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

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

785015

10000/136/88

ITALIAN CONSTITUTIONAL QUESTION
FEB. 1944 - APR. 1946
(2 OF 2)



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN EMBASSY

Rome, October 26, 1945

My dear Admiral,

I am enclosing, as of interest to you and to the Chief Legal Adviser, a paraphrase of a telegram which has been received from the Department of State containing its views with respect to the powers and purpose of the Constituent Assembly. These views are in response to my report of September 6, informing the Department of the views of the Chief Legal Adviser of the Allied Commission, as expressed to you on August 30.

Sincerely yours,

David W. Key

Enclosure

Rear Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission,
R o m e.

Oct. 29/10 RB

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The opinion of the Chief Legal Adviser of the Allied Commission (Embassy's telegram of September 6) on the Constituent Assembly is not concurred in by the Department of State, whose view is that Italian constitutional law cannot determine the functions and nature of the Assembly since constitutional law, strictly speaking, is based on statutes. The only legal government of Italy is the present one with ultimate law-making powers vested in the Council of Ministers and the Lieutenant General of the Realm. Except for self-imposed limitations and those arising from the instrument of surrender, the powers of the present Italian Government are without legal limits. The present Italian Government, having power to create the Assembly, also has authority to limit the Assembly to its fundamental task of framing a new constitution. The decree-law of June 25, 1944 (no. 151), did in fact do just this. But while, in broadest interpretation, Italian constitutional law might be understood to include Italian and foreign precedents for the Assembly, the phrase "constituent assembly" as used in modern Italy has varied interpretations and there are hardly any relevant Italian precedents. The interpretation of "constituent assembly" as an organization which both creates a new constitution and governs the country is based on European precedents where break-downs of the previously existing legal regimes or revolutions occur, thus necessitating the two different functions of drafting a new constitution and of governing being performed by the assembly. Since a legal regime exists in Italy, competent to administer the country during the convention of the assembly and also under obligations to the Allied Governments, the case of Italy is not parallel. The Constituent Assembly would have to confine itself to one task under a strict construction of decree-law no. 151 of June 25, 1944, which provides only for a new constitution to be drawn up by the Constituent Assembly and attributes no other functions to it. The decree-law contemplates the continuance of the Council of Ministers as the governing authority until a new Parliament is formed. The term "new Parliament" which is mentioned therein, means the Parliament to be created by the Assembly. Furthermore, the joint declaration of October 13, 1943, which established the right of the Italian people to choose, by constitutional means, a democratic form of government, must provide the framework within which the institutional question will be solved, and this requires that there be observed legal continuity. Constitutional conventions, such as have been held in the

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United States, might be relevant foreign precedents for such procedure. Constitutional assemblies of this nature do not attempt to govern but confine themselves strictly to constitution-making.

Since it is the opinion here that the pledges of the Allied Governments to the Italian people require continued efforts on the part of the Government of the United States to ensure that the new Italian state is established on democratic principles and to promote democratic processes in Italy, the British Government is being informed of the foregoing views looking forward to the initiation of discussions with the Italian Government on this subject. The Allied Commission should meanwhile be apprised informally of the Department's views.

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29 September 1945

My dear Mr. Prime Minister:

Thank you for your invitation of
26 September to attend the meeting of the Consulta
on that day.

I enjoyed attendance at the meet-
ing very much indeed and am particularly grateful
for your tribute to the work of the Allied Commis-
sion and myself.

Sincerely,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri,
President of the Council of Ministers,
Italian Government,
Rome.

1100

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Ref: 309/43/EC.

26 September 1945.

SUBJECT: Consulta Nazionale.

TO : The Yugoslav Delegation to the
Advisory Council for Italy.

1. In reply to Pov.br.1573/45 dated 12 September 1945 from The Yugoslav Delegation to the Advisory Council for Italy, the Allied Commission has received your memorandum on the subject of Venezia Giulia.
2. The action of the Italian Government in nominating Consultori for the territory to sit in the Consulta Nazionale in Rome is not considered either an interference in the administration of Venezia Giulia or contrary to the agreement reached on 9 June 1945 in Belgrade by the Ambassadors of the United Kingdom and the United States of America on one side and the Yugoslav Minister of Foreign Affairs on the other. Furthermore, until the final disposition of the territory in question is decided at the Peace Conference, the Italian Government and the Allied Powers are bound to consider such territory as legally Italian.
3. The action requested in your paragraph 4 will not therefore be taken.

For the Chief Commissioner:

M. S. LUSH

Brigadier,
Executive Commissioner.Distribution:CC files
POLAD (A)
POLAD (B)

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*Il Presidente
del Consiglio dei Ministri*

Roma, 11 26 Settembre 1945

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Caro Ammiraglio,

Mi onoro invitarla ad assistere alla seduta
della Consulta che si terrà oggi alle ore 16 nel
Palazzo di Montecitorio e nella quale saranno da
me fatte dichiarazioni del Governo.

Con molti ringraziamenti e cordiali saluti.

Benito Mussolini

All'Ammiraglio ELLERY W. STONE
Commissario Capo Commissione Alleata

ROMA

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Translation

SEP 20 REC.

CE-1650

CC FILES

The President of the Council of Ministers

Rome, 20 September 1943

Dear Admiral,

I answer your letter of September 3rd, asking to know the point of view of the Italian Government about the powers and functioning of the Italian Government when the Costituente will be summoned.

The matter on which you questioned me is being carefully studied, and the Government thinks that the Consulta will have to be consulted on problems of such importance. However, from now on, it is quite clear to the Government that its legal powers will come to an end on the day in which the new Assembly elected by the people is installed. A new Government will have to be formed according to the indications of the elections.

I shall later on let you know the results of our debates on such a matter.

Believe me,

Sincerely yours,

s. Ferruccio Parri

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

trans. c/o

1130

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SECRET

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HEADQUARTERS ALLIED COMMISSION
AIC 394
ECONOMIC SECTION

ACP/CR/60

Ref: AC/46/Tn4

20 September 1945

SUBJECT: Rail Transportation for Consultants

TO: Mr. S. Latour
Council of Ministers
ROME

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1. Careful investigation has been made with Military Railway Service as to the possibility of adding additional coaches to the existing civilian passenger trains referred to in your letter, reference A.C. 522 of 15 September 1945, in order to render maximum possible assistance in providing movement for Consultants to reach Rome.
2. Unfortunately, however, a number of circumstances prevent complete compliance with your wishes, due to difficult operating conditions and the heavy traffic of essential personnel and materials over certain of the lines. In addition, there has been commenced recently 15 new civilian passenger services, scheduled to commence on and from 24 September, in the various areas from which the Consultants will commence their journeys, and the availability of stock, coupled with the heavy delays already occurring, make the operation of any heavier trains very difficult indeed.
3. However, it has been agreed to operate an extra coach on the Reggio-Rome service, and to put an additional passenger coach on the train from Alexandria to Rome to assist in the movement desired.
4. I feel it should also be pointed out that on the existing trains the Italian State Railways have a very stringent priority in regard to the reservation of accommodation, and immediately after personnel of the Allied Commission (covered by the setting aside of one compartment) there is priority for members of the Government and Government officials before any other passengers are permitted to take tickets.
5. For your information, there are sleeping cars on the trains from Milan and Reggio to Rome, and this type of accommodation should be found highly satisfactory.

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6. Arrangements are being made for the State Railways to have available the additional coaches mentioned in paragraph 3 above, and our Regional Commissioners have been asked to consult with the IRI Capi del Compartimenti to ensure strict maintenance of the priorities and to give every assistance to the Consultants in their journeys.

7. The Transportation Sub-Commission, AC (Rail Division) will consult with the Director, Italian State Railways, to ensure that the appropriate action is taken.

8. It may be added that you have made no reference to the return journeys, and this essential information should be speedily communicated to the Director General, Italian State Railways.

For the Chief Commissioner:

E.B. MCKINLEY
Brigadier General, U.S.A.
Acting Vice President

cc M.U.S. (Rail)

1890

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Translation

SEP 17 1945 Reg. 4.156

Consiglio dei Ministri
Ministry for the Consulta

CC FILES

A.G. 593

Rome, 15 September 1945

To the Allied Commission

R O M E

SUBJECT : National consultants to have priority on public transports lines in concession.

In order to facilitate the journey of the national consultants who will have to proceed to Rome from the various regions for the meeting of the Consulta, fixed for the 20th current month, this Ministry decided, in agreement with the Ministry of Transports, that for what concerns railways, suburban tramlines, internal navigation lines, and suburban motor lines granted to private industry, the consultants, by showing the telegram summoning them, would have absolute priority for the allotment of seats on the above mentioned lines.

For the regions which are still under Allied Administration, orders to the inspectors of civilian motorization and transports in concession should be issued by the Allied Commission.

Will you kindly contact without delay the 'Ispettori Compartimentali' of Genoa, Turin, Milan, Brescia, Verona and Bolzano.

We thank you in advance.

FOR THE MINISTER
The Chief de Cabinet
S. Istour

See (64)

EC DIST - 17 Sept 45

Action : Liaison Div
Info : Chief Commr
Exec Commr
Econ Sec (Tn SE)
C.A. Sec

trans. e/c

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Translation*Return to CC Files
Chaf Comm.*

Council of Ministers
Ministry for the Consulta

A.G. 592

Rome, 15 September 1945

To the Allied Commission

R O M E

SUBJECT: Railway carriages requested for the journey of the
National Consultants to Rome.

To organize transport services for the Consultants who will
come to Rome on the 25th, for the summoning of the Consulta Na-
zionale, it would be necessary for us to dispose - from the 22nd
to the 24th of this month - of a railway carriage for passengers,
to be added to each of the u/m trains:

- Train n.15 leaving from Turin;
- Train n.35 leaving from Milan;
- Train n.182 leaving from Venice;
- Train n.816 leaving from Brindisi;
- Train n.80 leaving from Reggio Calabria.

According to the agreements made with the Ferrovie Italiane del
lo Stato, the Consultants of the neighbouring regions will be collec-
ted in the said towns and on the way.

