

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

ACC

10000/105/650

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

05/650

ITAL GOV'T, ITALIAN INSTITUTIONAL QUESTION  
JAN. - MAY 1946

*File in Institutional  
File - 29/5*

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

URGENT.

28 MAR 1946

30 May 1946

Ref: 310/40.

By Gen. M. Prime Minister

On instructions from the Combined Chiefs of Staff the Supreme Allied Commander has directed me to inform you that, in view of the issue by the Italian Government of the decree laws regarding the constituent assembly and the referendum (No. 11, 74 of 10 March 1946, and No. 11, 219 of 23 April 1946 respectively), and in view of the assurance of the elections and the referendum, the Allied Governments consider the undertaking given by successive Italian Governments to the Supreme Allied Commander in regard to the institutional issue to be no longer binding.

The Allied Governments have decided to take the initiative in this matter, and to renege the Italian Government of their pledge, in order to remove all justification for possible accusations that the Allies have, by failing to terminate the truce prolonged the activities of the Italian political parties and thereby prejudiced the results of the referendum.

Yours very truly,

For the Chief Commissioner:

*M. J. Lusk*  
Brigadier,  
Executive Commissioner.

Mr. Alcide De Gasperi,  
President of the Council of Ministers,  
Italian Government,  
Rome.

Copy to:- POLAD 'A'  
POLAD 'B'  
V.P. C.A. Sec.

*AC*



4788

SECRET

F 66321

MAY 28 10 40 AM '64

W/3379

MAY 23 13 40 B

AFHQ SIGNED SACHED CITE PHUQU

EMERGENCY OPS

ALCOM ROFE



SECRET. Following is text of PAN 664.

Para 1. His Majesty's Government and the United States Government have had under consideration the question of the institutional truce. They are agreed that there is no repeat no case for insisting that the truce should still be observed. It has in fact been repeatedly violated more particularly by ministers of the left. Furthermore the Italian Government have now issued decree laws providing for the election of the constituent assembly and the holding of a referendum to settle the institutional question. In fact had the Italian Government asked to be relieved of their pledge His Majesty's Government and the United States Government would have been prepared to grant their request. No repeat no such request has however been made nor is one likely to be made in the future. His Majesty's Government and the United States Government have therefore decided to take the initiative in order to remove all justification for possible accusations that the Allies have by failing to terminate the truce hampered the activities of the political parties and thereby prejudiced the results of the referendum. <sup>787</sup> The Soviet Government have agreed for their part to action being taken in this sense.

Para 2. You should therefore immediately inform the Italian Government that in view of issue of the decree laws of the constituent assembly and the referendum and

settle the institutional question. In fact had the Italian Government asked to be relieved of their pledge His Majesty's Government and the United States Government would have been prepared to grant their request. No repeat no such request has however been made nor is one likely to be made in the future. His Majesty's Government and the United States Government have therefore decided to take the initiative in order to remove all justification for possible accusations that the Allies have by failing to terminate the truce hampered the activities of the political parties and thereby prejudiced the results of the referendum. This 78, Soviet Government have agreed for their part to action being taken in this sense.

Para 2. You should therefore immediately inform the Italian Government that in view of issue of the decree laws of the constituent assembly and the referendum and in view of the imminence of the elections and the referendum the Allied Governments consider the undertaking given by successive Italian Governments to the Supreme Allied Commander Mediterranean in regard to the institutional truce to be no repeat no longer binding. You should explain the reasons for this action as given in the penultimate sentence of the preceding paragraph. You should not repeat not refer to previous violation of the institutional truce since it must be difficult to quote instances of such violation without appearing to take sides. Para 3. Matter is urgent. unquote.

You will take action in accordance with para 2 of FAH 664 at the earliest possible moment and inform this headquarters when this has been done.

