHQ USPA FPM SAC	by Italian Government, comments.
16) 46943	AFHQ MCS	3 "	FARGO, PATIMA, FAIR	Changes suggested in 14 cannot be accepted, except... King should not be mentioned in procl. by Badoglio
17) Ferro 745	Gen MacFarlane	5 "	BANKS	Cannot assure Govt that financial liabilities limited to free tpt.
18) Fargo 780	Gen MacFarlane	7 "	AFHQ, ACAF	Badoglio sg'd docs. Toft w/ 11 Feb.
19) 48486	AFHQ MCS	7 "	FARGO, MacFarlane	Badoglio now requests transfer of Partellera, Lampedusa, Linosa.
20) Fargo 833	Gen MacFarlane	9 "	AFHQ, SAC, USPA, FPM	Changes to Draft Press Announcement.
21) Fargo 854	Gen MacFarlane	9 "	AFHQ SAC, USPA FPM	Propose make announcement midnight
22) 49408	AFHQ MCS	9 "	PATIMA, FARGO	
23) Fargo 856	Gen MacFarlane	10 "	AFHQ MCS	

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1)	- -	12 Nov 43	- -	Discussion Gen Joyce, Holmes, Taylor etc on: (1) Transfer of Territory; (2) Advisory Council; (3) AUSA Funds for Public Works; (4) Airplane for ACC. INCL: Proposed Proclamations A, B, & C. Document by Holmes on proposed functions of Advisory Council.
2)	PAN 315	AGWAR fr CCS	5 Jan	AFHQ - Eisenhower Directive on Toft.
3)	25348	AFHQ MCS	7 "	PATIMA, FILIPOT, FARGO Directive on Toft rec'd fr CCS.
4)	1884-PAT	Gen Taylor	8 "	AFHQ Badoglio requests transfer Salerno province to coincide with move.
5)	25992	AFHQ MCS	9 "	PATIMA Col Fairman enroute with Terms of text
6)	2013-PAT	Gen MacFarlane	17 "	AFHQ - Gen Wilson Sardinia/Sicily ripe for ACC; took over from Joyce 16th; Govt ready move as soon as Toft is OK'd.
7)	41997	AFHQ MCS	23 "	PATIMA, FILIPOT & FARGO, PAIRREANE General directive approved by CCS for transfer on 10 Feb; press announcement; etc.
8)	Fargo 510	Gen MacFarlane	26 "	AFHQ Gen Alex agrees on 10 Feb and also new Document "D".
9)	Fargo -	Gen MacFarlane	27 "	AFHQ, FILIPOT, PATIMA Documents now with Badoglio, who agrees on 10 Feb.
10)	387.4-2	MCS AFHQ	24 "	- Draft press announcement.
11)	Pat 2128	Capt Stone	27 "	AFHQ, FARGO Suggested comments on 10 by ACC.
12)	Pat 2191	Capt Stone	28 "	AFHQ Suggest change in press announce.
13)	091.1	Capt Stone	29 "	Gen MacFarlane Forwards draft press announcement
14)	DP/G/35	Gen MacFarlane	1 Feb	AFHQ USPA, FPM SAC Suggested changes of Docs. A, C, D
15)	Fargo 655	Gen MacFarlane	1 "	AFHQ USPA, FPM SAC by Italian Government, comments.
16)	46945	AFHQ MCS	3 "	FARGO, PATIMA, PAIR Changes suggested in 14 cannot be accepted, except... King should not be mentioned in procl. by Badoglio
17)	Fargo 745	Gen MacFarlane	5 "	BANKS Cannot assure Govt that financial liabilities limited to free tot.
18)	Fargo 780	Gen MacFarlane	7 "	AFHQ, ACMT Badoglio agd docs. Toft wef 11 Feb.
19)	48486	AFHQ MCS	7 "	FARGO, MacFarlane Badoglio now requests transfer of Pantelleria, Lampedusa, Linosa.
20)	Fargo 833	Gen MacFarlane	9 "	AFHQ, SAC, USPA, FPM Changes to Draft Press Announcement.
21)	Fargo 854	Gen MacFarlane	9 "	AFHQ, SAC, USPA, FPM Propose make announcement midnight
22)	49408	AFHQ MCS	9 "	PATIMA, FARGO Press release of Transfer of Salerno, & south, Potenza, Bari, Sicily and Sardinia.
23)	Fargo 856	Gen MacFarlane	10 "	AFHQ MCS Ital texts of Docs. A, B, D returned.
24)	- -	- -	10 "	- - Badoglio asks for transfer of Pantelleria, Lampedusa, Linosa.
25)	276/27/CA	Brig Lush	12 "	All Concerned Sending translation of Docs. for signature; copy of ltr to Gen Wilson; interview with Badoglio.
26)	CC/G/50	Gen MacFarlane	13 "	Col V. John
27)	CC/G/72	Gen MacFarlane	17 "	CinC AFHQ
27a)	CC/G/47	Gen MacFarlane	12 "	Gen Alexander

TOP SECRET

C O P YS E C R E T .Ref. 276/129/CA.30th September 1944.

SUBJECT: Handover of territory to Italian Government.

TO : Secretary, Advisory Council for Italy.

1. The Italian Government have recently been pressing for an early restoration to their control of the Provinces of TERAMO, AQUILA, PESCARA and CHIETI, on the grounds that, among other things, the Province of CHIETI was liberated over nine months ago, and that in TERAMO and AQUILA the activities of the patriots has given ample proof of anti-German and anti-Fascist sympathies. These headquarters are in full agreement that from the administrative point of view these Provinces could be handed back at any moment and would suggest October 10th as a suitable date.

2. In order to conform to the new boundary of AFHQ administrative responsibility in Italy, and thereby to simplify certain aspects of administration and legislation, it is considered that the Provinces of VIETRI and CHIETI might also be handed back to the Italian Government at the same time. The damage suffered in these Provinces was not so great as in the areas where the Armies halted for a period. Public works are now well in hand, the Italian provincial administration is working, and except for a small portion of VIETRI, the whole area is South of the Rear Army Security Control Line.

3. An additional advantage in this proposal is that it would enable the Allied Control Commission to withdraw at once a small number of officers badly needed in the North.

4. The matter has been referred to C-in-C, Allied Armies in Italy, who has replied that he has no objection to the proposed transfer.

5. Before referring the matter to SAC for final consideration we have been directed to enquire the views of the members of the Advisory Council. Perhaps you would kindly arrange to have the matter brought up for discussion at the next meeting of the Council on October 6th.

3145
Mg. S. C. Sec'y Gen.
DISPATCHED
Date Time 1 - Oct 1944
Via AG 1300
Initials CH.

ELLERY W. STONE
Captain, USMC 518
Acting Chief Commissioner

cc: R.C. + M.G. Sec.

FILED A-075

SECRET

Ref/276/3/CA. (a/cd 500.3)

12 September 1944.

SUBJECT: Transfer of additional territory to Italian Government.

TO : HQ. Allied Armies in Italy.

1. The Italian Government have recently been pressing for an early restoration to their control of the Provinces of TERAMO, AQUILA, PESCARA and CHIETI on the grounds that, among other things, the Province of CHIETI was liberated over 9 months ago, and that in TERAMO and AQUILA the activities of the patriots has given ample proof of anti-German and anti-Fascist sympathies. These headquarters are in full agreement that from the administrative point of view, these Provinces could be handed back at any moment.

2. In order to conform to the new boundary of AFHQ, and thereby to simplify certain aspects of administration and legislation, it is considered that the Provinces of VITERBO and Rieti might also be handed back to the Italian Government at the same time. The damage suffered in these Provinces was not so great as in the areas where the Armies halted for a period. Public works are now well in hand, the Italian provincial administration is working and except for a small portion of VITERBO, the whole area is South of the Rear Army Security Control Line.

3. An additional advantage in this proposal is that it would enable the Allied Control Commission to withdraw at once a small number of officers badly needed in the North.

4. Your approval is therefore sought for a proposal to hand back to the Italian Government the Provinces of TERAMO, AQUILA, PESCARA, CHIETI, VITERBO and Rieti. The date suggested for this transfer is September 30th.

602.3

50 190

13 Sept 1944

H.G.

D.R.R.

ELERY W. STONE
Captain, USAR
Acting Chief Commissioner

(Drafted by RC & MG Sect --CA Br)

4517

74

Acting Chief Commissioner

Transfer of additional territory to
Italian Government

30 August

4

Brigadier Lush, Executive Commissioner

1. Re attached:

a. Letter 1/346 of 27 August, Prunas to Caccia, relative to additional turn over of territory to Italian Government.

b. Caccia's note, 29 August, re a.

2. For your information in connection with para 6 g, Notes of VP's meeting, 28 August 44.

Stone

2 Incls:
as above

Hq ACC Sec'y Gen.	
DISPATCHED	
Date - Time	30 AUG 1944
Via	1700
Initials	41

FILES A-10

4516

734

August 29, 1944

MEMORANDUM TO: Acting Chief Commissioner
FROM : Political Section

Del Balzo of the Italian Foreign Office gave me this letter today. I told him for Prunas' and his confidential information that the matter had already come up here and that we were going into it. At the same time he must realize that these things took time to arrange. General Alexander's approval was necessary as Military Governor of Italy, and AFHQ and the Advisory Council had also to be consulted. It was thus a matter of weeks at least.

He said that he understood this and was grateful that we had already got it in mind.

Harold Caccia

73a

Ministero degli Affari Esteri
Il Segretario Generale

Rome, 27 AUG 1944

Dear Caccia,

various Italian personalities have recently represented to the President of the Council of Ministers the fact that the region of Abruzzi is amongst those which have not as yet been restored to the Italian Administration. This, they state, is all the more disappointing to the population as, in fact, with its attitude and its actions, it has given clear proof of anti-german and anti-fascist feelings.

Indeed you will surely recall the activities of the patriots, in the region of Mount Majella and, particularly, of the province ~~of the province~~ of Teramo and Aquila, the former liberated by patriots themselves, the latter by the Italian Corps of Liberation. The fact should also be borne in mind that a part of Abruzzi, namely, the Province of Chieti was liberated over nine months ago.

A favourable and prompt decision on the restoration of this territory would therefore be amply justified and warmly welcomed by public opinion.

I should be very grateful if you could see your way to calling the attention of the competent quarters of the ACC on these considerations, and if you would be so good as to let me know with what reception they have met.

Very sincerely yours

R. Prunas

Harold A. Caccia Esq.,
Vice President
Allied Control Commission
Political Section
R O M E

EWB/hjp

19 August 1944

My dear Mr. Prime Minister:

I am pleased to be able to hand to Your Excellency the following message from General Alexander:

"I much appreciate your tribute to the Allied armies under my command. It is a matter of satisfaction to me that Italian troops have played their part on our recent victory and I know that this contribution to the joint war effort against the Nazi aggressor will grow as the days go by until Italy and her people will once again be free. I send my best wishes to the people of Rome as citizens of the capital city of your country."

MILITARY W. STONE
Captain, USAR
Acting Chief Commissioner

His Excellency Ivanoe Bonomi
The President of Council of Ministers
Italian Government

4514

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RESTRICTED

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HQ ACC

N57/19

ADV HQ AAI

RESTRICTED

MA1589

IMMEDIATE

AUG191155B

PERSONAL FOR CAPTAIN STONE FROM GENERAL ALEXANDER. PLEASE PASS
FOLLOWING MESSAGE FROM ME TO PRIME MINISTER BONOMI. BEGINS. I MUCH
APPRECIATE YOUR TRIBUTE TO THE ALLIED ARMIES UNDER MY COMMAND. IT IS
A MATTER OF SATISFACTION TO ME THAT ITALIAN TROOPS HAVE PLAYED THEIR
PART ON OUR RECENT VICTORY AND I KNOW THAT THIS CONTRIBUTION TO THE
JOINT WAR EFFORT AGAINST THE NAZI AGGRESSOR WILL GROW AS THE DAYS GO
BY UNTIL ITALY AND HER PEOPLE WILL ONCE AGAIN BE FREE. I SEND MY BEST
WISHES TO THE PEOPLE OF ROME AS CITIZENS OF THE CAPITAL CITY OF YOUR
COUNTRY. ENDS

ACC DIST

ACTION- SEC GEN

INFO- A/CC

FILE 2

FLOAT

FILES A B

RESTRICTED

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

785015

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ADV HQ AAI

HQ ACC

8-313

17 AUG

folio # 61

RESTRICTED

PRIORITY

SECRETARY GENERAL

YOUR MESSAGE AMEL ONE FIVE EIGHT FOUR IS REFERENCE PD PAREN TO BEN QUEEN ALLIED
ARMIES IN ITALY FOR GENERAL ALEXANDER FROM ACC FROM ST NE PAREN WHILE I AGREE
TO REPLY IS NECESSARY I THINK A FEW WORDS OF ACKNOWLEDGMENT WOULD BE
APPRECIATED

AUTHENTICATED:

ROBERT E. DOE
Major, A.J.B.
Secretary General

602.3

cc: Pol. Sec.

See 71

30 244

Hq ACC	Sec'y Gen.
DISPATCHED	
Date-Time	11 Aug 1700
Via	<i>Sign.</i>
Initials	<i>OKR</i>

RESTRICTED

Files # 4512

70

DC59 LRAR V LRZQ NEWYTU IMMEDIATE

T

FROM ADV HQ AAI 771036 B

O HQ ACC

QCY GR43 BT

Ref: MA 1584 CONFIDENTIAL . PERSONAL FOR CAPTAIN STONE FROM
GENERAL ALEXANDER . REF YOUR 1872 OF 16 AUG SUBJECT
MESSAGE FROM BONOMI. *Pl. Sec.*

IN VIEW OF MY RECORDING A MESSAGE YESTERDAY I DO NOT
THINK A REPLY IS NECESSARY. WHAT DO YOU THINK?

BT 171035

RPTN 267 OF 171035 43 MA1584

AND TO HQ ACC IMI ACC 1872 16

171035 RM B

cc: Pl. Sec.

0 9 3 6

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

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HEADQUARTERS ALLIED ARMIES IN ITALY FOR GENERAL ALEXANDER

ACC

1872

AUG 16

RESTRICTED

PRIORITY

POLITICAL

FOLLOWING IS THE TRANSLATION OF LETTER FROM PRIME MINISTER BONOMI TO YOU WHICH WILL APPEAR IN TODAY APOSTROPHE SUGAR AFTERNOON PRESS PD PAREN TO HOW QUEEN ALLIED ARMIES IN ITALY FOR GENERAL ALEXANDER FROM ACC FROM STONE PAREN MESSAGE BEGINS ON THIS FIRST DAY IN WHICH THE GOVERNMENT IS REASSUMING ITS POWERS IN ROME WHICH HAS BEEN RETURNED TO THE ITALIAN STATE MY THOUGHTS GO WITH ADMIRATION AND GRATITUDE TO THE ARMIES CMA WHO UNDER YOUR ORDERS CMA HAVE DRIVEN THE GERMAN INVADER UP TO THE LINE OF THE APPENINES CMA THUS MAKING POSSIBLE THE AUSPICIOUS EVENT WHICH WE ARE CELEBRATING TODAY PD AMONG THESE BRAVE AND VICTORIOUS TROOPS CMA WHO REPRESENT IN THEIR VARIOUS ORIGINS AND RACES THE WORLD CRUSADE AGAINST FASCIST AND NAZI TYRANNY CMA THERE ARE ALSO ITALIAN TROOPS PD THEIR NUMBER IS SMALL IN COMPARISON WITH THE GREAT BRITISH AND AMERICAN ARMIES PD BUT I ASSURE YOU THAT THEY ARE THE HEIRS OF THE ITALIAN ARMIES CMA WHO IN ONE NINE ONE EIGHT FIGHTING SIDE BY SIDE WITH YOURS AGAINST THE SAME ENEMY CMA WROTE THE GLORIOUS PAGES OF THE PIAVE AND OF VITTORIO VENETO PD THE SAD RESULTS OF AN INSANE POLICY CMA CONTRARY TO THE TRADITIONS AND IDEALS OF NATION CMA HAVE LED US TO THE PRESENT SITUATION PD BUT IT IS NOT NUMBERS THAT COUNT COLON IT IS THE SPIRIT OF A PEOPLE AND OF ITS SOLDIERS PD I CAN ASSURE YOU THAT THE SPIRIT OF THE ITALIAN PEOPLE IS WITH YOU CMA WITH THE UNITED NATIONS CMA WITH THE GREAT IDEALS OF LIBERTY AND PEACE WHICH ILLUMINATE YOURS AND OUR FLAGS PARA WITH THESE SENTIMENTS I SEND TO YOU AND TO YOUR TROOPS THE GRATITUDE OF ROME WHICH TODAY RETURNS FULLY TO ITS FUNCTION AS CAPITAL OF LIBERATED ITALY END MESSAGE.

4510

68

SECRET

BWS/bjp

A/CC 602.3

14 August 1944

SUBJECT: Transmittal of Documents re Restoration of Italian Territory

TO: Supreme Allied Commander - Mediterranean, AFHQ, APO 512

1. Inclosed are certified copies of the following documents affecting the transfer of the provinces of Rome, Frosinone, and Littoria to the Italian Government as of 15 August 1944:

- Document "A" - Terms of Restoration of Additional Italian Territory.

Document "B" - Allied Military Government of Occupied Territory, Proclamation No. 16b.

Document "C" - Proclamation by the Italian Government.

2. The signed copies of these documents are on file at this headquarters.

3 Incls:
as above

Not to be filed

ELMER W. STONE
Captain, USMC
Acting Chief Commissioner

602.3



file 4509

SECRET

67

185015

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. Section
APO 394

Col. Mansueti

7-Aug-44

HQ ACC. APO 394
486 S. Gen.
Rec'd 8 Aug 1944
By *WRR*

Ref/276/94/CA

SUBJECT: - Handover of Territory to the Italian Government.

TO: R.C.'s Regions I, II, III, IV, V, VI, VII, VIII, IX, 'Z', & 'Y'.
S.C.A.O.'s Fifth and Eighth Army.

1. Effective as from 0001 hours, 15 August 1944, the Provinces of ROME, LITTORIA and FROSINONE (Region IV) will be handed over to the Italian Government.
2. Regional Commissioner, Region IV, will thereafter operate in an advisory role throughout the above Provinces. The remaining Provinces of VITERBO, RIETI, TERNI and FERUGIA will continue under Military Government.

WRR
+
Brigadier,
Executive Commissioner.

Copy to: List "C", Group I, Less 38 - 43.
G-5, AFHQ.
HQ., A.A.I.

4508

files AB/Adm 66

602.3

SECRET

EWS/hd

A/OS 602.3

6 August 1944

Subject: Restoration of Territory

To: Commander-in-Chief, Allied Armies in Italy

1. Attached terms of restoration of territory are submitted for signature, please. As you will recall, this transfer has been approved by your Headquarters and AFHQ.

2. The territory to be restored to the Italian Government comprises the Provinces of ROME, FROSINONE and LITTORIA.

Document "A" is a SECRET reservation of powers to you as Commander-in-Chief over the territory to be restored.

Document "B" is a public proclamation terminating Military Government in the area concerned.

3. Document A has been made shorter than the previous Document A by incorporating by reference in the former the terms and conditions of restoration contained in the latter rather than repeating them verbatim.

4. Document B is word for word the same as that used in the last restoration of territory except as to date and territory.

5. It will be appreciated if the papers can be returned by 13 August 1944 in order that the signature of the Italian Prime Minister may be obtained on the 14th.

6. It will be necessary for you to sign two copies of each document.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

2 Incls:

Incl 1 - Document "A" (in dupl)

Incl 2 - Document "B" (in dupl)

SECRET

4507

Files HEB/70065

U. S. SECRET
Equals British SECRET

COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Sub-Commission
APO 394

Tel. No. 563

RM/pa.

