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Art 5. The secretariat [illegible] in the flag championship. He is the [illegible] head of the [illegible] a [illegible] all the [illegible] [illegible] [illegible]

Art 5. The Air Force consists of all male citizens of the Kingdom capable and possessed of the qualifications of law, and of age and character laid down in the constitution of the Air Force.

Art 6. Only the King maintains and commands the Air Force.

Art 7. The King may grant no fiefs and confer no titles.

Art 8. The King may grant no fiefs and confer no titles.

Art 9. The King governs the Air Force through [illegible] in any instance where one chosen and trained by the Kingdom of Ireland, but in the International case he may appoint another citizen within Free Ireland.

Art 10. The King may consult or use the advice of any person he sees fit. However, energy and decisive action of authority, the King's decision and [illegible] shall be presented to the Kingdom of Ireland.

Art 11. The King affirms the unalienable Air power of Ireland.

Art 12. During the absence of the King, the Kingdom has to the closest relative in order of succession, a [illegible] and an agent of the Kingdom, provided that he has inherited Air power.

Art 13. If the King, the successor or the agent should be an infant, in a minor and in consequence of this the Kingdom requires such a very distant relative, the agent in office will [illegible] acting until the King has reached his majority.

Art 14. In the absence of male relatives, the agency will go to the closest female.

Art 15. Every [illegible] agency and [illegible] exercised by the Kingdom within 10 days will [illegible] the agent.

Art 16. The personal disqualifications relative to the agency [illegible] in the case in which the King's agent being a male in a [illegible] potentially unable to rule. However, if the male successor of the King has reached 21 years, he shall succeed to the King's Crown of Ireland.

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Art 17. [illegible]

Art 18. [illegible]

Art 19. [illegible]

In the [illegible] shall be [illegible] for the [illegible] of [illegible] to the Throne.

Art 20. [illegible]

The King may [illegible] of his private property without being [illegible] the [illegible] of civil [illegible] the disposable quantity. In other [illegible] the King's property is subject to all laws governing other properties.

Art 21. A law will provide for an annual allowance for the hereditary prince after he has attained majority or before that in case of the marriage for an upkeep of the princess of the Royal Family and of the Head Spouse on the above mentioned conditions for the keep of the Royal and the rights of [illegible] of the Throne.

Art 22. The King, upon accession to the Throne, takes an oath in the presence of the Joint Chambers to observe loyally the Fundamental Statute.

Art 23. [illegible] of allegiance

last ten years shall be maintained during the present reign. The King will remain one of the great landowners, fishers, farmers and conservators as well as all families belonging to Crown lands, forests, farms and fisheries shall be kept under the supervision of a responsible Guardian.

In the private Crown estates, a reasonable shall be given for the duration of every lease, for the King, dependents and succession of the King to the Throne.

Art 2b. The King's property in Kingdom, with Indian, apart from the property which he possesses as private or the King, all the property, land he might acquire in the future for a supplementary or revolutionary order the King.

The King may have taken of these lands as testamentary disposition of his private property without being bound by the rules of civil law regarding the disposable quantum. In other respects the King's property is subject to all laws governing other properties.

Art 2c. A law will provide for a civil allowance for the hereditary prince after he has attained majority or before that in case of the underlying for an increase of the princes of the royal family and of the local chief on the above mentioned conditions; for the dowry of princesses and the rights of dower of the Queens.

Art 2d. The King, upon succession to the throne, takes an oath in the presence of the Joint Chambers to faithfully the Constitution.

Art 2e. The regent, before entering the office takes an oath of allegiance to the King and of loyal obedience to the Constitution and the laws of the State.

Rights and Duties of Citizens.

Art 3a. All citizens of the Kingdom, whatever their title or grade, are equal before the law. All enjoy equally civil and political rights and are admissible to civil and military offices with exceptions stated by the law.

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Art. 25. They contribute indiscriminately in the expenses of the State in proportion to their means.

Art. 26. Individual liberty is guaranteed. No one may be arrested or brought before a court except in cases provided for by law and in accordance with procedure prescribed by law.

Art. 27. The home is inviolable. No entry into a home may take place except by force of law and in a manner prescribed by law.

Art. 28. The press will be free, but a law will determine abuses. However, libels, defamations, attempted attacks and insults of persons may not be printed without previous prosecution of the author.

Art. 29. All properties, without any exception, are inviolable. However, when a legally ascertained public interest so requires, property may be taken in whole or in part for a just compensation in conformity with law.

Art. 30. No tax may be levied or collected if not authorized by the Congress and sanctioned by the King.

Art. 31. Public debt is guaranteed. Any obligation of the State towards its creditors is inviolable.

Art. 32. The right to assemble peacefully and without arms shall be recognized subject to laws which may regulate the exercise of this right in public interest. This provision does not apply to assemblies in public places or places open to the public which remain entirely subject to police laws.