We ask the Allied Commission kindly to see whether the necessa-
ry carriages can be allotted to the FF.SS.-

We thank you in advance

*P.N. 843-115
Switzer*

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EC DIST - 18 Sep 45

Action: Econ Sec
(Tn S/C)

Info: Chief Commr
Exec Commr
C A Sec
Liaison Division

FOR THE MINISTER
THE CHIEF DE CABINET

s. Latour

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SEP 19 RECD

REGIONAL COMMISSIONERS AND LIGURIA REGION CMA AND PIEDMONT REGION CMA AND LOMBARDIA
REGION AND AND VENETIA REGION

5585

13 SEPTEMBER 1946

ROUTINE

UNCLASSIFIED PD

PARA ONE PD BY ONE FIVE SEPTEMBER LETTER CMA COUNCIL OF MINISTERS REQUESTS
ALLIED COMMISSION ASSISTANCE TOWARD FACILITATING TRANSPORT OF NATIONAL COUNCIL
MEMBERS SUMMONED TO TWO FIVE SEPTEMBER MEETING AT ROME PD

PARA TWO PD REGIONAL COMMISSIONERS AND LIGURIA REGION CMA AND PIEDMONT REGION CMA
AND LOMBARDIA REGION AND AND VENETIA REGION FROM HQ ALCOA CITE ACXG PARA

PARA TWO PD ACCORDINGLY CMA REQUEST YOU INSTRUCT ISPETTORATI COMPARTIMENTALI OF
RESPECTIVE LOCALITIES CMA TO GRANT PRIORITY OF TRAVEL TO PASSENGERS IDENTIFYING
THEMSELVES AS COUNCIL MEMBERS BY EXHIBITING TELEGRAM SUMMONING THEM TO ROME
CONFERENCE PD

PARA THREE PD TRANSPORT MEANS IN QUESTION CMA RAILWAYS CMA INTERURBAN
TRAMWAYS CMA INTERURBAN MOTOR BUS LINES CMA INTERNAL WATERWAYS CMA AND SUBURBAN
MOTOR BUS LINES GRANTED TO PRIVATE INDUSTRY PD

PARA FOUR PD LOCALITIES IN QUESTION ARE CMA GENOA CMA TURIN CMA MILAN CMA
BREGIA CMA VERONA CMA BOLZANO

Internal Distribution: Chief Commr ✓
~~Exec Commr~~
~~Exec Commr~~
Exec Commr

Boon Sec(In Sec)
C.A. Sec

~~XXXXXXXXXXXXXXXXXXXX~~
Liaison Mission

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W. B. NEUBURG
Captain

C O P YOCT 6 RECD
CC 1208

cc

(as requested)

JUGOSLAV DELEGATION
TO THE ADVISORY COUNCIL FOR ITALY

Fov. br. 1373/45

The Yugoslav Delegation on the Advisory Council for Italy presents its compliments to the Allied Commission and has the honour to state on behalf of the Yugoslav Government as follows:

1. In the agreement reached on June 9, 1945 in Belgrade by the Ambassadors of the United Kingdom and United States of America, on one side and the Yugoslav Minister of Foreign Affairs at the other, decisions had been taken regarding occupation and temporary Military Government of the so-called "Venezia Giulia," until final settlement will be attained at the Peace Conference concerning the question of sovereignty on this territory. Not even a temporary Italian Administration was admitted for that territory. In addition, the Governments of the United Kingdom and United States of America issued written statements to the Yugoslav Government at the end of 1944 in the same sense. Consequently it is perfectly clear that the Italian Government has no right to interfere in the administration of those provinces.
2. Nevertheless the Italian Council of Ministers on August 30, 1945 have appointed, among other members of the Consulta Nazionale, Avv. Amoroso Franco, Avv. De Berti Antonio and Palesin Giovanni as Consultors for the "Venezia Giulia" Region and Dott. Pecorari Fausto as Consultor for Venezia Giulia and Dalmatia Regions.
3. Such a proceeding of the Italian Government means their interference in the administration of the so-called "Venezia Giulia" and Dalmatia, contrary to the engagements taken by the respective Governments of the United Kingdom and United States of America toward the Yugoslav Government.
4. The Yugoslav Government therefore present their protest to the Allied Commission against the appointment of the a/m Members of the Consulta Nazionale for the regions of "Venezia Giulia" and Dalmatia, effected by the Italian Government, and have the honour to request the Allied Commission as a Control institution for the Italian Government, to take necessary measures, so that the appointment of the a/m, Consultors for Venezia Giulia and Dalmatia regions should be revoked.

See (65a)
(Initialed) Dr. SS.

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Rome, September 12, 1945

(seal of Yugoslav Delegation to the
Advisory Council for Italy)Allied Commission
R o m e.

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SEP 14 1945

CC 0950

337/46/45

British Embassy,
Rome.

No. 403.

5th September, 1945.

Sir,

58 17 SEP 1945

With reference to previous correspondence on the subject of the Constituent Assembly, I have the honour to transmit herewith copies of a very interesting and important memorandum by the Chief Legal Advisor of the Allied Commission the upshot of which is, that in the opinion of four leading and most responsible Italian jurists, the Constituent Assembly will and must be absolute sovereign in Italy, for all purposes whatsoever, from the moment of its birth.

2. In view of Colonel Behrens' criticisms of this opinion, I caused the first four paragraphs of his memorandum to be read to the Embassy's legal advisor, Sir John Serrao, who was asked if he agreed with them. Sir John, confessing that he is a monarchist at heart, said that he felt reluctantly bound to concur.

3. From discreet enquiries that I have made since seeing Colonel Behrens' memorandum, I have ascertained that this was certainly not the intention of those who drafted Decree law no. 151. Indeed, I have the impression that the whole question of the machinery and procedure of the Constituent Assembly including the question of mechanics of the Constitution and the transition, if there is to be one, from a Monarchy to a Republic have until recently scarcely been considered by the Italian Government as a whole. These questions have, however, certainly been engaging the attention of Signor Nenni and his Ministry for the Constituent Assembly. There is no doubt from a speech which he made on 2nd. September at Frascati that he not only shares the views of the Italian lawyers quoted in Colonel Behrens' minute, but that their conclusions will prove to be of the greatest assistance to him in enabling him to secure the establishment of a republic at the earliest possible moment. Moreover, if the Socialist and Communist Parties together hold a majority in the Constituent Assembly, its absolute sovereignty would help Signor Nenni to secure the establishment of a régime not far removed from a one-party dictatorship. In his speech at Frascati he said that "democracy does not consist for us in having an election every five years, but in a continuous relationship of collaboration between the Government and the people and the effective control of the Government by the masses."

4. You will have noticed from paragraph 4 of my telegram no. 1314 of the 23rd. August that the Minister of Foreign Affairs had realised what lay ahead. In a conversation with Mr. Hopkinson yesterday, Signor de Gasperi, while admitting the conception of the Constituent Assembly as a sovereign body, whose powers would not merely be restricted to the drawing up of the new constitution, appeared to think that it was possible to lay down beforehand by decree law certain rules which would govern the proceedings of the Assembly. He thought for instance that it might be possible and desirable to provide that decisions on major questions such as that of the Monarchy should not be settled by a simple majority. This view is upheld in a recent article by Don Sturzo, himself

from the moment of its birth.

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Return to
Chief Commissioner

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5. Signor de Gasperi said that questions such as the electoral law, e.g. proportional representation, and the powers, functions and procedure of the Constituent Assembly were no doubt being studied and worked out by Signor Nenni in the Ministry for the Constituent Assembly. Signor Nenni had not however divulged his plans and whatever emerged would no doubt have to be submitted to the Consultative Assembly and would eventually have to be approved by the Government in the form of decree laws. He even went so far as to say - and he repeated this three or four times - that in virtue of the Moscow and Talta declarations the Allies ought to have a say both in regard to the electoral methods to be employed and to the principles of voting and other procedure to be adopted by the Constituent Assembly. It is a little difficult to reconcile this suggestion with the idea of the Constituent Assembly as a sovereign body to which, as stated above, apparently he subscribed.
6. With a view to obtaining a more official opinion on this most important question raised by Colonel Behrens' minute, the Chief Commissioner addressed a letter to the Italian Prime Minister on September 3rd, asking to be informed of the Italian Government's views "as to the powers and machinery of operation of the Italian Government once the Constituent Assembly has been convened." Although Admiral Stene asked for an early reply, Signor de Gasperi, when I saw him yesterday, told me that in view of the uncertainties prevailing it could not be possible to send one for a long time to come.

7. I am sending a copy of this despatch to Mr. Broad at Caserta.

I have the honour to be,

Sir,

with great truth and respect,

Your most obedient, humble servant,

For the Ambassador,

(sgd) E.L. C.A. Hopkinson.

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idea of the Constituent Assembly as a sovereign body to which, as stated above, apparently he subscribed.

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Sir,

with great truth and respect,

Your most obedient, humble Servant,

For the Ambassador,

(sgd) H.L. d'A. Hopkinson.

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

30 August 1945

AC/4117/1/L

SUBJECT: Constituent Assembly.

TO: Chief Commissioner.

1. I have discussed at length, with four leading and most responsible Italian jurists, the juridical position of the *Assemblea Costituente* and the relationship which will obtain between that body and the Italian Government of the day. The views of these jurists are set out below. Since the problem is essentially of Italian constitutional law and of the construction of the Italian decree, D.L. No. 151 of 25 June 1944, it is obvious that the solution of the problem must be found according to the canons of Italian law.

2. In the opinion of these jurists the words "*Assemblea Costituente*" are words of art; they cannot be regarded as a mere label to be attached to an Institution created by, and invested solely with the powers specifically conferred in, Art. I of the decree. They must be viewed as connoting an Institution juridically associated with the general European concept of a Constituent Assembly. Such a concept derives directly from the French Assembly of 1789 and carries with it the fundamental idea of a sovereign body invested with all power for all purposes and subject to no authority but its own.

3. On the basis of this view the *Assemblea Costituente*, when formed, will be the sovereign power in the state invested with all power of government. If any limitation on this power is to be derived from the terms of D.L. No. 151, the Assembly could immediately remove such limitation by amending the decree.

