

0892

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

785016

ACC

10000/132/285

Italian

June - Dec

0893

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

10000/132/235

510.1

Italian Constitutional Developments

June - Oct. 1944

302
603

EWS/afe

A/CC 000.1-2

14 October 1944

OCT Recd

My dear Sir Noel:

The attached letters from my Civil Affairs Section regarding the new Constituent Assembly and its effect on the right of the Italian Government to have a referendum of the people of Italy to determine the constitutional question are forwarded for your information.

Very truly yours,

WILLIAM W. STONE
Commodore, USN
Acting Chief Commissioner

Sir Noel Charles, Bt., K.C.M.G.
British High Commissioner in Italy
British Embassy
84 Via Venti Settembre
Rome

cc: Hon. Alexander Kirk (in original)
Chief of Staff Section
Civil Affairs Section
IA Files
Political Section

4273

C O P Y

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

RCC/1005/L.

WRB/ps.
6 Oct 44.

SUBJECT: Constituent Assembly

TO : Deputy Chief of Staff, Civil Affairs Section

1. We have considered the question raised by your 9/16.1/CA of 5 Oct 44.

2. Article 1 of DLL No. 151 of 25 June 1944 provides, that the new constitution of the Italian State shall be determined by the Constituent Assembly to be elected by the Italian people for that purpose. We are advised and we are of opinion that this provision precludes the Government from determining the constitutional question by referendum. The effect of DLL is to take the direct determination of the issue out of the hands of the Italian people for that purpose. It would be contrary to the terms of the DLL to solve the problem by a direct vote of the people.

3. It is of course possible that the Constituent Assembly, which is a sovereign body with power to adopt any decision, may decide itself to determine the issue by referendum, but in this case both the holding of the referendum and subsequent constitutional decision based thereon will be the responsibility of the Constituent Assembly and not of the Government.

4. DLL No. 151 can be abrogated at any time by a subsequent DLL.

/s/ Richard H. Wilmer

/t/ RICHARD H. WILMER,
Colonel, CAC,
for Chief Legal Advisor.

C O P YHEADQUARTERS
ALLIED CONTROL COMMISSION
APO 294

Ref: 9/16./1/C.A.

5 Oct 44

SUBJECT : Constituent Assembly
TO : Chief Legal Officer

The Acting Chief Commissioner desires to be advised whether D.L.S. No. 191 of the 29th June, '44, creating a new Constituent Assembly precludes or in any way prejudices the right of the Government to have a referendum of Italy to determine the constitutional question.

/s/ G.R. UPJON

/t/ G.R. UPJON, Brigadier,
V.F. Civil Affairs Section.

GRU/ymb.

4213

SECRET

302/05
8

ALLIED FORCE HEADQUARTERS
APO 512

4-5

AG 014/071 GEG-0

SUBJECT: Italian Constitutional Developments.

TO : Deputy President, Allied Control Commission, APO 394.
ATTENTION: Acting Chief Commissioner.

1. Attention is drawn to letter, this headquarters, file and subject as above, dated 4 September 1944.

2. The Combined Chiefs of Staff have agreed to the indefinite postponement of action upon their direction to present to the Advisory Council the problem of an Italian constituent assembly. Accordingly the provisional approval contained in the above letter is now confirmed.

By command of General WILSON:

DISTRIBUTION:

- 2 - Each Addressee
- 1 - SGS
- 1 - CAO
- 1 - C/S NATO
- 1 - British Resident Minister
- 1 - ANFOCAD
- 1 - G-2
- 1 - G-5
- 1 - FWD
- 1 - IS&PS
- 2 - AG Records
- 1 - AG M&D

H. V. Roberts
H. V. ROBERTS,
Colonel, AGD,
Adjutant General.

Cor S List 4 Oct 1944

CC File OS Ambassador
Chambers, Brit High Comm
1st Sec
A/CC 'A' FILE.

