

2034

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

785017

ACC

10000/109/602
(VOL. I)

V
M

2035

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

785017

10000/109/602
(VOL. I)

VENEZIA GIULIA, LEGAL
MAY-OCT. 1945

785017

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

100

Chief Commissioner.

1. JAKSETICH was convicted on 1 August of illegal possession of firearms and sentenced to prison for 18 months. The then CLO in V. Giulia signed a decision on review confirming the conviction and sentence but Colonel Bowman rightly sent the case for independent review by your CIA. Colonel Bowman then made no recommendation one way or another. The CIA confirmed the conviction and sentence, a step with which you and I agreed.
2. There then arose the possibility of JAKSETICH being nominated as a member of the Consulta and V. Giulia warned us that he might be "extended executive clemency". In fact he has not accepted nomination to the Consulta and has refused to file a petition for clemency.
3. Colonel Bowman, however, on 3 October advised consideration for clemency and followed at our request with his full reasons, in a letter dated 16 October.
4. With the exception of para 9 the contents of the letter are irrelevant in that he raises questions of law and evidence which have already been considered and dismissed.
5. The only sound basis for executive clemency is in paras 9 and 10 which point to his anti-Fascist personal history. Colonel Bowman mentions psychological and political benefits outweighing any security objections but does not say what those benefits are. Similarly he has never explained the public relations and political value of the pardon.
6. Your CIA is of the opinion that you can exercise power of pardon as an executive and not judicial function. If the pardon is granted it will be a matter of grace.
7. The proper action in this case would have been for the SCAO to have recommended clemency when he passed the case to CIA for review in September. He has not, in my opinion, made a good case even at this time but reading between the lines he is obviously moved by the effect on public opinion which an act of clemency on your part would have.
8. The matter has been inconsistently handled in V. Giulia and I dislike Allied justice being subservient to political factors but I think in this case you could reasonably take into consideration his personal record and based purely on that, grant him a free pardon, not a suspension of sentence. It will obviously help Colonel Bowman if you do this and in spite of ~~his~~ being inconsistency and importunity, I think this should be the ruling factor. If you agree I will get the CIA to draft a form of pardon, & a letter to Lt Col Bowman.

7. The proper action in this case would have been for the SCAO to have recommended clemency when he passed the case to CIA for review in September. He has not, in my opinion, made a good case even at this time but reading between the lines he is obviously moved by the effect on public opinion which an act of clemency on your part would have.

8. The matter has been inconsistently handled in V. Giulia and I dislike Allied justice being subverted to political factors but I think in this case you could reasonably take into consideration his personal record and based purely on that, grant him a free pardon, not a suspension of sentence. It will obviously help Colonel Bowman if you do this and in spite of ~~his~~ inconsistency and importunity, I think this should be the ruling factor. If you agree I will get the CIA to draft a form of pardon, ~~it is~~ ^{for Lt Col Bowman}.

26.Oct.45

102. ~~45~~

27.5.46

Brigadier,
Executive Commissioner.

EC I am prepared to grant a
pardon if he will Telegraph what
the political & public relations benefits are.
I agree with your letter - except for last
II. Unless I agree to grant a pardon
mainly on pressure from my
w. ~~advisors~~! 22.10
R.C. - who gives
me C.C.

Declassified E.O. 12356 Section 3.3/NND No. 785017

24

Ex. Com.
(three VC and)
3/10.

Pursuant to instructions set forth in minute 93, folio 91
has this day been sent.

Legal Sub-Commission
8 October 1945.

Handwritten signature
FWD
9/10.
JOHN A. WEBER,
Colonel,
Chief Legal Advisor.

MS 212

98

EX. Com. Through VE C.A. 3ac

In response to signal of folio 91, folio 97 has
been received from 3040 Venezia Giulia, setting forth reasons
why executive clemency should be granted.

Legal S/C
24 Oct. 45

Handwritten signature
FWD
25/10.
JOHN K. WEBER
Colonel, INF
Chief Legal Advisor

1827

2039

785017

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

LSO. 90 for info. DJS 5/10

(34)

(72)

Captain Braslowe, main file submitted yesterday to Ex. Com. It shld. be back to day with a trust, sufficient to answer p. 290.

(73) B

Final

~~State Coll. info who will bring~~ DJS 5/10

23.

Executive Commissioner.

Reference your minute 76, please see minute 76A, which gives the answer. Chief Commissioner has not seen your minute 68. In the meantime, page 90 has come in, which you have not seen.

Attached also is legal file 4193/1/2 which at 8 A from the legal division

5 Oct. 45.

C.S.O.

Executive Commissioner.

Reference your minute 76, please see minute 76A, which gives the answer. Chief Commissioner has not seen your minute 58. In the meantime, page 90 has come in, which you have not seen.

Attached also is legal file 4195/112 which is at 8A
given the legal opinion

5 Oct. 45.

C.S.O.

RP CAs

in 28

ATC XII caps should secure their full

resources in writing before CCTO can take the

step of granting a pardon.

WV/61x.

2040

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

785017

785017

85

Ex. Comm.

y. min. 81 pl. me p p. 83

T-Hill
-10.

Chief Commissioner 86

From the telegrams in this file which refer to the
conviction of Jucetvic for possession of Arms in Trieste.

It would appear from the last telegram

- (1) That J. is safely in gaol
- (2) That he does not intend to appeal further for democracy
- (3) That he has not accepted appointment in Consulate
- (4) That AMG may raise the question again.

No action required yet. MS/1/x.

E.C.

I agree on (4) but what is the
proof of (3)? He just may prefer free
board & lodging!

2/10

C.C.

First para of 183 not conclusion, I admit.

MS/1/x

785017

C.S.O.

179

¹⁸ for info: I am rather in the dark about this case

DBS 27/9

280

Ex. Com.

As you will see a P¹⁸ A-HQ are equally in the dark about the signal they are at p. 1 alleged to have sent. Main file is with Poladn for their advice on the petition for clemency.

T-Hill 28/9.

C.S.O.

81

The fact is that T's appeal has failed. I want to know if he is in jail: if not when & why. Please signal both effect.

DBS 27/5.

Rec'd 29/9/02

8182

785017

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

The fact is that J's affect has
failed. I want to know if he is in
jail: if not when was by Pleas signed
within effect.

NS 27/5

Rev.
29/4/52

82

Captain Graybrooke Get back main file from Polad. 24
it contains a lib. the answer to him. 81.

84

FILE
29/9.

C.S.O.

Original file in American Embassy: they are
still working on it but will return it a.s.a.p.
However I think Ex C's minute 5 is answered
by 7.

QBS 1/10

785017

75

Ex. Com

Your mem. 71 pl. see mins. 73024

but I gather the appeal has been
binned down anyway.

1/10

(16)

Filing has gone wrong here. On another file
HAG 13 Corps signal that J. does not intend
to appeal for clemency (subjected to an
initial appeal which was ~~rejected~~ but that
HAG 13 Corps may do so. Please have the
file coordinated & resubmit. HSE/41x

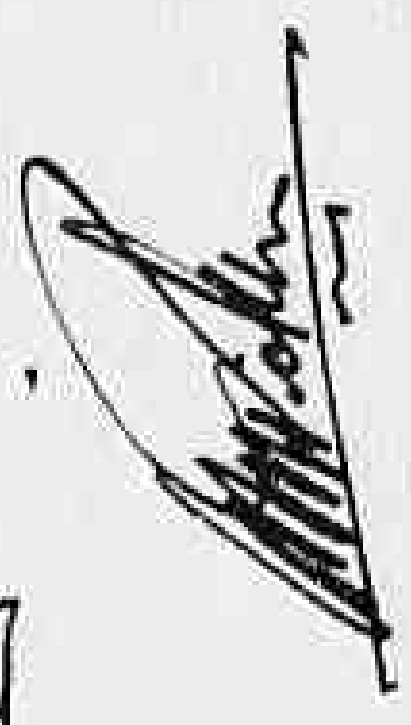
Y6A

785017

76A

C.S.O.

Reference Minute 76 above. The other
Amc 13 Cnts signed referred to above
was not on another subject file. ~~It is~~
on a temporary packet of this file and
passed by Exe Comm. The chief
Comm. from whom it has been
received today for co-ordination and
retransmission in accordance with Min
76 above. Min 88 has not been
seen by chief Commissioner.



5 Oct 45.

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

785017

70

Ex. Cont.

Ex. asked to CLAs opinion
 in Bowman's Sig. 4.1.62.
 It is in m. 68 overleaf.
 Pardon can be given
~~cont.~~ in the form
 prepared by legal
 opposite. Sig. 2.1.62

71

C.S.O.

Please obtain P.O. vide Urgent

188/2015.

72

Polady (A)
 Polady (B)

785017

Please obtain P.O. views. Urgent

ISS/2015.

72

Polad (K)

Polad (B)

Ref. min. 70 & 71 - many to have

- your views please.

1022

1022

73 26/9.

150-

Please see press clipping ~~for~~ Sept. 29 enclosed. If facts are correct it would appear to dispense of problem.

Otherwise I suggest that AC J. Walter Jones Ref. to (Am) - Sept. 29/45

accept recommendations

of AMG - XIII Corps (for 1062)

that favorable action be taken on Jaeschke appeal.

74

Jaeschke.

1022 Oct. 2

TO: Exec Comr.

68.

Ref Minute 67.

1. Not to be confused with revision of sentence on review is the power to pardon an offender (either before or after conviction) or any offence punishable by law. This power exists in some manner in every type of Government. Generally, it is vested in that branch to which is delegated the duty to chart the political course which that Government must take. There can be no doubt that the power to pardon offenders of occupational law is vested in the Chief Commissioner.

2. In the vast number of cases in which the power is applied, the guilt of the accused is established; in such cases pardon is granted for reasons bottomed on expediency rather than to correct an injustice suffered by the accused. Because of this premise, the power of pardon is universally an executive and not a judicial function.

3. In the instant case, it has been recommended that the Chief Commissioner exercise power of pardon. The reasons advanced are extra-legal and not judicial. The success or failure of occupational government is the responsibility of the Chief Commissioner. If the judiciary in the discharge of its duties occasions a situation wherein the success with the total occupational government may be challenged, the Chief Commissioner is not only authorized, but it becomes his duty to exercise the power of pardon in such manner as will ensure the success of occupational government in all of its parts. A sense of discretion determines the boundaries of its use.

4. The JACOBINO Giorgio case has been reviewed for legal error: conviction and sentence have been affirmed. If pardon is granted it will be a matter of grace. The pardon should recite that the accused has been lawfully convicted of an offence against occupational law and has been given a sentence in keeping with the offence; without condoning the act of the accused, it has been determined as a matter of grace to grant forgiveness of the sentence imposed on the accused for his transgression, with a faith that he will henceforth comport himself in keeping with a reliance placed in him by this act of pardon.

5. In this connection a conditional suspension of the sentence in lieu of an outright pardon is undesirable in this case for two reasons. First, the qualifications of the accused to fill an office of trust and confidence might be subject to challenge as long as a sentence hangs over his head. Secondly, the accused might charge that the reason for the conditional suspension was to accomplish the end above set out and thereby foreclose his future usefulness. A grant of full pardon should eliminate each of these premises.

Declassified E.O. 12356 Section 3.3/NND No. 785017

in this connection a conditional suspension of the sentence in lieu of an outright pardon is undesirable in this case for two reasons. First, the qualifications of the accused to fill an office of trust and confidence might be subject to challenge as long as a sentence hangs over his head. Secondly, the accused might charge that the reason for the conditional suspension was to accomplish the end above set out and thereby foreclose his future usefulness. A grant of full pardon should eliminate each of these premises.

6. A pardon does not have to be evidence by a particular form. There is attached hereto an instrument in writing which may be used as a pardon in the instant case. If this, or any other form of writing is used in granting a pardon, it is suggested that one original and two copies be executed. This office will attend to the dispatch of these ~~copies~~ papers.

LEGAL S/C
24 September 1945
JKW/rfp.

[Signature]
JOHN K. WEBER,
Colonel, Inf.,
Chief Judicial Officer, 1221
for Chief Legal Advisor.