4. The jurists point out that in addition to the historical background, the better construction of D.L. No. 151 and the general situation support this view:-

- (a) Art. I establishes the Assembly and gives it one specific task; it nowhere limits its functions to this one task. On the contrary the idea behind a body elected by the universal vote of the Italian people is that of a sovereign body.
- (b) Art. 3 provides that Ministers will not prejudice "until the convocation of the Assembly" the solution of the institutional question.
- (c) No weight can be attached to the expression "the functioning of the new Parliament" in Art. 4. For example, the solution of the institutional question will be known immediately the result of the election is determined. If this solution is republican it will be the duty of the king to abdicate and the *Luogotenente* to resign, so that it will not be possible to continue the procedure laid down in Art. 4.
- (d) The general feeling of the people is that, as in 1789, they are being asked to elect a body which will not only provide a new constitution but will legislate upon all the major issues of the day.

Italian decree, D.L. No. 151 of 25 June 1944, it is obvious that the solution of the problem must be found according to the canons of Italian law.

2. In the opinion of these jurists the words "Assemblea Costituente" are words of art; they cannot be regarded as a mere label to be attached to an institution created by, and invested solely with the powers specifically conferred in, Art. I of the decree. They must be viewed as connoting an institution juridically associated with the general European concept of a Constituent Assembly. Such a concept derives directly from the French Assembly of 1789 and carries with it the fundamental idea of a sovereign body invested with all power for all purposes and subject to no authority but its own.

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4. The jurists point out that in addition to the historical background, the better construction of D.L. No. 151 and the general situation support this view:-

(a) Art. 1 establishes the Assembly and gives it one specific task: it nowhere limits its functions to this one task. On the contrary the idea behind a body elected by the universal vote of the Italian people is that of a sovereign body.

(b) Art. 3 provides that Ministers will not prejudice "until the convocation of the Assembly" the solution of the institutional question.

(c) No weight can be attached to the expression "the functioning of the new Parliament" in Art. 4. For example, the solution of the institutional question will be known immediately the result of the election is determined. If this solution is republican it will be the duty of the king to abdicate and the Luogotenente to resign, so that it will not be possible to continue the procedure laid down in Art. 4.

(d) The general feeling of the people is that, as in 1789, they are being asked to elect a body which will not only provide a new constitution but will legislate upon all the major issues of the day.

5. I think that it is possible to advance certain arguments ^{in support of} contrary sense. For example, it might be said:-

(a) The expression "Assemblea Costituente" should be regarded as words of description and not of art: as in an American or British statute a definition clause would say "For the purposes of this Act the words.... shall mean...." so the definition, or scope and function, of the Assembly Constituente is provided in Art. 1. It is to be observed that the heading of the decree is "Assembly for the new constitution of the State".

(b) Art. 3 proves that Ministers, and therefore the existing Government, continue in function as the Government after the convocation of the Assembly. Since the solution of the institutional question will become clear immediately upon such convocation, there can be no question thereafter of such solution being prejudiced. The article however confines the limiting expression "until the convocation" to this half of the oath, and expressly avoids extending this limitation to that part of the oath, which covers the general performance of their duties.

Sanjiv
24/4/54
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(c) Art.4 provides that the present form of government shall continue until the new Parliament (which must mean the Government set up in accordance with the new Constitution) starts to function. Even if, by reason of the election of a republican assembly, the King decided to abdicate, this could not affect the Council of Ministers; it would be the duty of the King, in abdicating, to provide constitutionally for government through the Council of Ministers pending the functioning of the new Government under the new Constitution.

6. These arguments are however academic, since the Italian lawyers appear to be unanimous. For your information these lawyers are:-

- (a) the personal adviser to the President of the Council.
- (b) the former Chief of Cabinet to Stenai, who was the lawyer then specifically charged by Nenni with framing the proposed laws
- (c) the Dean of the Faculty of Law in the University of Rome, who is one of the most distinguished advocates in Cassation, and
- (d) another advocate practising in Cassation, and Professor in the University of Genoa.

7. As a practical matter I am informed by these lawyers that the procedure contemplated is that when the Assembly convenes the existing Ministers will resign; the Assembly will encharge them with resumption of office for normal day to day administration, but will retain under its own control all questions of policy.

(sgd) W.E. MURKIN,
Colonel,
Chief Legal Adviser.

- (b) the former Chief of Cabinet to Nenni, who was the lawyer then specifically charged by Nenni with framing the proposed laws
- (c) the head of the Faculty of Law in the University of Rome, who is one of the most distinguished advocates in Cassation, and
- (d) another advocate practicing in Cassation, and Professor in the University of Genoa.

7. As a practical matter I am informed by these lawyers that the procedure contemplated is that when the Assembly convenes the existing Ministers will resign; the Assembly will encharge them with resumption of office for normal day to day administration, but will retain under its own control all questions of policy.

(sgd) W.E. McILWAIN

Colonel,

Chief Legal Advisor.

1080

TRANSLATION OF Decree Law
of the Lieutenant-General
of the realm
of the 25th Jun., 1944 No. 151

Assembly for the new constitution of the State, oath of members of the Government and powers of the Government to initiate legislation.

No,

HERMANN OF SAVOY
Prince of Piedmont
Lieutenant-General of the Realm

in view of the authority delegated to us, pursuant to the Royal Decree Law of 30th October 1943 No. 2/5; Pursuant to article 18 of the law of 18th January 1939 No. 159;

In consideration of the need and urgency of war-time conditions; having consulted the Council of Ministers; on the proposal of the President of the Council of Ministers, Secretary of State; have decreed and we do hereby decree:

ARTICLE 1

After the liberation of the national territory the form of the constitution shall be decided by the Italian people who to that end will elect by universal direct and secret suffrage a constituent assembly to deliberate on the new constitution of the State.

The methods and procedure to be followed will be established in subsequent decrees.

ARTICLE 2

The provision concerning the election of the new Chamber of Deputies and its convocation within four months from the cessation of the present state of war contained in the third paragraph of article 1 of the Royal Decree Law of 2nd. August 1943, no. 175 by which the parliamentary session was declared closed and the Chamber of Fasci and the Corporation was dissolved is hereby abrogated.

ARTICLE 3

The Ministers and Under-Secretaries of State swear on their honour to exercise their functions in the supreme interest of the nation and until the convocation of the constituent assembly to commit no act which would in any way prejudice the solution of the institutional question.

Prince of Piedmont
Lieutenant-General of the Realm

in view of the authority delegated to Us pursuant to the Royal Decree Law of 30th October 1913 No. 175; Pursuant to article 12 of the law of 18th January 1919 No. 109;

In consideration of the need and urgency of war-time conditions; having consulted the Council of Ministers; on the proposal of the President of the Council of Ministers, Secretary of State, Have decreed and we do hereby decree:

ARTICLE 1

After the liberation of the national territory the form of the constitution shall be decided by the Italian people who to that end will elect by universal direct and secret suffrage a constituent assembly to deliberate on the new constitution of the State.

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ARTICLE 3

The Ministers and Under-Secretaries of State swear on their honour to exercise their functions in the supreme interest of the nation and until the convocation of the constituent assembly to commit no act which would in any way prejudice the solution of the institutional question.

ARTICLE 4

Until such time as the new parliament begins to function, provisions having the force of law are to be deliberated by the Council of Ministers.

Such legislative decrees fore-shadowed in the preceding paragraph are sanctioned and promulgated by the Lieutenant-General of the Realm with the formula;

"Having seen the deliberations of the Council of Ministers;
"On the proposal of..."

"We have sanctioned and do promulgate the following..."

ARTICLE 5.

So long as there remains in force the order contained in Article 2, paragraph 1 of the Royal Decree of 30th October 1913 No. 175 the decrees regarding the matters indicated in Article 1 of the law of 31st. January 1926 no. 100 are promulgated by the Lieutenant-General of the Realm with the formula "having heard the Council of the Ministers
"On the proposal of..."

"Have decreed and we do hereby decree..."

/Article 6.

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ARTICLE 6.

The present decree enters into force on the day of its publication in the official gazette of the Realm (special series) and will be presented to the legislative assemblies for conversion into law. The President of the Council of Ministers, the proposer, is hereby authorised to present the appropriate draft law. He do order, whomever it concerns to observe the present decree and to enforce its observance as a law of the State.

Given at Naples, 25th June 1944.

HUMBERT OF SAVOY

Benoni

Seen by Privy Seal: Turpini

SEP 13 1945

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/L/27/16

Tel: 478190

SUBJECT: National Consultative Assembly ("Consulta Nazionale")

11 September 1945

TO : SIG Venezia-Giulia.

1. Reference is made to your letter 135/AMB/53/4 of 24 August.
2. As to paragraphs 2 and 5 of your letter, please be assured that no objection from your HQ to anything stated in this section's informational letter of 10 August was anticipated. The object of the indications of stress to which you refer was merely to throw into relief the basis for the views expressed therein.
3. You were informed by this HQ signal 4420 of 28 August that the Allied Governments had approved of the appointment of Venetia-Giulian representatives to the Consulta. The Italian Government have almost completed the names: as soon as they are known you will be informed.
4. The appointments are being made here in Rome, a Decree having recently been passed which dispenses with the requirement of prior consultation with any CM or other organization in Venetia Giulia.
5. One or two questions subsidiary to the approval of the appointments of these representatives arise. In this connection, your quite proper concern about the non-discriminatory clauses in the directive of 26 June is fully appreciated and shared by this HQ. With that in mind, it is desired to have your views on the subsidiary questions alluded to.
6. In the first place, 5 (it is believed) out of the 6 Consultori reside in Venetia-Giulia. They will want to travel to Rome for the first meeting of the Consulta, which according to the Rome press has been fixed for 29 September. This HQ sees no objection to their being given any necessary facilities for this.
7. Secondly, the Consultori may wish to communicate with persons and bodies in the areas which they represent. It appears to this HQ that this might be permitted providing that all such communications are passed through AM channels.
8. Thirdly, the Consultori may desire to visit the areas they represent from time to time. It is suggested that their travel to and from Venetia-Giulia should be permitted but controlled by AM by the application of normal regulations as to travel permits.