- 1 -

SECRET

21

AMS/rjp

6 September 1944

19

Sincerely,

1 Incl:
Ltr, AFHQ, 4 Sept. 44
AG 011/071 GAG-O

Sir Noel Charles, St., E.C.M.G.
British High Commissioner in Italy
British Embassy
84 Via Venti Settembre
Rome

Mr. A. C. C. Soc'y Gen.
 DISPATCHED
 7 Sept. 1890
 Capt. Slaughter
 J. D.

FILES A-B

2012.12.10

SECRET

U.S. SECRET EQUALS BRITISH MOST SECRET

SECRET

LP 420

/gem

14

ALLIED FORCE HEADQUARTERS
APO 512

: : : : :
 : S E C R E T :
 : Auth: [initials] :
 : Initial: [initials] :
 : 4 September 1944 :
 : : : : :

AG 014/071 CEG-0

59

5 Sept 1944

4 September 1944

SUBJECT: Italian Constitutional Developments

TO : Commanding Officer, Allied Control Commission, APO 394.
 ATTENTION: Acting Chief Commissioner.

1. Your letter on the above subject, A/CC 000.1 of 6 August 1944, has been received, and the entire matter opened by your memorandum to the Supreme Allied Commander, A/CC 091.1 of 3 July 1944 has been reviewed.

2. The views presented in your letter of 6 August 1944 are provisionally approved; and accordingly the Combined Chiefs of Staff are being asked to agree to the indefinite postponement of action upon their direction to present to the Advisory Council the problem of an Italian constituent assembly. The instructions in our letter on the above subject, CME/CF/jjr of 29 July 1944, will therefore not be carried out until further notice. If in the future it appears that the matter should be referred to the Advisory Council, you will inform this headquarters to that effect.

By command of General WILSON:

R. H. Christie
 R. H. CHRISTIE, Jr.
 Colonel, AGF,
 Actg Adjutant General.

DISTRIBUTION:

2-Each Addressee
 1-EGS
 1-CAO
 1-C/S RTO
 1-British Resident Minister
 1-ALPOL-D
 1-C-2
 1-C-5
 1-WB
 1-IGPS
 2-AG Records
 1-AC M&D

SECRET

4270

U.S. SECRET EQUALS BRITISH MOST SECRET

18

18/8/48

27 August 1948

Sir:

The Acting Chief Commissioner directs that the attached copy of
 Home Minister's letter of 20 August be forwarded to you.

Yours very truly,

WILLIAM L. BRY
 Colonel, AGO
 Secretary General

Major General, G. G. B. B. B.
 British Consul General in Italy
 British Embassy
 Via Veneto, Rome
 Italy

4269
 HQ 300 300-000
 DISPATCHED
 27 Aug 1948
 hand May 1948
 AIR

4269

TRANSLATION

THE PRESIDENT
OF THE COUNCIL OF MINISTERS

Rome, 20 August 1944

144 144 144 144

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144 144 144 144

Dear Admiral,

I am writing you as a result of our meeting of yesterday in which you, in the name of the Allied Nations, expressed to me the doubt that not all of the members of my cabinet are holding themselves scrupulously to the obligation they have assumed not to prejudice in any way the institutional problem, which will have to be solved, in due time, by the Nation. This doubt -- as you have told me -- has arisen following the speech which Minister Ciano made at the Grand Teatro and in which the minister, while actually confirming his desire to hold himself to the obligation he has undertaken, made a declaration of his Republican faith.

As you know, my cabinet has inherited the political situation of the preceding cabinet, that is, it is based upon the coalition of the six parties, some of which are professedly Republican. It has been precisely this situation that has rendered it necessary to substitute for an oath declared imperative to proceed and not binding -- as was done in the last Badoglio ministry -- another oath actually accepted and limited to the obligation to abstain from any statement on the future form of the government.