To CSO

for

CLO was asked if there was (b2):
to his memorandum explaining the legal
point of view in minute (b2) & enclosed
form of pardon.

sent 24/9

Ex. 100
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CSO
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785017

5958

ELA

Thank you. I had no intention of
taking the decision out of your hands
& in fact directed that the papers should
be sent to me after consideration of affairs
You will note that C.C. & I agree with

Dr. (15)

you.

BF when CIA returns
SSM

19

60

Please see file 5 in reply to memo 41

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

785017

Colo

Please see file 5 in reply to file 41

ASB 7/9

~~54~~ 63

1019

Exec. Com:

I have affirmed the conviction and sentence. I have removed the
 records and papers. ~~Waddell~~ ^{look} _{Chief Legal Advisor.}

7/15/13

Legal 16. 15 Exe 45

2053

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

785017

280. Report on the ^{who is} article was requested by ~~on at this~~ ¹⁵⁴

55 (54)

200449

45 (55)

Executive Commission

You wanted to see the report on Sakelid
case - It is at ~~1010~~ (53)
Major Seimani's comments on the sentence
he imposed are at X.

4/9. ¹¹ Cdo.

57 (56)

Chief Commission

SEP 5 1955

53

(16/100)

11 & p. 2 of file 1687EE attached is omitted.

The Jakobson case is a case code in V.G.

Declassified E.O. 12356 Section 3.3/NND No. 785017

(53)
 354
 11 & Puc of 1087EC attached enclosed.

The Johnson case is a case before in U.S.
 He, an editor of a Communist paper is an editor
 of the A.T.C. was (properly) convicted, holding
 illegal assets & sentenced to 18 months. He
 has followed the situation as well as U.S. Press
 is not on the trail. In view of the local
 importance of Bowman's recent visit ~~that~~ can
 for review on appeal to you. C.A. is not in 18
 disposed to alter finding or sentence. I agree.

EL.

Jagoe

10/9

JWD CC

11/2/41x

58 (57)

Wdy.

2055

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

785017

CSO Reminds to Y B on f ^{48.} ~~160~~^{41.}

NS/26/8

(See 49)

(29)

43-

Executive Commission

1. This 42 passed for your information. There is no information as to the personality involved. See
2. Legal SIC are refusing suggesting that cases be reviewed by C.C. or Officer - not under mark of Gen. Col - appointed by him. Also that A.M.G. courts are considered technical & should be the concern of A.C. and not till Comps.
3. It was also pointed out that the C.C. communicates his decision only to the R.C. and therefore the question of the reply coming from "Rome" does not arise - it comes from A.C.
4. Regarding the last para. Legal SIC reply that the instructions to be followed are the normal ones applying to A.M.G. courts.

25/11/48.

44-

V.P. C.A.S.

Proper procedure in this case is sure for
 AFHQ to signal [840 V.G.] to effect that their signal
 should have been ~~refused~~ addressed to Alcom. Boston
 AFHQ have now repeated signal & also will reply.
 Then Alcom should reply remembering that
 AFHQ are aware & have affects that C.C.

785017

V.P. C.A.S.

Proper procedure in this case is sure for
AFHQ to signal [8 CTO V.G.] to effect that their signal
should have been ~~not~~ addressed to AFHQ. Whom
AFHQ have now repeated signal & who will reply.

Then AFHQ should reply remembering that
C.C.A.O. review & hear appeals & not C.C.

Then spoken to CHA (in your presence) on this
line & he will so arrange w/ AFHQ tomorrow

772/12/8.

45

CSO to Exec Comm?

1. V.P. CAS will speak to Exec Comm on his return
2. File returned to you.

H.R. Shaebley
CAS.

23 Aug 65

VP CAS

#47.

I should like to know why this was not followed
772/20/8

785017

31

Examiner

Ref 30 Shale I signed SAH V. G.
 & told him always to address
 himself to AHCOM or Shale
 we deal with it verbally.

LT 16/7.

32

Verbally - but let me have the paper

WV (16/7)

33

Mr. Trotter

M Copy 30 & will take it

1. Private

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

785017

33

Non Treason

Pl Copy 30 will take it

to Private

18/7

Done (g)

18/7

38.

Executive Summary
 CSO: Folio 37 for information. On interior of 16 36
 Disk.

MVA (3/10) H. 30/7

p. 16

48.

CSO: Letter submitted for approval & signature. Action taken as suggested
 in Folio 39. Disk 2/8

4818

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

785017

9.
~~24/5~~

Sx Lums

To see ^{7.} ~~24~~ + ⁸ 30

h 24/5.

~~25~~ 10.

~~25~~ CAS

Inform Ben Stoffed at once
 (who has our crafts)

DS/25/4.

Ly. Lums

Done
 and AFHQ now

25 May

Matter being handled direct between legal S/C

H. D. Benham Jan 61

24 22/5

14. ~~28~~

Miss Llewellyn

P. J. Shaw up.

h 21.

2061

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

785017

C.S.O.

Please let me hear the story this evening,

MS 24/10.

36

Live. P.

So 20/10.

410

2062

Declassified E.O. 12356 Section 3.3/NND No. 785017

(101)

Ref: 2619/101/EC.

27 October 1945.

My dear Bowman:

I think that if you review the action taken by you over the JAKSETICH case, culminating in your telegram of 26 October, you will agree that it could have been better handled at your end.

The case was a cause celebre. Your Chief Legal Officer confirmed conviction and sentence but you, rightly, considered that a better perspective of the case could be held here and sent it for review by the C.L.A. and myself. You did not at that time make any recommendation for clemency. The C.L.A. confirmed conviction and sentence and so informed you.

Then came the possibility of JAKSETICH being nominated for and accepting an appointment in the Consulta and your signalled suggestion for executive clemency based on that possibility.

You were properly told to send me full reasons for your recommendation.

In the meantime, JAKSETICH did not accept the appointment in the Consulta and has not, so far, put in a petition for clemency.

Your letter of 16 ⁹⁷ October was duly received here. Eight paragraphs of the letter raise legal points all of which have been dealt with when the case was reviewed by C.L.A. and should, of course, never have been submitted in a petition for executive clemency. Two paragraphs deal with his personal character. You mention psychological and political benefits but do not say what they are.

Next comes your telegram of 26 ⁹⁹ October in which you cite public relations and political value of the pardon. But you have never told me what this amounts to.

The proper way to have handled this would have been for you to have sent with the papers of the case when they came here for review a recommendation for clemency based on the man's personal character and the psychological and political value of clemency.

I have now instructed you by signal to specify the political and public relations benefits on receipt of which I will consider a pardon.

Sincerely yours,

Closed

ELIJAH W. STONE ~ 13
Rear Admiral, USNR
Chief Commissioner

Colonel Alfred C. Bowman,
SCAO, AMG XIII Corps.

Copy to Col Sec (Mag 5/1)

2063

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

785017

RESTRICTED

99
F. Conant

8/4

OCT 26 1130A

G/2112

OCT 26 1530A

IMPORTANT

AMG 13 CORPS FROM BOWMAN

HQ ALCON

OCT 26 1945

RESTRICTED

Personal for Chief Commissioner.

All public relations and political value of pardon or suspension of balance of sentence of JAKSETICH will be lost unless you act at once, and I urge that you do this.

Dist

Action - SO to Chief Commissioner 2

Info - Exec Commr

CA Sect

File

HEADQUARTERS

26 OCT 1945

A. C.

RESTRICTED

see M1002102

771019102
12

2

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

785017

2619

9227

97

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 CORPS

Ref: 15C/AMG/4/99

16 October 1945

SUBJECT: Case of JAKSETICH Giorgio.

TO: Chief Civil Affairs Officer,
Headquarters Allied Commission.

1. Reference is made to Signal GR 74, which asks in substance that reasons be submitted to the Chief Civil Affairs Officer in support of the recommendation previously made that the above named JAKSETICH Giorgio be pardoned.

2. The accused was convicted after trial on 1 Aug 45, Superior Military Court, TRIESTE, of illegal possession of fire-arms in violation of Proclamation 1, Article IV, Section 5, and was sentenced to imprisonment for 18 months. The conviction and sentence were affirmed after review, on 14 Sept 45.

3. Although JAKSETICH has not filed an application for clemency, the Chief Legal Officer of this Headquarters advises that in his opinion, there is inherent authority to consider and grant executive clemency in the absence of a formal application.

4. The proof offered by the prosecution at the trial showed that as a result of a search of the accused's home on 9 July 45, at about 0615 hours, there was found a German military pistol loaded with 7 rounds and a holster with a spare magazine of 8 rounds.

5. The accused testified in substance that from about May, 1944, to 10 June, 1945, he was a member of the Garibaldi Brigade as a political commissario; that one of his duties was to collect personal belongings of his companions; that in September 1944, he was called to Headquarters of the Yugoslav Army and asked to collect certain information regarding the units fighting with the Garibaldi Brigade in Italy; that in April 1945, he and his companions were compelled to return to Croatia following a raid by the Germans; that he was compelled to hide everything he had except a small box containing documents and the pistol in question; that in June 1945, he asked for and obtained his discharge and instructed some of his companions to take the box to his home; that the pistol belonged to one Paola Bresa, presumably a member of the Brigade, who had been killed in action; that it was given to the accused together with Bresa's papers presumably for safekeeping; that it was his intention eventually to place the pistol in a museum "or something similar" after the war.

1011

(CAPT DEXBYBROCK)

see 1798

7/100 to 103.

1 Ltr, ref: 130/AMG/4/ , subj: "Case of JAKSEVICH Giorgio", dtd 16 Oct 45.

6. The accused's explanation for possessing the pistol, although apparently disbelieved by the Trial Court, cannot be regarded as so inherently improbable as to rule out the possibility that it was true.

7. Admittedly, such explanation, if true, did not constitute legal justification for possession of the pistol within the language of the proclamation. It is felt, however, that it may merit consideration when the question is solely one of executive clemency.

8. Whether the explanation is true or not, there is at least nothing in the record of the trial to justify the inference that the accused had possession of the pistol with the intention of using it against the Allied Forces or for some other criminal purpose. This factor, it is felt, furnishes a persuasive reason for the exercise of executive clemency.

9. Another sound basis for executive clemency is that the accused has been for many years one of the leading anti-fascists in Venezia Giulia. His personal history, as stated in his application for review and as substantially confirmed from other sources, shows that he was in almost constant trouble with the fascist authorities. As stated in his application, he was first arrested in 1927 presumably for anti-fascist activities, and was imprisoned for 18 months awaiting trial. He was subsequently acquitted but was ordered interned on the Island of Ponza for three years. He returned to TRIESTE in 1931, but fearing arrest again, went first to Switzerland and then to France. He worked against fascism in France. In 1936, he enlisted in an anti-fascist International Brigade for service in the Spanish War and was wounded in battle. After the Spanish War he was interned in France until 1941 at which time the Vichy Government turned him over to the Italian Government. The Italian Government placed him on trial (he does not state on what charge but it undoubtedly was based upon anti-fascist activities), and he was sentenced to five years imprisonment. He was released in September, 1943, at the time of the Armistice. After his release, the accused worked in the TRIESTE area and in Yugoslavia organizing the Partisans and acting as Liaison Officer between the Garibaldi Brigade and the Yugoslav Army. This recital of the accused's past life shows that he has always been a sincere anti-fascist and risked his life in fighting fascism. Unlike many others, he was an anti-fascist when anti-fascists were in the great minority. Further, he was a recognized and well-known leader of anti-fascist thought and action in this part of Italy.

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

785017

Ltr, ref: 13C/NAG/4/ , subj: "Case of JAKSETICH Giorgio", dtd
16 Oct 45.

95

10. The accused has always borne a good reputation for personal honesty and moral character. Even those who disagree with him politically have no doubts of that. So far as the record discloses, and so far as is known, he has never before been convicted of a criminal offence except those mentioned above for anti-fascist activities. He is the Editor of "Il Lavoratore", an influential Communist newspaper here. He and his paper have sometimes been critical of the Allied Government for Venezia Giulia. Nevertheless, no one denies that he is conscientious in the opinions he expresses, and sincerely believes that he has acted in the public interest.

