

Declassified E.O. 12356 Section 3.3/NND No. 725016

ACC

10000/105/584

Declassified E.O. 12356 Section 3.3/NND No. 785016

05/584

CA, BOLZANO, DRAFT DECREE AS TO CITIZENSHIP
NOV. 1945 - JAN. 1946

Chief Commissioner

7 /
Pg A etk for information. I recommend that the
AEO ~~be~~ BDO can be constructed ⁱⁿ with
dealings with the Bishop he will restrict himself
entirely to matters concerning the Church and that
he makes the Prelate understand that in
democratic countries this is the accepted principle
(though it isn't always followed!)

175/411

10/5 add

10/0

8 /

F.C.

democratic countries this is the accepted principle
(though it isn't always followed!)

178/41

10/10

8/

F.C. 5 concen

200

8/

2065

9/

VS CAS

Min 7-8 for very action phase.

F.H.H. 9/

M. 10/10

CA 3

from the [unclear] the [unclear]
 Please [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
 and their conclusions were [unclear] along the same lines as
 mine [unclear]
 It was decided to [unclear] the [unclear] [unclear] [unclear]
 shortly after the [unclear] of the [unclear] [unclear] [unclear] [unclear]
 it would be [unclear] [unclear] to [unclear] [unclear]

3A for [unclear] by [unclear] [unclear]

013 9/12

CA 3
 17 DEC 1961
 W.D.S.

3

Issue as concurred [unclear] 1/3/12

304

Chief Commissioner

Approval
 Attached is submitted for your signature
 information

MR [unclear] 1/3/12

PDads agree

DEC 20 1961
 1/3/12

5

ML 2/11/12

CA Section

for [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]

Chief Commissioner.

Approved
Attached in submitted for your signature
information

MR (17/12)

Plads agree

DEC 20 1950

5

McElroy

CA Section

Letter signed & returned for dispatch
copies for cc

EC files have been withdrawn

Letter dispatched 21/12

for cc

6

2086

Ex. (Comm.)

Polad (A)

Polad (B)

To See 7A-7B

McLan Bigader
V.P.C.I.A.S.

57/146

Minutes

575

drawn authority from the wide ranging discretion as to the
 manner (under 20% of the whole and then was to be held
 between this minority and the remainder) (the other for station
 majority)

Art 5. does not apply a law at all the criterion is
 "the advisability of requiring stationing
 a station authority of opinion, and not in the CC established
 an application of the existing law
 applies Art 1 of the law, which states that the
 extended to it, but this law would mean to be decided to be
 technical grounds as if passed it would properly be held to
 being binding and force by implication

This is not a criterion in detail but in the broadest sense
 of being If the scheme of the device is one itself unworkable
 it may not be necessary to proceed to matters of detail

The Station Government transfers to grant a measure of well
 Government to the other side is it true. It is in the 1904
 Government to distinguish a large proportion of the above

Necessity to leave persons in a house likely under the altered
 declaration to determine their future does not that existing apply to all
 when in one station house persons already transfer and

extensive transfer can be distinguished. That transfer might be
 extended by analogy to distinguish the idea was in an
 analogous position with regard to the holding of ~~any~~ transfer may
 office - should not that sufficient and all other station there
 to come to the

There should be an attempt to settle a satisfactory question
 now - that is bound to come up at the present conference
 It is considered that we should inform the Station Govt and
 without waiting to go into details that the above staff is impossible

[Signature]

M. J. Mills

30 NOV 1949

Declassified E.O. 12356 Section 3.3/NND No. 73506

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: 6/18.2/CA.

11 Jan 46.

SUBJECT: Correspondence with Prince Bishop of Brixen.

TO: CLO BOLZANO.