I have been careful, and I am always careful, that this oath be respected, and in fact in the case of the Ciano speech I believe that it has not been violated, in which case I would have promptly interceded. In fact Ciano, having assumed his obligation, limited himself to saying that the public normally knew his personal thoughts, which is taking a realistic view of the matter, since everyone in Italy knows the feelings of the Action Party on the institutional problem.

As a general thing it will be my responsibility to see to it that this obligation, freely undertaken by each one of the ministers, is scrupulously observed. Two months of ministerial life are at hand to prove that much progress has been made in this direction, from the lively polemics on institutional forms and from the frequent demonstrations for or against the monarchy, a useful stage has been reached in which the parties are turning their attention to the problems of national reconstruction. I trust that this stage will last, especially if everyone -- Italians and Allies -- bring to this reconstruction their contributions and their support in re-invigorating and accelerating it.

I hope that these trusts of mine will have the virtue of dispelling the anxieties of which you have made yourself the interpreter with respect to me, and with this hope I send you, dear Admiral, my best and most friendly greetings.

/s/ Franco Bonomi

Trans - 1st - 1st - 1st - 1st

4203

TOP SECRET

Filed A(B)

WFO/ajp

4/00 000.1

8 August 1944

SUBJECT: Italian Constitutional Developments

TO: Allied Force Headquarters,
(Att: G-5 Section)

By	A.C.C. Sec'y Gen.
DISPATCHED	
Date	7 Aug 1944
Via	NY
Route	188

1. Memoist is acknowledged of your memorandum 04/08/44 of the 29th July, reflecting one of the desires of the Supreme Allied Commander that the Advisory Council should be apprised of my letter 1/07/44 of the 1st July, as well as of any subsequent developments relating to the solution of the institutional question at the end of the war.

2. After consultation with the American representative on the Advisory Council and the British High Commissioner, I would request authority for postponing the presentation of this particular problem to the Council. My main reason for making this request is the following. In my previous conversations with the President of the Council and the Secretary for Foreign Affairs, I was informed that the Italian Government had no present intention of debating these matters. In fact, the President of the Council was particularly anxious that his Government should avoid such topics and get down to the very pressing problems of administration that confronted them. By this means he hoped that he would be able to hold his Government, made up as it is of six different elements, into a team. Any other course and in particular, debate of such problems as the institutional question, would, he felt, lead to divide rather than to unite. That he has been correct in this estimate has been amply shown by the Roman press during the last month. If this question were now presented to the Advisory Council in Rome, it is most probable that the Italian Government would have reason to believe that it had come up for discussion. The consequence could only be to stimulate an immediate discussion in the Italian Government, and there can be no knowing what the effect of such discussion might be on the stability of the Government.

3. I am strengthened in pressing for postponement of this matter by the knowledge that the purpose of bringing it to the attention of the Advisory Council is that the Supreme Allied Commander wishes, as a first step, the members to consult their respective governments. Neither the British nor the American representatives have as yet any instructions. They are, however, telegraphing to find out what the views of the British and American Governments may be in this question. Once some agreement has been reached between the British and American Governments, it may be less dangerous to submit this question to the Advisory Council. Alternatively, if even then discussion in Rome

4207

TOP SECRET

A/C 000.1

5 August 1944 - contd

might lead to undesirable local repercussions, there are, of course, other means by which the British and American Governments can consult the other governments represented on the Advisory Council.

HERBERT R. STONE
Captain, USMC
Acting Chief Commissioner

Copies to:

British Resident Minister
U.S. Political Advisor
Mr Noel Charles
Mr. Alexander Kirk

4266

EWS/die

13

A/CC

4 August 1944

My dear Mr. Ambassador:

There is attached a draft memorandum, which was the subject of our discussion yesterday. Perhaps you will let me have your comments at our meeting tomorrow at 1130.