Judiciary.

Art. 33. The Senate is composed of an unlimited number of members appointed by the King for life who have attained the age of thirty years and belong to the following categories.

1. Archbishops and bishops of the Realm.
2. President of the Council of Regency.
3. Members of these legislative bodies or other who years of service.

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Art 29. The press will be free, but a law will restrain abuses. However, libels, calumnies, disorderly [illegible] and books of [illegible] may not be printed without previous consideration of the [illegible].

Art 30. All [illegible], [illegible] or [illegible] are inviolable. However, when a legally constituted public [illegible] is [illegible], property may be taken in whole or in part for a just compensation in conformity with law.

Art 31. No [illegible] may be [illegible] except by the [illegible] and sanctioned by the [illegible].

Art 32. [illegible] is [illegible]. [illegible] of the [illegible] the creditors is inviolable.

Art 33. The right to assemble peacefully and without arms is guaranteed subject to laws which may regulate the [illegible] in public interest. This provision does not apply to assemblies in public places or places open to the public which remain entirely subject to police laws.

The Senate.

Art 34. The Senate is composed of an [illegible] number of [illegible] appointed by the King for life who have attained the age of thirty years and belong to the following categories.

1. Archbishops and Bishops of the State.
2. President of the Chamber of Deputies.
3. Six other of these legislative [illegible] or other the peace of [illegible].
4. Ministers of the State.
5. Under [illegible] of State (or [illegible] Ministers of State).
6. Ambassadors.
7. Envoys extraordinary after three years of service.
8. Vice Presidents and [illegible] of the Court of Cassation (Ministers of Sacrificers) and of the Chamber of Accounts (Senate and Council).

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9. [illegible] residents of the region of [illegible].

10. The [illegible] (Governor General) of the Bank of Canada and [illegible] (Minister [illegible]) after 5 years of service.

11. Residents of Canada of the [illegible] of [illegible] after 5 years of service.

12. Canadians of the [illegible] or [illegible] and of the Canadian Air Force (Royal Air Force) after 5 years of service.

13. A Deputy Minister (Secretary General) or General Staff Officer (Minister Secretary) of the Ministry of [illegible] after 5 years of service.

14. General Officers of the [illegible] and Naval Forces. However, Colonels-Generals and Admirals [illegible] their grade during five years of active service.

15. State Councillors (Councillors of State) after five years of service.

16. Members of Parliament of Canada (Senate or Commons) after three elections to their parliament.

17. Ministers Plenipotentiary (Plenipotentiary Ministers) after seven years of service.

18. Members of the Legal Society of Canada after 7 years of membership.

19. Military [illegible] of the [illegible] Canadian Air Force Education after 7 years of service.

20. Those who through public [illegible], services or private [illegible] have in the Fatherland.

21. Those who [illegible] have been [illegible] three of three, who [illegible] of [illegible] property [illegible] million.

Art. 3. The citizens of the [illegible] fully and equally of the Senate as of right. They sit [illegible] only after the [illegible]. They enter the Senate when they attain 21 years of age and acquire the right to vote at 25.

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[illegible] (retired [illegible]) after 5 years of service.

13. Intermediate General (General [illegible]) and Lesser Flag Officers (Flag [illegible]), at the rate of [illegible] after 5 years of service.

14. Regular Officers of the Grand Imperial Fleet. Retired, [illegible] and [illegible] after [illegible] years of active service.

15. Flag [illegible] (retired [illegible]) after five years of service.

16. Commanding [illegible] of Diplomat (Ambassador, Minister) after three years of service in that periodency.

17. Intendants General (Lt General [illegible]) after seven years of service.

18. Members of the Higher Judge of [illegible] after 7 years of membership.

19. Military [illegible] the [illegible] [illegible] of [illegible] [illegible] after 7 years of service.

20. Each [illegible] through [illegible] [illegible] [illegible] the [illegible] to the [illegible].

21. Those [illegible] the [illegible] [illegible] [illegible]

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In the cases specified hereunder the Senate is not a qualified jury.

It cannot, under penalty of nullity, vote other than the judicial sentence for which it has been convened.

Art 37. Concerning the case of a flagrant crime, no member can be arrested without an order of the Senate. The Senate has irrevocable jurisdiction to try offences attributed to its members.

Art 38. Acts concerning the Head of State, Ministers and Senators (art 1) in the legal family, could be investigated by the Senate which will refer their dossiers to the Assembly.

[illegible]

Art 39. The elective mandate is incompatible with [illegible] by electoral colleges according to law.

Art 40. No deputy may be arrested in the Chamber if he is not a subject of the King, has not attained the age of 30 years, is not in enjoyment of his civil and political rights and does not meet the remaining requirements prescribed by law.