11. It is recognized that no single reason cited might be a sufficient basis by itself for extending executive clemency. However, when taken together and considered in the setting of the unusual conditions existing here, it is strongly felt that these circumstances are persuasive enough to warrant such action.

12. The Chief Legal Officer of this Headquarters has been asked for his opinion and after a review of the record, he has reported that in his judgment executive clemency should be accorded.

13. Local Security Officers have expressed the view that psychological and political benefits of extending executive clemency would far outweigh any security objections.

14. It may be added that many petitions have been received in the accused's behalf. One which deserves special mention and which was forwarded to you was signed by a group of well-known Milan journalists of various political views. As to this petition, the Public Relations Officer of this Headquarters has written that, "the importance of the men who have expressed an interest in the review indicates the high esteem in which JAKSETICH is held by his Italian speaking journalists in the Italian peninsula".

Alfred C. Bowman

ALFRED C. BOWMAN
Colonel, JAGD
Senior Civil Affairs Officer

1	SUBC
2	LO
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4	IO
5	Non
6	ERK
7	2 OCT 1945

4609

2067

785017

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

91

3090 VANUATU CITIZENSHIP

5742

8 OCTOBER 45

ROUTINE

RESTRICTED PL

SUBJECT IS CITIZENSHIP

RE: AND RE: THE RECOMMENDATIONS FOR GRANTING IN THE CASE OF
CITIZENSHIP

FROM TO SENIOR CIVIL AFFAIRS OFFICER VANUATU CITIZENSHIP FROM HQ
DATE ADDED FROM

I HAVE BEEN DIRECTED TO INFORM YOU THAT THE THIRTEEN COMPS SHOULD SEND
THEIR FORMS BEFORE THE CHIEF CIVIL AFFAIRS OFFICER CAN
TAKE THE STEP OF GRANTING CITIZENSHIP

LEGAL COMMISSION

302

See 7/94
10/10/68
10/10

2068

785017

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

2619

EX COMM (2) (93)

8/33

OUT 031045A

8/0551

OUT 040915

PRIORITY

FROM AM 13 COMPS

TO: CHIEF COMMISSIONER

SECRET Confidential

SECRET.

Advise early and favourable consideration of recommendation for clemency case of SINGHIA, S. S. which I am advised has been passed to you by Chief Medical Officer.

DIST

ACTION CA REC

INFO CHIEF COMMISSIONER

KZ COMMISSIONER 2

LEGAL SC

FILE 2

PLANT



SECRET

10/91-92-93

4607

(Case closed) 5/10

2069

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

785017

2619 45

Ex Comm (2)

64

RESTRICTED

RAC/2698/4867

SEPT 29/2330A

F/3543

SEPT 30/1100A

ROUTINE

FROM: BHM ROMANIA

THROUGH: BHM CG

INFO: ALLOC

001-1 1945

HEADQUARTERS
1-OCT-1945
A. C.

RESTRICTED.

Your EX 15366 September 26.

5 members of Italian Assistance Bureau have approval of Italian government for repatriation. Intend to evacuate them earliest.

No knowledge of GALLONI. 1875 September 25th not this mission's cable.

Suggest BHM BULGARIA

DIST

INFO-ACTION : CA SEC

INFO : CHIEF COMMISSIONER
EX COMMISSIONER (2)
LOCAL
FILE (2)
FLOAT

RESTRICTED

4666

(CMT: BORANEXORIE) 205
5/10

2070

Declassified E.O. 12356 Section 3.3/NND No. 7850172619, Ex. Comm'n - (83)
SECRET8/4/79
SEP 28 NPTF/9431
SEP 29 1220H
IMPORTANTFROM AMG 13 CORPS
TO FREEDOM CITY PHASE INFO HQ ALCON

0 - 1 IS:5

SECRET**Confidential**

Ref your FX 45866 of 26 September.

Suggestion for executive clemency in signal to ALCON based on probability at that time that JACOBTSIC would accept appointment to Italian Consulate.

Ref to signal from your Hq on this subject was erroneous occasioned by misunderstanding by transmitting officer.

Communication referred to was in fact a telephone call.

Prisoner returned to confinement last night and will refuse to file petition for clemency. But if Chief Legal Officer rules favorably proposal may be initiated by this Hq;

List

Info-Action - CA Sect
Info - Chief Commissioner
Exec Commr 2
Legal SC
File 2 Fleet

See 17-84-85
26-87**SECRET**HEADQUARTERS
20 SEP 79

A. E.

4605

(Car handout)

2071

Declassified E.O. 12356 Section 3.3/NND No. 7850172618 ✓
SECRET

EX COMM

182

FX 45866
SER 261812AF/9182
SEP 27 1120A
ROUTINGFREEDOM SIGNED SIGNED CITE FREGG
ACTION 13 COMPS FOR SER INFO ALGOM HOME**Confidential** SEP 27 1945**SECRET.**

Reference your 8/4. GIORGIO JAKSETICH is subject.

1. No petition or proposal for executive clemency (?) is before this HQ.

Request date and reference number of signal mentioned by you as having been sent from
AMM to OSI 13 COMPS on the this subject.2. If petition for clemency (?) is filled it should be forwarded with full
report and recommendations of CG 13 COMPS through Chief Civil Affairs Officer at
HOME to SAGMID.**DIST**INFO-ACTION: CA Sec
INFO: Chief Commissioner
Ex Commissioner 2
Legal SC
File 2
Fleet

(M/C Note: Date of reference 8/4 is 18 September)

SECRETSee M 79-80-81-82
SEP 28 1945

4604

(Case BRATSKO) 10 243

2072

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

785017

2619

77

E/4

SEP 22 1300A

SECRET

E/8783

SEP 23 1315A

IMPORTANT

SEP 27 1045

AMC 13 COMPS

ACTION IN ACCORD FOR CHIEF CIVIL AFFAIRS OFFICER INFO AFHQ MAIN
13 COMPS ACCORD FOR CHIEF LEGAL OFFICER**SECRET****Confidential**

Ref your decision of September 14 affirming conviction and sentence of GIORGIO JAKSETICH.

In view of signal this HQ to you with copy to AFHQ advising of the appointment of JAKSETICH to Italian Consulate and receipt of signal by GSC 13 COMPS from AFHQ on this subject it is possible that JAKSETICH may be extended executive clemency.

We propose to temporarily withhold announcement of your decision pending action or instructions from AFHQ.

At.
Please
see
1
5

Dlst

Action - Legal SC
Info - Chief Commissioner
CA Sec
File 2 Float

NOTE: Spike to cc. G-5

AMC 26 Sep not asked for
copy of AFHQ signal to 13
Comps referred to in para 2

SECRET

27 Sep: Not yet received
about see para 2
apparently no record at AFHQ.

SEP 78

463

2073

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

785017

168
SECRET8/4
SEP 181800AF/8191
SEP 191015A
ROUW NE
SEP 191015A

From: AMG 13 CORPS

ALCOM FOR CHIEF CIV AFFAIRS OFFR INFO A PHQ MAIN 13 CORPS ALCOM
FOR CHIEF LEGAL OFFR

Confidential

SECRET

GIORGIO JACSETSIK, whose appeal from conviction and sentence of 18 months for possession of weapons is now pending before you, has been nominated by Italian Communist Party and designated by Italian Govt as member of Consulta from this area. I have freed JACSETSIK temporarily from custody to visit in LUBBIANA his dying son recently returned from concentration camp and yesterday extended this parole for 10 days. JACSETSIK has asked provisional release pending determination of appeal so that we may consult with his party and Italian Govt off t is to determine whether he will accept Consulta. position. For many reasons which may not be recited but some of which will occur to you, I recommend favorable action on this request. Also suggest this appointment is a proper factor to consider in connection with possible extension of executive clemency.

Dist

Action - CA Sect
Info - Chief Commissioner
Exec Commr 2
Legal 2
File 2
Float

SECRET

See m 64
15516
19 SEP 1945
MEAD

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

785017

2619 9

COPY

(60)

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 Corps

Legal Division

22 August 45

13c/AMG/LD/15

SEP - 6 1945

SUBJECT: Legislation in Venezia Giulia.

TO : HDQRS, Allied Commission,
(Att: Executive Commissioner).

1. Reference is made to your letter of 4 August 1945 (AC/4133/1/L) which refers to your directive of 3 July 1945 (same file reference).

2. Your inquiry is answered as under :

- a. AGRICULTURE - No regional Order has been issued for the amassing of wool. No request therefor has come from Agriculture presumably because of a nearly complete absence of sheep in the Occupied Territory and a consequent lack of need of such order.
- b. COMMUNICATIONS This is covered by our General Order No. 9 copy of which is attached.
- c. FINANCE These 11 financial decrees (Insurance) will be issued in the form of General Orders this week. Difficulty has been experienced for 3 weeks in securing necessary translations.
- d. FOOD No demand has been made by Division heads as yet for the implementation of these 3 decrees.
- e. LABOR Notice No. 5 issued by Labor Officer, Trieste deals with this subject. The Labor Officer informs us today that the Chief Finance Officer by Administrative Instruction authorized the appropriate Italian local agencies to extend Italian Social Insurance to Allied Forces employees. No request was made of Legal Department for a General Order to cover this matter.
- f. LEGAL. Our General Order No. 6 suspends the right of appeal from local courts, etc. Copy is attached.

3. Copies of all orders heretofore issued are being sent you under separate cover today.

FOR THE SENIOR CIVIL AFFAIRS OFFICER.

(Note: ORIGINAL SENT ON
FILE AC/4133/1/L - 7 SEP 45)

ROBERT M. HILL
Major, AUS.
Deputy C.L.O.

4601

4601
JUN 11 1946

2075

785017

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

2619 9

COFY

66

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
13 Corps

Legal Division
13c/AMG/LD/15

22 August 45
SEP - 6 1945

SUBJECT: Legislation in Venezia Giulia.

TO : HQRS, Allied Commission,
(Att: Executive Commissioner).

1. - Reference is made to your letter of 4 August 1945 (AG/4438/1/L) which refers to your directive of 3 July 1945 (same file reference).
2. Your inquiry is answered as under :
 - a. AGRICULTURE - No regional Order has been issued for the amassing of wool. No request therefor has come from Agriculture presumably because of a nearly complete absence of sheep in the Occupied Territory and a consequent lack of need of such order.
 - b. COMMUNICATIONS This is covered by our General Order No. 9 copy of which is attached.
 - c. FINANCE These 11 financial decrees (Insurance) will be issued in the form of General Orders this week. Difficulty has been experienced for 3 weeks in securing necessary translations.
 - d. FOOD No demand has been made by Division heads as yet for the implementation of these 3 decrees.
 - e. LABOR Notice No. 5 issued by Labor Officer, Trieste deals with this subject. The Labor Officer informs us today that the Chief Finance Officer by Administrative Instruction authorized the appropriate Italian local agencies to extend Italian Social Insurance to Allied Forces employees. No request was made of Legal Department for a General Order to cover this matter.
 - f. LEGAL. Our General Order No. 6 suspends the right of appeal from local courts, etc. Copy is attached.

3. Copies of all orders heretofore issued are being sent you under separate cover today.

FOR THE SENIOR CIVIL AFFAIRS OFFICER.

(Notice: ORIGINAL SHOWN ON
FILE AG/4438/1/L - 7 SEP 45)

4601
Folio 50
ROBERT M. HILL
Major, AUS.
Deputy C.L.O.
1161

2076

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

785017

BEST COPY POSSIBLE

2077

Declassified E.O. 12356 Section 3.3/NND No. 7850170.207
SEPT 061045**SECRET**E/6662
SEPT 061245
ROUTINE
SEP - 6 1945

13 CORBS

AFHQ CITE PHGEO INFO AICOM

*Confidential***SECRET.**

Reference your signal FX 39877 31 August.

Policy indicated has been followed.

Scheme of general order 11 approved by AICOM indistinguishable except in nomenclature from Italian system. Following points occur.