Yours very truly,

ERNEST W. STONE
Captain, USMC
Acting Chief Commissioner

The Hon. Alexander Kirk
The American Ambassador
Home

cc: Sir Noel Charles (in original form)

Files A - B

No. ACC	Sec'y Gen.
DISPATCHED	
Date - Time	4 Aug 1330
By	AG Special Agent
Initials	

4265

SECRET

HEADQUARTERS ALLIED CONTROL COMMISSION
Office of the Acting Chief Commissioner
APO 394

LDD/hjp

A/CC 000.1

3 August 1944

MEMO TO: Political Section, Hq ACC

SUBJECT: Italian Constitutional Developments

1. References:

a. Copy memo A/CC 091.1, Hq ACC, 2 July 44, to Allied Force Headquarters, above subject.

b. Copy letter AFHQ G-5, dated 29 July 44, to Hq ACC, same subject.

2. Instructions contained in reference b provide that the information contained in reference a be placed before the Advisory Council for Italy, as well as any subsequent developments in the situation, with a request that members of the Council consult their respective governments and make recommendations to the Supreme Allied Commander as to the policy which he should direct ACC to pursue.

3. Will you please prepare draft of appropriate letter to Advisory Council?

HELMUTH W. BRUNK
Captain, USMC
Acting Chief Commissioner

2 Incls
as in para 1 above

Hq ACC	3 Aug 44
DISPATCHED	
Date	3 Aug 44
Via	56
Initials	[Signature]

SECRET

4264

SECRET

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

GAL/CP/jjr

29 July 1944

SUBJECT: Italian Constitutional Developments.

TO : Headquarters, Allied Control Commission
APO 394 (Attn: Acting Chief Commissioner)

1. Attention is invited to the matter of the proposed Italian Constituent Assembly, which was the subject of your letter A/CC 091.1 of 3 July. The substance of that letter was transmitted to the Combined Chiefs of Staff with a request for guidance as to the attitude which should be adopted in the matter, and you were informed accordingly.

2. The Combined Chiefs of Staff have now replied to the effect that inasmuch as guidance was sought upon a problem fundamentally political rather than military, the matter should be referred to the Advisory Council for Italy. Accordingly the Supreme Allied Commander desires that you place before the Council the information contained in your letter A/CC 091.1 of 3 July, as well as any subsequent developments in the situation, with a request on his part that the members consult their respective governments and make recommendations to him as to the policy which he should direct the Allied Control Commission to pursue in dealing with Italian constitutional developments.

/s/ Charles H. Spofford
/s/ CHARLES H. SPOFFORD
Colonel, U.S.A.
Asst. Chief of Staff, G-5

Copy to:

Office of the United States Political Advisor
Office of the British Resident Minister.

CERTIFIED TRUE COPY:

[Signature]
J. J. HANCOCK
Captain, AGC
Deputy Secretary General, AGC.

4263

File A (B)

SECRET

File A. (E)

10

AFHQ FOR ACTION 9-5

ACC ADVANCE

454

July 13, 44

SECRET

ROUTINE

POLITICAL

THE DATA FOR MEMBERS OF THE GOVERNMENT WAS REPORTED TO IN GENERAL
 MACFARLANE REPORTING THE SUGAR DEL. GRAM NIKS TWO THREE SEAS OF JUNE
 WAS SEND TO PART 12 AFHQ ACTION SEVEN FIVE FROM ACC ADVANCE
 FROM NIKS SEAS ACC ADV FROM FIVE FOUR REFERENCE FOR XRAY SEVEN
 TWO SEVEN SIX THREE JULY 12 ZERO ONE GNG PAREN THE FULL TEXT
 READS AS FOLLOWS PARA QUOTE WE HAVE UPON OUR HANDS TO EXERCISE
 THE FUNCTIONS IN THE INTEREST OF THE STATE AND CAN UNTIL THE
 CONVOCATION OF THE CONSTITUENT ASSEMBLY CAN TO REFRAIN FROM ACTS
 WHICH MIGHT IN ANY WAY PREJUDICE THE SOLUTION OF THE INSTITUTIONAL
 PROBLEM END QUOTE

Formule del giuramento prestato dai componenti del Governo Bonomi
a S. A. R. il Luogotenente Generale del Regno all'atto dell'inse-
diamento del nuovo Ministero.