ACC/4102/3/L

4 August 1944.

SUBJECT: Restoration of Provinces of Littoria, Rome and Frosinone

To : Acting Chief Commissioner

1. I enclose two copies of the following documents:

- (a) Document A
- (b) Document B in English and in Italian
- (c) Document C in English and in Italian

2. Documents A and B are ready for the signature of General Alexander. Document C is ready for the signature of Sig. Bonomi.

3. Document A has been made shorter than the previous Document A by incorporating by reference in the former the terms and conditions of restoration contained in the latter rather than repeating them verbatim.

4. Document B is word for word the same as that used in the last restoration of territory except as to date and territory.

5. Document C in its English text is word for word the same as that used in the last restoration of territory except as to date and territory. The Italian form of Document C in its present form has been approved by a representative of the Council of Ministers who called on me yesterday afternoon.

6. It is not now necessary to have a separate Document D, its contents having been taken care of in the last paragraph of Document A.

7. Incidentally two of the decrees required by previous Document D and just published in the last Official Gazette contain errors which have already been called to the attention of the Italian representative. These errors will have to be corrected by amendments which should be published in the next Official Gazette. Document C of the last restoration which according to Document D was to be published in the Official Gazette has not been published. I have requested that this be done without further delay.

/s/ Richard H. Wilmer
/t/ RICHARD H. WILMER, 4506
Colonel, C.A.C.,
Acting Chief Legal Officer

U. S. SECRET
Equals British SECRET

files H-13/400
64

SECRET

DOCUMENT ATERMS OF RESTORATION OF
ADDITIONAL ITALIAN TERRITORY

WHEREAS, successively on 11 February 1944, and on 20 July 1944, certain territory in Italy previously occupied by the Allied Forces has been restored to the jurisdiction of the Italian Government, and

WHEREAS, since said last mentioned date additional territory in Italy has been liberated from German domination, and

WHEREAS, the Italian Government has requested that certain additional 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, SIR HARMOLD S.M.C. ALEXANDER, G.C.B., G.B.E., D.S.O., M.C., General, Commander in Chief Allied Armies in Italy and Military Governor, by virtue of authority vested in me by General Sir Henry Maitland Wilson, G.C.B., K.C.B., D.S.O., Supreme Allied Commander, Mediterranean Theater, 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 Italy comprising the Provinces of Rome, Frosinone and Littoria.

Terms of Restoration: All the rights, powers and immunities reserved in Document A entered into at the time of the restoration of certain territory to the jurisdiction of the Italian Government as of 0001 hours 20 July 1944 shall be deemed to be applicable to the above described territory now being restored to the jurisdiction of the Italian Government as if expressly set forth herein, including those requirements set forth in Document "D" annexed to said Document "A" which have not yet been complied with or which require repetition so as to be applicable to the additional territory now being restored to the jurisdiction of the Italian Government pursuant hereto.

4505

General,
Commander in Chief Allied Armies in Italy
and Military Governor.

SECRET

64

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

Tel. No. 563

AGC/102/3/L

RHW/ap
1 Aug 1944

SUBJECT : Memorandum.
TO : The Acting Chief Commissioner.

You will recall that at the last minute before the restoration of territory to the jurisdiction of the Italian Government on 20 July, H. E. FENALTEA stated that there were errors in the translation of Document C which Professor Forti had himself previously approved. The error H. E. FENALTEA, pointed out in my conference with him was not an error at all, but rather a preference for the use of some more fancy word. At that time I gave him a copy of Document C as it had been printed and asked him to send it back to me at an early date with any suggestions in order that they might be considered in preparing Document C for the 15 August restoration. Although, at the same time, I gave him my name and address, I have not received any word from him. To Count Roberti who appeared later in connection with these matters I have repeated my request for suggestions, but so far none is forthcoming. In order to put this document in final form and to be prepared to have it printed I would appreciate it, if you would request immediate action.

/s/ R. H. WILMER,
/t/ R. H. WILMER
Col. CAC
Acting Chief Legal Officer

Pencil notes: "This matter is now being directly handled by Count Manassei (?) (Pres. Cons) with Col. Wilmer"

Grotanelli. 4 Aug.

Files A & (B)

4504

63

185015

U. S. SECRET
Equals British SECRET

WES/hjp

File A7(B)

A/CC 602.3

20 July 1944

SUBJECT: Transmittal of Documents re Restoration of Italian Territory

TO : Supreme Allied Commander - Mediterranean, AFHQ, APO 512

1. Inclosed are certified copies of the following documents effecting the transfer of additional Italian territory to the Italian Government as of this date:

Document "A" - Terms of Restoration of additional Italian Territory.

Document "B" - Allied Military Government of Occupied Territory, Proclamation No. 16a.

Document "C" - Proclamation by the Italian Government.

Document "D" - Letter to the President of the Council of Ministers.

2. The signed originals of these documents are on file at this headquarters.

ELBERT W. STONE
Captain, USMC
Acting Chief Commissioner

4 Incls:
as above

602.3

4503

U. S. SECRET
Equals British SECRET

6h

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

185015

SECRET

1124

ACC MAIN FOR TOWNSHIP ~~XXI~~/ AAI ADV AFHQ ADV CP

64/18

AFHQ BGR SACRED

SECRET

X73322

OF PRIORITY

JUL181518

CITE/PHOTO

foliant 53

foliant 54

Tb A (B)

SACRED APPROVED RELEASE ON 20 JULY OF PRESS ANNOUNCEMENT OF
TRANSFER OF ~~DETERMINED~~ TERRITORY TO ITALIAN ADMINISTRATION. PARA 2
YOUR ACCE 287 WAS ANSWERED BY OUR X72878: CONTACT COL ASTLEY, DPRO
AFHQ, ADV DRESS HEADQUARTERS, ROME AND HAVE HIM ARRANGE DETAILS OF
RELEASE, SIMULTANEOUS AT ADVISERS, ROME AND NAPLES IN COOPERATION
WITH GENERAL TUPPER, PRO AFHQ ADVANCE. PARA 3. THE PRESENT
MESSAGE ANSWERS YOUR B293 AND COMPLETES AUTHORITY TO MAKE PRESS
ANNOUNCEMENT

foliant 58

ACC DIST

ACT- SEC GEN

INF- CSO

A/SC

FILE

602.3

4502

SECRET

JUL181515

61

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

185015

AFHQ FOR SACRED

HQ ACC FROM UPJOHN

676-576

18

SECRET
PRIORITY
ADMIN SEC.

F 7 3 2 2 6 1724

IN REPLY TO YOUR FOX SEVEN THREE TWO TWO SIX DATED SEVENTEEN JULY SUBSTANCE IS AS
 FOLLOWS PAREN TO AFHQ FOR SACRED FROM HQ ACC FROM UPJOHN PAREN QUOTE SECRET THE
 SOMEONE OF NAPLES IN THE PROVINCE OF NAPLES WHICH BY REASON OF MILITARY NECESSITY
 SHALL REMAIN A MILITARY ZONE UNDER MY SOLE CONTROL AND ADMINISTRATION AS C IN C AND
 IN WHICH ALL PROCLAMATIONS AND ORDERS ISSUED BY ME OR BY MY AUTHORITY AND NOW EFFECTIVE
 SHALL REMAIN IN EFFECT UNTIL RESCINDED OR ~~RESCINDED~~ AMENDED OR MODIFIED PD
 UNQUOTE

602.3

4501

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0940

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

785015

SECRET

ACC, APO
03
Rec'd 18 Jul 1950
By

1102

Sec Gen

ACC ADV FOR STONE

23/18

AFTER SIGNED SIGNED

SECRET

F 73226

PRIORITY

July 17/1952
ACCA/11010

0100 FINE

FOR OUR INFORMATION, AND WITHOUT AFFECTING YOUR AUTHORITY TO PROCEED, CABLE
SUBSTANCE OF THE PROVISION RESERVING MILITARY ZONE AT NAPLES IN INSTRUMENT FOR
TRANSFER OF FURTHER TERRITORY

MADECAST
18 JUL 1950
A.C. 10

Dist
info
Action
CCAC 2
info
Sec Gen
K/C
File 2

See 60

SECRET

4500

59

JULY 18/1950

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

185015

File A (B)

SECRET

AFHQ RPTD ADV AAI RPTD ADV AFHQ

HQ ACC

S-292

17 July 44.

float 53

SECRET

PRIORITY

ACTING CHIEF COMM.

NO REPLY RECEIVED MY CABLE SUGAR TWO EIGHT SEVEN OF FIFTEEN JULY CONCERNING
 PUBLICITY ON TRANSFER OF TERRITORY PL PAREN TO AFHQ FOR SAGGED FOR ACTION CMA
BRITISH RESIDENT MINISTER CMA AMERICAN POLITICAL ADVISOR FOR INFO RPTD ADV AAI
FOR ALEXANDER RPTD ADV AFHQ FOR INFO FROM HQ ACC FROM STONE PERSONAL PAREN AS
 TRANSFER IS EFFECTIVE TWENTIETH JULY AN EARLY REPLY IS URGENTLY REQUESTED

DISTRIBUTION:

- 1 - Hon. Alexander Kirk
- 1 - Sir Noel Charles
- 3 - Political Section (for Advisory Council)
- 1 - VP Special float file

SECRET

4499

C-in-C

Major Friend-Jones brought this up from Rome for your signature and will wait to take it back tomorrow morning, Monday. He informs me that General Robertson has approved both the transfer and the date.

Wmf

16 July 44.

See Lipton
(where did we go from Rome?)

ST

SECRET

BWS/hjp

A/CC 602.3

16 July 1944

SUBJECT: Restoration of Territory

TO: The Commander-in-Chief, Allied Armies in Italy

1. Attached terms of restoration of territory are submitted for signature, please, the Advisory Council having yesterday recommended them to approve such restoration on the 20 July 1944.

2. The territory to be restored to the Italian Government comprises the Provinces of FOGGIA, CANUSANO, BENEVENTO, AVELLINO and NAPLES less Naples Comune which will remain under Allied Military Government. The terms are substantially identical with those of the previous hand-over at the 11 February 1944.

Document "A" is a SECRET reservation of powers to you as Commander-in-Chief over the territory to be restored.

Document "B" is a public proclamation terminating Military Government in the area concerned.

3. It will be appreciated if the papers can be returned by 18 July 1944 in order that the signature of the Italian Prime Minister may be obtained on the 19th.

4. It will be necessary for you to sign two copies of each document.

2 Incls:
Incl 1 - Document "A" (in dupl)
Incl 2 - Document "B" (in dupl)

MILBY E. STONE
Captain, USAR
Acting Chief Commissioner

4498

cc: Files A-B

SECRET

57

SECRET

9/6B/AS

SUBJECT : Restoration of Territory.

TO : Secretary General

- 1 In accordance with instructions received verbally from Acting Chief Commissioner, the attached letter and documents are submitted for signature and forwarding to HQ AAI.
- 2 The covering letter if approved, can be signed and forwarded, but will require a file reference number of your office before doing so. You may however deem it advisable to re-type on your office headed paper.

ADMIN SEC
16 Jul 44.

R.R. Chips
R.R. CHIPS, Col
CSO Adm Sec.

SECRET

4491

51

SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

16 Jul 44

SUBJECT : Restoration of Territory.

TO : The Commander in Chief, AAI.

- 1 Attached terms of restoration of territory are submitted for signature please, the Advisory Council having yesterday recommended AFHQ to approve such restoration on the 20 Jul 44.
- 2 The territory to be restored to the Italian Government comprises the Provinces of FOGGIA, CAMPORASSO, BENEVENTO, AVELLINO and NAPLES less Naples Commune which will remain under Allied Military Government. The terms are substantially identical with those of the previous hand-over at the 11 February 44.

Document "A" is a SECRET reservation of powers to you as Commander -in-Chief over the territory to be restored.

Document "B" is a public proclamation terminating Military Government in the area concerned.

- 3 It will be appreciated if the papers can be returned by 18 Jul 44 in order that the signature of the Italian Prime Minister may be obtained on the 19th.
- 4 It will be necessary for you to sign two copies of each document.

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

4496

SECRET

51

SECRET

1047

File A (3)

ADD MAIN FOR ACTION AND TO DPRO, AFHQ ADV PRESS HQ ROME-PRO
 AFHQ ADV FOR INFO 84/17

AFHQ SCD SACHED

FX72870

JUL 16 1747

SECRET

PRIORITY

CITE/PRESS

ANSWER TO ACUS 287. PARA. CONTACT COL ASTLEY, DEPUTY PRO, AFHQ, ADV PRESS
 HQ, ROME, AND HAVE HIM ARRANGE RELEASE DETAILS, SIMULTANEOUS AT ROME,
 ALGERIA AND NAPLES, IN COOPERATION WITH GENERAL TURPIN, PRO AFHQ, AT
 AFHQ ADVANCE. FINAL APPROVAL FOR release VOTE must BE obtained FROM
 SACHED; SHOULD NOT BE RELEASED BEFORE 20 JULY

ADD DIST

ACT: SEC GEN

INF: CSO

A/CC ✓

FILE 2

. 4495

SECRET

JUL 17 1600

J6

785015

Files A (B)

SECRET

AFHQ RPTD ADV AAI RPTD ADV AFHQ

HQ AGO

S-228

19 JUL

SECRET

PRIORITY

ACTIVE CHIEF COMM.

REFERENCE MY CUGAR TWO EIGHT SEVEN OF FIFTEEN JULY PD PARM TO AFHQ FOR SACED FOR
 ACTION CUG. BRITISH RESIDENT MINISTER CUG AMERICAN POLITICAL ADVISOR FOR INFO RPTD
 ADV AAI FOR ADVISOR FOR INFO RPTD TO AFHQ ADV FOR INFO FROM H. AGO FROM STONE
 PERSONAL PARM CUG AGO CHAIRMAN IN OFFICE OF THE ALLIED ADVISORY
 COUNCIL FOR ITALY CUG AGO THAT THE FOLLOWING TEXT OF RESOLUTION PASSED
 UNANIMOUSLY AT MEETING OF THE ALLIED ADVISORY COUNCIL FOR ITALY ON FIFTEEN JULY
 BE TRANSMITTED TO THE SUPREME ALLIED COMMANDER COLON QUOTE THE ALLIED ADVISORY
 COUNCIL FOR ITALY HAVE EXAMINED THE PROPOSAL MADE BY CAPTAIN STONE ON JULY NINETEEN
 TO THE SUPREME ALLIED COMMANDER FOR THE TRANSFER OF CERTAIN TERRITORIES TO ITALIAN
 ADMINISTRATION AND THEY RECOMMEND THAT THE PROPOSAL SHOULD BE IMMEDIATELY
 IMPLEMENTED PD UNQUOTE

(54)
 AUTHENTICATED:

L. D. HENSHIRE
 Colonel, Sig C
 Chief Staff Officer

cc: Maj. Alexander Kirk
 Air Base Charles
 Political Section

cc: 3- Advisory Council
 1- VP float

cc: Mrs. Hopkins, 10/10/48

4494

55

OFFICE OF THE BRITISH HIGH COMMISSIONER IN ITALY
R O M E

15 July 1944

Sir,

With reference to your letter of the 11th July, I have the honour to inform you in my capacity as Chairman in Office of the Allied Advisory Council for Italy that the Council, at their meeting held today, passed unanimously the following resolution:

"The Allied Advisory Council for Italy have examined the proposal made by Captain Stone on July 9th to the Supreme Allied Commander for the transfer of certain territories to Italian Administration and they recommend that this proposal should be immediately implemented."

2. I shall be grateful if you will arrange to communicate this resolution urgently by telegraph to the Supreme Allied Commander.

I have the honour to be, Sir,

Your most obedient servant,

/s/ Noel Charles

Captain Ellery Stone, U.S.M.R.
Acting Chief Commissioner,
Allied Control Commission.

439

54

0955

785015

File A-(B)

SECRET

AFHQ RPTD ADV AAI RPTD ADV AFHQ

HQ ACC

B-287

15 JUL

SECRET

PRIORITY

ACTING CHIEF COMM.

F-688

follow 45

FURTHER FOUR SIX SIX EIGHT EIGHT ONE EIGHT PD PARES TO AFHQ FOR BACKED FOR ACTION CMA
 BRITISH RESIDENT MINISTER CMA AMERICAN POLITICAL ADVISOR FOR INFO RPTD TO ADV AAI FOR
 ALEXANDER RPTD TO AFHQ ADV FOR INFO FROM HQ ACC FROM STONE PERSONAL PAREN AAI HAS AGREED
 TO CONDITIONS AND TERMS OF TRANSFER OF ADDITIONAL TERRITORY TO ITALIAN ADMINISTRATION AS
 SET FORTH IN MY SUGAR TWO SEVEN TWO OF NINE JULY MAY TO ALL ADDRESSEES PD ADVISORY COUNCIL
 APPROVED PROPOSALS AT ITS MEETING TODAY AND IS TELEGRAPHING ITS CONCURRENCE PD REQUEST
 INSTRUCTIONS AS TO WHETHER ACC SHALL RELEASE PUBLICITY HERE OR WILL YOU DESIRE TO HANDLE P
 IF LATTER CMA WOULD POINT OUT THAT LANGUAGE TO BE USED IN TRANSFER DOCUMENTS AS TO
 RESERVATION ON COMMUNE OF NAPLES WILL SAY SUBSTANTIALLY THAT THE COMMUNE OF NAPLES REMAINS
 A MILITARY ZONE BY REASON OF MILITARY NECESSITY UNDER THE SOLE CONTROL AND ADMINISTRATION
 OF THE COMMANDER IN CHIEF CMA REAFFIRMING EFFECTIVENESS OF ALL PROCLAMATIONS AND ORDERS
 ISSUED BY HIM OR UNDER HIS AUTHORITY PD THIS WILL PERMIT US TO AVOID REFERENCE TO TERM
 QUOTE AND UNQUOTE AS CONTINUING IN COMMUNE OF NAPLES AND INSTEAD WILL EMPHASIZE THE
 MILITARY NECESSITY OF TREATING IT AS A MILITARY ZONE PD IF YOU HANDLE PUBLICITY REQUEST
 WE BE GIVEN SUFFICIENT ADVANCE NOTICE TO ENABLE FWS AND ITALIAN GOVERNMENT TO COORDINATE
 THEIR PUBLICITY HERE

602.3

See 55

4492

ELLERY W. STONE
Captain, USNR

Acting Chief Commissioner

SECRET

53

SECRET

HEADQUARTERS,
ALLIED CONTROL COMMISSION,
APO 394.

HQ ACC, APO 394

84 Sec. 1570

Rec'd 18 Jul 1944

By DFE

Regional Control and Military Government Section.

Ref: 276/73/OA.1453 JULY 1944.

SUBJECT: Handover of Territory to the Italian Government.

TO : Regional Commissioners,
Regions I, II, III, IV, VI, VII,
VIII, IX and ROME Region.
SCAO, AMT 5 Army.
SCAO, AMG 8 Army.

1. Effective as from 0001 hours, 20th July, 1944, the Provinces of NAPLES, ENNA and AVELLINO (Region III) and of CAMPANIA and FORLÌ (Region V), will be handed over to the Italian Government.
2. Regional Commissioner, Region III will thereafter exercise supervision and control under AOC conditions throughout Region III with the exception of the Commune of NAPLES (which includes the City and Port of NAPLES) in which Allied Military Government will continue.
3. Regional Commissioner, Region V, will exercise similar supervision and control over the administration of CAMPANIA Province while administering the remaining Provinces of ABRUZZI and the MARCHES under Allied Military Government.
4. As from the date defined above, AVELLINO Province (Provincial Commissioner, Colonel G.A. Temperley) will be detached from Region V and will, temporarily, pass under direct command of AOC III. This Province, which lies in the compartment of Apulia, will eventually pass to the command of Region II.
5. Adjustments of staff, transport and supplies are now being prepared by the Regional Commissioner, Region V and Provincial Commissioner, FORLÌ, and will be submitted to the Sections concerned for approval.