INFO POLAD 'A'  
POLAD 'B'  
V.P. CA Sec. /

---

AC Dist  
ACTION Executive Commissioner (2)  
INFO Chief Commissioner (2)  
File  
Skelton

**SECRET**

9/26 A/CH  
Completed by Lan Day  
~~TOP SECRET~~

~~TOP SECRET~~ (12)

ALCOB ACCOC FROM ADMIRAL STONE

1 9 032130 APR 46

AFHQ FOR SACRED GEORGE FIVE UNDER SUGAR POLAR BRITISH USHER

2283

TOP SECRET

CITE FROM

YOUR FOX SIX FOUR ZERO EIGHT NINE / OF TWO APRIL PD

PARA ONE PD FURTHER BY TWO ONE SEVEN FIVE PD IN DEPARTURE CALLS ON LOGGMENTS AND  
PRIME MINISTER BOTH EXPRESSED THE VIEW THAT ABDICATION BY KING WOULD NOT REPEAT NOT  
CONSTITUTE VIOLATION OF INSTITUTIONAL TRUCE PARTICULARLY SINCE LOGGMENTS HAS ASSURED  
ME THAT ON RESIGNING KING HE WOULD CONFIDE TO GOVERNMENT HIS RECENT LETTER ADDRESSING TO  
BE BOUND BY THE RESULT OF THE CONFERENCE AND PLEDGING THAT HE WOULD EXERCISE NO MORE  
POWERS AS KING THAN HE NOW HOLDS AS LOGGMENTS PD

PARA TWO PD WISH TO REPHRASE THAT PRIME MINISTER FELT MOST STRONGLY THAT ABDICATION  
UNDER THESE CIRCUMSTANCES WOULD NOT REPEAT NOT CONSTITUTE VIOLATION OF INSTITUTIONAL  
TRUCE PD

PARA THREE PD REFERRING PARA FOUR YOUR FOX SIX FOUR ZERO EIGHT NINE YOUR ASSUMPTION  
CORRECT

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*ME* *pk*

~~TOP SECRET~~ 4786

TOP SECRET

Chief Commissioner



*Don't index*  
*Manley*  
~~TOP SECRET~~

(11)

ALCON ACSCC FROM ADMIRAL STONE

291830 MARCH 1946

AFHQ FOR SACRED GEORGE FIVE UNCLE SUGAR POLAD BRITISH RESMIN

2175

TOP SECRET

MY ONE FIVE FIVE FIVE OF FOUR MARCH AND ONE FIVE NINE ONE OF NINETEEN MARCH  
 REFER PD I HAVE RECEIVED UNOFFICIAL WORD FROM THE PALACE THAT THE KING IS  
 SERIOUSLY CONSIDERING ABDICATION PRIOR TO REFERENDUM IN JUNE PD IF HE SHOULD  
 DO SO THE EFFECT WOULD PROBABLY BE TO STRENGTHEN POSITION OF THE CROWN PRINCE  
 WHO WOULD THUS AUTOMATICALLY BECOME KING AND NO LONGER LUOGOTENENTE PD  
 PARA TWO PD THE SOCALLED INSTITUTIONAL TRUCE WAS BASED ON THE ACTION OF THE  
 PRESENT KING IN APPOINTING THE LUOGOTENENTE IN ONE NINE FOUR FOUR AND WAS CON-  
 FIRMED IN DECREE ONE FIVE ONE OF TWENTY FIVE JUNE ONE NINE FOUR FOUR CMA ON  
 WHICH DECREE IN TURN THE PRESENT REFERENDUM DECREE NINE EIGHT OF SIXTEEN MARCH  
 ONE NINE FOUR SIX IS BASED PD PARA THREE PD IF ABDICATION SHOULD OCCUR NOW  
 THAT AGREEMENT HAS BEEN REACHED TO HOLD A REFERENDUM CMA PARTIES FAVORING A  
 REPUBLIC MAY CLAIM THIS GIVES UNFORSEEN ADVANTAGE TO CROWN IN REFERENDUM AND  
 CONSTITUTES VIOLATION OF THE AGREEMENT ON WHICH THE TRUCE IS BASED PD APPEAL  
 MAY BE MADE TO THE COMMISSION AS THE AGENCY WHICH HAS EXACTED THE INSTITUTIONAL  
 OBLIGATION FROM EACH GOVERNMENT WHICH SUCCEEDED THE BADOGLIO GOVERNMENT PD  
 PARA FOUR PD MAY I HAVE INSTRUCTIONS AS TO WHAT POSITION I SHOULD TAKE PAREN ABLE  
 PAREN SHOULD OUR OPINION BE OFFICIALLY SOUGHT IN ADVANCE OF ABDICATION BY THE