Giuriamo sul nostro onore di esercitare le nostre funzioni dell'
interesse supremo della Nazione e di non compiere fino alla convoca-
zione dell'Assemblea sostitutive atti che comunque pregiudichino la
soluzione della questione istituzionale.

(C O P Y)

Action: ACC MAIN, INFO: APHQ ADV CP FOR ACTING CHIEF COMMISSIONER

APHQ SGD SACMED

FX-70763

JUL 101027

CITE FMGEG

①
INSTITUTIONAL PROBLEM RAISED BY YOUR LETTER A/CC 091.1 OF 3 JULY IS BEING SUBMITTED TO COMBINED CHIEFS OF STAFF WITH REQUEST FOR GUIDANCE OF THE ALLIED GOVTS. YOUR STATEMENT AS TO ALLIED INTEREST IN THE SUBJECT IS APPROVED.

IN THE MEANTIME DISCUSSION OF CONSTITUTIONAL FUTURE OF ITALY WILL BE AVOIDED AND NO PREFERENCE WILL BE EXPRESSED OR IMPLIED AS TO THE MODE IN WHICH THE ITALIAN PEOPLE SHOULD EVENTUALLY BE CONSULTED AS TO THE INSTITUTIONAL QUESTION OR THE FORM OF CONSTITUTION TO BE ADOPTED.

WHAT IS THE OATH FOR MEMBERS OF THE GOVERNMENT, REFERRED TO IN COMMUNIQUE? SEND TEXT.

ACC ADV DIST

ACTION SEC GEN - 2

FILE

4260

JUL 110028

TOP SECRET

TOP SECRET

JMS/BJP

WFO 001.1

3 July 1944

JMS 00001

3 JUL 1944

Re: Allied Force Headquarters

(Attention: General Sir Henry Maitland Wilson, GCHQ, AFHQ, Italy)

1. In the communiqué of the 23rd June published after the first meeting of the new Government at the 22nd June, the following passage occurred:

"The President of the Council proposed and the Council approved a draft decree law concerning the calling of a Constituent Assembly, the oath for the members of the Government and the right of the Government to issue laws."

"This measure establishes, by legislative process, that after the liberation of the national territory the institutional question will be decided by the Italian people, who, for this purpose, will elect by universal, direct and secret ballot a Constituent Assembly to decide the new Constitution of the State."

2. In order to elucidate exactly what this part of the communiqué meant, I made enquiries from the Italian Government and received the following explanation from the President of the Council and the Under-Secretary for Foreign Affairs. They were emphatic that it did not mean that the Cabinet had approved any particular scheme whereby the country should choose between a monarchical or a republican form of government. It might appear from the wording of the communiqué that the scheme in mind was that this question should be decided by a Constituent Assembly. This was not the case. The Government had not yet decided and had no present intention of discussing whether the decision should be made by a direct referendum or by the election of delegates to a Constituent Assembly, whose double task would be first to decide between monarchy and republic and, after that, on a form of monarchical or republican government. All that the Government had so far decided was that it was expedient in their first communiqué to reaffirm publicly their intention to ensure that the Italian people should in due course be free to choose their form of government and that a Constituent Assembly would be elected. There were many forms of monarchical and republican government and it was clear that a new Constitution would undoubtedly have to be

420-3

TOP SECRET

TOP SECRET AND CONFIDENTIAL

TOP SECRET - EYES ONLY

000000 000.

3. In writing this memorandum, I wish to state that the subject has one of considerable interest to the Allied Governments. With Prime Minister Churchill and President Roosevelt had to a number of questions arising from the Italian people should be that to ensure to the Italian people. The Italian Government should therefore ensure that the Allied Governments would wish for full details of any action considered before it is taken into effect. It is clear that this point should be on record and should not be lost sight of, the Under-Secretary for Foreign Affairs has made a minute for the file of the President of the Council.