6. This will not be made public until further orders.

1321 3

111

1. Effective as from 0001 hours, 20th July, 1944, the Provinces of NAPLES, BENEVENTO and AVELLINO (Region III) and of CAMPANIA and PUGLIA (Region V), will be handed over to the Italian Government.
2. Regional Commissioner, Region III will thereafter exercise supervision and control under APC conditions throughout Region III with the exception of the Commune of NAPLES (which includes the City and Port of NAPLES) in which Allied Military Government will continue.
3. Regional Commissioner, Region V, will exercise similar supervision and control over the administration of CAMPANIA Province while administering the remaining Provinces of ABRUZZO and the MARCHE under Allied Military Government.
4. As from the date defined above, PUGLIA Province (Provincial Commissioner, Colonel G.B. Temperley) will be detached from Region V and will, temporarily, pass under direct command of ICG HQ. This Province, which lies in the compartments of Apulia, will eventually pass to the command of Region II.
5. Adjustments of staff, transport and supplies are now being prepared by the Regional Commissioner, Region V and Provincial Commissioner, PUGLIA, and will be submitted to the Sections concerned for approval.
6. This will not be made public until further orders.

MSI/JC.

Brigadier,
Executive Commissioner.

Copy to: List "C", Group I, Lines 56-48.
C-5, A.D.H.Q.
HQ. A.A.I.

Q

file/np

52

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

785015

U. S. SECRET
Renaissance BUREAU SECRET

BAC/hjp

11 July 1944

11 JUL 1944

Sir:

folio 43

The Supreme Allied Commander, Mediterranean, in his Message No. FX 67063 of July 1st, requested that the Advisory Council for Italy consider the question of transfer of further territory from Allied Military Government to the administration of the Italian Government. In this connection I have prepared an aide memoire for your consideration which is forwarded herewith.

If desired, I shall be glad to attend your next meeting, together with my Chief Legal Officer, in order to furnish any additional information desired.

(49)
Encl.

ELLERY W. STONE
Captain, USMC
Acting Chief Commissioner

Chairman in Rotation
Allied Advisory Council for Italy
Naples

4490

U. S. SECRET
Renaissance BUREAU SECRET

51

UNITED STATES REPRESENTATIVE
ADVISORY COUNCIL FOR ITALY

Naples, July 10, 1944

My dear Captain Stone:

filed 13 JUL 1944

I have received your memorandum of July 9, 1944, regarding the transfer of further territory to Italian Administration and hasten to inform you that I have received instructions from my Government to support and Advisory Council recommendation for the transfer, provided the safeguards established in the earlier transfer of territory are maintained, and provided also that there are no military considerations to the contrary. In the event, therefore, that it is clear the foregoing conditions are met there would appear to be no objection on the part of the United States Government to the proposals on the matter which you intend to submit to the Advisory Council for action at its next meeting.

Sincerely yours,

/s/ A. Kirk

Captain Ellery W. Stone, USNR,
Acting Chief Commissioner,
Allied Control Commission,
Naples.

4489

50

EWs/hjp

9 July 1944

MEMORANDUM TO: Sir Noel Charles, St., K.C.M.G.

If you concur as to form, and I shall be grateful for a telephone call on Monday, I propose to submit the attached to the Allied Advisory Council for its action at its next meeting on July 15th.

ELERY W. STONE
Captain, USNR
Acting Chief Commissioner

cc: The Honorable Alexander Kirk

4488
492

785015

BWS/hjp

9 July 1944

- 8 JUL 1944

MEMORANDUM TO: The Honorable Alexander Kirk

If you concur as to form, and I shall be grateful for a telephone call on Monday, I propose to submit the attached to the Allied Advisory Council for its action at its next meeting on July 15th.

ELDERY W. STONE
Captain, USNR
Acting Chief Commissioner

cc: Sir Noel Charles

See 50

4487

49a

C O P Y

S E C R E T

AIDE MEMOIRE FOR ADVISORY COUNCIL

1. It is recommended that, subject to concurrence of Headquarters AAI, which I will undertake to secure before July 15th, transfers of territory from Allied Military Government to the Italian Administration should take place as follows;

a. Campania (Provinces of NAPLES, BENEVENTO and AVELLINO) together with Provinces of FOGGIA (Apulia) and CAMPANIA (Abruzzi) should be handed over on 20th July, with the designation of the Commune of NAPLES, which includes the greater part of the town and all the port, as a military zone under A.M.G.*

b. The provinces of ROME (including ROME City), LITTORIA and FROSINONE, should be handed over on 15th August.

2. Documents relating to the hand over have been prepared and the Italian Government has been asked to appoint a special representative to deal with the preliminary discussions.

E.W.S.

* The actual language to be used in the transfer document will be substantially as follows;

"The territory to be restored will be the provinces enumerated herein, except the Commune of Naples in the Province of Naples which, by reason of military necessity, shall remain a military zone under the sole control and administration of the Commander-in-Chief and in which all proclamations and orders issued by him or under his authority and now effective shall remain in effect until rescinded, amended or modified."

This retains the Commune of Naples under AMG, but reference to AMG will not be used in any publicity.

S E C R E T

C O P Y

4486

49

Dec

ALLIED CONTROL COMMISSION
INCOMING MESSAGE

See Jan 538

TO: ACC ADV FOR SEC GEN FOR ACTION
FROM: ACC MAIN FROM STONE
REFERENCE No: S-277
DATE AND TIME OF ORIGIN: 091446

SIGNAL MESSAGE CENTER No:
CLASSIFICATION: RESTRICTED
PRECEDENCE: PRIORITY
OFFICE OF ORIGIN:

MAKE CERTAIN MY MESSAGE S 272 OF 9 JULY IS DISTRIBUTED TO POLITICAL
SECTION, UPJOHN AND MONFORT

*Done
S-277*

7/10/44

ACC ADV DIST.
ACTION--SEC GEN
INFO-FILE
FLOAT 2

4485

DATE and Time of RECEIPT

Distribution:

48

U 9 6 4

Der

ALLIED CONTROL COMMISSION

534

INCOMING MESSAGE

AFHQ FOR SACRED FOR ACTION, BRITISH RESIDENT MINISTER, AMERICAN
POLITICAL ADVISOR FOR INFO RPTD TO ADV AAI FOR ALEXANDER FOR INFO
RPTD TO ACC ADV FOR INFO
TO:

Subj
full

SIGNAL MESSAGE CENTER No: _____
FROM: ACC MAIN FROM STONE CLASSIFICATION: SECRET
REFERENCE No: S-272 PRECEDENCE: PRIORITY
DATE AND TIME OF ORIGIN: 091340 OFFICE OF ORIGIN: _____

YOUR 051859 OF 6 JULY REFERS. FURTHER MY ADV 297 OF 7 JULY, TRANSFER OF
FURTHER TERRITORY. SUBJECT TO RECOMMENDATIONS ADVISORY COUNCIL AND
APPROVAL AAI, PROPOSE TRANSFER TERRITORY AS FOLLOWS: (1) PROVINCES
NAPLES, BENEVENTO, AVELLINO, FOGGIA AND CAMPOBASSO, JULY 20TH; WITH
DESIGNATION OF COMUNE OF NAPLES AS A MILITARY ZONE UNDER AMG. (2)
PROVINCES ROME, LITTORIA, FROSINONE, INCLUDING ROME CITY, AUGUST 15

file # 45

file # 46

ACC ADV DIST
INFO--SEC GEN
G.A. BR. 2
ADM SEC 2
ECON SEC 2
POL SEC
FILE

602.3

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DATE and Time of RECEIPT _____

Distribution:

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

785015

AMHQ RSTO ADV AAI RPTD AND MAIN

ADD ADV SHRTD WTR

ADV 297

07

B

15

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PRIORITY

ACTING CTF COM

YOUR FOR SIX NIGHT NIGHT ONE NIGHT JULY FIFTH ONE THREE PD PAGE TO AMHQ FOR SACRED
FOR ACTION CMA BRITISH RELEVANT MINISTER CMA AMERICAN POLITICAL ADVISOR FOR INFORMATION
RPTD ADV AAI FOR ALEXANDER FOR INFORMATION RPTD ADD MAIN FOR INFORMATION FROM ADD ADV
FROM STATE PERSONAL PAPER AAI HAS AGREED THAT ITALIAN GOVERNMENT AND ALLIED CONTROL
COMMISSION TOGETHER WITH ADVISORY COUNCIL MAY MOVE TO ROME DURING THE COMING WEEK CMA
THE MOVE TO BE COMPLETED SO FAR AS POSSIBLE BY JULY FIFTEENTH ON WHICH DATE GOVERNMENT
WILL OFFICIALLY FUNCTION FROM ROME PD ROME WILL OPERATE UNDER AMG AT LEAST UNTIL
AUGUST FIFTEENTH PD WITH THE EXCEPTION OF NAVY WAR AND AIR MINISTERIES AND CORRESPONDING
ALLIED CONTROL COMMISSION SUBCOMMISSIONS CMA AS TO WHICH FURTHER INFORMATION WILL BE
TRANSMITTED CMA ALL VICE PRESIDENTS OF ALLIED CONTROL COMMISSION WILL BE IN ROME BY
JULY TWELFTH TOGETHER WITH HEADS OF CIVIL MINISTERIES PD STAFFS WILL BE MOVING BETWEEN
NOW AND THE FIFTEENTH ALTHOUGH THERE MAY BE A FEW STRAGGLERS ARRIVING AFTER THE
FIFTEENTH PD IN ANY CASE IT CAN BE STATED THAT THE TRANSFER OF THE GOVERNMENT AND
ALLIED CONTROL COMMISSION HEADQUARTERS TO ROME WILL BE EFFECTIVE AS OF JULY FIFTEENTH
PD AS TO TRANSFER OF TERRITORY NO ADDITIONS TO OR DELETIONS FROM LIST OF PROVINCES IN
MACFARLANE LETTER OF JUNE ELEVENTH WILL BE PROPOSED BUT PROPOSALS FOR REVISED TIMES
FOR TRANSFER WILL BE TRANSMITTED NOT LATER THAN JULY NINTH

filed 40

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46

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

SECRET

ACC MAIN FOR ACTION PERSONAL FOR CHIEF COMMISSIONER

AFHQ SIGNED SIGNED CITE PHGEG

N 30/06

P 68218

051859

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PRIORITY

051859
6 JUL 1944

Letter CC/3/387 of June 11.

Considering recommendation of Advisory Council communicated to me 2 July, the move of the Italian Government, the Allied Control Commission and Advisory Council to Rome as soon as militarily convenient is authorized. You should consult AAI regarding actual date and inform me of result.

The transfer of further territory to Italian Administration at such time or times as may be militarily convenient in accordance with your proposals is approved in principle and is authorized subject to a favorable reply to my request for a recommendation from the Advisory Council. I request that you advise me of any revision in your proposals as to the grouping of the provinces to be so transferred and the times of transfer. I understand in accordance with your proposals that the terms of transfer of such territories are to be identical as those heretofore approved. You may inform the president in office of the Advisory Council of the foregoing.

060307

ACC DISTRIBUTION:

ACTION: Col. Densmore
INFO: Mr. Grady
Admin. Sec.
Advisory Council

Political Sec.
RCMG Section
Ambassador Kirk
Sir Noel Charles

See 46

4482

45

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

185015

U. S. SECRET
 Revals British SECRET

PHQ RTD ADV AAI RTD AFHQ ADV CP RTD ACC ADVANCE

ACC MAIN

P-266

5 JULY

5 JUL 1944

SECRET

PRIORITY

ACTING CHIEF COMM.

YOUR FOR KRAY SIX SEVEN ZERO SIX THREE JULY FIRST CITY PHREQ PD PARA ONE FOR
FOR SACRED CMA BRITISH RESIDENT MINISTER CMA AMERICAN POLITICAL ADVISOR AND GEORGE
FIVE REPORTED TO ADV AAI FOR ALEXANDER REPORTED AFHQ ADV CP REPORTED ACC ADVANCE
FROM ACC MAIN FROM STONE PERSONAL PAPER PARA ONE PD ADVISORY COUNCIL JULY FIRST
 ADOPTED RESOLUTION APPROVING AND URGING EARLY MOVE OF ITALIAN GOVERNMENT AND ACC
 TO MAKE PD PARA TWO PD REFERENCE TO TRANSFER OF ADDITIONAL TERRITORY TO ITALIAN
 ADMINISTRATION CMA I MUST EMPHASIZE THAT MACFARLANE AND I HAVE ALWAYS CONSIDERED
 THAT THIS SUBJECT IS SEPARATE AND DISTINCT FROM THE MOVE TO MAKE PD MACFARLANE'S
 LETTER CC BLANT GEORGE BLANT THREE EIGHT SEVEN OF JUNE ELEVENTH POINTS OUT THAT
 BLANT WAS NARRATING THAT HE WOULD HAVE NO OBJECTION TO MOVING GOVERNMENT TO ROME
 WHILE ROME STILL UNDER MILITARY GOVERNMENT PD TRANSFER OF TERRITORY SHOULD THEREFORE
 BE CONSIDERED AS A SEPARATE SUBJECT PD PARA THREE PD CHAIRMAN PAPER IS ROTATION PAPER
 OF ADVISORY COUNCIL NOW IN ALTIERS AND NECESSARILY THERE MUST BE DELAY IN ADVISORY
 COUNCIL CONSIDERING AT EXTRAORDINARY OR NEXT REGULAR MEETINGS THE QUESTION OF
 TRANSFER OF ADDITIONAL TERRITORY PD PARA FOUR PD IN VIEW OF ONE CMA TWO AND
 THREE ABOVE CMA I MUST AGAIN URGENTLY REQUEST THAT AUTHORITY BE GRANTED FOR

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 44

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RF 4481
 NF 476

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U. S. SECRET
Equals British SECRET

Message No. 3-266 to AFHQ Rptd Adv AI Rptd AFHQ Adv CP Rptd Adv ACC, 5 July 44

IMMEDIATE TRANSFER OF ITALIAN GOVERNMENT AND ACC HEADQUARTERS TO ROME PD IF THIS
APPROVAL CAN BE OBTAINED FORTHWITH AND THE ITALIAN MINISTERS AND SENIOR ACC
OFFICIALS CAN BE COMPELLED TO BE IN FORTY EIGHT HOURS AND MOVE OF OUR RESPECTIVE
STAFFS CAN FOLLOW SHORTLY

AUTHENTICATED:

L. D. DUNSMORE
Colonel, Sig C
Chief Staff Officer

cc: The Hon. Alexander Kirk
Sir Noel Charles

4.30

U. S. SECRET
Equals British SECRET

44

785015

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AGO MAIN FOR CHAIRMAN OF ADVISORY COMBIL FOR ITALY RECD AMB ADV OF A MAAP

AMT: SIGNED SIGNED

16/02

PAC7065

JULY 011957

SECRET
ROUTINE
CITE...FRODO

GRATEFUL IF YOU WOULD ARRANGE FOR ADVISORY COMBIL TO CONSIDER FOLLOWING
2 RECOMMENDATIONS PUT FORWARD BY AGO: (A) THAT PROVINCES OF NAPLES,
BENEVENTO, ~~THE~~ AVELLINO, BOLOGNA, CAMBRASSO, ROMA, LITFERIA, BROKINGHE,
AND POSSIBLY ONE OR MORE PROVINCES OF THE APENNINES BE TRANSFERRED TO
ITALIAN ADMINISTRATION ON BASIS BASES AS TERRITORY ALREADY TRANSFERRED.
(B) THAT THE ITALIAN GOVERNMENT MOVE TO ROME AS SOON AS THAT CAN BE
CONVENIENTLY ARRANGED. LETTER FOLLOWS IN CONFIRMATION.

AGO MAIN DIETH
ACTION-ADV COMBIL
INFO +SEC GEN
DOC
CA HR
POL RECD
FILE
PLAT

See 44

SECRET

4479

43

SECRET

ALLIED CONTROL COMMISSION

INCOMING MESSAGE

TO: ACTION ACC MAIN FOR INFO HQ NAAF, AFHQ ADV CP
SIGNAL MESSAGE CENTER No: 108/01
FROM: AFHQ SIGNED SACHED SECRET
REFERENCE No: FX 66748 PRECEDENCE: ROUTINE
DATE AND TIME OF ORIGIN: JULY 010916 OFFICE OF ORIGIN: CITE..FHGEG

DSJ 1441
3 JUL 1944

LETTER CC/G/387 OF 11 JUNE. TRANSFER OF TERRITORY AND MOVE OF
ITALIAN GOVERNMENT ARE BEING SUBMITTED TO ADVISORY COUNCIL FOR RECO-
MMENDATION.

ACTION:

3 July 44

Copies sent to:
British High Commissioner in Italy
American Ambassador in Italy

ACC MAIN DISTN

ACTION - SEC GEN
INFO DEPC

CA Br (for Ex)

File
Front (2)



FROM: AFHQ SIGNED SACRED CLASSIFICATION: SECRET
REFERENCE No: FX 66748 PRECEDENCE: ROUTINE
DATE AND TIME OF ORIGIN: JULY 010916 OFFICE OF ORIGIN: CITE..FHGEG

PSD 1711
3 JUL 1944

LETTER CC/G/387 OF 11 JUNE. TRANSFER OF TERRITORY AND MOVE OF
ITALIAN GOVERNMENT ARE BEING SUBMITTED TO ADVISORY COUNCIL FOR RECO-
MMENDATION.

ACTION:

3 July 44

Copies sent to:

British High Commissioner in Italy
American Ambassador in Italy

ACC MAIN DISTN

ACTION - SEC GEN
INFO IEPCC

CA Br (for Ex)

File
Front (2)



ACTION COPY

4478

DATE and Time of RECEIPT JULY 011544

Distribution:

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TRANSMISSIONROYAL MINISTRY
OF FOREIGN AFFAIRS

28 JUN 1944

Salerno, 27 June 1944

Dear Admiral,

We spoke this morning of the matter of the transfer of power to the Italian Administration.

You told me, if I am not mistaken, that absolutely imperative reasons of a military character prevent such a transfer from coinciding with our move, but that it would have taken place most certainly as soon as the aforementioned military reasons no longer made its postponement necessary.

Naturally I value at their true worth the requirements of a military nature which you have pointed out and hence I do not intend to discuss them.

I simply wish to emphasize most particularly, taking a larger and more general view, the position of absolute subordination and tutelage in which the Royal Government would in effect automatically find itself, exercising its functions in a city (which is actually the Capital of the State) whose administration and all contingent responsibilities completely escape it by a narrow margin. There is not a shadow of a doubt that a government so degraded from the beginning would certainly be destined to decline rapidly in all Italian public opinion, even at a time in which we have on both sides the absolute necessity of imposing order and discipline on the country for the very purpose of the conduct of the war, which is in substance our common aim.

And so this evening, thinking back over our conversation of this morning, I have arrived at the opinion that it would be undoubtedly very useful if the transfer of the administration to Italian hands coincided with the move of the government to the capital, or that at least a few sections of the administration, especially selected and to be determined by mutual agreement, could be restored at the very moment of the movement with the intention that the complete transfer would not come about until the imperative military reasons, which, I repeat, I have indeed no intention of discussing, shall have ceased to exist.

You understand perfectly, dear Admiral, what national apprehensions my requests are obedient to. I beg of you, therefore, to be kind

enough to find in them the expression not of a vain attempt at prestige, but only of my firmest desire to collaborate to the full with the Allied authorities in the common interest.

I beg of you to be kind enough to inform me of your feelings in this matter and to believe in my best intentions.

/s/ Ivanoe Bonomi

Trans - Sgt Shenfield/lws

EXTRACT

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Chief Commissioner
APO 394

11th June 1944

Ref. CC/G/387.

MEMORANDUM:

TO: Allied Force Headquarters,
(ATTENTION: Supreme Allied Commander)

1. In consequence of the way in which operations have developed, I wish to make the following proposals regarding future transfers of territory to Italian administration and the location of the Italian Government.