Art 41. The deputies represent the Nation in general and not merely the provinces from which they were elected. No imperative mandate can be imposed upon the Electors.

Art 42. The deputies are elected for five years. Their mandate ceases by force of law upon the expiration of this term.

Art 43. The President, the Vice-President and Secretaries of the Chamber of Deputies are elected by the Chamber in the middle of every session for the entire duration.

Art 44. If a seat by any reason is vacated for any reason, the College which had elected him will convene at the earliest possible convenience for a new election.

Art 45. Excepting cases of flagrant crime, no deputy may be arrested or brought before a court or a criminal court while the Chamber is in session, without

Art 38. Acts committed in a legal manner [illegible], mutilation and death [illegible] in the legal manner, will be presented to the Senate which will [illegible] decorations in its archives.

The rights of citizens

Art 39. The executive power is composed of deputies selected by thousand colleges according to law.

Art 40. No deputy may be prosecuted in the chamber if he is not a relative of the King, has not attained the age of 30 years, has not an enjoyment of his civil and political rights and does not meet the conditions prescribed by law.

Art 41. The deputies represent the Nation in general and not merely the provinces from which they were elected. No imperative mandate can be imposed upon the electors.

Art 42. The deputies are elected for six years. Their mandate ceases by force of law upon the expiration of this term.

Art 43. The President, the Vice-President and Secretaries of the Chamber of Deputies are nominated by ballot, the one majority of the members of every meeting for the entire duration.

Art 44. If a deputy resigns his mandate for any reason, the College which has elected him will propose at the earliest possible convenience for a new election.

Art 45. Excepting cases of flagrant crime, no deputy may be arrested or brought before a court on a criminal matter while the Chamber is in session, without a previous consent of the Chamber.

Art 46. No debt contract may be issued against a deputy during the session of the Chamber or three weeks before and after the session.

Art 47. The Chamber of Deputies has a right to impeach the Royal Ministers and bring them before the High Court of Justice.

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Provisions common to both Chambers.

Art 46. The exercise of the legislative mandate of the Chamber of Deputies begins and ends at the same time. An assembly of one Chamber held while the other is not in session is not legal, and the acts are absolutely null.

Art 47. Before undertaking to enter functions, the members will separately swear to be faithful to the King, to obey loyally the Constitution and laws of the State, to exercise their functions for the sole purpose of the independence and welfare of the King and of the Fatherland.

Art 48. The action of a member to legally vacate his place does not give rise to any right of recount or of intervening.

Art 49. The deputy and senatorial mandate is held to be vacant for serious cause under conditions determined and voted upon in the Chamber.

Art 50. The deliberations of the Chambers are public. However, upon request in writing of 10 members, the Chambers may deliberate in secrecy.

Art 51. The assemblies and deliberations of the Chambers are neither legal nor valid unless an absolute majority of their members is present.

Art 52. Actions may be taken by a majority of votes only.

Art 53. Every personal or real mandate shall be considered by committees appointed by each Chamber for preparatory work. After the proposal has been discussed and approved by one Chamber, it will be transmitted to the other for discussion and approval; thereafter it will be presented to the King for signature. The discussions are conducted article by article.

Art 54. If a proposal of law has been rejected by one of the three legislative bodies it cannot again be brought up in the same session.

Art 55. Upon a right in law has a right to lodge petitions with the Chambers which will order their consideration by a Committee and which will, after the Committee has presented its report, deliberate whether the petitions should be considered, and in the affirmative case, refer back to the competent Ministry or transmit an citizen for proper action.

Art 50. The office of a senator or deputy does not give rise to any right of [illegible] or of infinity.

Art 51. The members [illegible] receive [illegible] for their pecuniary [illegible] and [illegible] for the [illegible].

Art 52. The [illegible] of the [illegible] are [illegible], [illegible], [illegible] repeat in [illegible] of 10 [illegible], the [illegible] may [illegible] [illegible].

Art 53. The [illegible] of the [illegible] of the [illegible] [illegible] legal nor [illegible] unless on [illegible] [illegible] [illegible] [illegible] [illegible].

Art 54. Actions may be [illegible] by [illegible] [illegible] only.

Art 55. Every [illegible] of the [illegible] [illegible] be [illegible] by [illegible] [illegible] by each [illegible] for [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] approved by the [illegible], it will be [illegible] to the [illegible] for discussion and approval; otherwise it will be [illegible] to the [illegible] [illegible]. [illegible] [illegible] [illegible] are [illegible] [illegible] [illegible] [illegible].

Art 56. If a proposal of law has been [illegible] [illegible] [illegible] [illegible] [illegible]

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Art 62. [illegible] shall [illegible] to [illegible] the [illegible] of the [illegible] in [illegible] the [illegible] [illegible].