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9. Your comments on the three foregoing points will be appreciated. In this connection, the point about the possible conflict of instructions to which you refer in para 6 of your letter is fully appreciated here, and it is suggested you consult your Corps Commander on the suggestions made above.

BY COMMAND OF THE CHIEF COMMISSIONER:

CGR/pec

Copies to: ABTD (C-5)
Chief Commissioner
Exec. Commissioner
Polad (A)
" (B)

M. Carr
M. CARR
Brigadier
VP CA Section

108~

(61)

Nenni's speech as reported in *Avanti!* 7 Sept 45

Nenni's first words stressed the contrast between the ruins of the lovely city and the enthusiasm of the people determined to rebuild a happy Italy by their labor - an Italy worthy to live in the company of the free nations of the world.

What is needed in order to undertake the final work of reconstruction?

The Socialist party has said in a recent appeal to the working classes that today the problem of problems is that of the Costituyente. The party has said repeatedly that the motto is "politique d'abord" - political solution comes first. But when the Socialists say "Politique d'abord" what do they mean? Do they deny the importance of the problem of material reconstruction of our shattered cities? Do they mean that the problems of our farmers and wine-producers are without importance? Do they intend to ignore the problems of the workers who are waiting to rebuild their factories or who (as in the North) are awaiting coal to resuscitate industry? No - there is no problem of interest to the workers that is not regarded as a fundamental problem by the Socialist Party. When the Socialists say "politique d'abord" they mean that first of all it is necessary to solve the crisis of the Italian State (applause and cries of "down with the monarchy").

Have you ever seen a builder - asked the speaker - begin with the roof instead of the foundation? Well, the house of the state must be rebuilt and here too we must begin with the foundation.

Nenni emphasized at this point the contradiction which haunts Italian political life: on the one hand we hear it said that the govt of the CLN is not a legitimate govt because it was not chosen by the people - and there is in this criticism an element of truth which we recognize - but then when we request that elections be held immediately for the Costituyente we are told that it is too soon, that we are not yet prepared, that it is not certain that the elections will be free, that we must wait for this or that. ~~xxx~~

Here Nenni indicated what we really must wait for and that is the return of the Northern provinces to Italian administration and some indication from the Conference of Foreign Ministers about our destiny as a nation. When these matters are out of the way no further obstacle ~~xx~~ can stand in the way of the immediate convocation of the Constituent Assembly.

At this point the speaker puts the question: what will the Costituyente be?

It must be and will be a sovereign assembly which will have to decide on the political form of the Italian state and will have to pass on the economic structure of the Italy of tomorrow; it is an Assembly into whose hands we mean to put the totality of ~~power~~ powers. (literal translation: la totalita dei poteri - t.g.b.) I am sure said Nenni that as for the institutional problem the Costituyente will answer with the word: Republic (a hurricane of applause here interrupted the speaker).

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Declassified E.O. 12356 Section 3.3/NND No. 785015

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Much applause also was given to the other passage in the speech in which the speaker mentioned the underhand propaganda going on in the midst of the bourgeois middle classes with the purpose of re-creating the bogey man of the red menace. I know very well that they are telling you we are preparing the dictatorship of Nenni and Togliatti. We do not want any such dictatorship; we want a govt of the Italian people that will be responsible to the Italian masses.

We want democracy, although the word does not mean for us having elections every five years but rather a continuous relation of cooperation between people and government and an effective control

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of the govt by the masses.

Nenni then explained the program of the Socialists on agrarian and industrial reform. He then stressed the need of unity among the people in order to win the battle for the Costituente and the battle of the Costituente.

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The program of the Socialists

Nenni states that the present campaign against the unitarian policy of the Socialist party reveals at last some parties and some papers - so called democratic - which hoped to see Communists and Socialists fight among each other. But such a thing will not happen and Socialists and Communists will fight together for the Democratic Republic. In the same way all attempts to divide the working classes by means of religious problems, will fail. We shall respect the religious faith of Catholics. Politics end, for us, on the threshold of the Church, and the Church, as long as it remains the ministry of religion and does not become a political party against the people (applauses) has nothing to fear from our electoral and political victory.

The last words of the orator are a sign of hope for the new flag of the Socialist section of Frascati to be at the head, in the fight for peace, freedom, Republic, Socialism, in the struggle which, through the Costituente, will give Italy a government of workers, in the interest of all workers.

The ovation which saluted the end of the speech expresses the complete ^{sympathy} ~~admiration~~ of the crowd ^{with} the words of the orator.

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

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The ovation which saluted the end of the speech of the orator.
of the crowd ~~the~~ the words of the orator.

with

3 September 1945

Subject: Constituent Assembly

My dear Mr. Prime Minister:

With reference to the Constituent Assembly to be convened pursuant to D.L. No. 151 of 25 June 1944, it would be helpful to the Allied Commission if you would advise me of your Government's views as to the powers and machinery of operation of the Italian Government once the Constituent Assembly has been convened.

I should be most grateful, my dear Mr. Prime Minister, for the favor of an early reply.

Yours very truly,

See 62 / 1246
See also (64)
15/ Ellery W. Stone
ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
President of the Council of Ministers
Italian Government
Rome

(59) DISTRIBUTION:

American Ambassador
British Ambassador
Executive Commissioner
Civil Affairs Section (2)

1080

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

31 August 1945.

My dear Mr. Ambassador:

58

As per our conversation, I hand
you herewith copy of opinion of my Chief Legal
Advisor on the effect of Decree Law 151. When
you have had an opportunity to consider it, I
should be grateful for a meeting with you and
the British Minister.

Very truly yours,

[s] Henry W. Stone

HENRY W. STONE
Rear Admiral, USNR
Chief CommissionerThe Honorable Alexander Kirk,
American Ambassador,
119 Via Vittorio Veneto,
Rome.Copy to: Mr Henry L. d'A. Hopkinson.
(with enclosure)

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AUG 31 1945
CC 1015HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4117/1/L.

/rlp.
30 August 1945.

SUBJECT : Constituent Assembly.

TO : Chief Commissioner.

1. I have discussed at length, with four leading and most responsible Italian jurists, the juridical position of the Assemblea Costituente and the relationship which will obtain between that body and the Italian Government of the day. The views of these jurists are set out below. Since the problem is essentially of Italian constitutional law and of the construction of the Italian decree, DLL No. 151 of 25 June 1944, it is obvious that the solution of the problem must be found according to the canons of Italian law.

2. In the opinion of these jurists the words "Assemblea Costituente" are words of art; they cannot be regarded as a mere label to be attached to an Institution created by, and invested solely with the powers specifically conferred in, Art. I of the decree. They must be viewed as connoting an Institution juridically associated with the general European concept of a Constituent Assembly. Such a concept derives directly from the French Assembly of 1789 and carries with it the fundamental idea of a sovereign body invested with all power for all purposes and subject to no authority but its own.

3. On the basis of this view the Assemblea Costituente, when formed, will be the sovereign power in the state invested with all power of government. If any limitation on this power is to be derived from the terms of DLL No. 151, the Assemblea could immediately remove such limitation by amending the decree.

4. The jurists point out that in addition to the historical background, the better construction of DLL No. 151 and the general situation support this view:-

a. Art. 1 establishes the Assemblea and gives it one specific task; it nowhere limits its functions to this one task. On the contrary the idea behind a body elected by the universal vote of the Italian people is that of a sovereign body.

b. Art. 3 provides that Ministers will not prejudice "until the convocation of the Assemblea" the solution of the institutional question.

c. No weight can be attached to the expression "the functioning

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of the new Parliament" in Art. 4. For example, the solution of the institutional question will be known immediately the result of the election is determined. If this solution is republican it will be the duty of the king to abdicate and the Luogotenente to resign, so that it will not be possible to continue the procedure laid down in Art. 4.

d. The general feeling of the people is that, as in 1789, they are being asked to elect a body which will not only provide a new constitution but will legislate upon all the major issues of the day.

5. I think that it is possible to advance certain arguments in the contrary sense. For example, it might be said:-

a. The expression "Assemblea Costituente" should be regarded as words of description and not of art: as in an American or British statute a definition clause would say "For the purposes of this Act the words..... shall mean.....," so the definition, or scope and function, of the Assemblea Costituente is provided in Art. 1. It is to be observed that the heading of the decree is "Assembly for the new constitution of the State."

b. Art. 3 proves that Ministers, and therefore the existing Government, continue in function as the Government after the convocation of the Assemblea. Since the solution of the institutional question will become clear immediately upon such convocation, there can be no question thereafter of such solution being prejudiced. The article however confines the limiting expression "until the convocation" to this half of the oath, and expressly avoids extending this limitation to that part of the oath which covers the general performance of their duties.

c. Art. 4 provides that the present form of government shall continue until the new Parliament (which must mean the Government set up in accordance with the new Constitution) starts to function. Even if, by reason of the election of a republican Assemblea, the king decided to abdicate, this could not affect the Council of Ministers; it would be the duty of the king, in abdicating, to provide constitutionally for government through the Council of Ministers pending the functioning of the new Government under the new Constitution.

6. These arguments are however academic, since the Italian lawyers appear to be unanimous. For your information these lawyers are:-

a. the personal adviser to the President of the Council

b. the former Chief of Cabinet to Nenni, who was the lawyer then specifically charged by Nenni with framing the proposed laws

c. the Dean of the Faculty of Law in the University of Rome, who is one of the most distinguished advocates in Cassation, and

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d. another advocate practicing in Cassation, and Professor in the University of Genoa.

7. As a practical matter I am informed by these lawyers that the procedure contemplated is that when the Assembleia convenes the existing Ministers will resign; the Assembleia will encharge them with resumption of office for normal day to day administration, but will retain under its own control all questions of policy.

W. E. Behrens.

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

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CONSTITUTIONAL ARGUMENT.A. Theoretical.

I attach behind a copy of DIL 151 (in the Allied Commission's English) with my own memorandum of thoughts at Ravenna on this topic. In some respects they conform closely to Colonel Behrens'.