PRIORITY

PAGE 1 OF 2 PAGES

4785  
 1435  
 ALLIED  
 HEADQUARTERS

PAGE 2 OF 2 PAGES

2175

TOP SECRET

GOVERNMENT OR THE LUOGOTENENTE CMA AND PAREN BAKER PAREN IF ABDICATION SHOULD TAKE PLACE SUDDENLY WITHOUT PRIOR CONSULTATION WITH ~~OR~~ <sup>OR</sup> NOTICE TO COMMISSION

DISTRIBUTION:

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4784

PRIORITY

CHIEF COMMISSIONER

22

ELLERY W. STONE, Rear Admiral, USNR  
Chief Commissioner

*Downgraded*  
*Mfan*  
*Buy*

~~TOP SECRET~~



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

C.A. SEC 10  
ME

CC 200

19 March 1946.

20 MAR 1946

SUBJECT: Italian Institutional question - Transmittal of letter from Luogotenente concerning.

TO : G-3, AFHQ.

There is forwarded herewith translation of letter dated 16 March 1946 from the Luogotenente to the President of the Council of Ministers which was published in Italian newspapers today.

13/ Elmer W. Stone  
ELMER W. STONE  
Rear Admiral, USNR  
Chief Commissioner

Enc.

Copy to: U.S. POLAD, AFHQ  
British RESMIN, AFHQ

DISTRIBUTION:  
US Ambassador  
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W/ CA Section ME  
Ex Comar  
CC

4783  
114

10A

TRANSMISSION

16 March 1946

Dear Mr. President,

I return to you, with my approval, the decrees with which the referendum on the institutional form of the State is proclaimed, and in which the Constitutional Assembly, which will decide the new Constitution, is convened.

In taking this step I feel I am recalling the glorious traditions of the National Risorgimento, by means of which unforgettable events inseparably tied with the history of Italy the monarchy was able to seal the unity of the country and plebiscites were the expression of popular will and the foundation of a new unitarian state.

This respect for the people's will inspired the decision of my august parent to irrevocably retire from public life, in order to facilitate — as he himself affirmed — the National Unity. This same thought induced me to sanction the decree of the 24th June 1944, which gave the Italian people freedom to choose their own institutions.

The sanction of today is therefore the fulfilment of a tradition, which is at the base of the pact between the people and the monarchy; a pact which, if confirmed, will constitute the foundation of a renewed monarchy which may fully actuate popular self-government and social justice.

In this solemn moment I cannot help but turn a thought to our brothers who are still prisoners or internees, to all the citizens of all Italian territories, who, for reasons wholly independent of our will, and whom, in respect of justice, must be considered contingent, will not be in a position to take part in the consultations which will decide also their own future.

I trust that the Government will be able to ensure that the elections take place in the greatest liberty, both of individuals and of consciences; in order to assure this I have given, with the dispositions that I have just approved, freedom of vote to all those who are bound by the oath (to the Crown).

I, profoundly united to the destinies of the Nation, will respect, as any other Italian, the free choice of the people, who, I am sure, will be inspired for the best future of the Nation.

I will be grateful to you, Mr. President, if you will communicate to the Ministers this letter, which I consider a dutiful contribution to the calmness of the popular consultations.

/s/ BENITO MUSSOLINI

4782

Dr. Alcide DE GASPERI,  
President of the Council of Ministers,  
Rome.



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

9/26.A/CA

MA

9A

CG 200

4 March 1946.

4 MAR 1946

SUBJECT: Transmittal of Draft Decree law on Institutional Question.

TO : G-5, AFHQ.

There is forwarded herewith translation of letter dated 1 March 1946 from the President of the Council of Ministers which forwarded a copy of a draft decree dealing with the powers of the Constituent Assembly and the determination of the institutional question by referendum, translation of which is also enclosed.