- 1 A certain amount of correspondence or discussion has taken place recently between the late Regional Commissioner of Venezia, the late Provincial Commissioner of Bolzano and the Prince Bishop of Brixen (Bressanone), on such matters as the termination of Allied Military Government in the province of Bolzano and Italian legislation concerning citizenship in the Alto Adige.
- 2 Please note that any future dealings you may have with the Prince Bishop will be restricted entirely to matters concerning the Church.

BY COMMAND OF THE CHIEF COMMISSIONER:

M. J. J.
M. J. J., Brig.,
VF CA Section.

Copy to: Local Government Sub-Commission,
CLO VENEZIA.

2063

Declassified E.O. 12356 Section 3.3/NND No. 735016

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

See by L.G. Sp (7A)
HP
CODIC 1945

TO : HQ Allied Commission, Civil Affairs Section

29 Dec 45

SUBJECT : Citizenship - Bolzano

FILE NO : RXII/850.12

(5A)

1. In further reference to your AC/6/18.2/CA of 15 Dec 45 and of my interim acknowledgement of 20 Dec 45, I now have to report as follows.

2. I paid a visit yesterday morning to the Prince Bishop in his palace at Bressanone, and conveyed to him the purport of your message. He expressed himself as very grateful for the interest shown by the Allied Commission.

3. At the same time he wished to emphasise his concern at the termination of Allied Military Government in the province of Bolzano. I had already been told by Major Harrison, Acting Provincial Commissioner, that the Prince Bishop had attempted to secure an interview with Major General Heydeman at Merano in order to make his protest in person. I explained to the Prince Bishop that in fact the decision had been taken at a very high level and that I did not think at this stage any purpose would be served by his persevering with his protest.

4. He did, however, ask that the attached letter should be forwarded to you. I do so, and in the meantime have made certain copies in order that a record may be kept in the files at Bolzano and also in this office.

[Signature]
Regional Commissioner

2063

ALLIED COMMISSION
6484

Declassified E.O. 12356 Section 3.3/NND No. 785016

HEADQUARTERS
VIETNAM REGION
Allied Military Government
APO 394

TO : HQ Allied Commission, Civil Affairs Section

29 Dec 45

SUBJECT : Citizenship - Bolzano

FILE NO : BXII/850.12

1. In further reference to your AG/6/18.2/CA of 15 Dec 45 and of my interim acknowledgment of 20 Dec 45, I now have to report as follows.

2. I paid a visit ~~last~~ ^{last} evening to the Prince Bishop in his palace at Braganza, and conveyed to him the purport of your message. He expressed himself as very grateful for the interest shown by the Allied Commission.

3. At the same time he wished to emphasize his concern at the termination of Allied Military Government in the province of Bolzano. I had already been told by Major Harrison, Acting Provincial Commissioner, that the Prince Bishop had attempted to secure an interview with Major General Heydemar at Merano in order to make his protest in person. I explained to the Prince Bishop that in fact the decision had been taken at a very high level and that I did not think at this stage any purpose would be served by his persevering with his protest.