1st. May we advise locals of directive. This would relieve the field of brunt of criticism which would naturally be welcome. But we do not press.

2nd. Hope directive not intended to require reversion to Italian nomenclature. Psychological device of new names has reduced resistance considerably as terms Prefect and Giunta are objectionable to both Italians and Slovenes. Recommend continuing present designations for this reason and also because no complete province in territory and Italian titles there are therefore inappropriate.

3rd. Assume first sentence para B directed to you and requires no action here since our miss on confined to west of demarcation line and policy is not to contact Yugoslavs on civil affairs matters except on specific instructions.

4th. Understand juridical position but point out purely for information that locals both friends and critics would contend closing sentence of paraphrase negates balance of signal and that use of Italian institutions does in fact prejudice ultimate disposition.

DIST

INFO-ACTION EX COMMISSIONER 2
INFO CHIEF COMMISSIONER,
POLAD (A), POLAD (B)
C A SEC, FILE

SECRET*Action copy: 522/EC*

Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

WEB/rjp

AC/4193/1/L

3 September 45

SUBJECT : Jaksetich Case

TO : Executive Commissioner

SEP - 4 1945

1. Reference your 168/53/EC of 1 Sept 45 herewith are sent documents in the case of JAKSETICH, from Venezia Giulia.

2. Jaksetich, aged 44, was tried by Major A.C. German in Trieste on 1 Aug 45 on the charge of being in unlawful possession of a pistol (German) loaded with 7 rounds and a spare magazine loaded with 8 rounds. He was convicted and sentenced to 18 months' imprisonment.

3. The accused's house was searched on 9 July and the pistol was found in a cupboard in the hall, together with a Yugoslav uniform.

4. The defence substantially was that the arm and ammunition belonged to a man who had been killed in action and that they had been handed over to the accused. The accused was not keeping them against the allies, but thought they might go in a museum after the war. He is a communist, editor of "Il Lavoratore" and has been fighting fascism for 20 years. He was discharged from the armed forces on 10 June 1945 at his own request.

5. The appeal raises no point of substance.

6. Lt Col Dawson has already signed a Decision on Review confirming the conviction and sentence, but Col Bowman has sent the case for an independent review here.

7. In the light of your letter I am not clear whether you wish to make the decision on review yourself or whether you merely wish a report on the case. I have therefore not made any decision. If, however, I have to do so I should affirm both the conviction and sentence, since the accused was clearly guilty and the punishment, while severe, was not, in my opinion, unduly heavy.

W. E. BEHRENS,
Colonel,
Chief Legal Advisor.

Incls:

(Nasal KENSLY)

2079

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

785017

Ref: 168/53/EC.

1 Sept 45.

Subject: Jaksetich Case.

To: C.A. Section (For Chief Legal Advisor).

I am directed by the Executive Commissioner to inform you that he would like to see the report on the above mentioned case after appeal or review has been considered. Would you please arrange to have this sent to him when it has been received.

E. TALBOT

OSO.
To Executive Commissioner.

Noted

See 53

See 76

4598

(51)

EXTRACT from a letter, Hq, AMG, 13 Corps, signed by Col Bowman, dated 24 August 45, addressed to Brigadier Lush.

"The next most important business of the week, as it is likely to be every week until ultimate settlement, is the Jaksetich case, the record in which I sent forward to the Chief Civil Affairs Officer several days ago. Although the sentence involved is only eighteen months, I feel it desirable to do this without acting on the case at all here because of the obvious impossibility of our handling it on this level without being subjected to rather plausible charges of bias, since the accused's newspaper has been our severest critic.

"A new and interesting feature of the Jaksetich situation was our receipt the day before yesterday of a letter signed by most of the important newspaper editors of Italy, both conservative and radical, requesting re-consideration. Colonel Bullock felt it absolutely necessary to announce this to the press before someone else did so, and so I released the story at once. I rather suspect that some of our journalistic critics will attempt to connect up the receipt of this petition with the forwarding of the record for review, and try to make it appear that the second was the result of the first. This, in turn, may be made an occasion for criticism in that we should react so promptly to the plea of a group of Italians, having so long failed to act in response to the pleas of the people of Trieste. Actually, you will appreciate, the fact that the two events occurred at about the same time is purely coincidental. The delay in acting on the petition for review was occasioned by uncertainty as to the proper channels for such review, a question which has now been resolved by oral instructions which, I understand, will later be confirmed in writing."

2081

785017

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

ABA/el

50

Ext 451

31 August 1945

Ref: 2619/50/EC

SUBJECT: Legislation in Venezia Giulia

TO : SCAO, Venezia Giulia

1. Reference is made to our letter 2619/49/EC requesting that a report be submitted giving details of the progress made implementing instructions contained in our directive AC/4188/1/L dated 3 July 1945.

2. This office has been informed by the Legal Subcommittee that this report has been in their hands for some time, and it is therefore regretted that a follow-up was sent on our letter of 4 August.

A. B. ARMSTRONG.

Brigadier
Executive Commissioner

SEE FILE 52

4556

2082

Declassified E.O. 12356 Section 3.3/NND No. 785017

Nxt 451

ABA/ol 49

Ref: 2619/49/20

28 August 1945

SUBJECT: Legislation in Venezia Giulia

TO : SCAO, Venezia Giulia

1. Reference is made to our letter AO/4188/1/L of 4 August 1945 concerning our directive AO/4188/1/L dated 3 July 1945.

2. It was requested that a report be submitted giving details of the progress made in implementing instructions contained in this directive. To date your reply has not yet been received, and it would be appreciated if this report is sent as soon as possible.

A. M. [Signature]
Brigadier,
Executive Commissioner.

c.c. Legal s/c.

SEE FILE 102
B/V
5/9
Hed
PA 24/6
4555

2083

Declassified E.O. 12356 Section 3.3/NND No. 785017**SECRET**FX 38065
AUG 241741BF/5206
AUG 251030B
PRIORITY

FREEDOM SIGNED SACRED CITE FREGG

ACTION 13 CORPS, ALCOM ROME

AUG 25 1945

42 refers
Confidential**SECRET.**

1. Message ⁽¹⁰⁾ 10 of 13 CORPS dated 9 August refers.
2. Review of AMG court cases will be dealt with as technical matter in accordance with Article 32 Consolidated Instructions ALLIED COMMISSION. For this purpose SCAO 13 CORPS will be regarded as a Regional Commissioner. Cases other than those mentioned para 3 below will be reviewed by SCAO 13 CORPS or by a judicial officer not below the rank of Major appointed by him for that purpose.
3. The chief Civil Affairs officer or a judicial officer not below the rank of Lieutenant Colonel appointed by him for that purpose will review ^{cases} in which:
 - a. 1 or more of the charges is framed under Italian Law.
 - b. Sentence on the accused or on any one of two or more persons tried together exceeds 2 years imprisonment or 50000 Lire fine or
 - c. On account of the importance of the case or for any other reason SCAO 13 CORPS submits the record for review by the Chief Civil Affairs Officer.
4. Such reviewing authority mentioned in para 3 will communicate the decision on review to Commanding General 13 CORPS who will announce the decision on behalf of the military government.

DIST

ACTION: Legal SC
 INFO: Chief Commissioner
 Ex Commissioner 2
 CA Sec
 Ext Sec
 File

(M/C Note: No trace of 13 CORPS signal 10 of 9 Aug)

SECRET

2084

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

785017

B/O to Ex. C
in his return
RwX 28/8

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

785017

43A

13 AUG 57 15

PRIORITY

5
CONFIDENTIAL

42

PAREN TO AMEN FOR HOW QUEEN CIE FOR PARK GEORGE EASY GEORGE FROM HE ACCO GITE
ACCO PAREN

PAGE TWO PD THIS IS IN ACCORDANCE WITH GENERAL AND PRACTICE IN OTHER REGIONS
PD

CIVIL AFFAIRS SECTION

497

Cont

2086

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

785017

- 2 -

436

3652

Confidential

PARA FOUR PD WHEN ALLIED COMMISSION REVIEWS A CASE THE DECISION IS COMMUNICATED SOLELY TO REGIONAL COMMISSIONER PAREN REGIONAL LEGAL OFFICER PAREN SO THAT NO QUESTION WOULD ARISE OF THE FINAL DECISION COMING FROM QUOTE ROME UNQUOTE PD IN ANY EVENT THE DECISION WOULD COME FROM QUOTE ALLIED COMMISSION UNQUOTE AND NOT FROM THE ITALIAN AUTHORITIES IN ROME.

CIVIL AFFAIRS SECTION

1/37

4592

2087

Declassified E.O. 12356 Section 3.3/NND No. 785017

2619

EXEC Comm (12)

F 34707
AUG 12 1142F/3706
AUG 13 0940
IMPORTANT

FROM: AFHQ SIGNED SECRETARY CHIEF ENGINEER

TO: ALCOM ROME

SECRET

AUG 13 1945

Confidential

SECRET.

Paraphrase of 13 CORPS OIO of 9 August follows.

"Sentences and judgments of AMG courts have heretofore been reviewed by AMG Chief Legal Officer and no questions of jurisdictional nature have arisen. It is necessary in present case involving personality in which press and political parties much interested that we now have definite directive on this subject.

Reviews in territory under ALLIED COMMISSION governed by section 3 article 32 consolidated instructions military courts which states in general final review by Chief Commissioner or officer designated by him this depending on nature of case. Because of the special situation here understood to involve only technical and advisory/not operational relationships to ALLIED COMMISSION there is doubt your HQ will wish this method followed more so since announcement of final decision from ROME would have, in this case, tremendous political repercussions due to leftist record and Slovene nationality of the accused.

in
Awaiting decision on review, subject/confinement, and interest in case very great, please furnish immediately unequivocal instructions specifying each officer or or HQ in chain of review, period within which appeal can be taken, minimum amounts of sentences and fines entitling convicted persons to review and so forth. As the Supreme Allied Commander beyond any question is the only governing authority here jurisdictional questions will be eliminated by simple clear directive and thus enable us to say categorically what judgments are final and when. Time is very important" End of paraphrase.

Notes: Distribution on back of page 1

see MKB

(The Kinsler)

AC/4188/1/L

Declassified E.O. 12356 Section 3.3/NND No. 785017Ref: AC/4188/1/L
26/7/45Tel: 17
4 August 1945SUBJECT: Legislation in Venetia Giulia.
TO : S.C.A.G.,
Venetia Giulia.

- 28
1. With reference to our directive A.D. 4188/1/L dated 3 July 45, will you please submit a report giving details of the progress made in implementing the instructions contained therein.
 2. The report should indicate which decrees have been issued as Regional Orders and when you think that the programme will be completed.
 3. Copies of all orders issued will be sent to this HQ.

E. Talbot
Brigadier,
Executive Commissioner.

39

Copy to Finance Sub-Commission. (Reference your 13260/P dated 1 Aug 45. With thanks for having drawn the attention of the Executive Commissioner to this matter).

Copy to Legal Sec

See minute 48.
Page 52

15/8
Noted
11/8
PA
48

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

785017

2619 A
 HEADQUARTERS ALLIED COMMISSION
 APO 394
 FINANCE SUB-COMMISSION

1 August 1945

13260/F

AUG 1 1945

SUBJECT: Legislation in Venezia Giulia.

TO : Executive Commissioner. ✓

1. I have received a letter from the Chief Finance Officer, Venezia Giulia, indicating that on 26 July he for the first time had sight of your letter AG/4188/1/L of 3 July, 1945, directing the issuance of certain Italian decrees in the form of Regional Orders.

2. Legal Sub-Commission has no information on the progress of the implementation program, and if the Chief Finance Officer was unaware of the existence of your instructions I think it likely that little or no action has been taken in this field by Venezia Giulia.

3. It is suggested that you may wish, therefore, to call for a report indicating:

- (a) which decrees have been issued as Regional Orders
- (b) when we may expect copies thereof
- (c) when it is envisaged the program will be completed.

It is of the utmost importance that all major Venezia Giulia orders and like documents be on file in this HQ for consultation by interested sub-commissions.