Art 63. [illegible] the [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Art 64. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Art 65. [illegible]

Art 66. [illegible]

[illegible]

Art 68. [illegible]

Art 69. [illegible]

Art 70. [illegible]

Art 71. [illegible]

Art 72. [illegible]

Art 73. [illegible]

Art 74. [illegible]

Art 75. [illegible]

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[illegible]

Art 72. [illegible] shall not be [illegible] or [illegible] by law.

Art 73. The [illegible] Royal [illegible] is [illegible] by law.

Art 74. A [illegible] shall be established [illegible] by law.

Art 75. [illegible] shall be [illegible] of national [illegible].

Art 76. [illegible] of the [illegible] shall be [illegible] [illegible] [illegible]

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Art 70. The Cortes of Santiago (Santiago Parliament) at present in session shall be dissolved [illegible]. The Cortes shall be used for purposes other than the creation of Spanish Fascism.

[illegible]

Art 71. The rights of [illegible] are guaranteed and shall hold them. [illegible].

Art 72. [illegible] shall [illegible] foreign person without an investigation [illegible].

Art 73. [illegible] shall have [illegible].

Transitional provisions.

Art 74. The persons [illegible] shall be [illegible] the first assembly of the [illegible] shall [illegible] of the elections. Until that [illegible] shall be provided for by foreign [illegible] in some [illegible] the [illegible], however, the Interpolations (Cortes [illegible]) and [illegible] shall be abolished from now on.

Art 75. For the purpose of [illegible] the [illegible] reserve for himself the power to [illegible] concerning the army, [illegible], [illegible] militia, and a [illegible] of the whole world. [illegible] the [illegible] in publishing, the [illegible] to be [illegible].

Art 76. [illegible] shall [illegible] and [illegible] shall [illegible] and full [illegible] [illegible].

Given in [illegible], the [illegible] day of [illegible] one thousand eight hundred and [illegible] in the eighteenth year of the reign.

Carlo Alonso.

The Ministers, etc.

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6 February 1944

The delegates of the Parl congress have returned during the co[illegible] of the last week and the executive junta has set itself up and had its first informal meeting. It might therefore be helpful if I attempt to summarize the present political position. To illustrate, we are faced with an awkward period for all concerned. The first moves in the bargaining between the monarchy and the opposition have been made; but they are only the first moves and there is much hard bargaining ahead. So far neither side has done anything to make an agreed compromise impossible. The two overt moves so far have only been the unanimous resolution of the Parl congress on the one side demanding the King's immediate abdication and on the other the firm intimation by the King through various channels that he will not abdicate. These are the classical opening gambits in any bargaining of this kind. What is the next move?

To answer this I would revert to the point which Tsouderos repeatedly made to the representatives of the Cairo Committee of Liberation: a government has to be formed on some recognized authority by someone. On what authority?

The Parl congress only agreed on the negative, not on the authority on which Sophoulis III. Discussion of the positive side of the question brought out a real cleavage between those who inclined towards conservative and evolutionary methods and those who in the last analysis favor a republic and revolutionary methods. The latter, represented by the Action, Socialist and Communist parties, desired that on the King's abdication the six parties should make an absolute act and on their own authority form a government and endowing it with sufficient constitutional powers for such an extraordinary government to carry on until a constituent assembly could be elected to decide the institutional question. Their attitude was recently been put to me in its least extreme form in a letter from Count Sforza, who is affiliated to the Action Party and is well known to many members of the Foreign Office. He does not think that we can come out of fascism without a revolutionary step, meaning by revolutionary something which is

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not, either in essence or in form strictly legal. In our view an illegal period of government is already in process and even if there were ways by which one could give a legal appearance to the solution of the problem, I do not think that anybody would be concerned about that in Italy." In this sense at least the three parties' proposal at Bari is revolutionary. But the ostensible intention was that the institutional question should not thereby be prejudiced. Indeed the extraordinary government would possibly act as a lieutenant (luogotenenza) for the monarchy and an article in the Naples Risorgimento of 2 February (translation enclosed) by Alberto Cianca, the president of the Bari congress, stated that no real none of his friends in the Action Party were still toying with this possibility.

The three other parties, the Liberal, Labour Democrat and Christian Democrat Parties, would have none of this and Sforza also others were freely admitted that it was impossible to get the Christian Democrats, who are the most numerous party of the trio, to agree to the Crown Prince being forced to renounce his rights. In the opinion of these parties the proper procedure would be that after the King's abdication the Crown Prince would automatically succeed and thereupon delegate such powers to an extraordinary government as would enable it to function until a constituent assembly could determine the institutional question at the end of the war. In short, they favoured evolutionary methods both for their own sake and because they thought such methods would in practice give the monarchy a better chance of ultimate survival.