2. To take his paper:

The Italian jurists' arguments are strongly coloured by political considerations - I do not say wrongly so: but they seem to me to strain very badly the plain construction of DIL 151.

(1) Para. 2 contains, surely, a bogus argument based on the assumption that the C.A. is sovereign for all purposes. Thus:

Argument (1) The C.A. is absolute sovereign

(2) If DIL says it is not, DIL is abolished as having no right to say so.
(3) But if DIL has no such right, what right has DIL to set up a C.A.?
(4) Since the C.A. will in fact be set up by a DIL it must accept what limitations the DIL imposes on its functions. It cannot deny parts without denying the whole.

(ii) To get out of this hole, the C.A. must assume right not conferred on it by DIL. This would by nature be a revolutionary act: but if no blood is shed, we need not worry.

3. All the rest of the jurist's arguments in para. 4 are otiose if the C.A. denies all validity to the DIL: but to continue for the sake of argument - however academic -

Para. 3.a. I do not understand Colonel Behrens' terms but I agree with his view. DIL 151 says the C.A. is for making a constitution. It says this, and no more. Why pretend otherwise? Para. 4(a) is very strained.

Para. 3.b. It is highly likely that, in a political sense, the fate of the monarchy will be known with the results of the elections, i.e. that the C.A. will have a clearly monarchist or republican majority. But it is not judicially certain and should not be treated as such (e.g. the Christian Democrat Party is much divided and may not declare a single party line, or if it does, may not try and bind its candidates). Therefore I do not at all accept the argument in 4.c., or its conclusion. (see my own memo.) But art. 3 of DIL 151, and the Minister's oath, is very badly drafted. "Until the convocation..." should, to make sense, mean "until the opening of the electoral campaign for..." That will then hold an Italian six-party coalition government together. C.A. knows

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(ii) To get out of this hole, the C.A. must assume right not conferred on it by DIL. This would by nature be a revolutionary act: but if no blood is shed, we need not worry.

3. All the rest of the jurists' arguments in para. 4 are otiose if the C.A. denies all validity to the DIL: but to continue for the sake of argument - however academic -

Para. 5.a. I do not understand Colonel Rehren's remark but I agree with his view. DIL 151 says the C.A. is forming a constitution. It says this, and no more. Why pretend otherwise? Para. 4(a) is very strained.

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Para. 5.c. I agree: see my own memorandum.

Para. 7. This was to be expected, though in my own memorandum I have suggested an alternative designed to keep constitution making formally separate from current legislation, by giving the C.A. the status also of the Consultative Assembly for current legislation purposes. But I agree that all this is pretty academic, and unlikely to attract Nenni.

B. Practical.

1. Assuming the Italian jurists' views will prevail, and the C.A. will in fact be sovereign with a republican majority, and that peace will have been signed before all this happens, what should His Majesty's Government's policy be?

/we

We at once plunge into the whole European question of the extent to which we must and can resist the orderly spread of Communism in Europe. It is no good speculating on that.

2. Can we, or should we (U.S.G. and the United States Government) try and use the Peace Treaty to prevent such a development, invoking the Moscow Declaration?

Difficulties.

(i) The Soviet Government will not agree that any such step on policy is necessary to ensure the establishment of "democracy" in Italy. It will say that our duty under the Moscow Declaration is to ensure free and fair elections, and stop there. That result they give is not any outside power's concern, provided they do not lead to fascism. The Soviet Government can hardly be expected to concur in outlawing its own system of government in Italy. Communism, it must say, is the most perfect form of democracy - for, by and of "the people".

(ii) Apart from this, I foresee great difficulties and definition if you try to lay down in the Peace Treaty what forms of Government Italy is and not permitted to have. In theory she can have any kind but fascism. If you try and define fascism, you may get the Soviet Government widening the definition to proscriber many features that U.S. Government and the U.S. Government would think reasonable, e.g. craft unions or industrial combines. If you widen and generalize your veto to make communism impossible as well as fascism, the Soviet Government is likely to notice your little game, e.g. even a harmless looking dodge such as -

"Italy undertakes to adopt and adhere for ever to a form of government which includes free parliamentary elections by universal suffrage to be held at regular or irregular intervals but not less than once in each five years, and the Government shall hold office only so long as it commands a majority in the parliament".

There is here as elsewhere, I think, no dodging the fact that we and the Soviets take a different view of democracy. The question really is, as suggested in 1 above, with what weapons we are to fight communism in Europe. I personally believe the "weapon" of a veto in a peace treaty to be illusory. We should not enforce it. The right technique, I believe, abroad as at home, is to demonstrate that a parliamentary democracy is just as efficient and thereby to gain and keep adherents to it in sufficient numbers to make the Communist party tactics ineffectual.

C. Policy in Italy.

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C. Policy in Italy.

Make a straightforward peace. Try and ensure free elections. Then cease interference except by example, precept and encouragement.

AUG 30 1945

AMC THIRTEEN CORPS FOR ACTION AFHQ FOR INFORMATION

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28th August, 1945.

PRIORITY

CONFIDENTIAL PD

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PAREN TO FOR ACTION AMC THIRTEEN CORPS FOR INFORMATION AFHQ FROM HQ ALCOM CITE
ACCAS PAREN

PERMISSION TO SEAT REPRESENTATIVES FOR VENEZIA GIULIA ON NATIONAL CONSULTA HAS NOW
 BEEN GRANTED TO ITALIAN GOVERNMENT ON RECOMMENDATION OF AMERICAN AND BRITISH
 AMBASSADORS

Internal Distribution:

Chief Commissioner.
 Executive Commissioner

Polad (A)
 Polad (B)

CIVIL AFFAIRS SECTION

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NICHOLAS PIOMBINO
 CWO USA
 Asst. Adjutant.

RRG.

1/27

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seen by Adjutant Major

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(Copy in meeting)
200/c

TOP SECRETALLIED FORCE HEADQUARTERS
Supreme Allied Commander's Secretariat

B-1025

SAC (45) 2nd Meeting
4th August 1945TOP SECRETSUPREME ALLIED COMMANDER'S CONFERENCECOPY NO 31E X T R A C T

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5. ITALIAN INSTITUTIONAL QUESTION - SPEECH BY SIGNOR NENNI

(Previous reference SAC 45 1st Meeting, Minute 6)

REAR ADMIRAL STONE reported that, in accordance with the directions given at the last conference, he had called on the Italian Prime Minister, and informed him that Signor Nenni's recent speech in MILAN was a violation of his oath as an Italian Minister, and such conduct was not likely to induce confidence in the Italian Government on the part of the United States and British Governments. The Prime Minister had readily agreed and had undertaken to express this view to Signor Nenni. The Chief Commissioner added that he had taken the opportunity at the same time of expressing similar concern regarding an unconfirmed report of a speech along the same lines made by Signor Togliatti, the Minister of Justice.

THE SUPREME ALLIED COMMANDER:

Took note, with approval, of the above report.

TOP SECRET

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INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

Originator's Reference: F 31793

Date/Time of Origin: AUG 031907B

Message Centre No: F/2613

Date/Time Rec'd: AUG 041300B

Precedence: ROUTINE

FROM AFHQ SIGNED SACRED SITE THGEG
TO ALCON ROME**SECRET**

SECRET

Ref our NAF 1043 repeated you. Italian institutional question is now subject discussion on diplomatic level between UNITED STATES - UNITED KINGDOM according to TAF 649 today received. CCS promise notify decisions when reached.

Dist

Action - S.O. to Chief Commissioner
Info - Exec Commr 2
CA Sec
POLAD A
POLAD B
File

American Ambassador. 3 6/8/45
British Ambassador. 3 6/8/45

SECRET

Send CCs
to Ambassadors

(55)

Done
6/8/45
G.

1874

SECRET

JUL 27 RECD
CC 1155

C/C

PX 26252
JULY 26 1210P/1458
JULY 27 1000B
ROUTINEALEXANDER GIER SINDIC
AGRAH FOR COMBINED CHIEFS OF STAFF AND TO AMSC FOR BRITISH CHIEFS
OF STAFF INFO ALCON

50

SECRET

Pursuant to policy permitting political meetings in AMG territory NENRI, Italian vice Premier and minister responsible for preparation of the Constituent Assembly, was allowed to address large meeting in MILAN 22 July purpose of which was announced as Treasury bond campaign and wheat marketing. This is NCF 1048. In fact NENRI campaigned for a Republic.

Such action contravenes the oath taken by NENRI on taking office.

I instructed the Chief Commissioner Allied Commission to protest to the Italian Prime Minister emphasising that Signor NENRI has violated his oath and that such action by an Italian Minister is not likely to induce confidence in the Italian Govt on the part of the UNITED STATES and BRITISH Govts.

Above reported for your information.

Dist

Info-Action - Exec Commissioner 2
Info - Chief Commissioner
PLAD A
POLAD B
File

1870

54

Done — 31/7/41
1100 hrs —

0048

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

785015

Heenan's ~~copy~~
filed in 1002-2/pc

SECRET

ALLIED FORCE HEADQUARTERS
Supreme Allied Commander's Secretariat

SAC (45) 1st Meeting
26th July 1945

SUPREME ALLIED COMMANDER'S CONFERENCE

* * *

EXTRACT:

8. ITALIAN INSTITUTIONAL QUESTION - SPEECH BY SIGNOR NENNI

(Paper No. SAC (45) 6) - 512

THE CONFERENCE HAD BEFORE them a paper, recommending that the Chief Commissioner, Allied Commission, should be instructed to protest strongly to the Italian Prime Minister in regard to a speech by Signor Nenni in which he campaigned for a republic, and attaching a draft cable to the Combined Chiefs of Staff reporting the incident and the action taken.

LIEUTENANT GENERAL MORGAN said that it appeared from the press reports of Signor Nenni's speech that the undertaking not to raise the institutional question had been violated. It seemed desirable, therefore, that the Chief Commissioner, Allied Commission, should approach the Italian Prime Minister and register a strong protest, especially as Signor Nenni was the Italian Minister charged with the responsibility for preparing impartially the Constituent Assembly which was to decide between a republic and a monarchy.