(i) Transfers of Territory.

(a) Campania (Provinces of Naples, Benevento and Avellino) to be transferred to the Italian Government on 24th June.

(If necessary special reservations will be made regarding the port of Naples which will in any case be left as a military zone)

(b) The Provinces of Foggia and Campobasso to be transferred to the Italian Government on July 10th.

(In both cases all A.M.G. personnel will remain at their posts in A.C.C. capacity at any rate until the Amasse has been completed)

(c) The Provinces of Roma, Littoria and Frosinone to be transferred to the Italian Government on July 20th.

(Whether or not it will be possible to transfer one or more additional Provinces East of the Appenines on this date depends upon the rate of progress of the 8th Army in the Adriatic sector.)

END OF EXTRACT

(For balance of letter, see Folio No. 10 in File No. 565.7)

See 42

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HEADQUARTERS ALLIED CONTROL COMMISSION
APO 394

RED/hd

SG 602.3

8 June 1944

Subject: Execution of Document "D" for Transfer of Territory

To: Allied Force Headquarters. (Attention AC of S, G-5)

1. Reference your letter MGS 387.4-2 of 3 May 1944, subject as above.

2. By virtue of paragraph 2 of Document D the Italian Government undertook to publish in the Official Gazette before the date of restoration the following decrees:

(a) A decree stabilizing 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.

In compliance with this obligation the Royal Decree Law No. 32 of 11 Feb. 1944 was published in Gazzetta Ufficiale No. 7, Art. 1 of which reads as follows:

"The wages of private employees, the fixed maximum prices of all kinds of goods and the maximum tariffs for services in effect in the territories restored to the Italian Administration on February 11 at 0000 hours, remain in force without change. The regulations regarding the maximum quantities of rationed products allowed to be kept remain likewise unchanged."

Subsequently the Italian Government, in agreement with the respective branches of the Allied Control Commission, has passed a number of decrees changing rationing rules of certain goods and the prices of certain products and regulating the quantities of grain to be retained by certain classes of persons (the last by the Ministerial Decree of 2 May 1944 on Regulations for collecting grain and barley harvested in 1944, published in G.U. No. 24 of 3 May 1944). Decrees directly affecting rationing have not been published, with the exception of that relating to the maximum legal retentions of grain. This decree had the approval of ACC.

(b) A decree to implement paragraph 5 of Document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing is concerned in such an act, except in the case of an Italian officer or an Italian high official, in which case the Italian Government or the local superior authority concerned should be asked to cooperate in any action.

The Italian Government fulfilled this undertaking by publishing the Royal

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."

In compliance with this obligation the Royal Decree Law No. 32 of 11 Feb. 1944 was published in Gazzetta Ufficiale No. 7, Art. 1 of which reads as follows:

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(b) "A decree to implement paragraph 5 of Document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing is concerned in such an act, except in the case of an Italian officer or an Italian high official, in which case the Italian Government or the local superior authority concerned should be asked to cooperate in any action."

The Italian Government fulfilled this undertaking by publishing the Royal Decree Law of 11 Feb. 1944, No. 31, Art. 3 of which in its original form read as follows:

"Whoever within the liberated Italian territory commits a hostile act or offence against property to the prejudice of the Allied Military Forces or of any member thereof, or of any functionary, representative or agent of the United Nations, or whoever takes part in seditious demonstrations against the Allied Forces or commits any act which in whatever way may hamper the war effort or help the enemy, shall be punishable under Italian penal law and shall be tried in Allied Military Courts according to their own procedure."

"In the case contemplated by the preceding paragraph 1, any member of the Allied Armed Forces can effect the arrest of any person who may be reasonably believed to be implicated in acts herein above set out, except where an Italian officer or high government official is concerned, in which case the Italian Government or the appropriate superior local authority will be requested to cooperate in the premises to the extent necessary."

10 June 1944
AG M/C
JFK

SECRET

Upon request of the Allied Control Commission this Article was amended by R. Decree Law No. 112 of 13 April so as to permit the Italian Courts to take jurisdiction over the offences against Allied interests unless the Allied authorities direct otherwise. The new Art. 3 reads:

"Whoever within the territories restored to Italian administration commits any hostile act or offence against property to the prejudice of the Allied armed forces or of any member thereof or of officials, representatives or agents of the United Nations or is guilty of any seditious demonstration against the Allied Forces or of any action whatsoever that impedes the prosecution of the war or aids the enemy, shall be tried by the Italian Courts according to the Italian penal laws.

"However the jurisdiction of the Allied Military Tribunals is acknowledged in all cases which they shall decide to retain for their own jurisdiction. In such cases the Allied Military Tribunals will follow their own procedure but will apply the Italian penal laws.

"In such cases as set out in the first paragraph any member of the Allied Armed Forces may arrest any person when there are reasonable grounds for suspecting him to be implicated in any act therein set out, save only in the case of an Italian officer or high Italian official.

"In such a case except in matters of special urgency the Italian Government and the competent superior local authority shall be requested to take all necessary steps."

In our opinion the Italian Government has fully complied with their obligation in this respect.

3. Furthermore, the Italian Government gave their assurance "to proceed with all possible expedition to pass decrees dealing with the following matters" (Paragraph 3 of Document D):

(a) To implement so far as may be necessary the terms set out in Document A and the terms of the Proclamation (Document C).

(1) Document A. The general clause affirming the continuance in full effect of all armistice terms throughout all Italian territory obviously does not need any implementation and is binding upon the Italian Government as part of the restoration agreement under International law.

The specific rights reserved for the United Nations in Document A stated below in an abbreviated form of headings together with an indication whether or not the obligations of the Italian Government arising out of each reserved right were embodied into a rule of municipal Italian law:

1. Right to use facilities, installations, etc. The only decree issued affecting the use of any facility is the Decree for rationing electricity throughout Italian Government Territory and which we have asked be also made to apply to Military Government Territory. No other regulations were issued.

case of an Italian officer or high Italian official.

"In such a case except in matters of special urgency the Italian Government and the competent superior local authority shall be requested to take all necessary steps."

In our opinion the Italian Government has fully complied with their obligation in this respect.

3. Furthermore, the Italian Government gave their assurance "to proceed with all possible expedition to pass decrees dealing with the following matters" (paragraph 3 of Document D):

(a) To implement so far as may be necessary the terms set out in Document A and the terms of the Proclamation (Document C).

(1) Document A. The general clause affirming the continuance in full effect of all armistice terms throughout all Italian territory obviously does not need any implementation and is binding upon the Italian Government as part of the restoration agreement under International law.

The specific rights reserved for the United Nations in Document A stated below in an abbreviated form of headings together with an indication whether or not the obligations of the Italian Government arising out of each reserved right were embodied into a rule of municipal Italian law:

1. Right to use facilities, installations, etc. The only decree issued affecting the use of any facility is the Decree for Rationing Electricity throughout Italian Government Territory and which we have asked be also made to apply to Military Government Territory. No other regulations were issued.

2. Right to quarter troops. No legislative provision issued.

3. Right to hold or require the Italian Government to hold in custody PWs and civilian internees. No legislative provision issued. The Allied Armed Forces up to date have exercised the right of holding in custody prisoners of war and civilian internees. The Italian Government has NOT been required to carry this out nor is it anticipated that it will be so required at present.

4. Right "to declare any area to be a Military Zone and to exercise therein the right of an occupying power or enforce such other controls as may be determined by the Allied Commander-in-Chief." In compliance with this term the HDL No. 31, 11 Feb 1944 contains the following provision:

Art. 4. Whenever military zones are established in liberated Italian territories by Allied Armed Forces, such forces will retain also all

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police powers within said zones, including the power to issue and enforce rules and regulations.

5. The right 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. Art. 3 and 4 of RDL No. 31 set out above under 2(b) and 3(a) (i) and 4 respectively, were issued in compliance with this term.

6. The right to try offenses committed before restoration in violation of AMG proclamations or orders then in force. This term was implemented by Art. 2 of the RDL No. 31, which provides as follows: "proceedings in the Allied Military Courts for offenses heretofore committed contemplated by the Proclamations and orders mentioned in Art. 2 (Note; should read 'in Art. 1' shall be continued and disposed of by said Courts in accordance with the provisions of said Proclamations and Orders."

7. No removal of AMG appointed officials without consent of C-in-C. In this respect Art. 1, para 2 of the RDL No. 31 states as follows: "The efficacy of the acts undertaken by the Allied Military Authorities... shall remain in force including the appointments and dismissals of public or private officials, which shall be recognized in every case as having full and valid legal effect as if they had been made by the Italian Government. The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated by the rules of Italian laws."

The provisions of Document A and of Italian RDL No. 31 on this point have been satisfactorily observed by the Italian Government. In addition an exchange of correspondence took place between the Chief Commissioner and the Chief of the Government in which the latter confirmed the necessity of previous consent by the A.C.C. to any change in the status of officials appointed by the AMG in restored territory (Marshal Badoglio's letter of 13 March 1944, No. 759).

8. The right to requisition property or services. No legislation on this subject was published and no difficulties seem to have arisen.

9. The right to recover or take any steps necessary for prosecution of the war. No need for legislation on this point has arisen.

10 & 11. Right of import, export and distribution of civilian supplies for civilian population without duty and right of import and export of military and other supplies necessary for prosecution of war. Nothing on this.

12. Free movement and immunity from taxation for any representative of the United Nations. No legislative provisions published, in response to Finance Sub-Commission's request for a formal recognition by the Italian Government of the principle of immunity from taxation of the Allied forces and

the efficacy of the acts undertaken by the Allied Military Authorities... shall remain in force including the appointments and dismissals of public or private officials, which shall be recognized in every case as having full and valid legal effect as if they had been made by the Italian Government. The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated by the rules of Italian laws.

The provisions of Document A and of Italian RPL No. 31 on this point have been satisfactorily observed by the Italian Government. In addition an exchange of correspondence took place between the Chief Commissioner and the Chief of the Government in which the latter confirmed the necessity of previous consent by the A.C.C. to any change in the status of officials appointed by the AMG in restored territory (Marshal Badoglio's letter of 13 March 1944, No. 759).

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12. Free movement and immunity from taxation for any representative of the United Nations. No legislative provisions published, in response to Finance Sub-Commission's request for a formal recognition by the Italian Government of the principle of immunity from taxation of the Allied forces and instrumentalities thereof, a satisfactory reply has been received. The following circular letters of the Ministry of Finance are cited: No. 82 of 19 Feb 44 (immunity in general); No. 55 of 22 Jan 44 (immunity of imported wheat from customs dues and turnover tax); No. 97 of 16 Mar 44 (manufacturers' tax); No. 2943 of 12 May 44 (theatre admissions). Legislation in this field is deemed undesirable and likely to be confusing. This question has been the subject of extensive correspondence between HQ ACC and AFHQ (see AFHQ letter MGS/100 of 14 Jan. Hon. Henry Grady's letter 13056/P of 10 Feb to MGS, AFHQ, and AFHQ letter MGS/012.2 of 28 Apr to ACC).

13. Immunity of the representatives of the United Nations from the jurisdiction of Italian courts. No need for a legislative provision has arisen; as far as we know the Italian authorities scrupulously avoided any claim of jurisdiction over United Nations personnel.

14. Costs of maintaining Allied Troops within the unoccupied territory chargeable to the Italian Government. This matter is understood to be covered by the Armistice Terms, pending final post-war settlement. Allied

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troops are paid in AM lire from funds drawn from AFA and charged to an occupation account. Equivalent amounts in dollars or sterling as the case may be are set aside in special suspense accounts in US and UK. Final disposition of the AFA occupation account and of the equivalent suspense accounts will have to be determined at a very high policy level in the course of a peace settlement.

(11) Document C. The terms contained in Document C were all put into effect by FDL No. 31. The terms of Document C are stated below together with the corresponding Articles of FDL No. 31:

Document C

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.

FDL No. 31

Art. 1. Allied Military Government, having been terminated, all proclamations and orders heretofore emanating from the Military Governor General of the Allied Forces or from his delegates lose their validity in the territories formerly under the jurisdiction of the Allied Military Government.

2. All proclamations and Orders heretofore issued by the Military Governor or under his authority by its delegates 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 during the time they were operative 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.

The efficacy of the Acts undertaken by the Allied Military Authorities, referred to in the preceding paragraph, by virtue of the said proclamations and orders shall remain in force including the appointments and dismissals of public and private officials, which shall be recognized in every case as having full and valid legal effect as if they had been made by the Italian Government.

The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated in accordance with the rules of Italian laws.

(See also above 3(a)(17)).

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formerly under the jurisdiction of the Allied Military Government.

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 by its delegates 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 during the time they were operative 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.

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.

(b) Document D enumerates under the heading "Financial Matters" a series of steps to be taken by the Italian Government, i.e.:

1. Reenacting by decree if necessary the terms of Rendo No. 61 AC of 24 Sept 43, in relation to notes of exchange of Allied Military currency. Rendo No. 61 was published in the Gazzetta Ufficiale, Special Series, No. 1/8, 18 Nov 43. Publication of an appropriately amended decree embodying the provisions of Rendo 61 has been requested of the Ministry of Finance by Finance Sub-Commission.

The efficacy of the acts undertaken by the Allied Military Authorities, referred to in the preceding paragraph, by virtue of the said proclamations and orders shall remain in force including the appointments and dismissals of public and private officials, which shall be recognized in every case as having full and valid legal effect as if they had been made by the Italian Government.

The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated in accordance with the rules of Italian laws.

(See also above 3(a)(1)(7)).

4471
Art. 2. The sentences pronounced by the Allied Military Tribunals shall remain in force and shall in all respects be recognized as though pronounced by Italian Tribunals, unless revoked or modified by the Allied Control Commission or with the consent of the said Commission.

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SECRET

2. Bartering transactions in lands and buildings so far as necessary to prevent inflation. The policy of imposing limitations on such transactions is not deemed necessary at the present time. However, the Italian Government has agreed to reimpose such restrictions if there is an appreciable increase in the volume of land transactions.

3. Transactions in foreign exchange, import or export of coins, currency, securities, etc. This term was implemented by para 1, Art 2, of ROL No. 32, which reads as follows: "for the purpose of the prosecution of war the Chief of the Government is given authority to impose in the aforesaid territories (i.e. territory restored to the Italian administration), in agreement with the competent Ministers and as the cases may arise, special directives for or limitations upon the exercise of any productive or commercial activities and also to fix the zone in which such activity may be conducted."

No administrative instructions have been issued since no licenses for such transactions are being granted. Implementation is secured through censorship of all forms of communications and control of exit and entry of persons and goods. When it becomes necessary to modify the policy of granting no licenses, appropriate administrative instructions will be developed and issued by the Italian Government.

4. Authorizing the competent Ministers in their discretion as a war measure to prohibit the entering into or carrying on of any type of business except upon such terms or in such areas as they may prescribe, and authorizing them to require any property in which there are reasonable grounds for believing that any enemy or Fascist interests, direct or indirect, exist, to be delivered to any agency designated by them 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."

This term was embodied partly in paragraph 1 of Art. 2 of ROL No. 32 set out above under 3, partly in paragraph 2 of the same Art. 2, which reads as follows: "Furthermore the Minister of Finance is given authority: a. to sequester or provide for any other form of controlled administration under the supervision of the Ministry of Finance of any property or undertaking in which fascists or enemy nationals, be they physical or judicial persons, hold any direct or indirect interest; b. to keep frozen the values and bank deposits already affected by such measure, to determine the respective procedures and likewise to provide that the banking institutions holding such values or deposits report every 15 days all effected operations to the Ministry of Finance."

5. All future openings of safe deposit boxes and delivery of contents. The Minister of Finance has issued instructions that ^{this} be done only in the presence of representatives designated by him, in Ministry of Finance circular No. 1008/ann. of 8 March 1941.

licenses, appropriate administrative instructions will be developed and issued by the Italian Government.

4. Authorizing the competent Ministers in their discretion as a war measure to prohibit the entering into or carrying on of any type of business except upon such terms or in such areas as they may prescribe, and authorizing them to require any property in which there are reasonable grounds for believing that any enemy or fascist interests, direct or indirect, exist, to be delivered to any agency designated by them 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."

This term was embodied partly in paragraph 1 of Art. 2 of RIL No. 32 set out above under 3, partly in paragraph 2 of the same Art. 2, which reads as follows: "Furthermore the Minister of Finance is given authority: a. to sequester or provide for any other form of controlled administration under the supervision of the Ministry of Finance of any property or undertaking in which fascists or enemy nationals, be they physical or judicial persons, hold any direct or indirect interest; b. to keep frozen the values and bank deposits already affected by such measure, to determine the respective procedures and likewise to provide that the banking institutions holding such values or deposits report every 15 days all effected operations to the Ministry of Finance."

5. All future openings of safe deposit boxes and delivery of contents. The Minister of Finance has issued instructions that this may be done only in the presence of representatives designated by him, in Ministry of Finance circular No. 1998/RIS of 3 March 1944.

(c) Under the heading "United Nations and Enemy Property", Document II imposes upon the Italian Government the duty to pass a decree "confering administrative 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 including property of France and French nationals." As a result of extensive and at times difficult negotiations a machinery has been designed which met the wishes of the Director of the Property Control in respect to the above term. Administrative instructions have been issued to the Prefects and a draft decree is ready for publication which repeals the restricting Italian regulations regarding property owned by the United Nations, France and their respective citizens.

NOEL MASON MCGFARLAND
Lieutenant General
Chief Commissioner

-5-
SECRET

Secretary General

Colonel Cripps, CSO, Administrative
Section.

602.3
6 June

4

Attached are reports concerning execution of Document "D"
Transfer of Territory, from Economic Section, Army Sub-Commission,
and Naval Sub-Commission. The long delay in getting these reports
was caused by much research required, particularly in the Finance
Sub-Commission.

ROBERT E. DOE
Major, A.G.D.
Secretary General

4469

Hq. C.E.C.
D.F.P.
Date Recd. 6 June 44
via Courier 11:00
D.F.

38

HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

NWHS/sen

ES/7

6 June 44

SUBJECT: Execution of Document "D" of Transfer of Territory

TO : Secretary General

Ref your SG 602.3 dtd 22 May, we are attaching comments received from the Sub-commissions of this Section.

L. B. Smith
Capt R. A.
J. D. S. ADAMS
Colonel, C. E.
Executive Officer
Economic Section

4468

37

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

785015

HEADQUARTERS
ALLIED CONTROL COMMISSION
Public Works and Utilities Sub-Commission
APO 394.

IAJ/EF

ACC/150/PWU

3 June 1944.

SUBJECT: Execution of Document "D" of Transfer of Territory
TO : Vice President, Economic Section.

Public Works and Utilities Sub-Commission Comments
on Para.3 a (1) Article 1.

1. The only Decree issued affecting the use of any facility is the Decree for Rationing Electricity throughout Italian Government Territory and which we have asked be also made to apply to Military Government Territory. No other regulations were issued.

2. It should be stated that no difficulty has been experienced and the Italian Government has cooperated in every way possible. Not only have we had to make use of certain facilities, but it has been necessary to remove electrical machinery from Sicily for the purpose of transporting it and setting it up in Military Government Territory. In this case the Ministry of Public Works has assisted, and Italian arbitration laws will be followed in a settlement with the original owner of this machinery.

L. A. JERRY
L. A. JERRY,
Lt. Col. C.E.,
Director.

4467

37

3 June
54

HEADQUARTERS
ALLIED CONTROL COMMISSION
FINANCE SUB-COMMISSION
AFO 394

13018/P

3 June 1944

SUBJECT: Execution of Document 'D' of Transfer of Territory.

TO : Economic Section. ✓

1. Reference AOC/4140/L dated 20 May 1944 addressed to Secretary General, Rear HQ AOC, transmitting MCS 387.4-2 dated 3 May, 1944. Action as set out below has been taken by this Sub-Commission towards the execution of Document 'D'.