A. J. Grasse / *hms*
 Bng

Joint Director,
Finance Sub-Commission.

see 40
 4569

(1/100 KLESLER)

(1/100 copy)

2091

785017

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

2619

HEADQUARTERS ALLIED COMMISSION
A PO 394
LEGAL SUB-COMMISSION

AC/4039/4/L

27 July 1945

SUBJECT : Slovene Judges in Italy.

JUL 2 1945

TO : Executive Commissioner

1. Reference your 2619/EC of 26 July 1945 Col Dawson raised this question with me last week.

2. It is under investigation at the moment.

3. You will appreciate that we cannot compel the judges to go if they are unwilling to do so.

W. E. Behrens

W.E.BEHRENS,
Colonel,
Chief Legal Advisor.

W. PMA

See 11/38
588
3/7

(Mrs Kinsler)

2092

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

785017

File

36

Ref: ^{2619/EC}
~~601/EC~~

26 July 45.

Subject: Slovene Judges in Italy.

To: Civil Affairs Section (for Legal S/C).

35

During his recent visit to Venezia Giulia the Executive Commissioner was approached by Colonel DAWSON with regard to the possibility of substituting Italian judges for the Slovene judges in Italy - of which Colonel DAWSON understands there are three.

Would you please let us have your views on this proposal.

E. Talbot

C.S.O.

To Executive Commissioner.

BU
1/8
Noted

4507

PA
27/7

2093

785017

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

2619

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 805/EC

23 July 1945.

SUBJECT: Notes on visit to TRIESTE by
Executive Commissioner.

TO : Distribution below.

EXTRACT

X X X X X X X X X X X

15. Legal. The Chief Legal Adviser asked that three judges of Slovene origin now in Italy should be transferred to VENEZIA GIULIA. On this subject, the SCAC again stressed the desirability of removing all surplus Italian officials in VENEZIA GIULIA to some other part of Italy.

4566

92

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

785017

2619

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 805/20

23 July 1945.

SUBJECT: Notes on visit to TRIESTE by
Executive Commissioner.

TO : Distribution below.

EXTRACT

X X X X X X X X X X

5. | Official Gazette for V.GIULIA. The SCMO and his Legal Advisor
2619/20 | wish to introduce an official gazette for VENEZIA GIULIA in which
all the proclamations and orders will appear. A proclamation
setting up this gazette should, in their opinion, be signed by
SACMED, unless, or until, he delegates his powers as Military
Governor, VENEZIA GIULIA, to Commander 13 Corps.

2095

785017

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

2619

RE KILL

YC/59
JULY 140930

6/9788
JULY 151945
OR-PRIORITY

AND 13 CORPS
AFHQ FOR 65 INEW AFHQ

JUL 16 1945

RESTRICTED.

When my proclamation setting up special Court of Assize be expected. HUNTER informed HUNTER and BOWMAN proclamation had been agreed by you and that it would be signed during the current week. Please treat matter as extremely urgent.

DIST

INFO ACTION - LEGAL SC
INFO - CHIEF COMMISSIONER
CA SWC
FILE 2
PLCAT

File x to

see M.31.32.

W 16/7

RESTRICTED

1/9
(CSO)

1/19
1

2096

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

785017

SECRET

2619

PX 17209

JULY 041523

FOR INFORMATION ONLY

E/8131

JULY 050830

PRIORITY

From: AFHQ, SIGNED SIGNED CITE PHOEG

To: 13 CORPS FOR AMG FOR MONFORT INFO AICOM ROSE FOR UPJOHN

JUL 5 1975

Confidential

SECRET.

Ref VY/80 not repeated AICOM. Signed original proclamations 2, 3 and 4 delivered by AFHQ to AICOM on 11 June, these coincide with copies handed AMG 8th ARMY by SPOTFORD on 11 June. Only changes those agreed in meeting SPOTFORD, UPJOHN, BENSON, MONFORT, DAWSON TRISTE on 18 June and authorized by this HQ 22 June with notice to AICOM on that date. In TRISTE meeting pointed out that copies delivered 11 June differed from preliminary drafts also in possession MONFORT. Reason for confusion not understood. Communications on matters this sort should be directed to AICOM and not to this HQ.

DIST

INFO-ACTION C A SEC 2
 INFO CHIEF COMMISSIONER
 DEEC COMMISSIONER
 FILE 2
 FICAT

SECRET

HEADQUARTERS

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(Handwritten signature)
 (HAR PARDEN)

see 176

Office of Exec. Comm. Order
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HEADQUARTERS ALLIED COMMISSION

APO 334

OFFICE OF THE EXECUTIVE COMMISSIONER

AC/4188/1/L.

/rlp.
3 July 1945.

SUBJECT : Legislation in Venezia Giulia.

JUL 4- 1945

TO : SCLO AMB. XIII Corps.

1. In order to avoid the appearance of introducing into Venezia Giulia current legislation passed by the Italian Government, the policy of implementing Italian Governmental and Ministerial Decrees will not be adopted in this region.

Effective legislation will therefore consist of the Proclamations of the Supreme Allied Commander and Military Governor, supplemented by such Regional or Provincial Orders as may be required.

The General Orders issued by AMG, either before or after the date of this directive will not be put into operation in Venezia Giulia as General Orders, but where applicable should be reissued as Regional Orders.

2. The absence of the Italian legislation leaves certain gaps in the legislation required for the administration of the territory and will necessitate the issue of additional Regional Orders. The following paragraphs of this directive indicate the special subjects upon which such orders are required. Nothing in this directive is intended to prohibit the normal issue of Regional Orders on particular regional problems as and when the need for such orders arises.

3. Agriculture. A Regional Order is required for the amassing of wool to incorporate the provisions of DM dated 21 April 1945 (G.U. No. 49 of 24 April 1945).

4. Communications. The current Italian Postal and Telecommunications rates are covered in the following decrees:

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

3. Agriculture. A Regional Order is required for the amassing of wool to incorporate the provisions of IM dated 21 April 1945 (G.U. No. 49 of 24 April 1945).

4. Communications. The current Italian Postal and Telecommunications rates are covered in the following decrees:

Foreign Postal Rates	Ministerial Decree 31st March 1945
Internal Postal Rates	Gazzetta Ufficiale 9th May 1945
Internal Telegraph Rates	Decree L.T. No. 94 22nd March 1945
Telephone Rates (Urban)	Gazzetta Ufficiale 31st March 1945
Telephone Rates (Interurban)	Decree L.T. No. 95 22nd March 1945
	Gazzetta Ufficiale 31st March 1945
	Ministerial Decree 26th March 1945
	Gazzetta Ufficiale 31st March 1945
	Ministerial Decree No. 247 5th April 1945
	Gazzetta Ufficiale 9th May 1945

It is desirable that the rates of services in operation or to be introduced in Venezia Giulia should be in conformity with the rest of Italy, but it would be difficult to reproduce these lengthy decrees in a Regional Order and in any case, a number of the services mentioned therein are not likely to be introduced. A Regional Order should therefore be issued to the effect that Postal and Telecommunications rates, limitations, conditions and indemnities in Venezia Giulia will be in accordance with Bollettini to be issued by the Post Office Provincial Director for Trieste under the authority of AMG. These Bollettini can be printed locally and include relevant extracts from the decrees in respect of services which may from time to time be authorized."

5. Finance. The undermentioned 11 decrees require reissue as Regional Orders. The first eight can conveniently form the subject matter of one Order. It may be necessary at a later stage to reissue a large number of revenue decrees. If so details will be supplied.

RDL No. 12/B of 2 Dec 1943, RDL No. 18 of 24 Jan 1944, RDL No. 74 of 2 Mar 1944, RDL No. 84 of 10 Mar 1944, RDL No. 108 of 6 April 1944 (all in Raccolta Ufficiale). D.L. No. 165 of 3 Aug 1944 (G.U. No. 43 of 5 Aug 1944), RDL No. 233 of 5 Sept 1944 (G.U. No. 68 of 14 Oct 1944), RDL No. 380 of 9 Nov 1944 (G.U. No. 98 of 23 Dec 1944), D.L. No. 234 of 8 Sept 1944 (G.U. No. 68 of 14 Oct 1944), D.L. No. 301 of 19 Oct 1944 (G.U. No. 81 of 14 Nov 1944).

6. Food. At a later date it may be necessary to issue regulations for the control of olive oil. It may be desirable at the present time, as and when needed, to have orders to control the manufacture and sale of sweets, the slaughter of animals and the operation of eating houses on the basis of the following decrees:

DM 3 Nov 1944 (G.U. No. 78 of 7 Nov 1944);

D.L. No. 99 of 1 Mar 1945 (G.U. No. 41 of 5 April 1945);

Decree of High Commr. for Alimentation of 20 Mar 1945 (G.U. No. 36 of 24 March 1945 p. 367).

7. Labor. D.L. No. 505 of 6 Dec 1944 (G.U. No. 36 of 24 March 1945) extended Italian Social Insurance to Allied Force Employees. The Italian Government accepted this liability by reason of their armistice obligations to make labour available. A similar arrangement should be made locally and the appropriate Regional Order issued.

8. Legal. The policy of regional autonomy involves the suspension of the right of appeal from the local courts to the Court of Cassation. A Regional Order is required.

9. In drafting Regional Orders in accordance with the above policy, care must be taken to ensure that all references to and duties of Italian Central Governmental bodies are excluded.

785017

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

8. Legal. The policy of regional autonomy involves the suspension of the right of appeal from the local courts to the Court of Cassation. A Regional Order is required.

9. In drafting Regional Orders in accordance with the above policy, care must be taken to ensure that all references to and duties of Italian Central Governmental bodies are excluded.

10. Translations of the relevant Italian decrees mentioned herein are attached.

For Chief Commissioner:

DISTRIBUTION: (less translations).

SCAO, MG, 8th Army	- 1
VP, Econ Sec	- 7
Econ Sec (Attn: Exec Director)	- 2
VP, Estab Sec	- 5
VP, Civ Affairs Sec	- 10
Office of the Exec Commr	- 1
Labor S/C	- 4
Land Forces S/C	- 1
Navy S/C	- 1
Air S/C	- 1
Communications S/C	- 1
War Material Disposal S/C	- 1

E. T. M. U. L. A.
Brigadier,
Executive Commissioner.

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

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EC 21
JUN 11 1945
CC 1110

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

10 June 1945
JUN 13 1945

SUBJECT: Venezia Giulia Proclamations Nos. 2, 3, and 4
TO : Headquarters, Allied Commission
A.P.O. 394
(Attn: Legal Subcommittee)

19

There are transmitted herewith the originals signed by
Field Marshal Sir Harold R. Alexander of Proclamations Nos. 2,
3, and 4, for the Compartimento of Venezia Giulia. Please
acknowledge receipt on the attached form.

27
Ack. by CC's
OFFICE.

CHARLES M. SPOFFORD
Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

Incls:
Proclamations Nos. 2, 3, and 4
Receipt form

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(Mas FLOREN)

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

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BEST COPY POSSIBLE

ALLIED MILITARY GOVERNMENT

OF VENEZIA GIULIA

PROCLAMATION NO.2

PROPERTY CONTROL

CURRENCY AND EXCHANGE - RATIONING PRICE FIXING WAGES AND AGRICULTURE

I, HAROLD R. L. G. ALEXANDER, G.C.B., G.S.I., D.S.O., M.C., A.D.C.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of Operations,
and Military Governor, hereby proclaim as follows:

ARTICLE I

APPOINTMENT OF DIRECTOR OF PROPERTY CONTROL

The Director of Property Control is the officer appointed by the Chief Commissioner of the Allied Commission (hereinafter called the Chief Commissioner) to carry out the powers and duties hereunder or hereafter conferred upon him.

He shall have the power to take into his control any and all property of all forms and of every kind and description as directed by the Chief Commissioner.

ARTICLE II

ALLIED PROPERTY

SECTION 1. Cancellation of measures affecting Allied property.--
All laws, decrees, orders or other measures taken or purported to have been taken by any authority to sequester, block, confiscate or otherwise discriminate against property situated in the Occupied Territory, including obligations of debtors within the Occupied Territory, owned by, any ment of the United Nations, or by the nationals of such states are hereby abrogated.