REAR ADMIRAL STONE said that he had now been able to obtain confirmation of the exact words used by Signor Nenni, which he read to the Conference. While these words were undoubtedly most improper the Associated Press report had clearly exaggerated his actual statement. It was incorrect to state that Signor Nenni had campaigned vigorously for a Republic, and he (Rear Admiral Stone) did not consider this statement could be construed as a violation of the undertaking of the Italian Government. It was, however, a violation of his oath by an individual minister. He doubted whether, under the current directive of the Combined Chiefs of Staff, the Allied Commission had a right to caution the government in the manner indicated in the paper. Moreover, the legal situation was complicated by the fact that the speech had taken place in AMG territory. He suggested, therefore, that his representations to the Italian Prime Minister should take the line of suggesting that such violations of his oath by an Italian minister were not likely to induce confidence in the Italian Government on the part of the United States and British Governments.

X

MR. KIRK agreed that this speech by one minister did not constitute a violation of its undertaking by the entire Italian Government. He did not consider it advisable to stress the fact that the speech took place in AMG territory, as this would only invite the making of similar speeches in territory which had been handed back to the Italian Government.

SECRET

ALLIED FORCE HEADQUARTERS
Supreme Allied Commander's Secretariat

SAC (45) 1st Meeting
26th July 1945

SUPREME ALLIED COMMANDER'S CONFERENCE

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0050

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MR. BROAD, agreeing with the remarks of the United States Political Adviser, considered that the form of protest suggested by the Chief Commissioner, Allied Commission, would be preferable.

THE DEPUTY SUPREME ALLIED COMMANDER:

(a) Directed that a protest should be made to the Italian Prime Minister by the Chief Commissioner, Allied Commission, on the lines of his remarks at 'X' above.

(b) Instructed the Chief of Staff to revise the draft telegram circulated under Paper No. SAC (45) 6 to conform with his direction at (a) above and subsequently to despatch it*.

* - Despatched as NAF 1048 of 26 July 1945.

SECRET

Ref: AG/45/8/1G

25 July 1945

My dear Mr. Prime Minister :

I thank you for your letter with which you enclose
a copy of the decree instituting the Ministry of the Costituente.

I have also been advised of the appointment of
Dr. Ronita who, I understand, will be charged with this matter,
and I have instructed the Local Government Sub-Commission to
maintain close liaison with him.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner.

Professor Ferruccio PARRI
The President of the Council of Ministers
Italian Government
Rome.

52

1871

10053

785015

CROSS REFERENCE SHEET

SAC's POLITICAL CONFERENCE - Paper

SAC (45) 6

24 July 1945

ITALIAN INSTITUTIONAL QUESTION - SPEECH BY SIGNOR MENNI

DOCUMENT FILED IN ~~600/CC~~ 1002-2/c

1002-2/c

5/c

SECRET

GOING MESSAGE

HEADQUARTERS ALLIED COMMISSION

TO: AFHQ FOR G-5, US POLAD, BRITISH RESMIN

REF. No: 2358

23 JULY 1945

OPERATIONAL PRIORITY

SECRET PD

PURSUANT TO POLICY PERMITTING POLITICAL MEETINGS IN AMG TERRITORY CMA NENNI
 ADDRESSED LARGE MEETING IN MILAN TWENTY SECOND IN WHICH IT IS REPORTED BY
 ABLE PETER THAT HE CAMPAIGNED VIGOROUSLY FOR A REPUBLIC ALTHOUGH ANNOUNCED
 PURPOSE OF THE MEETING WAS TREASURY BOND CAMPAIGN AND WHEAT AMASSING PD
PAREN TO AFHQ FOR GEORGE FIVE CMA UNCLE SUGAR POLAD CMA BRITISH RESMIN
FROM HQ ALCON FROM ADMIRAL STONE CITE ACSCC PAREN

PARA TWO PD YOU ARE FAMILIAR WITH FORM OF OBLIGATION ON INSTITUTIONAL QUESTION
 SIGNED BY PARRI ON BEHALF OF QUOTE THE ITALIAN GOVERNMENT UNQUOTE PD IN
 ADDITION CMA PURSUANT TO ITALIAN GOVERNMENT DECREE DOG LOVE LOVE ONE FIVE
 ONE OF TWO FIVE JUNE ONE NINE FOUR FOUR ON THE INSTITUTIONAL QUESTION CMA EACH
 MINISTER TAKES THE OATH SET FORTH IN ARTICLE THREE THEREOF WHICH WAS QUOTED
 IN MY FOUR FIVE FOUR OF THIRTEEN JULY ONE NINE FOUR FOUR TO GEORGE FIVE IN
 REPLY TO FOX XRAY SEVEN ZERO SEVEN SIX THREE OF TEN JULY ONE NINE FOUR FOUR PD
 FOLLOWING OUR GENERAL PRACTICE CMA THIS DECREE HAS BEEN IMPLEMENTED CME OR
 GIVEN THE FORCE OF LAW CMA IN ALL AMG TERRITORY PD
 PARA THREE PD IF ABLE PETER DISPATCH IS CONFIRMED CMA REQUEST INSTRUCTIONS

PAGE -1-

DECLASSIFIED
 E.O. 11652, Sec. 3(E) and 5(D) or (E)
 DATE _____ BY _____

SECRET

1070

SECRET

PAGE - 2 -

SECRET

AS TO PAREN ABLE PAREN WHETHER THIS ACTION BY NENNI CMA A SINGLE MINISTER CMA
IN CAMPAIGNING FOR A REPUBLIC IS CONSIDERED A VIOLATION OF THE GOVERNMENT'S
OBLIGATION TO THE ALLIES AND IF SO WHETHER THE COMMISSION SHOULD PROTEST PD
PAREN BAKER PAREN WHETHER COMMISSION SHOULD REQUEST PARRI TO PROTEST TO NENNI
HIS VIOLATION OF HIS OATH UNDER DOG LOVE LOVE ONE FIVE ONE AND TO POINT OUT
THE SERIOUSNESS OF A REPETITION THEREOF

DISTRIBUTION:

US Ambassador
IR Ambassador
US POL ADVSR
IR POL ADVSR
CA Section
Exec Commr
CC

Chief Commissioner

222

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

~~**SECRET**~~~~**SECRET**~~

1009

The Chief Commissioner

NENNI speaks of the War Loan, the Grain Pools, and the Costituente.

This account appeared in Il Reporter
Milan, 22 July.

JB

The Vice-president of the Council, Nenni, made a speech at the Sforzesco Castle in the presence of several thousand workers and numerous city authorities.

On the subject of the Loan, Nenni affirmed the "necessity for even the working classes to adhere to this form of national solidarity".

bad

The orator then spoke about the ~~difficult~~ conditions of the grain harvest owing to the drought and the tragic situation in which the country would find itself if the grain which should be given to the masses is not delivered.

Nenni then proceeded to speak of the Costituente, mentioning in particular the demands which the Socialists will make. He said: "We shall ask to make Italy a Republic, because today a republic is the guarantee of our democratic life; we shall ask the Costituente to face the problem of agrarian reform, because without it three quarters of our land would remain subject to the domination of agrarian casts which have always opposed liberty and democracy; we shall ask to proceed to the socialisation of the big industrial concerns of Northern Italy."

Regarding the indispensable conditions for the rapid convocation of the Costituente, Pietro Nenni said that the first of these conditions is that Northern Italy should pass under the control of the Italian government.

1063

Speaking of the work of epuration, Nenni maintained that fascist criminals should be punished severely in order to make possible the unity of all Italians.

516

*1-200/601
x-225-8/60*

Hold by CCB

PIETRO NENNI'S SPEECH

DO/

References to the insitutional question.

... We have the right to say that Fascism, from the King down to its lowest representative, is responsible for this war...

... We (Socialists) ^{went into} ~~went to~~ the Government to open the path to the "Costituente"...

... The attention of the popular masses must be focussed on the the battle for the "Costituente". To win the battle of the "Costituente" means to win the battle of democracy...

... What the Socialists, for instance, ask to the Costituente? They ask the "Costituente" to give Italy the Republic, because today the Republic is the guarantee of our democratic life.

CC: PRB
CC FILES

22 July 45

✓ 3

1001

225-8/a

51a

0038

785015

HEADQUARTERS ARMY AIR CORPS
130 594

CIVIL AFFAIRS SECTION

Ref: 10/5/5/10

21 July 45

47a

Dear Signor Menni,

I thank you for your letter 91/100 of 10 July addressed to
General Stone.

The Local Government sub-Commission is the office responsible for
liaison with the Allies. The Director is Colonel R.R. CRIPP who has
Major R.R. TAYLOR as his Deputy. I suggest a first meeting early next
week and have asked Colonel CRIPP to arrange an appointment by telephone.

Yours sincerely

/s/ G.R. HITCHIN D118,
VP CA Section

1. Signor MANNI
Vice President of the Council of Ministers
Italian Government
R.C.M.

Copy to: Executive Commissioner

200/10

1080

Seen by Maj. Starns
25/7/45
51

0039

785015

JUL 23 1945

HEADQUARTERS ALLIED COMMISSION
APO 594
CIVIL AFFAIRS SECTION

AC/L/27/LG
Tel: 478706
SUBJECT: Formation of the National Consultative Assembly. 21 July 1945
TO : Distribution as below.

1. The Italian Government, in conjunction with the political parties and other organizations entitled to nominate representatives, is taking steps to constitute the National Consultative Assembly ("Consulta Nazionale") with all possible speed.
2. The process of constituting this body is not a matter upon which AG or AMG should intervene: but it is, however, the policy of this HQ to furnish such assistance within its power and as may be requested by the Italian Government for the purpose of facilitating the representation in the Assembly of the areas under AMG.
3. RCs and PCs are only concerned, therefore, insofar as specific local representation in the Assembly is given to the Northern Regions. A Decree for this purpose has been passed by the Council of Ministers and will be published and implemented shortly.
4. Briefly, the Decree provides in this respect that parties represented upon the Central Committee of National Liberation may nominate to the Government for membership of the Consulta 10 representatives of each party from the Northern Regions in the following proportions:

Region	No.	Region	No.
Emilia	2	Piemonte	2
Liguria	1	Veneto	2
Lombardia	2	Venezia	
		Tridentina	1

The representation for Venezia Giulia is still under discussion and further instruction will be issued. Before nominating one of these representatives on the Consulta, however, the party concerned must consult the CIN of the province in which the proposed representative lives. The nomination with the CIN's opinion must then be sent to the Government for approval.