2. With respect to implementation of Document 'A' as called for under para 3 (a) of Document 'D'.

(10) and (11) Right of import, export and distribution of civilian supplies for civilian population without duty and right of import and export of military and other supplies necessary for the prosecution of war.

(12) Free movement and immunity from taxation for any representative of the United Nations

In response to this Sub-Commission's request for a formal recognition by the Italian Government of the principle of immunity from taxation of the Allied Forces and instrumentalities thereof, a satisfactory reply has been received. The following circular letters of the Ministry of Finance are cited: No. 82 of 19 February 1944 (immunity in general); No. 55 of 22 January 1944 (immunity of imported wheat from customs dues and turnover tax); No. 97 of 16 March 1944 (manufacturers' tax); No. 2943 of 12 May 1944 (theatre admissions). Legislation in this field is deemed undesirable and likely to be confusing. This question has been the subject of extensive correspondence between HQ AOC and AFHQ (see AFHQ letter MCS/100 of 14 January, Hon. Henry Grady's letter 13058/F of 10 February to MCS, AFHQ, and AFHQ letter MCS/012.2 of 28 April to AOC).

(14) Cost of maintaining Allied Troops within the Unoccupied Territory chargeable to the Italian Government

This matter is understood to be covered by the Armistice Terms, pending final post-war settlement. Allied troops are paid in AM lire from funds drawn from AFA and charged to an occupation account. Equivalent amounts in dollars or sterling as the case may be are set aside in special suspense accounts in US and UK. Final disposition of the AFA occupation account and of the equivalent suspense accounts will have to be determined at a very high policy level in the course of a peace settlement.

4465

- 2 -

3. With respect to para 3 (b) of subject document:

(1) Re-enacting by decree if necessary the terms of Bando 61 of 24 Sept 1943. Publication of an appropriately amended decree embodying the provisions of Bando 61 has been requested of the Ministry of Finance by this Sub-Commission.

(2) Barring transactions in lands and buildings so far as necessary to prevent inflation. The policy of imposing limitations on such transactions is not deemed necessary at the present time. However, the Italian Government has agreed to reimpose such restrictions if there is an appreciable increase in the volume of land transactions.

(3) Transactions in foreign exchange import or export of coins, currency, securities, etc. No administrative instructions have been issued since no licenses for such transactions are being granted. Implementation is secured through censorship of all forms of communications and control of exit and entry of persons and goods. When it becomes necessary to modify the policy of granting no licenses, appropriate administrative instructions will be developed and issued by the Italian Government.

(5) All future openings of safe deposit boxes and delivery of contents. The Minister of Finance has issued instructions that this may be done only in the presence of representatives designated by him, in Ministry of Finance circular No. 1998/TES of 8 March, 1944.

E.H. Fench
Colonel,
Joint Director,
Finance Sub-Commission.

4465

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Agriculture Sub-Commission
APO 394

MAMD/wht

AGR/30000

1 June 1944

SUBJECT: Execution of Document "D" of Transfer of Territory.

TO : Economic Section.

1. Reference Administrative Section ACC/4140/L Memo of 20 May.

2. The principal changes effected by the Ministerial Decree of 2 May regulating the amassing of wheat and barley are as follows:

a. Limitation of amassing to wheat and barley. Other grains and pulses will be subject to blocking on farm; what the farmer does not require for human and livestock use will be subject to requisition if necessary.

b. No subsistence retentions are permitted to absentee landlords; this was previously a serious source of leakage. Retention allowances are permitted to all persons manually or otherwise employed on cereal farms.

c. No one person is entitled to more than one retention allowance for food.

d. Reduced feed retentions are laid down.

e. No wheat or barley, the crops to be amassed, may be used for animal feed; barley retentions for livestock were previously permitted. This alteration should not only obtain more of the required grain for human consumption but does away with elaborate and detailed livestock retention allowances, which could never be properly checked on account of fluctuating livestock population and consequent opportunities for evasion and graft.

W. A. Hartman
464
W. A. HARTMAN
Lt. Colonel
Director

HEADQUARTERS
ALLIED CONTROL COMMISSION
Food Sub-Commission
A.P.O. 394

JL/al

ACC/10-21/FOOD

29 May 1944

SUBJECT: Execution of Document "D" of Transfer of Territory

TO : Economic Section

Reference ACC/4140/L of 20 May which was circulated to Sub-Commissions, this Sub-Commission has no comments to make. / Decrees directly affecting rationing have not been published, with the exception of that relating to the maximum legal retention of grain. This decree had the approval of ACC.

W. J. Lee
W. J. Lee
Colonel
Chief, Food Sub-Commission

29 May
110

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SFC GEN

SUBJECT. Execution of Document 'D' of Transfer of Territory

U-9780

Army Sub Commission A.C.C.

Main HQ. (AMIA)

LEQUILE (LECOR)

AC/8

30 May 44

1 June 1900
JH

HQ. A.C.C.

Reference SG 602.3 dated 22 May 44.

This Army Sub Commission has no knowledge of any Administrative Instruction or regulations issued by the Italian Government as defined by para 3(a)(1) Arts 1, 2, and 3 of the paper by the Legal Sub Commission.

Major General.

Army Sub Commission A.C.C.

FJH/vtd

4:6'

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File No.
A14-7/NSC

ALLIED CONTROL COMMISSION
NAVAL SUB-COMMISSION
Navy House, Taranto, Italy

31 May 1944
AD

29 May 1944.

002.
SECRET
S-E-C-R-E-T:

From: Naval Sub-Commission, Allied Control Section.
To : Headquarters Allied Control Commission,
Office of the Secretary General, APO 394.

Subject: Execution of Document "D" for transfer of
Territory.

Reference: (a) Hq. ACC Memo SG 602.3 of 22 May 1944. — *folio #33*
(b) ACC Rear ltr ACC/4140/L of 20 May 1944. — *#31*
(c) AFHQ ltr MGS-337.4-2 of 3 May 1944. — *#29*
(d) Legal SC, ACC ltr ACC/4140/L of 16 May 1944. — *#30*

1. Reference (a) forwarded references (b), (c) and (d) with the request that the Navy Sub-Commission comment regarding paragraph 3a (1), Articles 1 and 2.

2. The Navy Sub-Commission has been unable to obtain any information concerning Italian administrative implementation of Document A on the subject of the United Nations right to use facilities or to quarter troops. It is believed that no such administrative instructions exist.

Copy to:
TOTALI
NAV REP Salerno.

H. W. Zierli
H. W. ZIERLI,
Commodore, U. S. Navy,
for Chief, Naval Sub-Commission, A.C.C.

4461

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SECRET

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

HQ ACC, APO 394

26 May 1944
D.F.E.

ACC/4140/L

25 May 1944

SUBJECT: Execution of Document "D", Transfer of Territory.

TO : Secretary General,  HQ, ACC, APO 394.

1 Further to this office letter reference ACC/4140/L dated 20 May, the following information has been obtained from Interior and Public Safety Sub-Commission and is forwarded for your information.

2 The references are to Paras and Articles contained in Legal Sub-Commission letter dated 16 May reference ACC/4140/L which was forwarded to you with my letter of the same reference dated the 20th.

3 INTERIOR

Para. 3(a) (1) - Art. 2. (Right to quarter troops) :- No question as to this has arisen within this Sub-Commission.

Art. 3. (Right to hold or require Italian Government to hold in custody P.Ws. and civilian internees) :-

This Sub-Commission is concerned with Italian Government Officials so held. No question has arisen as to persons so held by the Italian Government. As to persons held in custody by the Allied Military Authorities, no administrative instructions appear to be necessary for Interior Sub-Commission's purposes.

Art. 7. (No removal of AMG appointed officials without consent of C. in C.) :-

The provisions of Document A and of Italian R.D.L. No. 31 on this point have been satisfactorily observed by the Italian Government, in all cases with which this Sub-Commission has been concerned.

The correspondence of March 1944 between the Chief Commissioner and Marshal Badoglio has been formally brought to the notice of the Minister of the Interior and detailed arrangements for im-

2

The references are to Paras and Articles contained in Legal Sub-Commission letter dated 16 May reference ACC/4140/L which was forwarded to you with my letter of the same reference dated the 20th.

3

INTERIOR

Para. 3(a) (1) - Art. 2. (Right to quarter troops) :- No question as to this has arisen within this Sub-Commission.

Art. 3. (Right to hold or require Italian Government to hold in custody P.Ws. and civilian internees) :-

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Art. 7. (No removal of AMG appointed officials without consent of C. in C.) :-

The provisions of Document A and of Italian R.D.L. No. 31 on this point have been ~~satisfactorily~~ observed by the Italian Government, in all cases with which this Sub-Commission has been concerned.

The correspondence of March 1944 between the Chief Commissioner and Marshal Badoglio has been formally brought to the notice of the Minister of the Interior and detailed arrangements for implementing the Marshal's undertaking (in relation to this Sub-Commission's functions) have been laid down.

Art. 8. (Right to regulation property or services).

No question as to this has arisen within this Sub-Commission.

Art. 12 (Free movement and immunity from taxation for any Representative of the United Nations) :-

Report as under Art. 8.

Para. 3 (a) (11) :- Para 3 of Document C and the 2nd para of Art. 1. of Italian R.D.L. No 31 relate to the functions of this Sub-Commission. The Italian Government have satisfactorily observed these provisions in the cases with which this Sub-Commission has dealt.

SECRET

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SECRET

4 . PUBLIC SAFETY

Para. 3(a) (1) - Art. 3. :-

The Allied Army up to date has exercised it's right of holding in custody P.Ws. and civilian internees. The Italian Government has NOT been required to carry this out nor is it anticipated that it will be so required at present.

R.R. Cripps

R.R. CRIPPS.,
Lt. Colonel.,
for VP Adm. Sec.

*Copy to Lt.
Pub. Safety
regal.*

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

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

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End Supply
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SG 602.3

22 May 1944

MEMORANDUM TO: Vice President, Economic Section
Director, Army Sub-Commission
Chief, Naval Sub-Commission

ex 31
ex 36
ex 37
also 34 for summary

1. Enclosed is a copy of a note from the Administrative Section to the Secretary General together with a letter from Colonel Spofford and a letter from the Chief Legal Officer, subject: Execution of Document "D" of Transfer of Territory.

2. It is requested that the comments desired in paragraph 4 of the letter from the Administrative section be forwarded to this office as soon as possible.

ROBERT E. DOE
Major, A.G.D.
Secretary General

3 Incls.

- 1 - ACC/411.0/L of 20 May 44
- 2 - MGS-367.4-2 of 3 May 44
- 3 - ACC/411.0/L of 16 May 44

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*Copies of complete list of papers
attached hereto given to
Finance Sub-Comm. 29 May 44.*

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785015

CONFIDENTIAL

1 hour

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SECRETARY GENERAL

29 MAY 1944

CONFIDENTIAL

174

ROUTINE

MAJOR DOE

MAIL REPEATED CONSON

SG 670.3

folios

SUBJECT DOCUMENT DOC TRANSFER OF TERRITORY MEMORANDUM SG SIX ZERO TWO POINT THREE
DATED TWO TWO MAY 40 MAILED TO MAIL REPEATED CONSON FROM AGC MAIN SIGNED
MACCARLANE J. REN REPLY NOT RECEIVED

4457

L. T. MONTANT, JR.
1st Lt. AGO
Adjutant

CONFIDENTIAL

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RESTRICTED

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SECRETARY GENERAL

1 JUNE 1944

RESTRICTED

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ROUTINE

MAJOR DOE

MMIA

filed

REF OUR CABLE FIVE FIVE NINE FOUR PAREN TO MMIA FROM AGC MAIN SIGNED MACFARLANE

PAREN PLEASE EXPEDITE REPLY

4456

L. T. MONTANE, Jr.
1st Lt, AGC
Adjutant

33

RESTRICTED

REC'D ACC APO 394
21 May 1944
By *[Signature]*

DSB 300
20 May 1944

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

FJS/lws

20 May 1944

MEMORANDUM FOR: Major Doe.

Captain Stone has directed me to forward this to you and suggests that it be handled similarly to that long memo from Marshal Badoglio in which you indicated the action in the left-hand margin, or in any other manner which you desire.

The Administration Section need not be included as they are taking action and results will be forwarded.

[Signature]
FRANK J. SLAUGHTER
Captain, AGD
Deputy Secretary General

- 3 Incls
- 1 - Ltr ACC/4140/L
dated 20 May 44 to DSG
 - 2 - Ltr AFHQ MGS-387.4-2
dated 3 May 44 to ACC
 - 3 - Ltr ACC/4140/L
dated 16 May 44 to VP Adm Sec
- 31*
32
30

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32

SECRET

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394
ADMINISTRATIVE SECTION

ACC/4140/L

20 May 44

SUBJECT : Execution of Document "D" of Transfer of Territory.

TO : Secretary General, Rear HQ ACC.

- 1 Reference MGS 367.4-2 dated 3 May 44 attached; this letter was forwarded to this Section for action. Legal Sub-Commission have submitted the attached memo ACC/4140/L dated 16 May 44.
- 2 It will be seen from the letter that information to complete the reply is required from ECONOMIC Section and from ARMY and NAVY Sub-Commissions, and possibly from Political Section.
- 3 It is considered that the co-ordination of the complete reply will need to be carried out by your office, the papers are therefore referred to you. In the meantime a copy of the LEGAL memo has been referred to Interior and Public Safety Sub-Commissions with instructions to furnish information required re para 3 a (i) Art. 2, para 3 a (i) Art. 12, and para 3 a (i) Art. 3. This information will be furnished to you on receipt by this office.
- 4 On the basis of the LEGAL memo referred to in para 1 above, the following Sections and Sub-Commissions will require to be consulted in addition to those of the Administrative Section, (now in hand);

ECONOMIC SECTION re para 2 a last para.

3 a (i) Art 1.
3 a (i) Arts. 10 and 11 (FINANCE S.C.)
3 a (i) Art. 14 (-do-)
3 b Arts. 1, 2, 3, 5. (-do-)
3 a (i) Arts. 1, 2, & 3.
3 a (i) Arts. 1 & 2.

ARMY SUB-COMMISSION
NAVY SUB-COMMISSION

R.H. Chipps
R.H. CHIPPS,
Lieut. Colonel,
CSO Admin Section.

SECRET

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

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RECEIVED
20 MAY 1964
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SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

SS/gnt

ACC/LIC/L

16 May 1944

SUBJECT: Execution of the Documents for Transfer of Territory.

TO : V.P. Admin. Section.

1. Reference is made to the letter of 27th May 1944, No. 387.4-2 of 3 May 1944, a survey of Italian legislation implementing the terms of the above documents together with the corresponding provisions of the said documents is set out below.

2. By virtue of para 2 of document D the Italian Government undertook to publish in the Official Gazette before the date of restoration the following decrees:

(a) A decree stabilizing 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.

In compliance with this obligation the Royal Decree Law No. 32 of 11 Feb. 1944 was published in Gazzetta Ufficiale No. 7, Art. 1 of which reads as follows:

"The wages of private employees, the fixed maximum prices of all kinds of goods and the maximum tariffs for services in effect in the territories restored to the Italian Administration on February 11 at 0000 hours, remain in force without change. The regulations regarding the maximum quantities of rationed products allowed to be kept remain likewise unchanged."

Subsequently the Italian Government, in agreement with the respective branches of the Allied Control Commission, has passed a number of decrees changing rationing rules of certain goods and the prices of certain products and regulating the quantities of grain to be retained by certain classes of persons, (the last by the Ministerial Decree of 2nd May 1944 on Regulations for collecting grain and barley harvested in 1944, published in G.U. No. 24 of 3 May 1944.). The particular of the changes referred to in the foregoing is obtained from the respective sub-commission.

(b) A decree to implement paragraph 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing is concerned in such an act, except in the case of an Italian officer or an Italian high official in which case the Italian Government or the local

For info Mr. [unclear] 24 May

Mr. [unclear] 24 May

1005

publish in the Official Gazette before the date of restoration of the territory

decrees:

(a) "A decree stabilizing 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."

In compliance with this obligation the Royal Decree Law No. 32 of 11 Feb. 1944 was published in Gazzetta Ufficiale No. 7, Art. 1 of which reads as follows:

"The wages of private employees, the fixed maximum prices of all kinds of goods and the maximum tariffs for services in effect in the territories restored to the Italian Administration on February 11 at 0000 hours, remain in force without change. The regulations regarding the maximum quantities of rationed products allowed to be kept remain likewise unchanged."

Subsequently the Italian Government, in agreement with the respective branches of the Allied Control Commission, has passed a number of decrees changing rationing rules of certain goods and the prices of certain products and regulating the quantitation of grain to be retained by certain classes of persons. (The last by the Ministerial Decree of 2nd May 1944 on Regulations for collecting grain and barley harvested in 1944, published in G.U. No. 24 of 3 May 1944.) The particularities of the changes effected in the first year are indicated in the respective sub-annexes.

For info, the
the publication
of 20 May

Pl. 10/10/44
C. 10/10/44
16/10/44

(b) "A decree to implement paragraph 5 of document A, providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing is concerned in such an act, except in the case of an Italian officer or an Italian high official in which case the Italian Government or the local superior authority concerned should be asked to cooperate in any ⁴⁴⁵³

The Italian Government fulfilled this undertaking by publishing the Royal Decree Law of 11 Feb. 1944 No. 31, Art. 3 which in its original form read as follows:

"Whoever within the liberated Italian territory commits a hostile act or offence against property to the prejudice of the Allied Military Forces or of any member thereof or of any functionary, representative or agent of United Nations, or whoever takes part in seditious demonstrations against the Allied Forces or commits any act which in whatever way may hamper the war effort or help the enemy, shall be punishable under Italian penal law and shall be tried in Allied Military Courts according to their own procedure."

"In the case contemplated by the preceding paragraph 1 any member of the Allied Armed Forces can effect the arrest of any person who may be reasonably believed to be implicated in acts herein above set out, except where an

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- 2 -

Italian officer or high government official is concerned, in which case the Italian Government or the appropriate superior local authority will be requested to cooperate in the premises to the extent necessary."

Upon request of the Allied Control Commission this Article was amended by R. Decree Law No. 112 of 15 April so as to permit the Italian Courts to take jurisdiction over the offences against Allied interests unless the Allied authorities direct otherwise. The new Art. 3 reads:

"Whoever within the territories restored to Italian administration commits any hostile act or offence against property to the prejudice of the Allied armed forces or of any member thereof or of officials, representatives or agents of the United Nations or is guilty of any seditious demonstration against the Allied forces or of any action whatsoever that impedes the prosecution of the war or aids the enemy, shall be tried by the Italian Courts according to the Italian penal laws."

"However the jurisdiction of the Allied Military Tribunals is acknowledged in all cases which they shall decide to retain for their own jurisdiction. In such cases the Allied Military Tribunals will follow their own procedure but will apply the Italian penal laws."

"In such cases as set out in the first paragraph any member of the Allied Armed Forces may arrest any person when there are reasonable grounds for suspecting him to be implicated in any act therein set out, save only in the case of an Italian officer or high Italian official."

"In such a case except in matters of special urgency the Italian Government and the competent superior local authority shall be requested to take all necessary steps."

Italian Government
In the opinion of this Subcommission the Italian Government has fully complied with their obligation in this respect.

3. Furthermore, the Italian Government gave their assurances "to proceed with all possible expedition to pass decrees dealing with the following matters" (para 3 of document D):

(a) To implement so far as may be necessary the terms set out in Document A and the terms of the Proclamation (Doc. C).

(1) Doc. A. The general clause affirming the continuance in full effect of all armistice terms throughout all Italian territory obviously does not need any implementation and is binding upon the Italian Government as part of the restoration agreement under International law.