SECTION 2. Declaration of Property.--All public officials persons in the Occupied Territory who have under their control tion or in their possession or custody any property of the nature to in Section I shall:

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

ALLIED PROPERTY

SUBSECTION I. Cancellation of measures affecting Allied property.--- All laws, decrees, orders or other measures taken or purported to have been taken by any authority to sequester, block, confiscate or otherwise discriminate against property situated in the Occupied Territory, including obligations of debtors within the Occupied Territory, owned by any member of the United Nations, or by the nationals of such states or governments or in which any such government or state or nationals have an interest, are hereby abrogated.

SECTION 2. Declaration of Property.--All public officials, persons in the Occupied Territory who have under their control, possession or in their possession or custody any property of the nature mentioned in Section 1 shall:

- a) Forthwith declare such property by delivering to the Director Property Control a schedule or list describing the same;
- b) Upon demand of the Director of Property Control turn over and property or the control, possession, or custody thereof to the Director such person as may be designated by him;
- c) Upon demand of the Director of Property Control accounts and records of the administration of such period, sequestration or other control, ~~as may be~~ designated by him.

SECTION 3. Maintenance and Care of T. such a time as they are ordered to turn over of this proclamation, all persons who are custody or control thereof shall be fully thereof and for taking all necessary measures the same.

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

25
All such persons shall, as demanded by the Director of Property Control, render regular reports as to the operations, custody and administration of the properties.

SECTION 4. Consent as to Certain Action.--No person so charged with the administration, custody or control of such property shall take or suffer to be taken any action which shall materially affect the value or the income therefrom without the consent of the Director of Property Control.

ARTICLE III

PROTECTION OF ALLIED MILITARY GOVERNMENT

The Allied Military Government and its officers shall be under no responsibility to the owner of any property taken into control under this proclamation, or to any person interested therein, to make good any loss of or damage to such property, however caused, or to compensate any such owner or other person for any loss suffered directly or indirectly by reason of the taking of control of such property.

ARTICLE IV

PENALTIES

No one shall knowingly and without authority:

- a) Interfere with or obstruct the Director of Property Control or any of his assistants in the exercise of any of their functions hereunder;
- b) Interfere with, remove, damage, conceal or make away with any property which the Director of Property Control has taken or is authorized to take into his control.
- c) Interfere with, remove, damage, conceal or make away with any property with intent to defeat, evade or avoid any responsibility, fine or punishment;
- d) Withhold any information or any document which the Director of Property Control is entitled to receive, or make any false statement, or use or refer to any false document in order to mislead the Director of

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

property which the Director of Property Control has taken or is authorized to take into his control.

c) Interfere with, remove, damage, conceal or make away with any property with intent to defeat, evade or avoid any responsibility, fine or punishment;

d) Withhold any information or any document which the Director of Property Control is entitled to receive, or make any false statement, or use or refer to any false document in order to mislead the Director of Property Control as to any of the matters which he requires to know for the purposes of this Proclamation.

ARTICLE V

POWER TO VOID TRANSACTIONS

The Chief Commissioner or any officer empowered by him may by order direct that any transaction made at any time with regard to any property, movable or immovable, shall be set aside and held null and void if, in the opinion of the Chief Commissioner or such officer empowered by him, the transaction was made to defeat, evade or avoid any provision of this Proclamation or any responsibility, fine or punishment imposed or to be imposed on any person or enemy government.

ARTICLE VI

CURRENCY

SECTION 1. Allied Military Lira Notes.--Lira currency in the forms of allied military notes of the denominations, one, two, five, ten, fifty, one hundred, five hundred, and one thousand lire is hereby constituted and made legal tender for the payment of any amount in the Military Government Territory and no person shall refuse to accept such legal tender for the payment of any amount.

SECTION 2. United States Currency and British Military Authority Notes.--
All United States currency bearing a yellow seal on the right face of the bill and known as United States yellow seal currency, and all notes bearing the inscription "British Military Authority" in sterling denominations are hereby declared NOT to be legal tender in the Military Government Territory and no person shall offer or accept any such currency for the payment of any amount.

SECTION 3. It is forbidden for any person to hold or possess any of the currency mentioned in Section 2 of this article. Any person who is at the effective date of this proclamation in possession of any such currency shall within 30 days of such date exchange the same through such agencies as the Allied Military Government may direct for like notes at the following rates of exchange free of any commission or fee:

One dollar in United States yellow seal currency equals 100 lire;
One pound sterling in British Military Authority notes equals 480 lire.

ARTICLE VII

MEMORANDUM, EXCHANGE AND FOREIGN TRADE

SECTION 1. Transactions Prohibited.--From the effective date of this Proclamation, except as authorized by the Allied Military Government from time to time:

- a) All transactions in foreign exchange, and the import and export of any coins, currency, securities, and gold and silver bullion are prohibited.
- b) All financial, commercial or other transactions involving trade or communication of any kind with any person outside the Military Government Territory are prohibited.

SECTION 2. Exports and Imports of Foreign Exchange Prohibited.--No currency and no coin of any country may be exported from or imported into the Military Government Territory except as authorized by the Allied Military Government. No currency or coin may be traded, exchanged, bartered or sold except that which has legal tender status in the occupied territory.

ARTICLE VIII

RATIONING

The present system of rationing will remain in force until further order of the Allied Military Government.

ARTICLE IX

SECTION 2. Exports and Imports of Foreign Exchange Prohibited.--No currency and no coin of any country may be exported from or imported into the Military Government Territory except as authorized by the Allied Military Government. No currency or coin may be traded, exchanged, bartered or sold except that which has legal tender status in the occupied territory.

ARTICLE VIII

RATIONING

The present system of rationing will remain in force until further order of the Allied Military Government.

ARTICLE IX

LIMITATIONS ON WAGES AND MAXIMUM PRICES

All rates of wages for labor prevailing and all maximum prices for foodstuffs and goods officially in force in any locality on the day of the first publication of this Proclamation therein shall remain unaltered until further order of the Allied Military Government, and no person shall demand, receive or pay any sum for labor or purchases in excess of such rates or maximum prices.

ARTICLE X

MARKING OF PRICES

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

23

ARTICLE XI

AGRICULTURE REGULATIONS

All laws, decrees and regulations relating to Agriculture which were in force and effect on 8 September 1943 will be strictly enforced and observed subject to any further order of the Allied Military Government.

ARTICLE XII

PENALTIES

Any person violating any provision of this proclamation shall, upon conviction by an Allied Military Court, be liable to punishment by imprisonment or fine, or both, as the Court may determine.

ARTICLE XIII

EFFECTIVE DATE

This proclamation will become operative in each province or part thereof within the Occupied Territory on the date of its first publication therein.

Field Marshal,
Supreme Allied Commander, Mediterranean
Theater of Operations, and Military
Governor.

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

22

ALLIED MILITARY GOVERNMENT
OF VENEZIA GIULIA

PROCLAMATION NO. 3

General Police and Security Regulations

I, HAROLD R.L.C. ALEXANDER, G.O.B., C.S.I., D.S.O., M.C., A.D.C.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of Opera-
tions and Military Governor, hereby proclaim as follows:

ARTICLE I

REGULATION OF PRIVATE MEANS OF COMMUNICATION

SECTION 1. - Declaration of Radio Receiving Sets.—Every person hav-
ing in his possession any radio or wireless receiving set or equipment,
or any parts, accessories, or material used in connection with wireless
reception, or any private telephone wire or telegraph wire or any carrier
pigeons will declare the same within the time and at the place specified
by official notice in each locality.

SECTION 2. - Possession Unlawful.—From and after the date fixed by
such notice it shall be unlawful for any person in that locality to have
in his possession or custody any of the articles above-mentioned which
have not been declared as required by Section 1 hereof.

ARTICLE II

PROHIBITION OF PHOTOGRAPHY AND DECLARATION OF PHOTOGRAPHIC
EQUIPMENT

SECTION 1. - Photographing, Printing and Developing Forbidden.—From
the effective date of this order all persons in the occupied territory are
forbidden, except with a written permit of the Allied Military Government;

ARTICLE II

PROHIBITION OF PHOTOGRAPHY AND DECLARATION OF PHOTOGRAPHIC
EQUIPMENT

SECTION 1. - Photographing, Printing and Developing Forbidden.--From the effective date of this order all persons in the occupied territory are forbidden, except with a written permit of the Allied Military Government;

(a) To take photographs of any sort, whether indoors or out-of-doors, and whether by still or cine or other type of camera;

(b) To develop or print any photographic film or plate of any nature, whether received from members of the Allied Forces or from any other person.

SECTION 2. - Declaration of Cameras, Photographic Supplies, Telescopes and Binoculars.--Every person owning or having in his possession or custody any camera or any photographic supplies, or any telescope or binoculars will declare the same within the time and at the place specified by official notice published in each locality. For the purpose of such declaration, photographic supplies shall include:

Cameras - cine or still
Projecting apparatus
Developing and dark room equipment
Unexposed or exposed film, cine or still
Photographic paper and chemicals.

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

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ARTICLE III

REGULATION OF NEWSPAPERS AND PRINTED MATTER

SECTION 1. - Publication of Newspapers and Printed Matter Prohibited Without a Permit.—No newspaper, magazine, book, pamphlet or circular may be published or printed without a written permit issued under the authority of the Allied Military Government. Such permits will be either specific or continuing and will be issued under the authority of the Allied Military Government upon such terms and conditions as may be prescribed.

SECTION 2. - Importation and Exportation of Printed Matter.—Importation into and exportation out of the Occupied Territory of newspapers, magazines, books or other printed matter is prohibited except under permit issued under the authority of the Allied Military Government.

ARTICLE IV

MEETINGS AND ASSEMBLIES

SECTION 1. - Meetings and Assemblies Prohibited except as hereinafter provided.—No person shall promote or attend any public meeting, theatrical moving picture or other representation or performance, any public assembly or other public gathering, whether indoors or out-of-doors, or any parade or demonstration for which a written permit has not been granted. Such permits will be either specific or continuing and will be issued by or on the authority of the Allied Military Government upon such terms and conditions as may be prescribed. The foregoing prohibition shall not apply to the following:

Meetings for religious purposes, including baptisms, weddings and funerals; the operation of courts of law, universities, schools and educational establishments; and the ordinary and usual functions of government.

SECTION 2. - Power of Civil Affairs Officer or other officer to Disperse Assemblies.—Notwithstanding the issuance of any permit, any Civil Affairs Officer, if he has any reason to believe that public disorder will ensue or that the safety of the Allied Forces is threatened, may order any meeting, performance, assembly, or parade to be suspended or terminated and require all persons present to disperse. Any such order will be complied with immediately by all persons present.

ARTICLE V

Meetings for religious purposes, including baptisms, weddings and funerals; the operation of courts of law, universities, schools and educational establishments; and the ordinary and usual functions of Government.

SECTION 2. - Power of Civil Affairs Officer or other officer to Disperse Assemblies.—Notwithstanding the issuance of any permit, any Civil Affairs Officer, if he has any reason to believe that public disorder will ensue or that the safety of the Allied Forces is threatened, may order any meeting, performance, assembly, or parade to be suspended or terminated and require all persons present to disperse. Any such order will be complied with immediately by all persons present.

ARTICLE V

DISPLAY OF FLAGS

Upon public and official buildings in the Occupied Territory it is permitted to display jointly the flags of the United States of America and the United Kingdom of Great Britain and Northern Ireland.

Save as aforesaid, the public display of any flag or color is prohibited upon any public or official building in the Occupied Territory.

For the purpose of this Article, the term public or official building shall include all buildings which either in whole or in part are used for the purpose of the Government or administration of the Occupied Territory. The term shall include all police stations by whomsoever occupied, and shall also include the barracks or camps of troops or the barracks of the Carabiniere Reali, save that upon such barracks or camps the national flag of the occupying troops may be displayed.