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Regional Commissioner

2062



HEADQUARTERS
VENEZUELA REGION
Allied Military Government
APO 34

TO : HQ Allied Commission, Civil Affairs Section

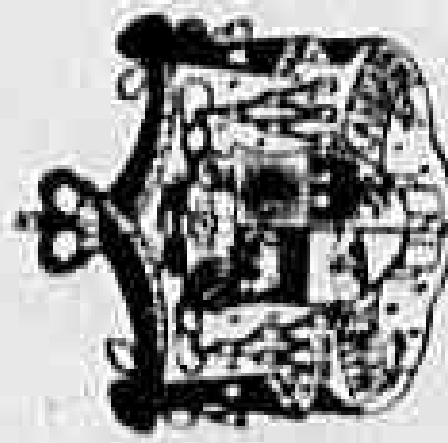
29 Dec 45

SUBJECT : Citizenship - Bolzano

FILE NO : MAIL/850.12

1. In further reference to your AC/6/10.2/CA of 15 Dec 45 and of my interim acknowledgment of 20 Dec 45, I now have to report as follows.
2. I paid a visit *Thursday* coming to the Prince Bishop in his palace at Bremonone, and conveyed to him the purport of your message. He expressed himself as very grateful for the interest shown by the Allied Commission.
3. At the same time he wished to explain his concern at the termination of Allied Military Government in the province of Bolzano. I had already been told by Major Harrison, Acting Provincial Commissioner, that the Prince Bishop had attempted to secure an interview with Major General Haydon at Merano in order to make his protest in person. I explained to the Prince Bishop that in fact the Commission had been taken at a very high level and that I did not think at this stage any purpose would be served by his persevering with his protest.
4. He did, however, ask that the attached letter should be forwarded to you. I do so, and in the meantime have made certain copies in order that a record may be kept in the file at Bolzano and also in this office.


Regional Commissioner



JOANNES XI
Episcopus Britannia et Principis

Bressanone-Brixen, 26 December 1945.

7B

To General Dunlop

Governor of the A.M.G. Venezia Region.

Sir,

Requested by my people to act as spokesman I beg to bring to your full realisation the grave danger entailed by the withdrawal of the Allied Military Government from this Province before a definite decision as to its future destiny has been reached. This decision, however, can only be final when founded on the free expression of the will of the people, in accordance with the solemn pledges given to the peoples of the world, before God and man, in the Atlantic Charter and recently reconfirmed by the Twelve Points of President Truman. Indeed this is the hope of the South Tyrolean population that they will be given the right of self-determination. Signs are not wanting that no such free expression of ~~20~~ will of the people will be possible should the impartial Allied Au-

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Already numerous reports are reaching me that Italians, both civilians and soldiers, have been uttering threats that they will take vengeance on the South Tyrolese as soon as the Allied Military Government departs. The people fear that, even if the worst forms of violence are avoided, a relentless persecution, clothed

legal form, is bound to follow.

Only the presence of the Allied Military Government has put a check on the recent outburst of indiscriminate arrests in Meran and elsewhere, carried out by a Police Force alien to the country and even ignorant of its language and customs.

Other abuses, such as vexatious house-searches, involving arbitrary removal of property, discrimination in the allotment of lodgings, refusal of shop and trade licences, even sequestration of shops on behalf of Italians, discrimination in the allocation of public posts against experienced bi-lingual South Tyrolese doctors and midwives in favour of Italian applicants ignorant of our language, which ignorance in this case certainly constitutes a danger to our people, all these forms of petty tyranny are bound to increase should direct supervision by A.M.G. be withdrawn.

A grave menace that strikes at the roots of one of the main sources of the economic welfare of South Tyrol consists of systematic substitution, generally on the simple pretext of Nazism,

and elsewhere, carried out by a Police Force alien to the country and even ignorant of its language and customs.

Other abuses, such as vexatious house-searches, involving arbitrary removal of property, discrimination in the allotment of lodgings, refusal of shop and trade licences, even sequestration of shops on behalf of Italians, discrimination in the allocation of public posts against experienced bi-lingual South Tyrolese doctors and midwives in favour of Italian applicants ignorant of our language, which ignorance in this case certainly constitutes a danger to our people, all these forms of petty tyranny are bound to increase should direct supervision by A.M.G. be withdrawn.

A grave menace that strikes at the roots of one of the main sources of the economic welfare of South Tyrol consists of systematic substitution, generally on the simple pretext of Nazism, of the South Tyrolese expert forestry personnel by Italians, for the most part unfamiliar with the special conditions prevailing in our mountain forest territory. They have neither the necessary knowledge and experience nor any interest in the maintenance

of the country's wealth and are also ignorant of its language. This is part of a deliberate policy to gain control of the key positions of the land.

The situation is much the same as regards other important branches affecting general welfare, such as banking and, above all, the political administration.