5. The six parties so entitled to nominate Northern representatives are:

Liberal	<i>Christian</i>
Labor-Democrat	Social Democrat
Party of Action	Socialist
	Communist

108

If, however, any one of these parties has not a representative upon one of the

AMG should intervene: but it is, however, the policy of this HQ to furnish such assistance within its power and as may be requested by the Italian Government for the purpose of facilitating the representation in the Assembly of the areas under AMG.

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Labor-Democrat	Social Democrat
Party of Action	Socialist
	Communist

1000

If, however, any one of these parties has not a representative upon one of the Regional CINs of the North, then it cannot nominate representatives from that Region until it is so represented. It is believed that the Labor-Democrat Party is the only one so affected.

6. The CINs and the local organizations of the parties in the North have already been circularized by the Italian Government and are consulting upon their respective nominations. AMG will not, of course, intervene in any way in these consultations.

7. It is, however, possible that the use of Allied Military communications might ensure more rapid communication of the requisite nominations to the Italian Government. It has been decided, therefore, that if any local organ of one of the six parties above-mentioned should consider that any communication which it has to send on this subject to the Italian Government could be more quickly transmitted over Allied Military communication than by means at the party's own disposal, it may approach the MC or PC and request him to transmit the communication by the quickest means available to him. It is for the political organization to take the initiative; and PCs and PCs will not act in this way without first receiving a request from the party.

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- 2 -

6. It should not normally be necessary for a CIN, as such, to request the use of allied consultations as the opinions which the Provincial CILs are required to give upon the proposed candidates of the six parties (see para 4 above) should be furnished to the local organization of the party concerned: and it is the function of that organization and not of the CIN to transmit the CIN's opinion along with its nomination to the Italian Government.

BY COMMAND OF THE CHIEF COMMISSIONER:

R. L. J. J.
G. R. UPJOHN, Brig.
VP CA Section

Distribution:

EC Emilia)
Liguria)
Lombardia) with copies for ECs
Piemonte)
Venetia)

Chief Commissioner
Exec. Commissioner
Poland (A)
" (B)

Dott. Emilio BROGIO, Vice-President of the Council
of Ministers and Minister for
the National Consultative
Assembly

230

JUL 21 EGD reg. h. 4
CC 0950

C. C.

Translation

c.

The President of the Council of Ministers

546

Rome, 20.7.1945

(47)

Dear Admiral,

I received your letter of July 8th, and I am most happy to tell you that the Italian Government won't fail to keep you informed about the developments of the studies and plans for the preparation of the Costituente.

Yours very truly,

s. Ferruccio Parri

(47) 6-

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

trans. e/o

E. C. DIST-25 JULY 45

ACTION : EA Sec (2)
INFO : Chief Commr
IBCS
Pol. Advisor (A)
Pol Advisor (B)

(49)

7

200/02

00831

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

785015

QVR 3

SECRET

E 311/312

**ALLIED CONTROL COMMISSION
INCOMING MESSAGE**

CC 0840

JUL 21 1945

MSG Center No N 114/115 - 20

Classification SECRET

Precedence O P

From FREEDOM SIGNED ALEXANDER

To ACTION AGAR WASHINGTON (FOR CCS) AMSSO LONDON
(FOR BRITISH CHIEFS OF STAFF) INFO ALCOM ROME
(PERSONAL FOR ADMIRAL STONE) TERMINAL (PERSONAL
FOR FIELD MARSHAL ALEXANDER).

Date / Time Rec'd -

Date / Time Sent 201230B

Reference NR FY25466

Cite FHG EG

SECRET. CONSIDERATION OF ITALIAN INSTITUTIONAL QUESTION.
THIS IS NAT 1043. *18b*

PARA ONE. LIBERATION OF NORTH ITALY AND SETUP OF PARMI GOVERNMENT WHICH INCLUDES REPRESENTATIVES OF NORTH ITALY MAKES IT OBVIOUS THAT QUESTION OF ULTIMATE SETTLEMENT OF ITALIAN INSTITUTIONAL QUESTION IS ONE WHICH WILL COME RAPIDLY INTO INCREASING PROMINENCE. UNDERTAKINGS SIGNED BY ITALIAN GOVERNMENT PRECLUDE QUESTION BEING RE-OPENED WITHOUT ALLIED CONSENT QUOTE UNTIL SUCH TIME AS ITALY HAS BEEN LIBERATED AND ITALIAN PEOPLE HAVE THE OPPORTUNITY OF THEMSELVES DETERMINING THE FORM OF GOVERNMENT. UNQUOTE. IT IS PROBABLE HOWEVER THAT ITALIAN GOVERNMENT WILL SHORTLY PRESS QUESTION. GUIDANCE AS TO LINE OF ACTION TO BE TAKEN IS THEREFORE DESIRABLE.

PARA TWO. IT IS CLEAR TO ME AND MY POLITICAL ADVISERS THAT WHEN IT IS DECIDED TO ALLOW THE INSTITUTIONAL QUESTION TO BE RE-OPENED THE BEST CHANCE OF A FAIR DECISION ON THE ISSUE BETWEEN MONARCHY AND REPUBLIC WOULD BE A REFERENDUM OR PLEBISCITE - PREFERABLY UNDER ALLIED SUPERVISION. EVEN IF ALLIED SUPERVISION IS NOT DEEMED *18c* A REFERENDUM UNDER ITALIAN AUSPICES WOULD STILL BE PREFERABLE TO THE

49

2000

ALLIED CONTROL COMMISSION INCOMING MESSAGE

MSG Center No
Classification
Precedence
From
To

Date/Time Recd
Date/Time Sent
Reference NR
Cite

S H E E T T W O

ELECTION OF DELEGATES TO A CONSTITUENT ASSEMBLY WITH THE DOUBLE DUTY OF DECIDING BOTH THE PRINCIPLE AND EXACT FORM OF GOVERNMENT. THE REASON IS SIMPLE. IN COUNTRIES SUCH AS ITALY WITH LIMITED EXPERIENCE IN RECENT YEARS OF DEMOCRATIC GOVERNMENT AND UNDER THE CIRCUMSTANCES EXISTING HERE IT IS UNREALISTIC TO EXPECT THAT NO IMPROPER ATTEMPT WILL BE MADE BY DOMESTIC OR EXTERNAL INTERESTS TO SECURE THE RESULT DESIRED BY THEM. IT WILL CLEARLY BE FAR MORE DIFFICULT TO MANIPULATE A REFERENDUM THROUGHOUT THE WHOLE COUNTRY THAN TO INFLUENCE THE MEMBERS OF A CONSTITUENT ASSEMBLY.

PARA THREE. HOWEVER, COMMUNIQUE PUBLISHED 22 JUNE 1944 BY ITALIAN GOVERNMENT REFERRING TO AN ITALIAN DECREE WHICH WAS PUBLISHED ON THE INSTITUTIONAL QUESTION STATES QUOTE 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. UNQUOTE.

PARA FOUR. WHILE THE DECREE STANDS IN ITS PRESENT FORM IT DOES NOT PROVIDE FOR THE SETTLEMENT OF INSTITUTIONAL QUESTION BY REFERENDUM. THE FOLLOWING METHODS OF OBTAINING A REFERENDUM IN SPITE OF THIS SITUATION HOWEVER PRESENT THEMSELVES.

.1382

(49)

ALLIED CONTROL COMMISSION INCOMING MESSAGE

MSG Center No :
Classification :
Precedence :
From :
To :

Date/Time Recd :
Date/Time Sent :
Reference NR :
Cite :

S H E E T T H R E E

SUB PARA (A). TO ADVISE THE ITALIAN GOVERNMENT THAT THEY SHOULD CONSIDER THE REVISION OF THE PRESENT DECREE AND ITS SUBSTITUTION BY A NEW DECREE DESIGNED TO ACHIEVE SETTLEMENT BY REFERENDUM. IT COULD BE INDICATED TO THE ITALIAN GOVERNMENT THAT SUCH REVISION WOULD BE A SIGN OF THE GOVERNMENTS DESIRE TO ASSIST THE ALLIED GOVERNMENTS IN DISCHARGING THEIR DECLARED COMMITMENTS TO ENABLE THE ITALIAN PEOPLE TO CHOOSE FREELY THEIR PERMANENT FORM OF GOVERNMENT.

SUB PARA (B). IF IT IS CONSIDERED IMPOLITIC TO ASK THE ITALIAN GOVERNMENT TO MODIFY THIS DECREE THAT GOVERNMENT COULD BE REQUESTED THAT WHEN PASSING A SUPPLEMENTARY DECREE SETTING UP THE MACHINERY AND PROCEDURE OF THE CONSTITUENT ASSEMBLY (AS WILL BE NECESSARY IN ANY CASE) A CLAUSE SHOULD BE INCLUDED REQUIRING THAT THE DECISION OF THE CONSTITUENT ASSEMBLY ON THE INSTITUTIONAL QUESTION SHOULD BE SUBMITTED TO THE PEOPLE FOR RATIFICATION OR REJECTION BY MEANS OF A NATIONAL REFERENDUM. THE OBJECTION TO THIS COURSE IS THAT THE PRIOR DECISION OF THE CONSTITUENT ASSEMBLY IS LIKELY TO AFFECT THE RESULT OF THE REFERENDUM.