If there is therefore no agreement upon the authority by which the government should be formed, there is equally no agreement upon any person at present in South Italy who would be entrusted with the task of collecting a Cabinet. The reason is not far to seek. The political and available are all at best secondary figures except for Croce, Sforza and possibly Tarchiani. Croce is old and does not choose to run. Sforza is in effect only the voice of himself and certain members of the Action Party. To the others he is an embarrassment. He can scarcely be welcome to the monarchical parties. In his speech at Bari he said that as the King "did not love Italy.....no monarch loves his country.....he felt he had found (in Mussolini) a marvellous remedy to keep Italians in subjection." Indeed Sforza loses no opportunity to make vulgar attacks on the persons of the Royal Family. The latest story that he is telling even to members of the Allied Control Commission is meant to pull down the Crown Prince as a pervert. Sforza claims that

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the Crown Princess told him that she was still a virgin eleven months after her marriage. As for the other parties, the Communists have the lowest opinion of Sforza as a political trimmer out for his own ends. They are also influenced by their knowledge that Sforza has already stood out publically against Yugoslav territorial claims on Italy and they will scarcely wish themselves to be involved in a quarrel with any Yugoslav government such as Tito's which is labelled communist. Nevertheless in South Italy he is the outstanding figure, especially as the Communists do not apparently want to take any prominent part in the government, far less - I imagine - hold the position of prime minister. Towards his qualities of personal courage, conviction and ambition but he is not the political leader of his party and his present intention seems to be to keep himself in the background and guide on others. In general the representatives of the minor parties have equally expressed a preference that a party government should not be formed before June is reached.

As I commented of these unrealised difficulties, the executive junta was set up to state the steps necessary for the formation of a party government and to retain the allegiance of the land. Although appearances are baleful, the junta is not inspiring confidence at first sight. Vincenzo Arangio-Ruiz, the chairman, is an elderly professor of Roman law and although he, unlike the others, is the nominal head of his party in Naples, the Liberals are few in number and he does not himself a forceful personality. Francesco Cerabona, the Labour Democrat, is a lawyer by profession and looks the part in the middle fifties. His party is almost non-existent in the south of Italy and he can scarcely claim to play a great part. Angelo Raffaele Jervolino of the Christian Democrat party is a lawyer from the Naples area of about 50. Nothing much is known against, for or of him. Vincenzo Calace of the Party of Action is an engineer of about 55 who comes from the Bari region. He was convicted by the Fascists in 1930 and has been in prison ever since. Ugo Lombardi, the Socialist, is in the early fifties. His name was in dispute and he has the prestige of being the delegate sent by the Rome Committee of Liberation to the Bari congress. He is said to have worked in a bank for a living and to have been real exile in France. Paolo Tedeschi, Prime Ministerial, is the youngest of the junta being about 37 or 38. In addition Lombardi of the Party of Action has agreed to act informally as secretary. He was a diplomat de carriere and is about 40.

While the junta may be all sorts of good men, they lack administrative experience and, in many cases, authority in their own parties. That is worse they are in a quandary. There is no real agreement on fundamental questions among the parties. Yet if the junta and the

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parties do nothing to carry out the Bari resolution, they will make themselves ridiculous. The longer the capture of Rome is postponed the greater will be the pressure for immediate action. It is therefore final that an Allied policy should be agreed before the next moves in the in the bargaining by the monarchy and opposition take place. I do not suggest that the stage has yet been reached when Allied intervention would help. Exactly the contrary. But the next moves in the bargaining may come quickly and at a given moment we shall probably not be able to avoid intervention. We are not completely in control of the moment and although the parties may wait until Rome, it is by no means excluded that they will press for a solution before the capture of Rome. In consequence the Allied Commission should have clear instructions as soon as possible of the line to adopt.

As what those instructions should be I would only express the following personal opinions:

1. The King will not be able to persuade the parties to form a government while he remains in his present position.

2. The present Badoglio Government of "technicians" may be able to last until Rome, but not longer. Meanwhile with our help it may get about the ordinary business of administration and build up a governmental machine. This should if possible be restricted from political blunders such as the appointment of Caldi. They are getting rid of him now but there may be a proposal to bring a socialist called Nenni into the government in order to give it political colour. Nenni tried to shoot Mussolini twenty years ago, but has suffered much in the interval and his appointment would bring the government no kudos.

3. The longer the King's abdication is postponed the more violent and [illegible] the attitude of Italian [illegible] likely to be and the more difficult it will be to preserve the monarchy.

4. A political government may be possible if the Crown Prince became King provided he agreed to grant that government special powers. But he is a weak character; he has no outstanding advisers and the conversation that he recently had with Prince Ruspigliosi of which I enclose a copy shows that his feet are not firmly on the ground. For these reasons some monarchists still feel that a regency would give the monarchy the best chance of ultimate survival; for a boy prince would have a sentimental appeal which the Crown Prince will never gain.