In this way the Italian government aims at maintaining the political and economic stranglehold on South Tyrol, initiated by Fascism for the purpose of exploiting the land on behalf of Italy proper.

The latest statement of Prime-Minister De Gasperi on the subject of South Tyrol, reported in the newspapers of the 21st December, certainly gives no promise of any possibility of a democratic solution of the South Tyrolese question without adequate Allied Control, especially in view of the totally unprotected nature of the widely separated farming homesteads of the peasant population constituting the bulk of the people. This direct control has recently given to the world a striking example of its efficacy during the Austrian General Elections.

20

It is considered humanly impossible for a limited number of localized Allied officers, who, we understand, will be left

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It is considered humanly impossible for a limited number of localized Allied officers, who, we understand, will be left in the Province, to cope successfully with the situation.

Only with A.M.G. offices in full operation, in the hands of enlightened officers who have taken their decision with admirable impartiality and have had the power to impose them,

can South Tyrol be saved from slipping back into the slavery
from which it had hoped to emerge with the help of the Great
Democratic Powers.

Yours sincerely

Johannes Benler
Bishop



COPY
- - - -

Bressanone-Brixen, 26 December 1945

To General Dunlop
Governor of the A.M.G. Venezia Region

Sir,

Requested by my people to act as spokesman I beg to bring to your full realisation the grave danger entailed by the withdrawal of the Allied Military Government from this Province before a definite decision as to its future destiny has been reached. This decision, however, can only be final when founded on the free expression of the will of the people, in accordance with the solemn pledges given to the peoples of the world, before God and man, in the Atlantic Charter and recently reconfirmed by the Twelve Points of President Truman. Indeed this is the hope of the South Tyrolese population that they will be given the right of self-determination. Signs are not wanting that no such free expression of the will of the people will be possible should the impartial Allied Authority be prematurely withdrawn.

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Only with A.M.G. officers in full operation, in the hands of enlightened officers who have taken their decision with admirable impartiality and have had the power to impose then, can South Tyrol be saved from slipping back into the slavery from which it had hoped to emerge with the help of the Great Democratic Powers.

Yours sincerely,

Johannes Geisler

Bishop

Declassified E.O. 12356 Section 3.3/NND No. 735016

6/18.2/CA ✓

KD/sa

(6A)

HEADQUARTERS
VENETIE REGION
Allied Military Government
APO 394.

26 DEC 1945

20 Dec 45

TO : HQ Allied Commission
Civil Affairs Section

SUBJECT : Citizenship - Bolzano.

FILE No.: RXII/850-13.

(5A)

Receipt is acknowledged of your AC/6/18.2/CA
of 15 December, by which I shall be guided.


Regional Commissioner.

2056



Declassified E.O. 12356 Section 3.3/NND No. 735016

HEADQUARTERS ALLIED COMMANDERS
APO 37
CIVIL AFFAIRS SECTION

6/13.2/CA

15 December 1945

SUBJECT: Citizenship - Bolzano.

TO: R.G. Venetia Region (Copy to R.G. Bolzano).

1. Reference your RCL/850.12 dated 6 December 1945.
2. The summary of the proposed decree which was enclosed in the letter of the Prince Bishop of Brixen is broadly speaking in accord with the draft of the decree which this H.Q. has had under consideration and on which it has recently written to the Prime Minister.
3. A copy of this letter is enclosed for your information. It is too early to say what result the letter will have, whether for instance the Government would consider it politic to pass such a law after A.E.G. has ended despite the contents of the letter.
4. One cannot of course inform the Prince Bishop of the actual advice which has been tendered to the Government but he may be informed that this H.Q. is fully aware of the proposals and has the matter under discussion with the Italian Government.
5. The Prince Bishop's attention should be drawn to the fact that the Italian Government is shortly receiving back its administrative powers and that if he desires that the Italian Government should have the facts contained in his letter in mind when they are dealing with their proposals for the Alto Adige it is desirable that he should communicate his views formally to the Ministry of the Interior or the Prime Minister.