1c/ Elmer V. Stone  
ELMER V. STONE  
Rear Admiral, USNR  
Chief Commissioner

Copy to: U.S. Polad AFHQ  
British Remain AFHQ

DISTRIBUTION:

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CG Files

ME

4781



9/26 A/CA **SECRET**

(8A)

ME

HQ ALCOM ACSGC FROM ADMIRAL STONE

041000 MARCH 1946

4 MAR 1946

AFHQ FOR SAGHER GEORGE FIVE BRICK SUGAR POLAD BRITISH RESIN

1555

**SECRET**

MAN ABLE FOX HE ZERO FOUR THREE SEVEN PD  
 PRIME MINISTER HAS SENT ME COPY OF DRAFT DECREE ADOPTED BY COUNCIL OF MINISTERS MARCH  
 FIRST WHICH WILL BE SUBMITTED TO CONSULTA FOR CONSIDERATION MARCH FIFTH PD DECREE  
 PROVIDES FOR VOTE REFERENDUM UNQUOTE PAREN ACTUALLY A PLEBISCITE PAREN TO RESOLVE THE  
 INSTITUTIONAL QUESTION TO BE HELD SIMULTANEOUSLY WITH ELECTIONS FOR CONSTITUENT ASSEMBLY PD  
 PARA TWO PD DECREE FURTHER PROVIDES THAT IF MAJORITY OF VOTERS FAVORS A REPUBLIC CMA  
 THE CONSTITUENT ASSEMBLY WILL ELECT A TEMPORARY CHIEF OF THE STATE WHO WILL CONTINUE IN  
 OFFICE UNTIL THE CHIEF OF THE STATE WILL BE APPOINTED ACCORDING TO THE NEW CONSTITUTION  
 TO BE DRAFTED AND APPROVED BY THE CONSTITUENT ASSEMBLY PD  
 PARA THREE PD IF THE MAJORITY VOTE AGAINST THE CONSTITUTION OF A REPUBLIC CMA THE  
 PRESENT REGIME OF THE LUOGOTENENTE WILL CONTINUE UNTIL THE DECISIONS OF THE CONSTITUENT  
 ASSEMBLY ON A NEW CONSTITUTION AND THE CHIEF OF THE STATE SHALL COME INTO FORCE PD  
 PARA FOUR PD COPY OF DRAFT DECREE BEING FORWARDED BY MAIL

DISTRIBUTION: US Ambassador  
 BR Ambassador  
 US Polad  
 BR Polad  
 VP CA Section  
 Exec Commr  
 Chief Commr

**SECRET**

ALLIED COMMUNICATIONS  
 917  
 4780

PRIORITY

Chief Commissioner

Confidential

VP. *See infra.*  
15/2

IA

HEADQUARTERS ALLIED COMMISSION  
Office of the Chief Commissioner  
APO 394

*me* 14 FEB 1946  
13 February 1946

Ref: 310/58/7.

SUBJECT: Italian Institutional Question.

TO : C-5 Section, ASI.

IA

ALLIED COMMISSION  
HEADQUARTERS  
APO 394  
14 FEB 1946

1. Reference your C-5: OSI.1 ITMI dated 13 January 1946.
2. The following comments are made on the points raised in your letter:

(a) Para 2 (a)  
 AP 1043 clearly envisages the possibility of holding a referendum without Allied supervision and therefore circumstances in this respect have not changed.

(b) Para 2 (b)  
 It is considered that there has been no change in circumstances which alters the basic opinion that a referendum would provide "the best chance of a fair decision". The word "essential" is not used in this connection in AP 1043.

(c) Para 3.  
 It is agreed that a Costituente elected without the institutional question having been publicly aired beforehand would not be fully representative.

The undertaking given by the Italian Government precludes the institutional question being reopened without Allied consent "until such time as Italy has been liberated and Italian people have the opportunity of themselves determining the form of Government". Italy has now been liberated and it is felt that sooner or later the Italian Government will make an approach with a view to their being released from the undertaking given. It is considered that the initiative in this matter should be left with the Italian Government.

Moreover it would be highly undesirable for the Allies to take the initiative in releasing the Italian Government from its undertaking at a time when the law for the national elections and the question of the powers of the Costituente are under consideration by the Italian Government and are shortly to be debated in the Consulta. 779

In terms of the proposed national electoral law the Italian Government must officially give 70 days' notice to the people before the actual date of the election, that an election is to be held. It is considered that such notice-date might be a suitable time for releasing the Italian Government from its undertaking not to raise the institutional question but in any event the views of the Italian Government should first be obtained. It may be that the Italian Government will wish to be relieved of their undertaking earlier than this but if so they should be left to raise the matter.