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5. A republic will at best lead to a period of weak government with strong emphasis on regionalism. At worst it will bring chaos. Already there are those who say that if what goes on now is a sample of democracy, they would prefer authoritative government. Already several youths of university age have been caught for espionage and before being shot have declared their faith in the Fascist Republic which to them offered some ideal, some leadership and something other than the squabbling of sinorly mediocrates. This need not be taken too seriously yet and we are by no means back to the atmosphere of 1922 which gave rise to Fascism. But weak government would within measurable time play towards anarchism or towards Communism which will equally offer an appeal to youth and determined leadership.

6. If therefore there is a chance of getting a conservative political government under Mussolini, we must remember two alternatives. We should also bear in mind that if we disagree, it is likely after it seems to power, we will be leading straight to more violent solutions of an anti-Fascist and anti-Semitic and already in this field.

The first gambits have been played: they have been slow and cautious. But the bargaining may quicken at any time and the need of guidance is urgent.

H.A.C.

4251

0966

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SECRET

242114A G 3677 RADIO 1593

G TRST PRIORITY TELEGRAM

RECEIVED AT

TBS SIGNAL MESSAGE CENTER 24 JANUARY 1944

SECRET

URGENTLY

TO.....ACTION.....FREEDOM,OS FBS TGN FARGO,FIFTOT

INFORMATION.....NONE

FROM.....NATIONAL FREE MACHARLANE FROM FATIRA

DATE TIME SIGNED.....240853A

DATE TIME RECEIVED.....242114A

REFERENCE NO.....1775

SITE.....NONE

HEADQUARTERS
25 JAN 1944
AMG.

1. THE FOLLOWING DOCUMENT ANNOUNCED BY THE KING CONTAINS A SUMMARY OF THE AMERICAN INTENTIONS IN 7 POINTS. THERE WILL BE NO [illegible]. 580

2. THE PRESENT CABINET WILL REMAIN IN OFFICE UNTIL THE GOVERNMENT ARRIVES IN ROME.

3. AS SOON AS ROME IS FREED FROM THE GERMANS, A NEW CABINET AND AUTHORITY SHALL BE FORMED ON A WIDE BASIS INCLUDING REPRESENTATIVES OF ALL PARTIES AND WITHOUT PARTICIPATION OF ANY OF THE PRESENT MEMBERS.

4. WITHIN FOUR MONTHS FROM THE LIBERATION OF ROME A NEW CONGRESS OF DEPUTIES SHALL BE ELECTED.

5. PARLIAMENT WILL FREELY DECIDE OUR INSTITUTIONS AND PROCEED TO ALL REFORMS NECESSARY FOR REACHING THAT DAY.

6. THE PEOPLE WILL BE CALLED TO FREELY EXPRESS THEIR WILL AND WILL THUS BE THE SUPREME MASTER OF THEIR DESTINIES. 4280

7. THE CHURCH AND PATRIOTICAL FORCES WILL WORK OF THE PEOPLE [illegible] BY THE ALLIED [illegible] REPRESENTATIVES OF THE NATION.

SECRET

0967

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SECRET

242114A E 3677 RAB
(NO-1)

7. ANY DIFFERENT TYPE OF CONDUCT COULD JEOPARDIZE AT THIS MOMENT [illegible] SECURITY, RIGHT AND POWER OF [illegible] ISRAEL, [illegible] ARE ESSENTIAL TO THE PROSECUTION OF [illegible] AGAINST THE [illegible] AND THE REMNANTS OF FASCISM."

MR. KING WAS ALSO ADVISED THAT [illegible] PROGRAM SHOULD BE BROADCAST [illegible] THE PRESIDENT'S SPEECH [illegible] CONFERENCE AT BARI. HE SUGGESTED [illegible] COULD BE ISSUED AS INFORMATION RECEIVED FROM A [illegible] ATTACHED TO FIFTH FORCE WITH THE KING. FOR SOME REASON [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

ARMY DISTRIBUTION:
[illegible]
DCCAC (2)
POLITICAL SEC. (1)

4210

SECRET

0968

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

Pol Dec

SECRET

1591

FOREIGN BROADCAST INTELLIGENCE SERVICE
SHORT WAVE NEWS CENTER

24 JANUARY 1944

SECRET

HEADQUARTERS
25 JAN 1944
AMG.