S.H. WHITE
Lt. Colonel
A/VF C.A. Section.

Copy to: Mr. Coss.
Filed 'A'.
Filed 'B'.

20.

JKD/zm

5

HEADQUARTERS
VENEZIE REGION
Allied Military Government
APO 394

TO : HQ. Allied Commission
Attn: Executive Commissioner.

6 Dec 45

SUBJECT : Bolzano

DEC 8 1945

FILE NO : RXII/850.12

2-4

1. I send to you as speedily as possible three copies of a letter from the Prince Bishop of Brixen (Bressanone) which have just reached me from Provincial Commissioner Bolzano.
2. I do not know whether the precise knowledge of the Prince Bishop corresponds with information in your possession. In any case it is clear that no such proposed Italian legislation can suddenly be put into operation while Bolzano remains under AMG.
3. I have already explained to you the reluctance on the part of the Sudtiroler to agree to the idea of a "second option".
4. The Subsection 3.(2) unless construed fairly might be taken to include the many thousands who were conscripted into the German Army. I have already submitted to you the case of those taken prisoners in the so called Police Regiments. It would seem wrong that these men should be forcibly deported.


Regional Commissioner

Encls.(3)

Copy to : P.C. Bolzano Province

20

2 copies

(LC)
(50)

"Copy"

Brixen - Bozen 2 December 1945

To : Col. Miller
Provincial Commissioner of the A.M.G.

Bozane - Bozen

Enclosed I have the honour to submit to you the abridged plan of the Italian Ministry for the law to solve the question of the "option" of the South Tyrolian. I was requested for the sake of justice and democracy to intervene at the Allied Authorities. This law intends to sustain the injustice of the fascist-national-socialistic agreement Mussolini-Hitler as much as possible. Because:

1) The option is maintained for all those who already emigrated even if they have returned home in the meantime. Not only are all those kept away from their homes and families who are waiting in Austria and Germany for their repatriation and who, very often, are in the greatest need, but also very many soldiers who still have their families here and who after the long years of the war could finally return to their families, would have to leave their homes once more.

2) The "Optanten" under c) and d) would have to vote for Italy anew in order to be able to remain home. In view of all the experiences that the South Tyrolese have made with the governments of pre-fascist, fascist and post-fascist time, there will be few who still want to vote for Italy, before the political fate of the South Tyrol is definitely settled. Presuming this, the Italian Government, whose intentions are evident, hopes to keep as many as possible South Tyrolese away from their homes or to exile them.

M/.

8

- 2 -

It becomes quite clear that the fascist spirit is still prevailing in Italian government circles, a spirit that is for ever trying to maintain fascist measures in defiance of democratic principles, if only they appear to be useful for Italy.

I therefore beg the Allied authorities to prevent the making of this law. There is only one just solution of the "Optanten-question" i.e. the nullification of the Berlin agreement Mussolini Hitler with its entire consequences. Only by doing this, will that infamous treaty be done away with and the untold miseries be stopped that were caused by this monstrosity.

Should this be impossible, however, then the making of a law about the "Option-question" should be set for such a time when the political fate of South Tyrol will be decided upon. If the latter question will be solved by giving the right of self-determination to the South Tyrolese people in observance of the democratic principles of our time, then there would be no need for the Italian government to issue such a law. If South Tyrolese people knew that the right for self-determination would not be granted to them, then those of who were already naturalized, could make their decision with a clear knowledge of the situation.

The haste which the Italian government suddenly shows in trying to pass this law and the short time (30 days) given for the submission of an option for Italy makes it evident that the government intends to deprive the applicants for Italian citizenship of their right for self-determination in case it should come to a plebiscite.

With the expression of my highest esteem I am most respectfully yours.