(d) Para 4.....

-2-

(d) Para 4

It is considered for the reasons given above that the Allies should not take the initiative now in the matter of releasing the Italian Government from its undertaking.

I would like to point out that the above is the view of the Allied Commission only. It is understood that this is not entirely in accordance with what are known to be the views of the British Government. As however the Foreign Office have instructed the British Political Adviser at AFHQ as to the views he is to state when the matter comes up for discussion I feel that it is not appropriate to transmit them in a letter emanating from the Allied Commission.

M. S. Lugin  
Brigadier,  
Acting Chief Commissioner

Copy to: Polad A  
" B  
CA Section ✓

4770

6A

91/23/16

Office of British  
Political Adviser.

- 9 FEB 1945

3A

Executive Commissioner, AC.

I am personally in agreement with the draft memorandum from Civil Affairs Section of January 24th on the institutional question, subject to United States Polad's amendments. I must point out, however, that, as I mentioned at the meeting, the Foreign Office have already made their position clear, i.e. that they do not consider it desirable to give any formal advice to the Italian Government on the question of a referendum though they have let it be known informally that in their opinion there would be much to be said for the suggestion put forward in private conversation with Sir Noel Charles by Signor de Gasperi that the institutional question should at some stage be referred to the will of the people.

2. I reported our recent discussion to the Foreign Office, and they have confirmed that this is the line to be taken by the British Polad at Caserta when the matter comes up for discussion there. The Foreign Office added that they presumed that the sole purpose of this discussion was to enable Supreme Allied Commander to follow up NAF 1043 with a further telegram to the Combined Chiefs of Staff explaining that NAF 1043 was now out of date and that there was no question of him or the Chief Commissioner giving any advice to the Italian Government. They went on to say that such advice could only be given through the diplomatic channel and the British Polad was asked to advise SACOM accordingly. In the light of this, AFHQ enquiry and our draft reply seems to be somewhat academic.

3. As regards the removal of the ban on the discussion of the institutional question the Foreign Office consider that it is for the Italian Government to take the initiative and that no action should be taken by the Allied Governments at this time in the absence of such an Italian initiative. Even when the Italian Government asks to be relieved of their undertaking to SACOM the latter will presumably refer to the Combined Chiefs for instructions. At that stage the Foreign Office think that it would be appropriate for the question to be considered by the two Governments in consultation and for their decision to be conveyed to the Italian Government through the diplomatic channel. The Foreign Office are not prepared at this stage to say what the view of the British Government would be in such an eventuality but if it were decided that the Italian Government should be relieved of their undertaking, the question of abrogating or amending Decree Law No. 151 would naturally be one for the Italian Government to solve. They think, further, that the Italian Government should not abrogate or amend the Decree Law until they are relieved of their undertaking.

477.  
14.  
ALLIED COMMISSION  
HEADQUARTERS  
626

4. In the circumstances, there seem to be two alternatives, the first to send off the draft substantially as it stands but pointing out that it is the view of the Allied Commission only and is not entirely in accordance with what are known to be the views of the British Government. The other alternative would be to make a redraft embodying the above views provided they are also acceptable to the United States Ambassador and of course to the Chief Commissioner.

(Sgd) R.L.P.A. SCHEINSON

7.11.46

Polad (HR)

copy to: Polad (A)  
Civil Affairs Section.



(5A)

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Tel. Ext. 525.

29 Jan 46.

Ref: 9/26 NCA.

SUBJECT: Institutional Question.

TO: Office of the Executive Commissioner.

Reference your 310/45/EC of 17 Jan 46. (2A) (2B)

- 1 The AFHQ letter, G-5: 019.1/Italy of 13 Jan 46 was examined and discussed at a meeting held by me with Legal and Local Government Sub-Commissions on Jan 22nd. Polada (A) and (B) were also present.
- 2 The following comments are made on the points raised in the AFHQ letter.  
  