ARTICLE VI

PENALTIES

Any person violating any provision of this Proclamation shall, upon conviction by an Allied Military Court, be liable to punishment by imprisonment or fine, or both, as the Court may determine.

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

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ARTICLE VII

EFFECTIVE DATE

This Proclamation will become operative in each province or part thereof within the occupied territory on the date of its first publication therein.

Field Marshal,
Supreme Allied Commander, Mediterranean
Theater of Operations, and Military
Governor.

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ALLIED MILITARY GOVERNMENT
OF VENEZUELA

PROCLAMATION NO. 4

CLOSING OF FINANCIAL INSTITUTIONS AND ESTABLISHMENT OF REGULATION

I, HAROLD H.L.G. ALEXANDER, C.O.B., C.S.I., D.S.O., M.C., A.D.C.,
Field Marshal, Supreme Allied Commander Mediterranean Theater of Operations,
and Military Governor, hereby proclaim as follows:

ARTICLE I

CLOSING OF FINANCIAL INSTITUTIONS

SECTION 1. CLOSING OF INSTITUTIONS.--Except as provided in Sections 2 and 3 hereof, every company, institution, corporation, body or person within the Military Government Territory engaged in the business of receiving and paying out deposits, making loans, selling or purchasing securities, exchanging money, dealing in foreign exchange, maintaining safe deposit facilities, transacting insurance, or engaging in any other forms of financial business shall forthwith suspend any and all such business and the premises shall be closed, except as in this article otherwise provided. The reopening of all such business shall be upon such terms and conditions and the transacting of further financial business shall be subject to such restrictions as the Chief Commissioner of the Allied Commission (hereinafter called the Chief Commissioner) or any officer empowered by him may from time to time prescribe by order. Such orders may be of general or specific application and may be notified by public announcement or by written communication addressed to any company, institution, corporation, body or person concerned.

SECTION 2. BANKING INSTITUTIONS.--Banking institutions are authorized to engage in the following transactions:

- a) Accept payments of amount due to such banking institutions.
- b) Permit withdrawals in cash for payment of interest, taxes and social insurance contributions.
- c) Permit withdrawals in cash when authorized by local representatives of the Allied Military Government, from the accounts of the following:

...called the Chief Commissioner) or any officer empowered by him may from time to time prescribe by order. Such orders may be of general or specific application and may be notified by public announcement or by written communication addressed to any company, institution, corporation, body or person concerned.

SECTION 2. BANKING INSTITUTIONS.—Banking institutions are authorized to engage in the following transactions:

- a) Accept payments of amount due to such banking institutions.
- b) Permit withdrawals in cash for payment of interest, taxes and social insurance contributions.
- c) Permit withdrawals in cash when authorized by local representatives of the Allied Military Government, from the accounts of the following:

- (1) Official governmental accounts of the State, Provinces and Counties.
- (2) Social Insurance and Social Welfare Institutions.
- (3) Consular.
- (4) Such parastatal agencies as may be authorized by the Allied Military Government.

- d) Receive accounts and otherwise conduct new business with respect to persons and institutions described in sub-section (c) herein.

SECTION 3. COMMERCIAL INSURANCE COMPANIES AND INSTITUTIONS.—Every company, mutual or other institution, corporation, body or person engaged in life or general insurance business may continue to receive and collect such premiums and other payments as are due and payable to them in respect of life or general risks and in a currency which is legal tender in the occupied territory.

SECTION 4. SOCIAL INSURANCE AND WELFARE INSTITUTIONS.—Every company, institution, corporation, body and person engaged in the administration of

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18

any Social Insurance or Social Welfare Scheme shall continue to receive and collect all contributions payable under any such Scheme, and to make all benefit, indemnity and other payments due or payable under any such Scheme, provided the same was legally in force prior to 8th September 1943, or is hereafter brought into force by order of the Allied Military Government.

ARTICLE II

MORATORIUM

SECTION 1. OBLIGATIONS AFFECTED.--A moratorium is hereby proclaimed in respect of all debts, claims, deposits and all other obligations for the payment of money. The Chief Commissioner or any officer empowered by him may by general or specific order suspend or terminate the above moratorium in respect of any obligation or class of obligation or in any part of the territory.

SECTION 2. OBLIGATIONS NOT AFFECTED.--The moratorium herein imposed shall not apply to:

- a) Any obligation affected by said moratorium, when the total amount due and to become due, under such obligation does not exceed 5000 lire, excepting obligations of financial business as defined in Article I of this Proclamation.
- b) Any payment required or permitted to be made by Section 2, Section 3 or Section 4 of Article I of this Proclamation.

SECTION 3. EFFECT OF MORATORIUM.--During the period of the moratorium, obligations affected by this proclamation are suspended and extended for the said period. No rights or powers shall be exercised at any time with respect to such obligations solely by reason of their non performance as a result of this Proclamation. Subject to the extension hereby granted, all such obligations shall be of full force and effect upon termination of such moratorium.

The moratorium shall not apply to obligations entered into in any place within the Military Government Territory after the date on which this Proclamation shall come into force in such place.

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

SECTION 3. EFFECT OF MORATORIUM.--During the period of the moratorium, obligations affected by this proclamation are suspended and extended for the said period. No rights or powers shall be exercised at any time with respect to such obligations solely by reason of their non performance as a result of this Proclamation. Subject to the extension hereby granted, all such obligations shall be of full force and effect upon termination of such moratorium.

The moratorium shall not apply to obligations entered into in any place within the Military Government Territory after the date on which this Proclamation shall come into force in such place.

ARTICLE III

PENALTIES

Any person violating the provisions of the Proclamation shall on conviction by an Allied Military Court be liable to imprisonment or fine, or both, as the Court may determine.

ARTICLE IV

EFFECTIVE DATE

This Proclamation will become operative in each province or part thereof within the said territory of VENEZIA GIULIA on the date of its publication therein.

Field Marshal,
Supreme Allied Commander,
Mediterranean Theater of Operations,
and Military Governor.

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Declassified E.O. 12356 Section 3.3/NND No. 785017

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4188/1/L.

/rlp.
8 June 1945.

SUBJECT : Venezia Giulia.

TO : See distribution.

1. Replies have now been received to this sub-commission's letter AC/4188/1/L of 25 May 1945.

2. Attached hereto is a draft directive prepared on the basis of these replies which it is suggested should be issued for the guidance of RC, Venezia Giulia.

3. Sub-commissions will notice that some of their suggestions have not been incorporated. The reason for this is that, in some cases, the laws proposed for re-issue are out of date, while in others they are beyond the jurisdiction of an occupying power, e.g., there is no authority to require national courts to try new offences or award increased penalties. In some cases the suggestions do not refer to laws but to directives issued by sub-commissions. These will no doubt be modified by the sub-commissions themselves.

4. Will you please forward to this sub-commission by 13 June 1945 your comments on this draft.

By command of Rear Admiral STONE:

W. E. MEHRENS,
Colonel,
Chief Legal Advisor.

DISTRIBUTION:

Vice President, Econ Sec	- 7
Econ Sec (Attn: Exec Director)	- 2
Vice President, Estab Sec	- 1
Vice President, Civ Affairs Sec	- 10
Office of the Exec Commr	- 1
Labor S/C	- 1
Land Forces S/C	- 1
Navy S/C	- 1
Air S/C	- 1
Communications S/C	- 1
War Material Disposal S/C	- 1

(Has Name)

seen by EC9CSO
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Declassified E.O. 12356 Section 3.3/NND No.

HEADQUARTERS ALLIED COMMISSION

APO 394

C. 55. 53. 25. 50. 1945

DRAFT

AC/4188/1/L.

June 1945.

SUBJECT : Legislation in Venezia Giulia.

TO : Regional Commissioners, Venezia Giulia and Venetian Regions,
SCAO 8th Army.

1. In order to avoid the appearance of introducing into Venezia Giulia current legislation passed by the Italian Government it has been decided that the policy of implementing Italian Governmental and Ministerial Decrees will not be adopted in this Region.

The sole exception to this policy is that D.L. No. 142 of 22 April 1945, which constitutes the Special Courts of Assize, will be implemented in the usual way, since under international law an occupying power has no authority to constitute national courts which are contrary to the existing law of the occupied territory. To confer jurisdiction upon these courts it will be necessary also to implement portions of D.L. No. 159 of 27 July 1944. Arrangements are being made for the supply of the necessary documents for this purpose.

2. The absence of this Italian legislation leaves certain gaps in the legislation required for the administration of the Region, which are not filled by the current Proclamations or General Orders of AMG and which will necessitate the issue of separate Regional Orders. The Proclamations and General Orders will continue to be published in accordance with the general policy of this HQ and the following paragraphs of this directive indicate the special subjects upon which Regional Orders are required. Nothing in this directive is intended to prohibit the normal issue by the Regional Commissioner of Regional Orders on particular regional problems as and when the need for such orders arises.

3. Agriculture. A Regional Order is required for the amassing of wool to incorporate the provisions of IM dated 21 April 1945 (C.U. No. 49 of 24 April 1945).

4. Commerce. A Regional Order is required for the blocking of all essential non-subsistence materials as listed in AG Manual on Materials, Section 5, categories 1, 3 and 4 as amended by Monthly Supplements for April and May 1945. This Order will replace Ministerial Decree of 21 Oct 1944 (C.U. No. 73 of 26 Oct 1944) and of 12 Dec 1944 (C.U. No. 15 of 3 Feb 1945).

5. Agriculture. A Regional Order is required for the amassing of wool to incorporate the provisions of DM dated 24 April 1945 (G.U.No.49 of 24 April 1945).

4. Commerce. A Regional Order is required for the blocking of all essential non-subsistence materials as listed in AS Manual on Materials, Section 3, categories 1, 3 and 4 as amended by Monthly Supplements for April and May 1945. This Order will replace Ministerial Decree of 21 Oct 1944 (G.U.No.73 of 26 Oct 1944) and of 12 Dec 1944 (G.U.No.15 of 3 Feb 1945).

5. Communications. Current Italian decrees provide for Internal Postal Rates, Internal Telegraph Rates and Urban Telephone Rates (all in G.U.No.59 of 31 March 1945), Foreign Postage Rates (Ministerial Decree 31 March 1945 in G.U.No.56 of 9 May 1945), and Interurban Telephone Rates (D.L. No.247 of 5 April 1945 in G.U.No.65 of 30 May 1945). As and when these various services are available in the Region, Regional Orders should be issued so that the rates conform with the rates of Italy.

6. Finance. The undermentioned 14 decrees require reissue as Regional Orders. The first eight can conveniently form the subject matter of one Order. It will be necessary at a later stage to reissue a large number of revenue decrees, of which details will be supplied:

RDL No.12/3 of 2 Dec 1943, RDL No.18 of 24 Jan 1944, RDL No.74 of 2 Mar 1944, RDL No.84 of 10 Mar 1944, RDL No.108 of 6 April 1944 (all in Raccolta Ufficiale)
D.L. No.165 of 3 Aug 1944 (G.U.No.43 of 5 Aug 1944), RDL No.255 of 8 Sept 1944 (G.U.No.68 of 14 Oct 1944), RDL No.380 of 9 Nov 1944 (G.U.No.98 of 23 Dec 1944),
D.L. No.234 of 6 Sept 1944 (G.U.No. 68 of 24 Oct 1944), D.L. No.301 of 19 Oct 1944 (G.U.No.81 of 14 Nov 1944), D.L. No.505 of 6 Dec 1944 (G.U.No. 36 of 24 Mar 1945).

7. Hood. If and when required, Regional Orders should be issued to control the amassing of olive oil, the slaughter of animals, the manufacture and sale of sweets and the operation of eating houses on the basis of the following

decrees :- DM 7 Sept 1944 (G.U.No. 54 of 12 Sept 1944), DM 19 Sept 1944 (G.U.No. 59 of 23 Sept 1944), DM 16 Oct 1944 (G.U.No. 74 of 20 Oct 1944), DM 3 Nov 1944 (G.U.No. 78 of 7 Nov 1944), DM 4 Jan 1945 (G.U.No. 1 of 16 Jan 1945), Decree of the High Commissioner for Alimentation of 20 March 1945 (G.U.No. 36 of 24 March 1945 P.367), DIL No. 345 of 12 Oct 1944 (G.U.No. 90 of 5 Dec 1944) and DIL No. 99 of 1 March 1945 (G.U.No. 44 of 5 April 1945).