SUBJECT

PRIORITY

MESSAGE, BY THE PRESIDENT, ADDRESSED

TO

THE PEOPLE THAT CONSTITUTE THE NATION

SOURCE

DATE

TIME

TOPIC

505 - Ruling Vichy Government

THE PRESIDENT HAS TO REPORT THREE OFFENSIVE. IN THE COURSE OF A LONG CONVERSATION HE REFERRED TO THE ACCURATE, A NO FORGIVING PEOPLE ARE. THE FIRST DOCUMENT DEALS WITH RUSSIANS. I. A GUARANTEE THAT OUR SOLDIERS FROM RUSSIA, PARTS AND PART WAR PRISONERS TRANSFER TO ARMS AND FREE CONFERENCE TO THE KING AND HIS GOVERNMENT. THE KING GIVE A TRUTHFUL CONFIDENCE REGARDING THE ACCURACY OF OUR SOLDIERS IN FAVOR OF THE BEGINNING. I NOTICED THE KING THAT IT WAS OUR INTENTION TO SEND THAT OUR SOLDIERS WERE SUPPORTED BY THE CONSENT OF NATIONAL FROM RUSSIA AND HIS GOVERNMENT WAS VERY MOVED IN CONFIDENCE THAT OUR SOLDIERS WERE ALSO GERMANS. CONSENT. I HAVE ALREADY DONE SO THAT YOU FROM RUSSIA VIA FOR. 2. THE POSSIBILITY OF SOME INTERNAL POSSIBLE REPORT REGARDING THE TO SOURCE THE FORMATION AND DEMOCRATIC FUNCTIONING OF A SOUND POLITICAL ORGANIZATION. 3. THE NECESSITY FOR CONTRADICTING RUMORS THAT THE KING WAS OPPOSED TO RETURN TO THE NATIONAL FORCES THROUGH TO CHOOSE WHATEVER FORM OF DEMOCRATIC GOVERNMENT THEY MIGHT DESIRE AFTER THE WAR. 4. THE NECESSITY FOR ENSURING POSSIBLE ARMY INTERFERENCE BY THE KING. THE BY DEMOCRATIC PROCESS TAKEN.

4800

SECRET

SECRET

0969

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

5/29
2117
JAN 2408561

SECRET

Priority

PATTON

PRESS AND PRESIDENTIAL PARTY

DURING INTERVIEWS THIS MORNING BOTH MR. TED AND MADAME DIEM VERY STRONGLY SAID THAT THEY WOULD NOT ACCEPT ANY MEDIATE COMMITMENT OF THE PARTIES SECURITY TO BE PUBLICLY ASSERTED TO PARA. AND THEIRS PERSONAL PRIDE AND PRESTIGE FROM PUBLIC ASSERTION TO BE HELD AND THAT IT WAS IMPERATIVE THAT THEY SHOULD SAY TO ANOTHER PRESIDENTIAL CONFERENCE IN WHICH THEY UNDERTOOK TO FORM A BROAD BASED GOVERNMENT AT THE MINISTER PRESIDENT LEVEL AND IMMEDIATELY ASSUME AUTHORITY THAT HE CONSIDERED THAT HIS OWN ROLE HAD BEEN ACCEPTED WITH HIS ASSUMED ROLE WITH DIEM WHO HAD TO BE AND HE INTENTION OF HIS TRYING TO OFFICE SINCE HE HAD ACCEPTED AND THAT HE WOULD PLACE THEIR PRESTIGE AT THE DISPOSAL OF THE UNITED FRONT TOGETHER WITH THE STAND AND RECORDING THAT THE SITUATION OF THE COUNTRY FOR THEIR ROLE THEY HAD MADE IT THE MOST FRAGILE CONSTELLATION AND BROAD CONSTELLATION

AUTHENTICATED:

W. E. DRAPER MCGARRAH
Lieutenant General
Deputy President

DISTRIBUTION
2 - US Files
1 - Diary
1 - Gen. M.

4207

SECRET

0970

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276

May Cayn
File

L'INTERVISTA DOPO LA CATTURA DURANO

L'ex prefetto di Napoli cr.dif. Domenico Soprano è stato arrestato per mandato di cattura richiesto dall'Alto Commissariato per la repressione dei delitti del fascismo e deve rispondere del delitto punito con l'art. 6 della nuova legge (collaborazione attiva con i tedeschi).

Egli è stato già interrogato dal commissario istruttore.

4206

Mag. Cayn

I GIUDICI POPOLARI NEI TRIBUNALI PER LA PUNIZIONE DEI DELITTI E DEGLI ILLECITI DEL FASCISMO

****

Il D.L.L.26 maggio 1944 n. 134 stabilisce che nella composizione delle Corti distrettuali per la punizione dei delitti e delle Commissioni provinciali per la punizione degli illeciti del fascismo, intervengono giudici popolari. Precisamente la Corte distrettuale, presieduta da un magistrato della magistratura giudicante, è composta da sette giudici popolari; la commissione provinciale da un magistrato che la presiede e due giudici popolari.

I giudici popolari sono scelti fra i cittadini la cui avversione al fascismo è testimoniata dalla vita intemerata e dalla condotta politica seguita dopo il 26 ottobre 1922 e preferibilmente fra quelli che hanno sofferto persecuzioni in conseguenza di tale avversione.