4. At this stage, I would only make one comment. It is clear to me that the subject has one of considerable interest to the Allied Governments. With Prime Minister Churchill and President Roosevelt had to a number of questions arising from the Italian people should be that to ensure to the Italian people. The Italian Government should therefore ensure that the Allied Governments would wish for full details of any action considered before it is taken into effect. It is clear that this point should be on record and should not be lost sight of, the Under-Secretary for Foreign Affairs has made a minute for the file of the President of the Council.

5. It is to be hoped that the Italian Government will maintain their resolve not to discuss this question further for the time being, and should we later they will, as we have I shall be careful for information to the British Government and the United States Government.

6. I am sending copies of this memorandum to the British High Commissioner and the United States Delegate to the Advisory Council, as well as to the British Resident Minister and the United States Political Adviser.

W. J. P.
W. J. P.
Captain, 6038
Acting Chief Commissioner 4203

cc: British High Commissioner in Italy
U.S. Delegate to the Advisory Council
British Resident Minister
U.S. Political Adviser

TOP SECRET - EYES ONLY

Message from General Mason MacFarlane for Sir Noel Charles and
Mr. Alexander Kirk

When I saw Lieutenant of Realm to say goodbye today he told me that the whole Cabinet had come to take the oath except Croce, who was seriously indisposed at Sorrento. Ciancia, who was also said to be ill and de Courten, who was absent on duty in Taranto.

2. In the upshot they all (including Bonomi) took the same oath in terms already published to Italy with undertaking to leave institutional question until after all Italy had been liberated. Bonomi explained that if, as previously contemplated, he had himself taken the traditional oath to the Crown, there would have been a Cabinet crisis.

3. The Lieutenant was very satisfied with the day's proceedings, but I told him that the fact that Bonomi had not taken the traditional oath would be badly received in certain quarters.

I will tell S.A.C. Would you please inform London and Washington.

(signed) H. J. Caccia
for M. Mason MacFarlane.

22nd June, 1944.

4237

~~CONFIDENTIAL~~

JMM/vj

4

Ref. CC/9/456.

19th. June, 1945.

MEMORANDUM

TO: A. W. H. J. (Chief of Section 25.)

I enclose herewith in original the two undertakings which I require Sig. Sanozi to sign as an essential preliminary to the approval of his Government by the Allied Governments.

WILLIAM W. H. J. SANOZI
Lieutenant-Colonel,
Chief Commissioner.

4286

4205

SECRET

IN REPLY TO THE COMMISSION
OF THE ALLIEDTo : Lieutenant General Sir Noel F. Mason MacFarlane
K.C.B., D.S.O., M.C.Chief Commissioner,
Allied Control Commission.

On behalf of the Royal Italian Government I
accept all obligations towards the Allies entered into
by the former Italian Government since the conclusion
of the Armistice signed on the 8th September, 1943.

I declare that every member of the Government
has acquainted himself personally with the terms of all
such obligations including the terms of the Armistice
signed on the 8th September 1943.

Witness, June 18th, 1944.

/s/ Ivanoe Bonomi

President of the Council of

Ministers.

4204

COPY

IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI

Al Tenente Generale Sir Noel F. Mason MacFarlane, KCB, DSO, MC.
Capo della Commissione Alleata di Controllo.

Il Regio Governo Italiano si impegna a non
riaprire la questione istituzionale, senza il preven-
tivo consenso dei Governi Alleati, fino a che l'Ita-
lia non sarà stata liberata ed il popolo italiano
non avrà l'opportunità di scegliersi da se la forma
di Governo.

MILANO, 18 giugno 1944.

IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI.

/s/ Ivanoe Bonomi.

4233

0917