Prices will be controlled under General Order No. 44 or further orders issued thereunder.

A Regional Order should bring into operation the official ration scales.

8. Labour DIL No. 505 of 6 Dec 1944 (G.U.No. 36 of 24 March 1945) extended Italian Social Insurance to Allied Force Employees. The Italian Government accepted this liability by reason of their assistance obligations to make labour available. A similar arrangement should be made locally and the appropriate Regional Order issued.

9. Legal. The policy of autonomy involves the suspension of appeal to the Court of Cassation in all cases, whether under the normal Italian law or under DIL No. 442 of 22 April 1945. A Regional Order is required.

10. In drafting Regional Orders in accordance with the above policy care must be taken to ensure that all references to and duties of Italian Central Governmental bodies are excluded.

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

261

(15)

10: 8 ARMY FOR MIL GOVERNMENT STAFF (AUSTRIA) FOR INFO FREEDOM FOR G5

8954

2 June 45

PRIORITY

Confidential

JUN 2 1945

13

TOP SECRET PD

PAGE ONE PD YOUR MIKE GEORGE SUGAR SLANT THREE FIVE DATED ONE JUNE IS
SUBJECT PD

PAREN TO EIGHT ARMY FOR MIL GOVERNMENT STAFF PAREN AUSTRIA PAREN FOR INFO
FREEDOM FOR GEORGE FIVE FROM ALCOM CITE ACCAS PAREN

PARA TWO PD REVISED PROCLAMATIONS TWO AND FOUR ARE READY FOR SIGNATURE PD
PROCLAMATION THREE IS HELD UP FOR POLICY DECISION BY SACRED PD IMMEDIATELY
DECISION IS RECEIVED ALL THREE WILL BE SUBMITTED FOR SIGNATURE AND SENT
FORWARD BY FASTEST MEANS

INT DIST :-

Chief Comm

Exec. Comm

FROM: CA Sec

437

A.D. BENHAM CARTER Lt Col

NICHOLAS PIOMBINO 569
CMOS, USA
Asst Adjutant

(Hess L)

2124

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

785017

2618 Copy No 3
~~TOP SECRET~~

(13)

MGS/35
JUN 011030B

E/3232
JUN 011650B
IMMEDIATE

8 ARMY FROM MIL GOVERNMENT STAFF (AUSTRIA)
ACTION ALONG INFO FREEDOM FOR G5

Confidential

JUN 1 1945

TOP SECRET.

Urgently require revised drafts of Proclamations Nos 3 and 4 for VENEZIA IULIA.
Signal when they will be arriving.

DIST

Copy No 1	ACTION: CA Sec
" " 2	INFO: Chief Commissioner
" " 3	Executive Commissioner ✓
" " 4	File

[Handwritten signature]

456815
M.14

TOP SECRET

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

12-
17
(12)

SECRET

HEADQUARTERS ALLIED COMMISSION

APC 304

LEGAL SUB-COMMISSION

URGENT

25 May 1945

AC/113/1/L

SUBJECT: Venezia Giulia

TO : See distribution

MAY 26 1945

CONFIDENTIAL

1. It has been decided that the procedure of implementation of Italian decrees will not be adopted in Venezia Giulia. The law to be administered there will be :-

(a) Italian law as existing at 3 September 1945 less any provisions (e.g. Fascist doctrines) which are excluded from operation in the territory; and

(b) All regional Orders.

2. It should be pointed out that Venezia Giulia will be administered as an autonomous area and not as dependent from any central organization in Rome or elsewhere.

3. It follows from this policy that a considerable number of Regional Orders will have to be issued to cover matters which in other part territory are regulated by Italian decrees. Examples are: payment of wages, agricultural regulations, blocking of commercial products, transportation.

4. Will you please notify this sub-commission by 29 May 1945 without fail :-

(a) What points should be covered by Regional Orders to be issued in Venezia Giulia;

3. It follows from this policy that a considerable number of Regional Orders will have to be issued to cover areas which in other territory are regulated by Italian decrees. Examples are: payment of wages, agricultural regulations, blocking of commercial products, transportation.

4. Will you please notify this sub-commission by 29 May 1945 without fail :-

(a) What points should be covered by Regional Orders to be issued in Venezia Giulia;

(b) Whether the Orders to be issued on these points should consist of a reprint of the existing Italian decrees modified as necessary for the purpose of an AND order or whether an entirely new policy should be adopted. In this case please indicate the policy.

W. E. Benrens

W. E. BENRENS,
Colonel,
Deputy Chief Legal Advisor.

4567

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SECRET

W. E. Benrens

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BEST COPY POSSIBLE

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2619/A

1st Comm (8)

RXII/032
MAY 240830B

E/2158
MAY 241400
ROUTINE

From: HQ VENEZIE REGION

To: ALCOM, 15 ARMY GROUP, AMG 8 ARMY.

MAY 24 1945

(U)

IN CLEAR.

Reference 8 Army M1037 of 222300 am sending today to ROME by air
Major W. G. R. OATES with our suggestions for Proclamation 1 parts
two and three and Proclamations two, three, and four.

DISTRIBUTION

Action: CA Sec

Info: A/President

Chief Commissioner

Ex Commissioner

Legal S/C

File (2)

Float

M. 9. 10. 11.

PA 27/5

HEADQUARTERS

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(As Delivered)

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26/9/5

24
7

To : AMB 8 ARMY MAIN INFO 15 ARMY GROUP FOR G-5 SECTION CMA CHIEF OF STAFF MAIN
AMB 6 ARMY PADOVA CMA VENEZIA REGION FOR REGIONAL COMMISSIONER

8313

24 MAY 45

ROUTINE

MAY 24 1945

IN CLEAR PD

PARA ONE PD REFERENCE YOUR MIKE ONE ZERO THREE SIX TO ONE FIVE ARMY GROUP ONLY
AND YOUR MIKE ONE ZERO THREE SEVEN PD

PARA TWO TO AMB EIGHT ARMY MAIN INFO ONE FIVE ARMY GROUP FOR GEORGE FIVE SECTION
CMA CHIEF OF STAFF MAIN AND EIGHT ARMY PADOVA CMA VENEZIA REGION FOR REGIONAL
COMMISSIONER FOR ALCON GITE ATRAS PAREN

PARA TWO PD NEW DRAFT BEFORE SIGNED TODAY PD TRANSLATIONS NOW IN HAND PD ALL
VERSIONS WILL BE SENT TO YOU BY FASTEST AND EARLIEST MEANS POSSIBLE

INT DIST :-

A/President

Chief Comm.

Exec. Comm.

Legal

CA Section

437

A.L.BONHAM CAPTAIN Lt Col.

NICHOLAS POMBINO
JWO, USA
Asst Adjutant

4565

M. 9.10!!

Spoke Lt Col B.C. &
arranged to step up
priority of this signal.

(Mr. Morover)

24/5

2130

Declassified E.O. 12356 Section 3.3/NND No. 785017

TOP SECRET

Ex Commissioner

MAY 23 1945

E/1974
MAY 23 0830E
URGENTM 1037
MAY 222300E

From: MAIN REG 8 ARMY

To: 15 ARMY GROUP FOR GS. SECTION INFO HQ ALCON FOR ACLED, CHIEF OF STAFF MAIN
8TH ARMY PADOVA FOR VENEZIA REGION FOR REG COMM

TOP SECRET.

Reference my M 1036 of 22.

1. In order to meet any emergency which may necessitate posting of proclamations in VENEZIA GIULIA, following revised opening of proclamation No 1 giving first, preamble and secondly, establishment of military government is suggested.

"ALLIED MILITARY GOVERNMENT VENEZIA GIULIA PROCLAMATION NO 1. To the people of VENEZIA GIULIA. In order to hasten the rehabilitation of areas which the Allied forces have freed from German occupation and to ensure the proper administration thereof, to provide for the safety and welfare of yourselves and of the Allied forces, and to preserve law and order, a military government must be established in this territory. This military government will have full control over the administration of this territory and will have power if necessary to try in its own courts and punish any persons who commit offences against any of the special laws and provisions promulgated by the military government. Now, therefore, I, HAROLD RLG ALEXANDER, GCB CSI DSO MC Field Marshal, Supreme Allied Commander, Mediterranean Theatre of Operations, hereby proclaim as follows.

ESTABLISHMENT OF MILITARY GOVERNMENT. Article 1. All powers of government and jurisdiction in the territory of VENEZIA GIULIA occupied by Allied troops and over its inhabitants, and final administrative responsibility are vested in me as

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

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TOP SECRET

- 2 -

(M 1037

cont'd)

military commander and military governor, and Allied military government of such territory is hereby declared and established to exercise these powers under my direction. All administrative and judicial officials and all other government and municipal functionaries and employees and all officers and employees of state, municipal or other services (except such as may be removed by me) are required to continue in the performance of their duties, subject to my direction or the direction of such of my officers of the Allied forces as I may depute for that purpose.

Article 2. All persons in the said territory will obey promptly all orders given by me or under my authority and must refrain from all acts hostile to the troops under my command, from all acts of violence and from any act calculated to disturb law and order or public safety in any way. So long as you remain peaceable and comply with my orders, you will be subjected to no greater interference than may be inevitable in the course of the administrative task of the military government.

Article 3. Your existing personal and property rights will be fully respected and your existing laws will remain in force and effect except insofar as it may be necessary for me in the discharge of my duties as Supreme Allied Commander and as Military Governor to change or supersede them by proclamation or other order by me or under my direction.

Article 4. Effective Date. This proclamation will become operative in each province or part thereof within the said territory of VENEZIA GIULIA on the date of its first publication therein. Signed HAROLD RIG ALEXANDER, Field Marshal, Supreme Allied Commander, Mediterranean Theatre of Operations." 4563

2. Suggest the above must be translated into Yugoslavian as well as Italian to meet outlying village requirements. Above proclamation would only be used in

TOP SECRET

2132

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

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- 3 -

(2)

(M 1037 cont'd)

TOP SECRET

emergency and pending arrival of fresh proclamations to include part 2 and part 3 as redrafted by you.

CONFIDENTIAL

3. Signal agreement or otherwise. Urgent.

LIST

Copy No 1	INFO-ACTION:	INFO CHSEC
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" " 3		Chief Commissioner
" " 4		Executive Commissioner
" " 5		INFO W.F. C. R. S/K
" " 6		File

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

~~TOP SECRET~~

EX COMM

MAY 23 1945

Copy No 4

H 1036
MAY 22 16 45BE/1959
MAY 23 0830
OP-PRIORITY

From: MAIN ANG 8TH ARMY

To: ACTION 15 ARMY GROUP FOR G-5 SECTION FOR INFORMATION HEADCOM
FOR ACLEG.

TOP SECRET.

Confidential

In the event of Allied Military Government being imposed East of ISONZO river in VENEZIA GIULIA and in view changed conditions due to, firstly surrender of German Army and secondly political position, proclamation number 1 no longer applicable and might cause difficulties if posted. My Legal Officer preparing emergency proclamation based only on imposition of Military Government and leaving out parts 2 and 3 of proclamation number 1. Parts 2 and 3 will be re-written and if emergency arises posted afterwards. To enable Military Government to be imposed request authority be signalled by SACRED to army commander authorising his signature on proclamation. Consider re-drafting whole proclamation should be undertaken without delay and copy flown here for us to print. Will have to translate into YUGOSLAVIAN as many parts are not Italian speaking.

	<u>DIST</u>	<u>CA SEC</u>
COPY NO 1	INFO-ACTION -	SECRET
" " 2	INFO -	A/PRESIDENT
" " 3		CHIEF COMMISSIONER
" " 4		EX COMMISSIONER
" " 5		SECRET LEGAL
" " 6		FILE 1501

~~TOP SECRET~~

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