The specific rights reserved for the United Nations in Doc. A stated below in an abbreviated form of headings together with an indication whether or not the obligations of the Italian Government arising out of each reserved right were embodied into a rule of municipal Italian law:

1. Right to use facilities, installations, etc. ~~unlimitedly~~
protection accorded. Army, Navy and other Subcommittees concerned can supply

Page 26-27
Dec 10/50
G.S.

~~In the opinion of this subcommittee~~^{the committee} the Italian Government has fully complied with their obligation in this respect.

3. Furthermore, the Italian Government gave the assurance not proceed with all possible expedition to pass decrees dealing with the following matters. (para 2 of document E):

(a) To implement so far as may be necessary the terms set out in Document
it and the terms of the Proclamation (Doc. C).

(i) Doc. A. The general clause affirming the continuance in full effect of all armistice terms throughout all Italian territory obviously does not need any implementation and is binding upon the Italian Government as part of the restoration agreement under international law.

The specific rights reserved for the United Nations in Doc. A stated below in an abbreviated form of headings together with an indication whether or not the obligations of the Italian Government arising out of each reserved right were embodied into a rule of municipal Italian law:

1. Right to use facilities, installations, etc. No legislative provision created. Army, Navy and other SUBCOMMITTEES concerned completely with information as to whether administrative regulations were issued.

2. Right to quarter troops. No legislative provision issued. The ~~Interior~~ ~~Army~~ ~~Subcommission~~ might apply particularly to such instructions.

2. Right to hold or require the Italian Government to hold in custody the and civilian internees. No legislative provision issued. No instructions are now being issued. No instructions are now being issued.

4. Right to declare any area to be a military zone and to exercise the right of an occupying power of force much other controls as may be determined by the Allied Commander in Chief.

In compliance with this term the 201.11 Feb. 1944, No. 21-4452
the following provision:

Art. 4. Whenever military zones are established in liberated Italian territories by Allied Armed Forces, such Forces will remain also all police powers within said zones, including the power to issue and enforce rules and regulations.

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5. The right 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.

Art. 3 and 4 of RDL No. 31 set out above under 2(b) and 3(a) and 4 respectively, were issued in compliance with this term.

6. The right to try offenses committed before restoration in violation of any proclamations or orders then in force.

This term was implemented by Art. 2 of the RDL No. 31 which provides as follows: "proceedings in the Allied Military Courts for offenses heretofore committed contemplated by the proclamations and orders mentioned in Art. 2 (Note: should read "in Art. 1") shall be continued and disposed of by said Courts in accordance with the provisions of said Proclamations and Orders.

7. No removal of any appointed officials without consent of C in C. In this respect Art. 1 para. 2 of the RDL No. 31 states as follows: "the efficiency of the acts undertaken by the Allied Military Authorities ... shall remain in force including the appointments and dismissals of public or private officials, which shall be recognized in every case as having full and valid legal effect as if they had been made by the Italian Government. The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated by the rules of Italian laws.

In addition to the above an exchange of correspondence took place between the Chief Commissioner and the Chief of Government in which the latter confirmed the necessity of previous consent by the A.C.C. to any change in the status of officials appointed by the A.C.C. in the restored territory (Marshal Badoglio's letter of 13 March 1944 No. 759). ~~as per 23 March~~ this Subcommission is concerned the Minister of Justice ~~was~~ the assurance to adhere to this agreement in respect to judicial officials in a meeting held on 21 March 1944.

8. The right to regulate property or services. No legislation on this subject was published and no difficulties seem to have arisen. ~~In~~ Subcommissions and the Army Subcommission may supply information as to administrative instructions.

9. The right to recover or take any steps necessary for prosecution of war. No need for legislation on this point has arisen.

10 & 11. Right of import, export and distribution of civilian supplies for civilian population without ~~any~~ right of import and export of military and other supplies necessary for prosecution of war.

~~These~~ ~~provisional~~ arrangements have been made in this respect between Finance Subcommission and other Subcommissions concerned on one side and the Italian Government on the other. These Subcommissions will be able to furnish particulars.

...the acts undertaken by the Allied Military Administration... shall remain in force including the appointments and dismissals of public or private officials, which shall be recognized in every case as having full and valid legal effect as if they had been made by the Italian Government. The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated by the rules of Italian law.

In addition to the above an exchange of correspondence took place between the Chief Commissioner and the Chief of Government in which the latter confirmed the necessity of previous consent by the A.M.G. to any change in the status of officials appointed by the A.M.G. in the restored territory (Marshal Badoglio's letter of 13 March 1944 No. 759). ~~As the~~ ~~Subcommittee~~ is concerned the Minister of Justice gave his assurance to adhere to this agreement in respect to judicial officials in a meeting held on 21 March 1944.

8. The right to regulation property or services. No legislation on this subject was published and no difficulties seem to have arisen. ~~Further~~ Subcommittees and the Army Subcommittee may supply information as to administrative instructions.

9. The right to receive or take any steps necessary for prosecution of war. No need for legislation on this point has arisen.

10 & 11. Right of import, export and distribution of civilian supplies for civilian population without duty and right of import and export of military and other supplies necessary for prosecution of war.

~~Most~~ ~~sub~~ ~~committee~~ ~~arrangements~~ have been made in this respect between Finance Subcommittee and other Subcommittees concerned on one side and the Italian Government on the other. These Subcommittees will be able to furnish particulars.

12. Free movement and immunity from taxation for any representative of the United Nations.

No legislative provisions published. There might be some administrative instructions issued in agreement with Inter-Allied Economic Subcommittee.

13. Immunity of the representatives of the United Nations from the jurisdiction of Italian courts.

No need for a legislative provision has arisen; to this Subcommittee's knowledge the Italian authorities scrupulously avoided any claim of jurisdiction over United Nations personnel.

14. Costs of maintaining Allied Troops within the unoccupied territory chargeable to the Italian Government.

This matter was dealt with by the Financial Subcommittee which will be able to supply particulars.

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(11) Document C. The terms contained in Document C were all put into effect by RDL No. 51. The terms of Document C are stated below together with the corresponding articles of RDL No. 51:

Document C

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 Government or under his authority by its delegates in the said territory and which have been terminated therein by the Military Government or as upon its restoration, are hereby recognised by the Italian Government as having been validly issued during the time they were operative 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 recognised 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 recognised by all Italian Courts and officials as legal, valid and binding.

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

RDL No. 51

ART. 1. Allied Military Government, having been terminated, all proclamations and orders heretofore emanating from the Military Government General of the Allied Forces or from his delegates lose their validity in the territories formerly under the jurisdiction of the Allied Military Government.

The efficacy of the acts undertaken by the Allied Military Authorities, referred to in the preceding paragraph, by virtue of the said proclamations and orders shall remain in force including the appointments and dismissals of public and private officials, which shall be recognised in every case as having full and valid legal effect as if they had been made by the Italian Government.

The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated in accordance with the rules of Italian law.

(See also above 3(1)(17))

ART. 2. The sentences pronounced by the Allied Military Tribunals shall remain in force and shall in all respects be recognised as though pronounced by Italian Tribunals, unless revoked or modified by the Allied Control Commission or with the consent of the said Commission.

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paragraph, by virtue of the said proclamations and orders shall remain in force including the appointments and dismissals of public and private officials, which shall be recognised in every case as having full and valid legal effect as if they had been made by the Italian Government.

The legal and financial status of those who have been placed in public office by the Allied Military Government will be regulated in accordance with the rules of Italian law.

(See also above 3(a)(4)(7))

in the said territory and which have been terminated therein by the Military Government or as upon its restoration, are hereby recognised by the Italian Government as having been validly issued during the time they were operative 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 recognised by all Italian Courts and officials.

2. 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 recognised by all Italian Courts and officials as legal, valid and binding.

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

ART. 2. The sentences pronounced by the Allied Military Tribunals shall remain in force and shall in all respects be recognised as though pronounced by Italian Tribunals, unless revoked or modified by the Allied Control Commission or with the consent of the said Commission.

(b) Document D enumerates under the heading "Financial matters" a series of steps to be taken by the Italian Government i.e.:

1. Rectifying by decree, if necessary the terms of Decreto No. 61 of 24 Sept. 1943 in relation to notes of exchange of Allied Military Currency.
Decreto No. 61 was published in the Gazzetta Ufficiale, Special Series, No. 1/E, 18 Nov. 1943, and the Finance Subcommission has not requested its publication in form of a decree.

2. During impositions in lands and buildings no further necessary to prevent inflation.

in agreement with the Finance Subcommission the policy of imposing limitations upon the above mentioned measures has been established.

3. "If necessary and in so far as not already provided for in existing legislation, (forbidding) except as permitted or licensed by the Minister of Finance, all ~~transfers~~ ^{transfers} ~~of~~ ⁱⁿ foreign exchange, import or export of gold, currency, securities or gold or silver bullion and ~~herring~~ ^{herring} ~~liquor~~ ^{liquor}, ~~commodities~~ ^{commodities} or other ~~transactions~~ ^{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 and exports for the Allied authorities authorized by them."

This term was implemented by para 1 Art. 2 of the above mentioned RMI No. 32 which reads as follows:

"for the purpose of the prosecution of war the Chief of the Government is given authority to impose in the aforesaid territories (i.e. territory restored to the Italian administration), in agreement with the competent Ministers and as the cases may arise, special directives for or limitations upon the exercise of any productive or commercial activities and also to fix the zone in which such activity may be conducted."

The Finance Commission should be consulted as to administrative instructions in point.

4. "Authorizing the competent Ministers in their discretion as a war measure to prohibit the entering into or carrying on of any type of business except upon such terms or in such areas as they may prescribe, and authorizing them to require any property in which there are reasonable grounds for believing that any enemy or racial interests, direct or indirect exist, to be delivered to any agency designated by them 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."

This term was embodied partly in para 1 of Art 2 of RMI No. 32 set out above under 3, partly in para 2 of the same Art 2 which reads as follows:

"Furthermore the Minister of Finance is given authority:

(a) to sequester or provide for any other form of controlled administration under the supervision of the Ministry of Finance of any property or undertaking in which fascists or enemy nationals, be they physical or judicial persons, held any direct or indirect interest.

(b) to keep frozen the values and bank deposits already affected by such measure, to determine the respective procedures and likewise to provide that the banking institutions holding such values or deposits report every 15 days all effected operations to the Ministry of Finance."

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. The ~~Financial~~ ^{Financial} ~~Commission~~ ^{Commission} should be requested to supply information on administrative instructions issued on this subject.

instructions in point.

4. Authorizing the competent authorities in Italy, designation as a war measure to prohibit the entering into or carrying on of any type of business except upon such terms or in such areas as they may prescribe, and authorizing them to require any property in which there are reasonable grounds for believing that any enemy or fascist interest, direct or indirect exist, to be delivered to any agency designated by them 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-annually reports to the Minister of Finance showing any dealings in these accounts.

This term was embodied partly in para 1 of Art 2 of ROL No. 22 set out above under 3, partly in para 2 of the same Art 2 which reads as follows:

"Furthermore the Minister of Finance is given authority;

(a) to sequester or provide for any other form of controlled administration under the supervision of the Ministry of Finance of any property or undertaking in which fascists or enemy nationals, be they physical or judicial persons, hold any direct or indirect interest.

(b) to keep frozen the values and bank deposits already affected by such measure, to determine the respective procedures and likewise to provide that the banking institutions holding such values or deposits report every 15 days all affected operations to the Ministry of Finance."

5. Regulating 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. The Financial Administration should be requested to supply information on administrative instructions issued on this subject.

(c) under the heading "United Nations and Enemy Property" Document 2 Imposed upon the Italian Government the duty to pass a decree "confermando" administrative 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 including property of France and French nationals."

As a result of extensive and at times difficult negotiations a machinery has been designed which met the wishes of the Director of the Property Control in respect to the above term. Administrative instructions have been issued to the Prefects and a draft decree is ready for publication which repeals the restricting Italian regulations regarding property owned by the United Nations, France and their respective citizens. The ~~instructions~~ can be obtained from the Property Control Administration.

/s/ G. R. UFFER
G. R. UFFER, Colonel
Chief Legal Officer.

SECRET

4448
 ALLIED FORCE HEADQUARTERS
 Military Government Section

MGS-387.4-2

Adm Sec (Plan 48)
 92294
 NF
 also SF
 CMS/CF/mls
 3 May 1944
 1A

SUBJECT: Execution of Document D for Transfer of Territory.

TO : Headquarters, Allied Control Commission.

Reference is made to Document D of the instruments for the transfer of territory to the administration of the Italian Government. By that document the Chief of the Italian Government undertook to take certain action of a legislative or administrative character, including as far as might be necessary the implementation of Documents A and C. While an examination of the Gazzetta Ufficiale makes it apparent where certain of the requisite decrees have been enacted, other requirements called for action only "if necessary," "in so far as not already provided," etc. The actual situation is thus in some matters not known to this Section, which has been requested by the Civil Affairs Division, War Department General Staff, to advise on the matter. Accordingly the Allied Control Commission is requested to make a report to this Headquarters showing exactly what has been done to execute the various conditions of the transfer of territory to Italian administration.

Charles M. Spofford
 CHARLES M. SPOFFORD,
 Colonel, G.S.C.,
 Chief of Section.

Legal
Will you please prepare a report on this matter for the VP
 7 May 1944

4448

SECRET

29

CC/F/ 135 (502.2)

1 CONFIDENTIAL

FNMW/rj

11th. March, 1944.

I enclose herewith the draft which you sent me in your personal D/O letter of 5th. March.

I approve of all your suggested amendments and have no comments to make.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Major-General Sir Brian H. Robertson, Bt.,
A.C.M.F. Administrative Echelon.

4447

(28)

785015

7 MAR 1945
DFE

H.L. Egan

(Adm. Echelon)

5 Mar 45

My dear General,

C. i. l. has approved this for issue.

I have pencilled in some suggested amendments made for the sake of brevity.

The only two amendments to which I attach any consequence are

§2 "a position analogous to one O.S. troops
quartered in U.S.A."

§6 "It has also been agreed with the Italian
Government"

The words in each case are no doubt correct,
but I think that they are undesirable psychologically.

If you will return this to me (at my Naples office)
with your comments, I will get it out.

Yours sincerely

Richard H. of the line

Lt. Gen. N. Mason Duffield
Chief Commissioner
ACC.

Answer 4/16

Wm 4/21

602.3

CC/P/47

20FY

FMGB/rj

12th. February, 1944.

I am sending out by hand two copies of the Italian translation of Documents "A" and "B" in connection with the Transfer of Territory to the Italian Government. These are required for record purposes and I would be glad if you would sign them.

Naturally in the case of all these documents the English version is the official text.

I send you also a copy of a letter which I sent yesterday to General Wilson. I have attached all the enclosures but the one which I would like you to read particularly is my memorandum on the political situation which I have flagged "X".

I saw Badoglio yesterday and he was in good heart and played very well over one or two rather awkward points. I have as yet had no reports of any repercussions to the transfer of territory. Our initial impression here is that it is not creating any very great interest in the mass of the people.

I would be grateful if you could return the signed documents by the hands of my messenger.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

GENERAL SIR HAROLD R. ALEXANDER,
G.C.B., C.S.I., D.S.O., M.C.
COMMANDER-IN-CHIEF.

4445

U. S. SECRET Equals British SECRET

HEADQUARTERS
ALLIED CONTROL COMMISSION
A.P.O. 394

SUBJECT: Restoration of Territory

TO : C. in C., A.P.O.C.

17th February 1944

When Marshal Badoglio signed the documents of restoration he made an oral declaration to me which he subsequently embodied in a letter addressed to me. A copy of his letter and a translation is attached.

I gave no undertaking to the Marshal or assented to his statement in any way but stated simply that I would forward his request.

NOEL HUSON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

Copy sent to Capt. Sloughlin.
all is Ed.

4444

U. S. SECRET Equals British SECRET

27

Ref. CC/G/50.

SECRET

F222/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 PANTELLARIA, LIPARI 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.

NOMEL MASON MACFARLANE, 4443
Lieutenant-General,
Chief Commissioner.

785015

FEB 24 1944

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HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

Ref/276/27/CA

12 February 1944

MEMORANDUM

TO : All Concerned

1. By Proclamation No. 16, that part of the Italian Peninsula which lies south of the northern boundaries of the provinces of Salerno, Potenza and Bari, together with the island of Sicily (but exclusive of the islands of Pantelleria, Lampedusa and Linosa) was restored to the jurisdiction of the Italian Government with effect from 0001 hrs. on 11 February 1944.

2. Without prejudice to the rights which the United Nations have under the Armistice and which are exercised in their behalf by the Commander-in-Chief of the Allied Forces and his representatives, including the Allied Control Commission, all powers of government in the above mentioned areas will henceforth belong to the Government of Italy.

3. According to the terms of the Armistice, the Allied Control Commission will continue to insure the effective use of Italian resources in the common war and to represent Allied interests to the Italian National and local governments.

By command of Lieutenant General MASON MacFARLANE:

M. S. LUSH
Brigadier
Executive Commissioner

Distribution:

Dist. (A)
60 copies Region I
60 copies Region II
60 spares

4442

25

FOR RELEASE MIDNIGHT, FEBRUARY 10

(NOT RE FILE)

ANNOUNCEMENT OF RESTORATION OF
ITALIAN TERRITORY

1. As Commander-in-Chief of the Allied Forces, I wish to make the following announcement.
2. On 11 February 1944, that part of the Italian peninsula which lies south of the northern boundaries of the provinces of Salerno, Potenza and Bari together with the islands of Sicily and Sardinia will be restored to the jurisdiction of the Italian Government. Without prejudice to the rights which the United Nations have under the Armistice and which are exercised in their behalf by the Commander-in-Chief of the Allied Forces and his representatives including the Allied Control Commission, all powers of government will henceforth belong to the government of Italy. At the same time, Allied Military Government which has been responsible for the control and administration of this territory will cease to function within its boundaries.
3. When the Allied Forces first occupied the territory of metropolitan Italy, military operation and the best interests of the civil population made military government a necessity. It was a military necessity that order should be established and maintained among the civil population behind the lines so that our troops could continue their fighting under the most favorable conditions. It was a human necessity that the men, women and children in the occupied territory should be assisted as far as conditions allowed in recovering from the misery and devastation which warfare had imposed on their homes and lands. Accordingly, Allied Military Government was established on the basis of international

United Nations have under the Armistice and which are exercised in their behalf by the Commander-in-Chief of the Allied Forces and his representatives including the Allied Control Commission, all powers of government will henceforth belong to the government of Italy. At the same time, Allied Military Government which has been responsible for the control and administration of this territory will cease to function within its boundaries.

3. When the Allied Forces first occupied the territory of metropolitan Italy, military operation and the best interests of the civil population made military government a necessity. It was a military necessity that order should be established and maintained among the civil population behind the lines so that our troops could continue their fighting under the most favourable conditions. It was a human necessity that the men, women and children in the occupied territory should be assisted so far as conditions allowed in recovering from the misery and devastation which warfare had imposed on their homes and lands. Accordingly, Allied Military Government was established on the basis of international law. It was conducted with humanity and justice.

4. The eradication of Fascism and the restoration of freedom of speech and of the press to the Italian people were established in the original plans as fundamental aims of Allied Military Government. These aims emanated from the firm belief that our war in Italy was being waged against the Fascists and their Nazi masters and that the Italian people should be given the earliest opportunity after their liberation to enjoy the free institutions which are an inherent part of political Democracy. In the field, Allied Military Government undertook to realize these aims to the fullest extent consistent with military necessity.

5. Whenever the success of Allied arms made it possible, the vast majority of Italians repudiated Fascism in all its forms and manifestations. The Armistice of September 3rd was not only an admission of military defeat; it was an official condemnation of the political group which had placed Italy in German hands. Italy's declaration of war against Germany on October 13th marked the final break of the Italian people with German dominated Fascism.