These comments were circulated in draft to Polada on 24 Jan 46 but they have NOT yet been approved by Polada whose replies are still awaited.
- 3 (a) Para 2(a)  
WAF 1043 clearly envisages the possibility of holding a referendum without Allied supervision and therefore circumstances in this respect have not changed.
- (b) Para 2(b)  
It is considered that there has been no change in circumstances which alters the basic opinion that a referendum would provide "the best chance of a fair decision". The word "essential" is not used in this connection in WAF 1043.
- (c) Para 3.  
Polada (A) and (B) gave as the views of the US and UK Governments, that the interpretation of Decree Law 151 of June 1944 and any modification or supersession of that Decree are entirely the responsibility of the Italian Government.

4770

It is agreed that a Costituente elected without the Institutional question having been publicly aired beforehand might well not be fully representative.

- 2 -

The undertaking given by the Italian Government precludes the Institutional question being reopened without Allied consent "until such time as Italy has been liberated and Italian people have the opportunity of themselves determining the form of Government." Italy has now been liberated and it is felt that sooner or later the Italian Government will make an approach with a view to their being released from the undertaking given. It is considered that at this stage the initiative in this matter should be left with the Italian Government.

Moreover, it would be highly undesirable for the Allies to take the initiative in releasing the Italian Government from its undertaking at a time when the law for the national elections and the question of the powers of the Costituente are under consideration by the Italian Government and are shortly to be debated in the Consulta.

In terms of the proposed national electoral law the Italian Government must officially give 70 days notice to the people before the actual date of the election, that an election is to be held. It is considered that such notice-date might be a suitable time for releasing the Italian Government from its undertaking not to raise the Institutional question and that the question should then be thrown open to discussion. It may be that the Italian Government will wish to be relieved of their undertaking earlier than this but if so they should be left to raise the matter.

(c) Para 4

It is considered for the reasons given above that the Allies should not take the initiative now in the matter of releasing the Italian Government from its undertaking.



M. G. S. R. S. G.  
VI CA Section.

4770

Confidential (4A)

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LOCAL GOVERNMENT SUB COMMISSION

24 GEN 1946

24 January 1946

Tel. : 620

TO : CAS

SUBJECT : Italian Institutional Question.

1. Reference your proposed reply to the Executive Commissioner's letter (file 9/26.A/GA - 24 Jan 46). Lt Col. Hannaford of Legal Sub Commission and myself have examined said draft and we believe it sets forth the position accurately. We have no modifications to suggest.

*R. R. Temple major*

RALPH R. TEMPLE  
Major,  
Director,  
Local Government Sub Commission

RRT/an

Copy : Legal Sub Commission

*File*



4774

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

*Confidential* (3A)

HEADQUARTERS ALLIED COMMISSION  
AND 374  
CIVIL AFFAIRS SECTION

Ref: 9/26 A/CA.

Tel. Ext. 585.

24 Jan 46.

SUBJECT: Institutional Question.

TO: Legal Sub-Commission,  
Local Government Sub-Commission,  
Field (A),  
Field (B).

Reference meeting held in VP's Office on Tuesday 22 Jan 46.

There is attached for your perusal and comments draft of proposed reply to the Executive Commissioner's letter.

Please treat as urgent.

*pkc*

H. CARB, Brig.,  
VP CA Section.

4770

MEMO

CONFIDENTIAL  
(3B)

MEMORANDUM FOR THE DIRECTOR  
AD-39  
CIVIL AFFAIRS DIVISION

Date: 9/26/64

Vol. Ser. 505  
25 January 1965

Subject: Institutional Question

To: Office of the Executive Commissioner

Reference your 319/15/64 of 17 Jan 64.

1. The AD-39 letter 0-51 091.1/2/64 of 17 Jan 64 was reviewed and discussed at a meeting held by me with legal and local Department Institutional Commission <sup>on 20 Jan 2 1964</sup> Polons ( ) and (B) were absent present.

2. The following comments are made on the points raised in the AD-39 letter:-

3. (a) Para 2(a)

THE AD-39 clearly envisages the possibility of holding a referendum without allied supervisory and liaison circumstances in this respect have not changed.

(b) Para 2(b)

It is considered that there has been no change in circumstances which alter the basic criteria that a referendum would provide the best chance of a fair decision. The word "essential" is not used in this connection in AD-39 101.

letters-

3. (a) Item 2(a)

NY 103 already envisages the possibility of holding a referendum  
which Allied supervision and however circumstances in this regard  
have not changed.