(Signed) Johannes Geisler

Bishop

2052

Declassified E.O. 12356 Section 3.3/NND No. 735016

240

Principal regulations of the projected "OPTION LAW"

- 1.) Classification of the "Optants" for Germany into various categories:
 - (a) Optants who were not naturalized.
 - (b) Optants who were naturalized and who definitely emigrated although they later returned home again.
 - (c) Optants who were only naturalized but did not emigrate.
 - (d) Optants like those above, but who were in German service previous to 8 September 1943.
- 2.) Whereas the "Optants" under a) are and remain Italian citizens and whereas the "Optants" under b) cannot reverse their option those under c) and d) may submit a request for option within 30 days after this law becomes effective.
- 3.) Excepted are the following "Optants" under c) and d):
 - 1) Those who have held any office in the Nazi-Party or who belonged to any military Nazi-Organisation.
 - 2) Those who cooperated with the German authorities after 8 September 1943 by favouring the enlistment in the Army or in German formations, or who in some way voluntarily cooperated with the German authorities or the army against Italy or the Allied Nations.
 - 3) Those who, during the German occupation, committed acts of cruelty, robbery or looting to the loss of Italians or other peoples living in Italy or Allied military personnel.
- 4.) The law of 26 April 1945 No. 149 about the persecution of Fascists (legge di confino) is applicable to all Italian citizens of German descent who have committed offences as mentioned under (3) articles) 1) 2) 3).
- 5.) All Italian citizens of German descent who were holding leading positions in the Nazi-Party will loose the right to vote for a period up to ten years. These leading positions will be ascertained by a decree of the Ministry.

Declassified E.O. 12356 Section 3.3/NND No. 785016

6/18.2/GA

21 December 1945

My dear Mr. Prime Minister:

This Commission has carefully considered the draft law as to citizenship in the Alto Adige sent to me under cover of your letter 5/3068 of the 18 Nov 45. It would remind you that the original proposal of this Commission in its letter 45/12/18 of 20 Aug was that Local Commissions should be appointed to ascertain the facts and apply the existing law.

It considers the present proposals to deprive a number of those who under existing Italian law are Italian citizens of that citizenship as inappropriate. It would not view the enactment of such a law with favour nor be prepared to implement it in the Alto Adige.

Holding this view this Commission sees no reason to take objection to Art 6 Sec 2 of Regional Order No 47 to which The Minister of Interior's letter 47675/12.31 of 20 Nov refers. The Article merely states the effect of the existing Italian law which in the view of this Commission should rightly apply.

Yours very truly,

S/ELMER W. STONE

ELMER W. STONE
Rear Admiral, USN,
Chief Commissioner.

Detto. Aloide DE CASTRI
The President of the Council of Ministers,
Italian Government,
Rome.

Copy to: Polad A and B
Local Govt 3/C

20

MINISTRY OF INTERIOR

Rome, 28 Nov 45

TO : Allied Commission - Rome

REF : 47673/12431

SUBJECT : German Aliens (Allogeni)

Art 6, Sec 2 of Regional Order No 17 of AMG specifies that those persons who in 1939 though having opted in favour of Germany continued to live in Italy shall not be considered as foreigners or enemy subjects.

Such provision is undoubtedly meant to be limited only to the purposes of the order and to be adopted for routine matters of administrative policy.

Its enforcement, however, being the result, even if temporarily, of a more favourable treatment, could cause serious discontent among the aliens when the new Italian law on the citizenship of the inhabitants of Alto Adige, which is based on more strict principles, shall be implemented.

Said law, which has already been approved by the Council of Ministers, is at present being examined by your Hon. Commission and it seems advisable therefore that, while awaiting its publication, your Hon. Commission should suspend the enforcement of the provisions contained in the above mentioned Regional Order.

A kind communication in this connection would be appreciated.

FOR THE MINISTER

/s/ Spataro

2049



Ministero dell'Interno

GABINETTO DI S. E. IL MINISTRO

Roma 28 novembre 1945

- 4 DIC. 1945

All LA COMMISSIONE ALLEATA

Divisione
Prot. N. 47673/12433

R O M A

Proposta al Consiglio del
Gov.