6. On November first, the Government of the United States of America, the United Kingdom and the Soviet Union expressed their basic policy towards Italy in the Moscow declaration of their respective Foreign Secretaries. The Declaration reiterated the fundamental principle that "Fascism and all its evil influences and emanations shall be utterly destroyed" and added that "the Italian people shall be given every opportunity to establish governmental and other institutions based upon democratic principles."

7. This statement was reflected in the formation of the Allied Control Commission which assumed its powers and duties on November tenth. The principal duty assigned to it was the control according to the terms of the Armistice of Italy's economic resources and manpower in order that Italy should be transformed into an effective instrument of war against Germany. But the Commission was also charged with planning for the gradual transfer of territory to the Italian administrator. The Italian Government was enjoined to strengthen its administrative structure in preparation for the transfer.

8. On December 15th, the Advisory Council for Italy, composed of representatives of the United Kingdom, the United States of America, the Soviet Union and the French Committee of National Liberation, recommended that the Italian territory which I have described above should be transferred to Italian adminis-

people shall be given every opportunity to establish governmental and other institutions based upon democratic principles."

7. This statement was reflected in the formation of the Allied Control Commission which assumed its powers and duties on November tenth. The principal duty assigned to it was the control according to the terms of the Armistice of Italy's economic resources and manpower in order that Italy should be transformed into an effective instrument of war against Germany. But the Commission was also charged with planning for the gradual transfer of territory to the Italian administration. The Italian Government was enjoined to strengthen its administrative structure in preparation for the transfer.

8. On December 15th, the Advisory Council for Italy, composed of representatives of the United Kingdom, the United States of America, the Soviet Union and the French Committee of National Liberation, recommended that the Italian territory which I have described above should be transferred to Italian administration subject to the guidance and instructions of the Allied Control Commission for Italy. The transfer was recommended with the understanding that ⁴⁴⁴⁹ should be subject to two conditions: that the administration, control and local, should be carried on by officials of proven good faith and Allied sympathies and that the transfer should involve no commitment to the present Government after the capture of Rome.

9. These conditions are consistent with the larger principles which the Allied Governments have already declared. Italians of honest, democratic convictions must lay the foundation for their country's future. They must work out that future democratically according to the will of the Italian people when that will

can be adequately expressed.

10. The Allied Control Commission will see that this is done. According to the terms of the Armistice, it will continue to insure the effective use of Italian resources in the common war and to represent Allied interests to the Italian national and local governments. At the same time it will see that opportunity is given to the people of Italy to develop their political activities in an atmosphere of fairness and freedom.

11. For the reasons given at the beginning of this announcement, it will be necessary for Allied Military Government to continue to function in the combat zone. But it is also foreseen that as our armies advance and normal conditions are restored in the territory progressively occupied, future transfers will be effected. The situation now in the making will make it possible for these future transfers to be made to an Italy which has grown in strength and stature. We look to the Italian people to translate this possibility into a firm reality and to work together toward the common victory. Nothing must stand in its way for it is the indispensable condition of the freedom of all mankind.

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4439

See 10-24-23

- 3 -

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

785015

SECRET

FARGO 856

54

FARGO (GEN MACFARLANE C COMM)

10th. February. 1944.

SECRET

10050 MACFARLANE

OPERATIONAL PRIORITY

FREELION FOR M.G.S. FROM MACFARLANE PERSONAL

Just received your 49408. I am altering text of announcement to agree with text transmitted to C.C.S. by you. Territory is being transferred to Italian Government at 0001 February 11th. . Quite impossible to keep this secret after time of transfer. publicity in local press is essential. Text of announcement has been in my possession for a long time. I informed you many days ago that I hoped to arrange for Transfer of Territory on 10th. February. There has been ample time to agree the announcement. Under the circumstances I propose to make the announcement to Press Conference specially summoned for the purpose this afternoon and to fix release ^{Rf} at ~~midnight~~ tonight 10/11 February at ^{Rf}

midnight. Rf

See - 24

4438

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

785015

091955A

R-1381

PA 6 CC

2879

SECRET SECRET OPERATIONAL PRIORITY TELEGRAMRECEIVED AT
FBI SIGNAL MESSAGE CENTER

9 FEBRUARY 1944

SECRET

OPERATIONAL PRIORITY

FATIMA FOR MACFARLANE, FOR FARGO FOR MACFARLANE

NONE

SIGNED C IN C

091548A

091955A

49408

PHMS

Recd
1210 10/2
hms



APPROVAL OF TEXT OF TRANSFER ANNOUNCEMENT NOT YET RECEIVED FROM
CCS. NO ANNOUNCEMENT CAN BE MADE UNTIL IT ARRIVES. MEANTIME HAVE UNWIND
EARLIEST APPROVAL AND PROPOSED SIMULTANEOUS ANNOUNCEMENTS FROM AFHQ
AND ACC. CCS MAY DECIDE THAT SIMULTANEOUS ANNOUNCEMENTS SHOULD ALSO BE
MADE FROM LONDON, MOSCOW AND WASHINGTON WHICH WOULD CAUSE SLIGHT DELAY.

NO OBJECTION TO YOUR ANNOUNCING DETAILS OF ACC WHEN TRANSFER OF
TERRITORY IS ANNOUNCED.

TEXT TRANSMITTED TO CCS FOR APPROVAL DIFFERS FROM YOUR TEXT IN
FOLLOWING POINTS AND CHANGES IN YOUR TEXT SHOULD BE MADE ACCORDINGLY.
PARA 2. READ "HAVE" FOR "ENJOY" IN LINE 5. PARA 2. LAST SENTENCE SHOULD
READ: "WHERE ALLIED MILITARY GOVERNMENT HAS BEEN OPERATING WITHIN THE
TERRITORY THUS RESTORED, IT WILL ACCORDINGLY BE BROUGHT TO AN END".
PARA 3. 3RD SENTENCE SHOULD READ. "IT WAS A HUMAN NECESSITY THAT THE
MEN, WOMEN AND CHILDREN IN THE OCCUPIED TERRITORY SHOULD BE RELIEVED
AS FAR AS POSSIBLE FROM THE DISTRESS WHICH MILITARY OPERATIONS HAD
BROUGHT UPON THEM." PARA 7. 2ND SENTENCE SHOULD READ: "THE PRINCIPLE
DUTY ASSIGNED TO IT WAS TO TAKE SUCH MEASURES OF CONTROL ACCORDING TO
THE TERMS OF THE ARMISTICE AS TO TRANSFORM ITALY INTO AN EFFECTIVE
INSTRUMENT OF WAR AGAINST GERMANY". PARA 8. END OF LAST SENTENCE:

SECRET

N-1331

OPERATIONAL

SECRET

SUBSTITUTE "PRESENT ADMINISTRATION" FOR "PRESENT GOVERNMENT OF TECHNICIANS". PARA 10. 2ND SENTENCE SHOULD READ: "ACCORDING TO THE TERMS OF AMISTICE, IT WILL BE THE CHANNEL FOR COMMUNICATING THE DESIRES OF THE UNITED NATIONS TO THE ITALIAN GOVERNMENT AND WILL INSURE THE EFFECTIVE USE OF ITALIAN RESOURCES IN THE COMMON WAR". PARA 11. DELETE LAST SENTENCE BEGINNING: "NOTHING MUST STAND IN ITS WAY ETC."

FBS DISTR:

ACTION: AMB HQ
INFO : G-2
SECY
CC

ACC DISTR:

(ACTION) ADM SEC (for Legal)
(INFO) PA TO CC
RU & MI SEC
ECON SEC
POL SEC

4436

SECRET

FARGO 834

51

FARGO (GEN MACFARLANE C COMM)

9th. February. 1944..

SECRET

10050 MACFARLANE

URGENT

FRANKLIN (FOR C IN C, MACMILLAN, CIVIL AFFAIRS, M.G.S.) REPEATED
HEADQUARTERS A.C.M.F. (for C IN C) FROM MACFARLANE PERSONAL

_____ Prior to signing Transfer Documents Badoglio asked if I could give him the assurance he had requested in connection with Article One Document "A". I replied "NO". He asked also if I would insert a clause stating that Pantelleria, Lampedusa and Linosa would be returned to the Italian Government after the Allies had ceased to have any military use for them. I replied in the negative but stated that if he would submit a written statement to this effect I would forward it to the Allied Governments. I asked Badoglio to confirm the fact that he wished Document "A" to remain a Secret Document in the same way as the Long Terms. He confirmed this. I did my best to induce Badoglio to omit mention of the King in the Third Paragraph of his message to the Italian people. He remained understandably adamant on this point and I eventually agreed to his message remaining in its original form. I am forwarding earliest by air copies of all five Transfer Documents as signed. Badoglio and I have each retained signed copies

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SECRET

FARGO 833

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FARGO (GEN MACFARLANE C Comm)

9th. February, 1944

SECRET

10050 MACFARLANE

URGENT

URGENT (FOR C IN C, MACMILLAN, CIVIL AFFAIRS AND M.G.S.) REPEATED
HEADQUARTERS A.C.M.F. FROM MACFARLANE PERSONAL

(FOR C IN C) • Rf

_____ Obtained Badoglio's signature to Transfer documents this
morning. Transfer of territory will take place at 0001 hours 11th. February.
See my immediately following telegram

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RADIO

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SECRET PRIORITY TELEGRAM

RECEIVED AT
FBS SIGNAL MESSAGE CENTER

FOR INFORMATION ONLY

7 FEBRUARY 1944

SECRET

PRIORITY

CG FBS FOR FARGO FOR MACFARLANE
ROME

SIGNED C IN C

071301A

071540A

48486

PHMGS

no action
Hum 9/28
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DOCUMENT A ARTICLE 1. REPLYING TO MESSAGE FBS 7355 CITE FARGO 745. THE ASSURANCE REQUESTED BY THE ITALIAN GOVERNMENT CANNOT BE GIVEN. IF UNITED NATIONS WERE TO INSIST UPON THE RETENTION AND EXERCISE OF ALL THEIR RIGHTS UNDER ARTICLE 19 OF LONG TERMS, ITALIAN GOVERNMENT WOULD BE BOUND TO "MAKE AVAILABLE" MANY FACILITIES. THE UNITED NATIONS ARE NOW WILLING TO MAKE CERTAIN TERRITORY "NON-OCCUPIED", STIPULATING HOWEVER FOR CERTAIN RIGHTS WHICH THE LONG TERMS ATTACH TO "OCCUPATION". SINCE THE ITALIANS ARE REQUIRED BY DOCUMENT A ARTICLE 1 TO "MAKE AVAILABLE" SUCH FACILITIES ETC AS THE ALLIED C IN C MAY REQUIRE, IT SEEMS EVIDENT THAT THEY MAY BE CALLED UPON TO FURNISH MORE THAN MERELY FREE TRANSPORT. IF DOCUMENT A ARTICLE 1 MEANT NO MORE THAN IS ALREADY PROVIDED IN ARTICLE 21 (B), IT WOULD HAVE BEEN NEEDLESS.

6023-

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ACC DISTR:

INFO AMG HQ
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CG
SECY

FOR INFORMATION ONLY

(INFO) PA TO CC
BRIG LUSH
ECON SEC
ADMIN 4433
POLITICAL SEC
LEGAL S C
FINANCE S C

Saw PA. Dir. who
will telephone to C.C.

HS 8/2

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SECRET

PARGO 780 ✓
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PARGO (GEN MACFARLANE C COMM)

7th. February, 1944.

SECRET

10050 MACFARLANE

PRIORITY

RPTD HEADQUARTERS A.C.M.F.
FROM MACFARLANE PERSONAL

Transfer of Territory.

/ With reference your 46943 PARGO .

I informed Colonel

Jung and representatives Italian Government of decisions conveyed in your telegram

under reference last night. Badoglio arrives Salerno tomorrow 8th. February.

I will endeavour to secure his agreement and signature tomorrow night

See 17-19

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

785015

SECRET

FARGO 745

39

FARGO (GEN MACFARLANE C COMM)

5th. February. 1944.

SECRET

10050 MACFARLANE

PRIORITY

MESSAGE FOR M.G.S. (ATTENTION COMMANDER-IN-CHIEF, MR. MACMILLAN)
FROM MACFARLANE PERSONAL

785015 46943 FARGO refers. Italian Government on the move.
Doubtful if I can get final agreement before eighth February at earliest.
Your telegram quite clear and understood except for Document A Article One.
Italians made no request for this Article to be redrafted. They asked only
for an assurance that their financial liabilities under Article 21(b) of the
long terms were limited to the provision of free transport and that Article
One of Document A did not increase their financial liability. Please give
me clear answer on this point.

See 18-19

602-3-

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Pol. Section.
Finance Sub-Comm.
Econ. V.P.
Legal Sub-Comm.
Admin V.P.
Brig. Liaison

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 Equals British SECRET

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PRIORITY

46913

FARGO SIGNED CINC. CITE PERIOD

FEB 031841A

FARGO REPHRASED FATIMA REAR AND FAIRBANKS

FEB 040000A

Herewith reply to your message CIT Fargo 655 of 1 February and to memorandum 1070/33 of same date with its inclosures.

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 3. Your comment is approved. You may omit

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 Equals British SECRET

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U. S. SECRET
Equals British SECRETIncoming message fr Freedom, #46743, dtd 3 Feb 44, cont'd:

except that any person etc. at close of 1 Article, and insert the above undertaking at some appropriate place in Document A. Advise this Headquarters 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 documents 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.

DISTRIBUTION:

2 - AG
1 - Diary

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Equals British SECRET

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FAHGO FROM MACFARLANE PERSONAL

SECRET

URGENT

1st. February 1944

10050 MACFARLANE

PRETEXT FOR C-IN-C, MACMILLAN, MURPHY AND M.G.S.

Transfer of Territory.

Colonel Jung accompanied by Casardi and Philipson submitted at discussions last night and this morning views of Italian Government regarding Documents "A" and "C".

Para Two. Document "A" Article One. They ask for assurance that nothing therein increases their financial liability implied in their interpretation of Armistice Terms. Their view is that financial liability under Article 21(c) is limited to provision of free transport facilities. Comment. I suggest that if possible this assurance be given.

Para Three. Article Nine. Italian Government desire following redraft. quote. 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 impost, tax, charge or duty of any kind whatsoever either to the Italian Government or to any of its Political Sub-Divisions or Agencies. From time to time the United Nations and the Italian Government will consider whether and to what extent civilian

See 16

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supplies for distribution to the civilian population should, when transferred to distributors, pay any impost, 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 imposts, taxes, charge or duty. Unquote. Comment. I recommend acceptance of this redraft. Para Four. Article Eleven. Italian Government wish this article to commence as follows. Quote. Any member of the United Nations land, sea or air forces or their officials or accredited representatives may enter and remain, etc. . Unquote. Italian Government fears that in its original form and by inclusion of the word agents the Article might ^{increase incidence} ~~consequences~~ of smuggling and other irresponsible acts. Comment. I recommend acceptance Italian redraft.

Para Five. Article Thirteen. The Italian Government apparently in an attempt to limit financial liability request that the words quote engaged in duties connected with

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the occupation of the country unquote be added after the words quote or other personnel unquote. Comment. I recommend that this Article be omitted altogether in order to postpone major question of interpretation of financial liability under Armistice Terms unless it is desired to bring the matter to a head in connection with the document under consideration.

Para Six. I consider that on the whole the representations of the Italian Government in connection with this document appear generally reasonable.

Para Seven. Document "C". Italian Government for psychological reasons wish to separate legislation part of proclamation from that part which appeals to the people and suggest the following procedure. Firstly. Articles One to Four as proclamation. Secondly. Articles Five and Seven as message by Badoglio of which acceptable draft has been submitted to me. Thirdly. Contents of Article Six to be enacted immediately but in normal manner and unobtrusively as legislation in Gazzetta. Comment. I recommend that this procedure be accepted. End of comment. In addition Italian Government desire omission of last sentence Article Three from quote except unquote to end. They

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are willing loyally to consult Allied Nations but wish final decision to rest with them. Comment. I consider that we must be firm on this point but I suggest that these words could be omitted from the proclamation and that a clause be added to Document "A" to cover the point.

Para Eight. Document "D". Agreement was arrived at on this Document.

Para Nine. I am forwarding fuller details by air soonest possible. I hope it may be possible to secure agreement on the Documents "A" and "C" in time to carry out the transfer of territory on 10th. February as provisionally agreed.

Lieutenant-General,
Deputy President.

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(15)

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

Ref B + G/33

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

HWH/SC 14

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. Phillips and Casarini 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.

Copy to: HQ AFMF

See 15

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AMENDMENTS PROPOSED BY ITALIAN GOVERNMENT TODOCUMENT AArticle 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.

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 impost, 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 impost, 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 imposts, taxes, charge or duty."

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.

Article XIII.

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

AMENEMENTS PROPOSED BY ITALIAN GOVERNMENT TO

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 gist 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 notified as military zones, a proclamation would be posted immediately in which this legislation would be brought to the full knowledge of the people.

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.

AMENDMENTS AS REGARDS

DOCUMENT D.

A. The following amendments were agreed to:

1. Para. 2(b) should read as follows:

"A decree to implement paragraph 5 of document A providing for the establishment of Allied Military Courts to try offences entailing any hostile act against the Allied Forces and empowering any member of the Allied Forces to arrest any person whom such member had reasonable grounds for believing is concerned in such an act, except in the case of an Italian officer or an Italian high official in which case the Italian Government or the local superior Authority concerned should be asked to cooperate in any action".

2. Para 3 (b) (2) should read as follows:

"Barring all transactions in lands and buildings so far as necessary to prevent inflation as may be agreed upon by A.C.C. and the Italian Government."

3. Para. 3 (b) (3). Preface this subclause by the words -

"If necessary and in so far as not already provided for in existing legislation;"

4. Para 3 (b) (4).

"Authorising the competent Ministers in their discretion as a war measure to prohibit the entering into or carrying on of any type of business except upon such terms or in such areas as they may prescribe; and authorising them to require any property in which there are reasonable grounds for believing that any enemy or Fascist interests, direct or indirect exist, to be delivered to any agency designated by them 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 report to the Minister of Finance showing any dealings in these accounts."

B The Italian representatives objected to Para. 3(c).

Subsequent discussion disclosed the fact that the Italian Government contemplated returning forthwith to the syndicate system notwithstanding its abolition during occupation.

This raises a question of great importance and I consider that the matter should be carefully investigated as soon as possible by the Economic Section. I am informing the Italian Government that they should not return to the syndicate system until the question has been further considered.

In the meantime it has been agreed that the Article 3(c) in question should be deleted from the document.

C Para 3 (d). The following amendments were agreed to: "instead of ~~conferring~~ executive powers upon" substitute "transferring to the administration of". Also

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that French property should be included in that of the United Nations. The Government objected to the inclusion of enemy property for fear of reprisals and it was agreed to leave this to Italian administration, but it is recommended that their attention be called to Article 28 (c) and (d) of the Armistice Terms.

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HEADQUARTERS ALLIED CONTROL COMMISSION

EWS/hjp

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APD 394

091.1

29 January 1944

MEMORANDUM FOR: General MacFarlane

There is forwarded herewith a copy of the draft press announcement which accompanied our copy of the transfer documents received here. There is also enclosed a copy of our dispatch No. 2191 to Freedom dated 28 January.