La scelta è effettuata da una Commissione composta del Presidente della Corte Distrettuale e da quattro cittadini nominati dall'Alto Commissario per la punizione dei delitti e degli illeciti fascisti; la commissione stessa costituisce l'albo dei giudici popolari del distretto, in numero da fissarsi per Decreto Reale e da rivedersi nel gennaio di ogni anno; l'albo è infine sottoposto all'approvazione dell'Alto Commissario che ripartisce i giudici popolari fra Corte distrettuale e Commissioni provinciali nel Distretto. I giudici popolari godono, durante il tempo delle sessioni in cui prestano effettivo servizio, delle guarentigie istituzionali dirette a sottrarre il potere giudiziario alle ingerenze del potere esecutivo.

I giudici popolari designati per una sessione prestano giuramento, subito dopo l'apertura della prima udienza della sessione stessa, leggendo la formula:"Giuro di adempiere da uomo di onore e di coscienza e nel solo interesse della giustizia il dovere dell'alto ufficio che mi viene affidato".

Nelle Corti Distrettuali, esaurite le prove, il presidente invita il pubblico ministero e le altre parti a presentare le richieste per proporre i quesiti ai giudici popolari. Tali quesiti vanno formulati in domande a cui si possa rispondere con un sì o con un nò; quando sia posto il quesito circa la sussistenza dell'aggravante per l'imputato di avere continuato in alte responsabilità fasciste, dopo il 28 ottobre 1922, deve essere aggiunto apposito quesito circa l'applicazione della pena di morte.

I giudici popolari votano in camera di consiglio alla presenza del solo presidente che è tenuto a dare tutti gli opportuni chiarimenti e che segna, accanto a ciascun quesito, l'esito della votazione.

Nelle commissioni provinciali il presidente e i giudici popolari costituiscono un unico collegio giudicante.

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

0971

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Nelle commissioni provinciali il presidente e i giudici popolari costituiscono un unico collegio giudicante.

Salerno 1-6-44

4205

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

0972

MINISTERO DELLA GIUSTIZIA - GABINETTO STAMPA

Mary Cayn

Salerno, li 2/6/44

GABINETTO DEL MIN.

DICHIARAZIONE DELLA CORTE PER LA PUNIZIONE DEI DELITTI DEL FASCISMO

Se oggi entra in vigore la legge per la punizione dei delitti e degli illeciti del fascismo, ne non si può prevedere che la sua applicazione possa essere immediata, perchè la costituzione dell'Alto Commissariato e soprattutto degli uffici periferici, e la difficoltà delle comunicazioni che la procedura della legge, potrà richiedere un lungo tempo specialmente per le regioni lontane dal centro, alle quali la stessa Gazzetta Ufficiale non potrà pervenire che fra qualche giorno.

Tuttavia l'attività degli Alti Commissari in questo lavoro preliminare si svolge con ritmo; essi ed il Ministero della Giustizia hanno già diramato istruzioni alla Magistratura per sollecitare la disciplina degli organi periferici.

Quanto alle denunzie dei privati cittadini si è rilevato che esse dovranno essere chiare, precise, corredate di prove documentali e testimoniali, e soprattutto firmate, perchè quelle anonime e apocrife saranno senz'altro cestinate; e da consigliare a tutti la condizione, perchè ogni divagazione non può che essere causa di intralcio e di ritardo che ogni invocazione e appello dato avventatamente sono fini dannosi al proposito fermo dell'Alto Commissariato di fare giustizia.

Declassified E.O. 12356 Section 3.3/NND No. 785 016

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

L'APPLICAZIONE DELLA LEGGE SULLA REPRESSIONE DEI DELITTI DEL FASCISMO

Se ogni avere in vigore la legge per la repressione dei delitti e degli illeciti del fascismo, ne non si può prevedere che la sua applicazione possa essere lunga e, perché l'a repressione dell'illecito commissariato è sopraffatto dagli uffici periferici, e da la difficoltà di la comunicazione che la procura delle nomine, potrà richiedere qualche tempo specialmente per le regioni lontane dal centro, alle quali la avanti Gazzetta Ufficiale non potrà pervenire che fra qualche giorno.

Tuttavia l'attività degli Alti Commissari in questo lavoro preliminare si svolge con vigore; essi ed il Ministero della Giustizia hanno già diramato istruzioni alle Magistrature per sollecitare la designazione degli organi periferici.

Quanto alla denuncia dei privati cittadini si è rilevare che essa dovrebbe essere chiara, precisa, non priva di prove documentali e testimoniali, e, in tutto firmata, perché quelle anonime e apocrife saranno senz'altro cestinate; e da consigliare a tutti la denuncia, poi chè ogni diversione non può che essere causa di intralcio e di ritardo che ogni invocazione o appello sono evidentemente superflui dinanzi al proposito fermo dell'Alto Commissario di fare giustizia.

1334

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