OGGETTO Allogeni tedeschi.

L'art. 6 Sez. 2^a dell'ordinanza regionale n. 17 del Governo Militare Alleato della Regione delle Venezie, stabilisce che le persone le quali optarono per la Germania nel 1939 ma non lasciarono l'Italia, non sono da considerarsi stranieri o sudditi nemici.

Tale determinazione deve senza dubbio intendersi circoscritta ai soli fini dell'ordinanza e adottata per considerazioni pratiche di polizia amministrativa.

La sua applicazione tuttavia, ponendo in essere, anche se solo in via temporanea, un trattamento più favorevole, potrebbe, per ciò stesso, determinare grave malcontento fra gli allogeni quando entrerà in vigore la nuova legge italiana sulla cittadinanza degli altoatesini, che ha accolto principi più rigorosi.

Tale legge, che è già stata approvata dal Consiglio dei Ministri, trovasi attualmente all'esame presso codesta On. Commis-

L'art. 6 Sez. 2° dell'ordinanza regionale n.17 del Governo Militare Alleato della Regione delle Venezie, stabilisce che le persone le quali optarono per la Germania nel 1939 ma non lasciarono l'Italia, non sono da considerarsi stranieri o sudditi nemici.

Tale determinazione deve senza dubbio intendersi circoscritta ai soli fini dell'ordinanza e adottata per considerazioni pratiche di polizia amministrativa.

La sua applicazione tuttavia, ponendo in essere, anche se solo in via temporanea, un trattamento più favorevole, potrebbe, per ciò stesso, determinare grave malcontento fra gli allogeni quando entrerà in vigore la nuova legge italiana sulla cittadinanza degli alto atesini, che ha accolto principi più rigorosi.

Tale legge, che è già stata approvata dal Consiglio dei Ministri, trovasi attualmente all'esame presso codesta On. Commissione, e sembrerebbe pertanto opportuno che, nelle more della pubblicazione di detto provvedimento legislativo sottoposto al suo esame, codesta On. Commissione volesse sospendere l'applicazione di quanto stabilito con l'ordinanza regionale, suddetta.

Sarebbero gradite, nel caso, cortesie comunicazioni.



PEL MINISTRO

2048

Maiano

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1A
Draft Bill as to Citizenship in the Upper Adige

ART 1

Italian citizens are considered persons native of the provinces of Belluno, Bolzano, Trento and Udine who, according to the 1939 Italian-German agreements, opted for the German citizenship, and their transfer to Germany:

The provisions of this paragraph do not apply to persons who

(1) have transferred their residence to Germany, even if later they returned to Italy;

(2) or, have obtained the German citizenship without being transferred to Germany;

(3) or likewise not having been transferred to Germany, placed themselves at the service of Germany even prior to 8 September 1943.

The provisions set out in No. 2 and 3 of Art 9 of Law No. 555 of 13 June 1943 are not applied to persons who, in accordance with the preceding para, have lost the Italian citizenship.

ART 2

The persons referred to in Nos. 2 and 3 of the first para of the preceding article may apply to recover Italian citizenship according to the regulations of the following dispositions.

ART 3

Application for the recover of Italian citizenship can be submitted

nelson at the service of Germany even prior to 8 September 1943.

The provisions set out in Nos. 2 and 3 of Art 2 of Law No. 595 of 15 June 1943 are not applied to persons who, in accordance with the preceding para, have lost the Italian citizenship.

ART 2

The persons referred to in Nos. 2 and 3 of the first para of the preceding article may apply to recover Italian citizenship according to the regulations of the following dispositions.

ART 3

Application for the recover of Italian citizenship can be submitted within 30 days from the effective date of the present decree to the prefecture of the province in which the person concerned has his residence.