(b) Item 2(b)

It is considered that there has been no change in circumstances which  
alter the basic opinion that a referendum would provide the best  
course of a fair decision. The word "essentially" is not used in  
this connection in NY 103.

4772

(c) Item 2

Article ( ) and (b) given in the views of the U and U Governments,  
that the interpretation of Decree Law 151 of June 1944 and any inter-  
pretation or recommendation of that Decree Law are entirely the responsi-  
bility of the Italian Government.

X It is agreed that a Constituent election without the institutional  
questions having been publicly asked beforehand is not to be fully  
satisfactory.

X The undertaking given by the Italian Government provides the  
institutional questions being proposed without Allied consent until such  
time as Italy has been liberated and Italian people have the opportunity  
of themselves determining the form of Government. Italy has not been

liberated and it is felt that sooner or later the Italian Government will  
take an approach with a view to their being released from the undertaking  
given. It is considered that at this stage the initiative in this matter  
should be left with the Italian Government.

X Moreover, it would be highly undesirable for the Allies to take the  
initiative in releasing the Italian Government from its undertaking at a  
time when the law for the national elections and the question of the powers  
of the Constituent are under consideration by the Italian Government and  
are shortly to be debated in the Consulta.

X In terms of the proposed national electoral law the Italian Government  
must officially give 76 days notice to the people before the actual date  
of the election, that an election is to be held. It is considered that  
such notice-date might be a suitable time for reminding the Italian  
Government from its undertaking not to raise the institutional question  
and that the question should then be thrown open for discussion. It may  
be that the Italian Government will wish to be relieved of their undertaking  
earlier than this but if so they should be left to raise the matter.

para. 1.

(d) It is considered for the reasons given above that the Allies should  
not take the initiative now in the matter of releasing the Italian Govern-  
ment from its undertaking.

4771

LG Sc  
HA  
18/1

HEADQUARTERS ALLIED COMMISSION  
APO 394  
Office of the Executive Commissioner

(2A)

CONFIDENTIAL

18 GEN 1946

17 January 1946

Ref: 310/45/AC.

SUBJECT: Italian Institutional Question.

TO : Colnd (A)  
Colnd (B)  
CA Section  
~~Admin Division~~

1. Reference G-5: 091.1 ITALY from G-5, AMIC dated 13 January 46, copy of which is attached.
2. Will you please let this office have your comments on the matter as soon as possible.

*W. Mc-Clean*  
Lt. Colonel,  
Acting Executive Commissioner.

Incl.

*Why Person  
Have on 0-4/43 NAF 1843 7/21/43  
Landing on 1/18/46  
Copy 4 have got off in 1946  
-which was 1/18/46  
a copy was retained by the...*

301  
RECEIVED  
COMMUNICATIONS SECTION  
16 JAN 1946

4770  
4770



HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

COPY.

~~Passed to you for information.~~

Polad (A)  
Polad (B)  
CA Sec  
Liaison Div



CONFIDENTIAL

ALLIED FORCE HEADQUARTERS

G-5 Section

APO 512

18 GEN 1946

13 January 1946

G-5: 091.1 ITALY

SUBJECT: Italian Institutional Question

TO : Headquarters, Allied Commission, APO 394.  
Br. Resident Minister, AFHQ.  
U.S. Political Adviser, AFHQ.

1. Reference is made to AFHQ signal NAF 1043 of 20 July 1945 to the Combined Chiefs of Staff from whom no reply has yet been received. It is for consideration whether or not the time has come to raise this question again and, if so, whether a modified approach should be made.

2. Since NAF 1043 was dispatched the situation has changed to the following extent:

a. Allied supervision of a referendum might no longer be feasible on the grounds of manpower shortage.

b. Neither the elections nor the Peace Treaty are likely to be concluded before late Summer. Italy now has a considerable degree of autonomy and a longer interim period to exercise it than was ever envisaged. By the time that the Constituent is elected the reintroduction into Italy of democratic principles will have advanced further than was anticipated. Thus it is arguable that the institutional question can be safely left to the Constituent and that a referendum is no longer essential.

3. A further point for consideration is whether or not the institutional question should be allowed to colour the forthcoming elections. A Constituent elected without this question having been publicly aired beforehand might well not be fully representative.