W. H. Stone
ELLERY W. STONE
Captain, USNR
Acting Chief of Staff

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28 JAN 1944

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2188
 FURTHER OUR TWO ONE EIGHT EIGHT GENERAL MACFARLANE HAS NO OBJECTION TO
 PARAGRAPH TO REMAIN FROM FATIMA FROM YOURS SIGNED MACFARLANE PARAGRAPH TEXT OF
 DRAFT AGREEMENT BUT I SUGGEST FOR LAST WORD FOURTH LINE PARAGRAPH
 TWO SUBSTITUTE QUOTE HAVE UNQUOTE FOR QUOTE ENJOY UNQUOTE TO AVOID
 POSSIBILITY OF DOUBTFUL MEANING IN TRANSLATION

AUTHENTICATED:

ELLEN W. STONE
 Captain, USMC
 Acting Chief of Staff

DISTRIBUTION:
 2 - All Files
 1 - Diary

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OUTGOING

EWS/hjp

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FREEDOM RPTD FARGO

JAN 271300

YOUR LETTER TWO FOUR JANUARY FORWARDING DRAFT PRESS ANNOUNCEMENTS AND
DOCUMENTS RECEIVED PD PAREN TO FREEDOM FOR MGS RPT FARGO FROM PATLA
FROM STONE SIGNED MACFARLANE PAREN PRESS ANNOUNCEMENT DELIVERED TO
HQ ACC NAPLES WITH REQUEST THAT COMMENTS BE SENT YOU TO NEW SUBJECT PD
WITH HEADQUARTERS SPLIT SUGGEST IN THE FUTURE IMPORTANT LETTERS AND
SIGNALS BE DUPLICATED TO BOTH HEADQUARTERS UNTIL MOVE COMPLETED TO

AUTHENTICATED

ELLERY W. STONE
Captain, USNR
Acting Chief of Staff

DISTRIBUTION

2 - AG Files
1 - Diary

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MS - 387.4-2

ANNOUNCEMENT OF RESTORATION OF
ITALIAN TERRITORY

1. As Commander-in-Chief of the Allied Forces, I wish to make the following announcement.
2. On *11 Feb*, 1944, that part of the Italian peninsula which lies south of the northern boundaries of the provinces of Salerno, Potenza and Bari together with the islands of Sicily and Sardinia will be restored to the jurisdiction of the ^{have} Italian Government. Without prejudice to the rights which the United Nations (enjoy) under the Armistice and which are exercised in their behalf by the Commander-in-Chief of the Allied Forces and his representatives including the Allied Control Commission, all powers of government will henceforth belong to the government of Italy. At the same time, Allied Military Government which has been responsible for the control and administration of this territory will cease to function within its boundaries.
3. When the Allied Forces first occupied the territory of metropolitan Italy, military operation and the best interests of the civil population made military government a necessity. It was a military necessity that order should be established and maintained among the civil population behind the lines so that our troops could continue their fighting under the most favourable conditions. It was a human necessity that the men, women and children in the occupied territory should be assisted so far as conditions allowed in recovering from the misery and devastation which warfare had imposed on their homes and lands. Accordingly, Allied Military Government was established on the basis of international law. It was conducted with humanity and justice.
4. The eradication of Fascism and the restoration of freedom of speech

4416

of the Allied Forces and his representatives including the Allied Control Commission, all powers of government will henceforth belong to the Government of Italy. At the same time, Allied Military Government which has been responsible for the control and administration of this territory will cease to function within its boundaries.

3. When the Allied Forces first occupied the territory of metropolitan Italy, military operation and the best interests of the civil population made military government a necessity. It was a military necessity that order should be established and maintained among the civil population behind the lines so that our troops could continue their fighting under the most favourable conditions. It was a human necessity that the men, women and children in the occupied territory should be assisted so far as conditions allowed in recovering from the misery and devastation which warfare had imposed on their homes and lands. Accordingly, Allied Military Government was established on the basis of international law. It was conducted with humanity and justice.

4. The eradication of Fascism and the restoration of freedom of speech ⁴⁴¹⁶ of the press to the Italian people were established in the original plans as fundamental aims of Allied Military Government. These aims emanated from the firm belief that our war in Italy was being waged against the Fascists and their Nazi masters and that the Italian people should be given the earliest opportunity after their liberation to enjoy the free institutions which are an inherent part of political Democracy. In the field, Allied Military Government undertook to realise these aims to the fullest extent consistent with military necessity.

5. Wherever the success of Allied arms made it possible, the vast majority of Italians repudiated Fascism in all its forms and manifestations. The Armistice of September 3rd was not only an admission of military defeat; it was an official condemnation of the political group which had placed Italy ¹⁰ ~~Germany's~~ hands. Italy's

See (2-2)

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(Equals British MUST SECRET)

declaration of war against Germany on October 13th marked the final break of the Italian people with German dominated Fascism.

6. On November first, the Governments of the United States of America, the United Kingdom and the Soviet Union expressed their basic policy towards Italy in the Moscow declaration of their respective Foreign Secretaries. The Declaration reiterated the fundamental principle that "Fascism and all its evil influences and emanations shall be utterly destroyed" and added that "the Italian people shall be given every opportunity to establish governmental and other institutions based upon democratic principles."

7. This statement was reflected in the formation of the Allied Control Commission which assumed its powers and duties on November tenth. The principal duty assigned to it was the control according to the terms of the Armistice of Italy's economic resources and manpower in order that Italy should be transformed into an effective instrument of war against Germany. But the Commission was also charged with planning for the gradual transfer of territory to the Italian administration. The Italian Government was enjoined to strengthen its administrative structure in preparation for the transfer.

8. On December 15th, the Advisory Council for Italy, composed of representatives of the United Kingdom, the United States of America, the Soviet Union and the French Committee of National Liberation, recommended that the Italian territory which I have described above should be transferred to Italian administration subject to the guidance and instructions of the Allied Control Commission for Italy. The transfer was recommended with the understanding that it should be subject to two conditions: that the administration, central and local, should be carried on by officials of proven good faith and Allied sympathies and that the transfer

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after the capture of

sion which assumed its powers and duties on November tenth. The principal duty assigned to it was the control according to the terms of the Armistice of Italy's economic resources and manpower in order that Italy should be transformed into an effective instrument of war against Germany. But the Commission was also charged with planning for the gradual transfer of territory to the Italian administration. The Italian Government was enjoined to strengthen its administrative structure in preparation for the transfer.

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9. These conditions are consistent with the larger principles which the Allied Governments have already declared. Italians of honest, democratic convictions must lay the foundation for their country's future. They must work out that future democratically according to the will of the Italian people when that will can be adequately expressed.

10. The Allied Control Commission will see that this is done. According to the terms of Armistice, it will continue to insure the effective use of Italian resources in the common war and to represent Allied interests to the Italian national and local governments. At the same time it will see that opportunity is given to the people ¹⁰

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- 3 -

of Italy to develop their political activities in an atmosphere of fairness and freedom.

11. For the reasons given at the beginning of this announcement, it will be necessary for Allied Military Government to continue to function in the combat zone. But it is also foreseen that as our armies advance and normal conditions are restored in the territory progressively occupied, future transfers will be effected. The situation now in the making will make it possible for these future transfers to be made to an Italy which has grown in strength and stature. We look to the Italian people to translate this possibility into a firm reality and to work together toward the common victory. Nothing must stand in its way for it is the indispensable condition of the freedom of all mankind.

4474



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

for it is the indispensable condition of the freedom of all mankind.

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(Equally British (MOST SECRET))

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

OUTGOING MESSAGE

Office of the Deputy President.

27th. January, 1944. ✓

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URGENT

TO: FREEDOM REPORTED FILIPOT AND FATIMA FREE PARDON

YOUR NUMBER 41997 AND MY NUMBER 510 TRANSFER OF TERRITORY TO ITALIAN GOVERNMENT (.)
 PERSONAL FROM MACFARLANE (.)

I SAW BADOGLIO TODAY (.) I WENT THROUGH DOCUMENT "A" WITH BADOGLIO WHO ASKED THAT
 HE MIGHT BE GIVEN TIME TO CONSIDER IT TOGETHER WITH DOCUMENTS "B" "C" AND "D" WITH
 HIS COLLEAGUES (.) I CONSIDERED THIS REQUEST REASONABLE BUT INSISTED ON RECEIVING
 A REPLY WITHIN 48 HOURS (.) I DO NOT ANTICIPATE ANY DIFFICULTIES WITH THE POSSIBLE
 EXCEPTION OF CLAUSE FIVE OF DOCUMENT "A" (.) I THINK IT POSSIBLE THAT BADOGLIO
 MAY SUGGEST SOME MODIFICATION TO THIS CLAUSE ALTHOUGH I PRESSED HIM STRONGLY TO ACCEPT
 THE DOCUMENT AS IT STOOD AND STRESSED THE FACT THAT THE CLAUSE WAS AN ENABLING ONE AND
 THAT ACTION UNDER THE CLAUSE WOULD BE STRICTLY LIMITED TO CASES OF THE KIND
 MENTIONED (.) IN ANTICIPATION OF AGREEMENT BEING REACHED BADOGLIO AGREED (a)
 TO MOVE HIS GOVERNMENT TO SALERNO BY THE 10TH FEBRUARY AND (b) THAT THE DATE OF
 TRANSFER SHOULD BE THE 10TH FEBRUARY (.) I AM MAKING ARRANGEMENTS TO FACILITATE
 THE MOVE OF THE ITALIAN GOVERNMENT STARTING IF POSSIBLE ON THE 30TH INST (.)
 I HOPE TO LET YOU HAVE BADOGLIO'S DECISION REGARDING THE TRANSFER DOCUMENTS WITHIN
 48 HOURS

Lieutenant-General,
 Deputy President.

4418

(9)

OUTGOING MESSAGE.

OFFICE OF DEPUTY PRESIDENT

26th. January, 1944.

SECRET

URGENT

TO: FREEDOM FROM FARGO.

PERSONAL FROM MACFARLANE.

YOUR NUMBER 41997 FILMS.

AM HELD UP BY WEATHER IN NAPLES (.) WILL SEE BADOGLIO TOMORROW AT LATEST
PROCEEDING BY ROAD IF WEATHER DOES NOT IMPROVE (.) I SAW GENERAL ALEXANDER
LAST NIGHT (.) HE APPROVED ALL THE DOCUMENTS INCLUDING ^{a new} DOCUMENT "D" WHICH
IS IN THE FORM OF A DIRECTIVE TO MARSHAL BADOGLIO AND EMBODIES THE MOST
IMPORTANT ITEMS OF THE ACTION WHICH IT WILL BE NECESSARY FOR THE ITALIAN
GOVERNMENT TO TAKE VIDE LAST SENTENCE OF PARA (a) OF YOUR TELEGRAM UNDER
REFERENCE (.) GENERAL ALEXANDER HAS AGREED THAT I SHOULD PROPOSE TENTH FEBRUARY
AS THE DATE OF TRANSFER TO ITALIAN JURISDICTION (.) THIS DELAY IS NECESSITATED
BY THE NECESSITY FOR GETTING THE ITALIAN GOVERNMENT INSTALLED AND CAPABLE OF
FUNCTIONING IN SALERNO BEFORE TAKING OVER AND BY THE TIME REQUIRED TO DRAFT VARIOUS
ESSENTIAL DECREES IN COLLABORATION WITH THE ITALIAN GOVERNMENT (.) ⁴⁴¹² HOPE TO GIVE
YOU DEFINITE NEWS TOMORROW (.)

Lieutenant-General,
Deputy President.

U. S. SECRET

24 JAN 1944

2597

ALLIED CONTROL COMMISSION INCOMING MESSAGE

/dfe

SVC/RELAY NO.

M/C NO : 1/24

CLASS: SECRET

REF NO: 41997

PREC : PRIORITY

FILED : JAN 231708A

FROM : FREEDOM SIGNED WILSON CITE FHMGS

REC'D : JAN 240100A

TO : FATIMA FOR MACFARLANE, FILPOT FOR ALEXANDER, RPTD TO FARGO FOR
AMG, RELAYED TO FAIRBANKS

Look to letter MBS 387.4-2 December 25, 1943, from AFHQ to GOC, 15 Army Group and Acting Deputy President, ACC, copy to Hq AMG, 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 CCS 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 purposed 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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2597

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 CCS 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.

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- 2 - AG
- 1 - Diary
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- 1 - Leg. Sec. Com.

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7

COPY

ALLIED CONTROL COMMISSION - OUTGOING MESSAGE

SECRET

1/17

IMPORTANT

2013

FATIMA

Jan 170910A

FREEDOM PERSONAL FOR GENERAL WILSON

HAD A GOOD DAY IN SARDINIA AND ANOTHER IN SICILY (.) SATISFIED THAT BOTH ARE QUITE
RIPE TO BE TAKEN OVER BY ACC (.) TOOK OVER HERE FROM JOYCE 1200 YESTERDAY (.)
SAW ALEXANDER YESTERDAY AFTERNOON (.) WE HAD BOTH BEEN THINKING ALONG SAME LINES AND
ARRIVED AT COMPLETE AGREEMENT REGARDING ACC AND AMG CONTROL AND MY FUTURE FUNCTIONS
(.) FROM FATIMA SIGNED MACFARLANE FOR FREEDOM PERSONAL FOR GENERAL WILSON (.)
SAW BADOGLIO IN THE EVENING (.) ITALIAN GOVERNMENT READY TO START MOVING AS SOON AS
TERRITORY IS HANDLED BACK BUT IT MAY BE DIFFICULT TO INDUCE THEM TO GET PROPERLY
INSTALLED IN SALERNO BEFORE EARLY NEXT MONTH (.) ESSENTIAL THAT I SHOULD RECEIVE
TERMS OF HANDOVER OF TERRITORY WHICH WE DISCUSSED IN ALGIERS SOONEST POSSIBLE (.)
AM GOING NAPLES TODAY RETURNING AM NINETEENTH (.) WILL SEE ALEXANDER AND MACMILLAN
AT CASERTA TOMORROW (.)

AUTHENTICATED:

LIEUT-GENERAL
Deputy President

DISTRIBUTION:

2 - AC
1 - Diary

4409

6

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U.S. British SECRET

INQUIRY

Ad

1597

13/09

25992

JAN 091213A

JAN 091305A

SECRET

PRIORITY

FREEDOM SIGNED CINC CITE SINGS

PATROL FOR JOYCE

file # 4

file # 3

Reference your 1834 of 8 January.

Summary terms of transfer sent you in our 25348 of 7 January. Lt Colonel
 Bairden 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.

602.3

DISTRIBUTION:

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

4408

4407

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5

1001

785015

8 JAN 1944

OUTGOING

MBT/hjp

8/08
1884

JAN 08/14/517

5

SECRET
PRIORITY
FATIMA
FREEDOM

IT HAS ALWAYS BEEN FELT THAT THE LOVE & ALLIED CONTROL COMMISSION AND THE ITALIAN GOVERNMENT TO SALERNO SHOULD SYNCHRONIZE WITH THE ACCEPTANCE OF CONDITIONS OF TRANSFER BY THE ITALIAN GOVERNMENT TO PARISH TO FREEDOM FROM FATIMA SIGNED J. V. E. PAREN PREPARATIONS AT SALERNO HAVE BEEN COMPLETED WHICH WOULD ALLOW AN IMMEDIATE LOVE CMA HOWEVER CAN THE TERMS OF TRANSFER HAVE NOT BEEN RECEIVED AND THE ITALIAN GOVERNMENT IS STILL UNAWARE OF THE CONDITIONS TO BE IMPOSED TO MARSHAL BARCLAY REQUESTED YES- TERDAY THAT SALERNO PROVINCE BE TURNED OVER TO THE ITALIANS IN ORDER TO PERMIT AN IMMEDIATE LOVE CMA WHILE THE LEGAL COMPLICATIONS OF A PARTIAL TURN BACK ARE APPE- CIATED CMA REQUEST THAT CONSIDERATION BE GIVEN AND THE COMMISSION ADVISED

AUTHENTICATED:

See #5

MAXWELL D. TAYLOR
Brigadier General, USA

DISTRIBUTION:
2 - AG Files
1 - Diary

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SECRET
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

4

U. S. SECRET

Revised E.O. 12356

RECEIVED

6 JAN 1944

1438

/are/and

SECRET

5/08

PRIORITY

25348

FREEDOM SIGNED GING GING FREED

JAN 072120A

PATEA FOR JOHN LIND ROBERT FOR LINDAARD AND
PARGO FOR ANG

JAN 030920A

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

ISSUE 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 therewith to be exercised by Italian Government subject to instruc-
tions of ACC.

2. Allied C-in-C may cancel any act of Italian Government or re-
sume 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 proclama-
tions binding on Italian authorities and people, or of the ACC to take action
necessary for execution of Armistice.

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

4406

ISSUE 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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Revised E.O. 12356

3

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Incoming message No. 25348 from Freedom dtd 7 Jan 44, cont'd.

/dnd

End of Summary

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

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- 2 - AG Files
- 1 - Diary
- 1 - Gen. Taylor)
- 1 - Col. SpJohn) -INFO
- 1 - Mr. Caccia)

4405

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

785015

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INCOMING MESSAGE

WAR

FILED: 052330Z

AFSC N 594/06
 C61032A
 kb

ROUTINE

FROM: AGWAR FROM THE COMBINED CHIEFS OF STAFF

TO: EISENHOWER FREEDOM ALGIERS

REF. NO. THIS MESSAGE: 644-81, 5 JANUARY 1944

FAH 315.

NAP 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

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No action
AFHQ have
asked for
instructions
written
11/16/44

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.

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INCOMING MESSAGE

Continued Sheet 3.

REF. NO. THIS MESSAGE: 644 SI, 5 JANUARY 1944 AFSC N 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. 403

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Continued Sheet 4

REF. NO. THIS MESSAGE: 644 SI, 5 JANUARY 1944 AFSC N 594/06

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

Continued Sheet 3

REF. NO. THIS MESSAGE: 644 SI 5 JANUARY 1944 AFSC N 594/06

Commander in Chief may designate, shall have the following rights and powers in the provinces 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:

4402

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Continued Sheet 6.

REF. NO. 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 impost 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 impost, 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 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 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.

785015

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INCOMING MESSAGE

- 7 -

(MC IN 3583 Ref No. 644 SI Continued)

NOTE: NAF 534 is Reference W 6488/7495, MC OUT 9018 30/11/43 MGS

ACTION: 1578 ✓

INFO : EGS
MR MACMILLAN
MR MURPHY
INC
G-2
CINC MED
USN
G-1
G-3
CAO
JAG
AG RECORDS
**

MC IN 3583

6 Jan 44

1900A

Ref No. 644 SI

ppm/R

4401

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2

ALLIED CONTROL COMMISSION
APO 512

12 November 1943

SUBJECT:

PRESENT: Major General Joyce
Brig. Gen. Taylor
Brig. Gen. Holmes
Brig. Gen. McNerry
Brigadier Queterbock
Lt. Col. Chanlers

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

Brig. Gen. Holmes
Brig. Gen. McCherry
Brigadier Queterbock
Lt. Col. Chantlers

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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. Chaulers 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 discussed at length on the status of AMFA at present.

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

General Holmes was charged with the responsibility of maintaining

g. Prisoners of War.

- E. 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".

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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 ⁴³⁹⁴ 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 R. 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. Gusterbock
1 - Lt. Col. Chanler

DISTRIBUTION:

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

DRAFT 7 NOV. 11, 1945.

EXHIBIT A.

So. 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 Amistice 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, C.O.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

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NOW, THEREFORE, I, HAROLD R. L. G. ALEXANDER, G.C.B., G.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 hereinafter set forth:

Territory Restored:

Terms of Restoration: Without prejudice to any rights of the Italian Government 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 Government.

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Allied Military Forces;

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 at 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 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

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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.

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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.

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DRAFT OF NOV. 10

DOCUMENT B

SECRET

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 P. I. G. ALEXANDER, B.O.B., C.M.I., B.S.O., A.D.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:

b

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, R.C.S., C.B.E., M.A., D.L., 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

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 civil administrative responsibility are hereby restored to the Government of Italy, upon such terms and conditions as have been heretofore laid down by me.

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DRAFT of Nov. 10, 1943.

~~SECRET~~

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 1941, 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

WHEREAS,

NOT, THEREFORE, I,

head of the Italian State by virtue of the authority vested in me by
of 1951, 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 ⁴³⁹⁷
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 add 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

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 bases 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 enemies of Italy, will be severely punished either by Italian courts or by Allied Military Courts.

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. S., 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 associated 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.

2. Such 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.
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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.

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