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ART 4

Special Provincial Commissions appointed in the provinces indicated in Art. 1 by the Minister of the Interior shall decide on the applications for the recovery of Italian citizenship submitted in accordance with the preceding article. Said commissions shall be composed of a magistrate of grade not lower than the 5th, acting as president, appointed by the President of the Court of Appeal having jurisdiction, or an official of the Ministry of the Interior not inferior to grade VI, or an Italian speaking citizen appointed by the prefect and of two Italian

citizens, German speaking, who have not requested German citizenship, appointed by the Prefect, one of whom shall be chosen among the Sindaci of the province.

The same procedure set out in the preceding paragraph shall be followed in appointing substitute members of the same commission and the same may be divided in sections having each the same structure of the commission.

The secretariat of the commission shall be composed of prefectural secretaries.

ART 5

The Commission shall examine the advisability of granting Italian citizenship after having carefully considered the penal records of the person concerned, the grounds which determined the choice in favour of Germany, the conduct held before the choice by the person making the request and also the family connections with persons of Italian nationality.

In all cases the following persons will be excluded from the right of recovering Italian citizenship:

- (1) Those persons who held offices in the Nazi party or belonged to military Nazi organizations;
- (2) Those persons who after 8 Sept. 1943 collaborated with the German authorities to promote the enlistment in the German army and units or have in any way voluntarily collaborated with the German Authorities and German forces in the fight against Italians and the United Nations;

(3) Those persons who during the German occupation have been guilty of

ART 7

The objections which may arise in the conditions set out in the first part of Art. 1 shall be decided on upon request of the person concerned or of the public prosecutor by the provincial commission referred to in Art. 5.

For the purposes of said decision the Commission shall have the same investigating power as the judicial authority in penal questions.

The pre-trial investigation may be entrusted by the Commission to one of its members.

The documents concerning the pre-trial investigation shall be deposited in the secretariat of the Commission; the public prosecutor and the person concerned shall be notified of the said filing and within ten days from said notification can submit their deductions.

Against the provisions of the Commission contemplated in the first part of an appeal may be lodged to the competent judicial authority within thirty days from the notification made by the Secretariat of the Commission. The appeal will be notified to the Prefect and the Prosecutor.

ART 8

The provisions of Art. 1 of D.L. No. 143 of 26 April 1945 shall apply also to Italian citizens speaking German language in the following cases:

(1) If they held offices in the Nazi party or belonged to military Nazi organizations;

cerned shall be notified of the said filing and within ten days from said notification are submit their deductions.

Against the provisions of the Commission contemplated in the first para of an appeal may be lodged to the competent judicial authority within thirty days from the notification made by the Secretariat of the Commission. The appeal will be notified to the Prefect and the Prosecutor.

ART 8

The provisions of Art. 1 of D.L. No. 149 of 26 April 1945 shall apply also to Italian citizens speaking German language in the following cases:

(1) If they held offices in the Nazi party or belonged to military

Nazi organizations;

(2) if after 8 Sept. 1943 have collaborated with the German authorities to promote the enlistment in the German army and units or have in any voluntarily collaborated with the German authorities and German forces against Italy or the United Nations;

(3) during the German occupation have been guilty of acts of cruelty, or robberies or plunders against Italians or the populations residing in Italy or members of the United Nations armies.

ART 9

Italian citizens of German origin and speaking German language who have held in the Nazi Party positions which shall be indicated in the decree of the

president of the Council of Ministers shall be in all cases liable to suspension from the electoral right for a period of time not exceeding ten years.

ART 10

The provisions set out in the two preceding articles shall be made executive by the commissions referred to in Art. 2 of Dec. 149 of 26 April 1945 saving any penal action for crimes.

Declassified E.O. 12356 Section 3.3/NND No. 785016

Executive by the commissions referred to in Art. 2 of Decree 119 of 26 April 1945

saving any penal action for crimes.

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