4. The suggestion is put forward that the Italian Government should now be relieved of their undertaking not to raise the institutional question and that its future should be left in their own hands.

5. Your comments on the foregoing are desired.

BY COMMAND OF LIEUTENANT GENERAL MORAN

GAN (sgd) H.J. Glenn, Col.  
for A.L. HANBLER, Brigadier General, CSC  
Assistant Chief of Staff, G-5.

SECRET

(1A)

FA 25466

JULY 210930.

FROM: AFHQ SIGNED ALEXANDER STEE FIBRO.

TO: ACTION AHEAD WASHINGTON (FOR CCS) AESSC LONDON (FOR BRITISH CHIEFS OF STAFF) INFO ALBON ROBE (PERSONAL FOR ADMIRAL STONE) TERMINAL

SECRET

(Personal for FIELD MARSHAL ALEXANDER).

Consideration of Italian Institutional question. This is WAF 1043.

1. Liberation of north ITALY and setu. of ITALY Government which includes representatives of north ITALY makes it obvious that question of ultimate settlement of Italian Institutional question is one which will come rapidly into increasing prominence. Undertakings signed by Italian Government preclude question being re-opened without Allied consent "until such time as ITALY has been liberated and Italian people have the opportunity of themselves determining the form of Government." It is probable however that Italian Government will shortly press question. Guidance as to line of action to be taken is therefore desirable.

2. It is clear to me and my political advisers that when it is decided to allow the institutional question to be re-opened the best chance of a fair decision on the issue between monarchy and republic would be a referendum or plebiscite - preferably under Allied supervision. Even if Allied supervision is not deemed expedient a referendum under Italian auspices would still be preferable to the election of delegates to a constituent assembly with the double duty of deciding both the principle and exact form of government. The reason is simple.

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CONTINUATION PAGE 2.

In countries such as ITALY with limited experience in recent years of Democratic Government and under the circumstances existing here it is unrealistic to expect that no improper attempt will be made by domestic or external interests to secure the result desired by them. It will clearly be far more difficult to manipulate a referendum throughout the whole country than to influence the members of a constituent assembly.

3. However, communique published 23 June 1944 by Italian Government referring to (a) Italian decree which was published on the institutional question states "this measure establishes by legislative process that after the liberation of the national territory the institutional question will be decided by the Italian people who, for this purpose will elect by universal direct and secret ballot a constituent assembly to decide the new constitution of the state."

4. While the decree stands in its present form it does not provide for the settlement of institutional question by referendum. The following methods of obtaining a referendum in spite of this situation however present themselves.

(A) To advise the Italian Government that they should consider the revision of the present decree and its substitution by a new decree designed to achieve settlement by referendum. It could be indicated to the Italian Government that such revision would be a sign of the Government's desire to assist the Allied governments in discharging their declared commitments to enable the Italian people to choose freely their permanent form of government.

(B) If it is considered impolitic to ask the Italian Government to modify this decree that government could be requested that when passing a supplementary decree setting up the machinery and

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CONTINUATION PAGE 3.

procedure of the constituent assembly (as will be necessary in any case) a clause should be included requiring that the decision of the constituent assembly on the institutional question should be submitted to the people for ratification or rejection by means of a national referendum. The objection to this course is that the prior decision of the constituent assembly is likely to affect the result of the referendum.

(C) An appropriate clause might be inserted in the Peace Treaty or any other instrument which terminates the current relationship with ITALY (should this be negotiated soon enough) or an appropriate undertaking required of the Italian Government in negotiations preliminary to the signature of such a treaty or instrument to the effect that the institutional question would be decided by referendum rather than by a constituent assembly. Actually such a demand on the part of the Allies would not be objected to by many Italians.

5. It is improbable that complete voters list will be available before mid-November and it is doubtful if a proper referendum could be held before next January at the earliest.

6. It is felt that Allied intervention if considered desirable might well be made through diplomatic channels but that this matter should be reported to you at this stage for information and guidance.

7. Directions are accordingly requested.

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DIST.

ACTION - SO to CHIEF COMMISSIONER.  
INFO - EXEC COMMISSIONER  
POLAD (A) (FOR THE AMBASSADOR)  
POLAD (B) (FOR THE AMBASSADOR)  
VP CA SEC  
FILE (SKEL)