SUB PARA (C). AN APPROPRIATE CLAUSE MIGHT BE INSERTED IN THE PEACE TREATY OR ANY OTHER INSTRUMENT WHICH TERMINATES THE CURRENT RELATIONSHIP WITH ITALY (SHOULD THIS BE NEGOTIATED SOON ENOUGH) OR AN APPROPRIATE UNDERTAKING REQUIRED OF THE ITALIAN GOVERNMENT IN

49

1381

ALLIED CONTROL COMMISSION INCOMING MESSAGE

MSG Center No
Classification
Precedence
From
To

Date/Time Rec'd
Date/Time Sent
Reference NR
Cite

S H E E T F O U R

NEGOTIATIONS PRELIMINARY TO THE SIGNATURE OF SUCH A TREATY OR INSTRUMENT TO THE EFFECT THAT THE INSTITUTIONAL QUESTION WOULD BE DECIDED BY REFERENDUM RATHER THAN BY A CONSTITUENT ASSEMBLY. ACTUALLY SUCH A DEMAND ON THE PART OF THE ALLIES WOULD NOT BE OBJECTED TO BY MANY ITALIANS.

PARA FIVE. IT IS IMPROBABLE THAT COMPLETE VOTERS LIST WILL BE AVAILABLE BEFORE MID-NOVEMBER AND IT IS DOUBTFUL IF A PROPER

REFERENDUM COULD BE HELD BEFORE NEXT JANUARY AT THE EARLIEST.

PARA SIX. IT IS FELT THAT ALLIED INTERVENTION IF CONSIDERED DESIRABLE MIGHT WELL BE MADE THROUGH DIPLOMATIC CHANNELS BUT THAT THIS MATTER

SHOULD BE REPORTED TO YOU AT THIS STAGE FOR INFORMATION AND GUIDANCE.

PARA SEVEN. DIRECTIONS ARE ACCORDINGLY REQUESTED.

DIST

ACTION - CHIEF COMMR

INFO - Exec COMMR

POLAD (A) FOR THE AMBASSADOR

POLAD (B) FOR THE AMBASSADOR

AG FILES (SKELETON COPY)

CIPHER TELEGRAM

COPY SENT BY
EX COMMR TO:
CA SECTION

This message will not be distributed outside British or U.S. Government Departments or Headquarters or re-transmitted even in Cipher without being paraphrased. (Messages marked O.T.P. need not be paraphrased).

1050

49

SECRET

K 211

ALLIED FORCE HEADQUARTERS
Supreme Allied Commander's Secretariat

SUPREME ALLIED COMMANDER'S CONFERENCE
(POLITICAL)

SAC (P) (45) 164 only

19 July 45

EXTRACT

10. ITALIAN INSTITUTIONAL QUESTION.
(Paper No. SAC (P) (45) 35)

THE CONFERENCE had before them a paper stating that, when the Italian institutional question was reopened, it was desirable that the choice between the monarchy and republic should be made by a referendum rather than by a decision of a Constituent Assembly, and attaching a draft cable to the Combined Chiefs of Staff reporting this view, suggesting certain action which might be taken to produce a referendum, and requesting guidance.

REAR ADMIRAL STONE said that the paper erred in stating that voters' lists would not be completed till next Spring. These lists would in fact be completed by mid-November. However, for a number of reasons it was unlikely to be possible to hold a plebiscite before the Spring. He considered that there was no doubt that the solution of the problem by referendum would ensure a more democratic result, as in the present state of ITALY it was certain that undemocratic influences would be brought to bear on the members of a Constituent Assembly. If the matter were to be settled by a Constituent Assembly their decision would probably be in favour of a republic. It was, however, quite impossible to predict what the result would be if the matter were settled by plebiscite, as there had been no free expression of opinion in ITALY for such a long period.

MR. KIRK agreed with the Chief Commissioner, Allied Commission, and considered that a freely held referendum or plebiscite was the only way by which the United States and British governments could carry out the undertakings they had given to the Italian people.

MR. BROAD also agreed that a referendum was a more desirable method of solution.

REAR ADMIRAL STONE, referring to the draft cable to the Combined Chiefs of Staff, said that the reasons for preferring a referendum had not been expressed at sufficient length. With regard to the proposal that the Allies might advise the Italian government to revise the existing decree (which stated that the decision would be made by a Constituent Assembly), he observed that the political liaison officers attached to his Headquarters in ROME had advised him that it might be impolitic to ask the Italian government to modify this decree. He had further been advised that the Foreign Office and State Department would not view the

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MR. KIRK observed that this would involve an additional process in

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EXTRACT (cont'd)

deciding the question. Moreover the fact that a proposal had already been agreed by the Constituent Assembly would be likely to affect the free choice of the people at the referendum. He did not believe the State Department's views had yet been clearly determined in the direction suggested by the Chief Commissioner, Allied Commission. Mr. Kirk thought, therefore, there could be no objection to putting up the original proposal if it were considered desirable.

ADMIRAL CUNNINGHAM suggested that, as the object of the cable was to ask for guidance, the two possible methods of solution which had been suggested should be put forward as alternatives.

THE DEPUTY SUPREME ALLIED COMMANDER, agreeing with Commander-in-Chief, Mediterranean, thought that a third possible method of solution should be mentioned. This would be that the Italian Government would be required in the peace treaty, or in the negotiations preliminary to the peace treaty, to undertake to settle the matter by referendum.

THE DEPUTY SUPREME ALLIED COMMANDER:

Instructed the Deputy Chief of Staff to redraft for his approval, in the light of the above discussion, the cable circulated under Paper No. SAC (P) (45) 35, and subsequently to despatch it as amended*.

* Despatched as NAF 1043 of 20 July 1945.

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ALLIED FORCE HEADQUARTERS
Supreme Allied Commander's Secretariat

SAC (P) (45) 35
17 July 1945

cc 1130
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SUPREME ALLIED COMMANDER'S CONFERENCE
(POLITICAL)

ITALIAN INSTITUTIONAL QUESTION

1. Now that the North of ITALY has been liberated and the Farri Government, including representatives of the north, has been formed, the ultimate method of settlement of the Italian Institutional question is clearly a matter which will come into rapidly increasing prominence both in ITALY and abroad. In this connection the British and United States Governments have pledged themselves that the Italian people shall have "a free and untrammelled choice of the permanent form of their government" and have guaranteed that "in so far as possible, the will of the majority of the Italian People shall be carried out".

2. The Chief Commissioner, Allied Commission, considers that, in order to allow the Italian people such a free choice, it will be best if the question is ultimately solved by a referendum or a plebiscite rather than by a vote passed by a Constituent Assembly. The following are extracts of the arguments which lead him to this conclusion :-

(a) "In countries such as ITALY, with limited experience in recent years of democratic government, and under the circumstances presently existing here, it is unrealistic to expect that an attempt will be made by domestic or external interests to secure the result desired by them. It will be clearly far more difficult to manipulate a referendum throughout the whole country than to lobby and cajole the members of a Constituent body".

(b) "Signor Bonomi expressed after the Yalta conference the hope that the Allied Governments would require in the peace treaty or otherwise that the Italian Institutional question be determined by referendum rather than by constituent assembly in order to avoid the danger of having this question decided by less than a majority of the Italian people".

3. The settlement of the matter by a referendum is, however, complicated by the fact that in June 1944 the Italian Government passed a decree the purport of which was announced as follows :-

"This measure establishes, by legislative process, that after the liberation of the national territory the institutional

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

4. The Chief Commissioner, Allied Commission, considers that this decree precludes the Italian Government from taking action on its own initiative so as

* - Side Memoire of British Embassy in Washington to Department of State on May 15, 1945 and Department of State's reply of May 26.

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By: [Signature] Date: 4/24/72

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to decide the institutional question by referendum. However, he is of the opinion that:

a. The decree could be abrogated by another, arranging for a referendum, and that it would not be inappropriate for the Allies to suggest to the Italian Government that the legislation should be revised in this manner in order to assist the Allied Governments in carrying out their commitments regarding "the free and untrammelled choice of the Italian people of their permanent form of government".

b. The revised legislation might provide for the referendum to take place when the voters lists have been completed for the whole of ITALY, less VENEZIA GIULIA. It is not, however, envisaged that these lists will be ready before the spring of next year. *is dble of November*

5. The Assistant Chief of Staff, G-5, the British Resident Minister and the United States Political Adviser, suggest that the arguments put forward by the Chief Commissioner, Allied Commission, have considerable weight and recommend that the policy which he has suggested should be approved.

6. The Supreme Allied Commander is accordingly requested :-

- (a) To approve the despatch of the draft cable at Appendix "A" reporting the matter to the Combined Chiefs of Staff for information and guidance.
- (b) To invite the United States Political Adviser and the British Resident Minister to report the matter in a similar sense through their diplomatic channels.

J.G. SMELTAN,
LIEUTENANT COLONEL,
SECRETARY.

DISTRIBUTION:

Supreme Allied Commander
Deputy Supreme Allied Commander
Commander-in-Chief, Mediterranean
Deputy Air Commander-in-Chief, MAF
Commander, U.S. Naval Forces Northwest African Waters
Commanding General, U.S. Army Air Forces, Mediterranean Theater
Chief of Staff
Chief Administrative Officer
Deputy Chief of Staff
Assistant Chief of Staff, G-2
Assistant Chief of Staff, G-3

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Assistant Chief of Staff, G-3
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Assistant Chief of Staff, G-5
Assistant Chief of Staff (BR)
Chief, Liaison Section
Director of Operations and Intelligence, H. MAF
U.S. Political Adviser
British Resident Minister
Director, FMB
Chief Commissioner, Allied Commission
Supreme Allied Commander's Secretariat
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APPENDIX "A"

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ROUTINE

DELET

TO : AGENTS FOR COMBINED CHIEFS OF STAFF
MEMO FOR BRITISH CHIEFS OF STAFF

INFO : ALCOA

This is NAF W/3.

Consideration of Italian institutional question.

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

be taken is therefore desirable.

To discuss given in Chief Gunnis: address letter of July 1944

2. I consider that institutional question, when allowed to be re-opened, could best be solved by referendum to Italian people rather than by vote of a Constituent Assembly. This advocated on grounds that first Constituent assembly elected might not be truly representative of Italian people and that referendum would give best chance to all to state their desires.

3. Communiqué published 23 June 1944 by Italian Government referring to an Italian decree which was published on the institutional question states:

"This measure establishes, by legislative process, that after

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SECRET

K 297

to decide the new Constitution of the State."

4. While the decree of itself ^{does not provide for} ~~precludes~~ settlement of institutional question by referendum we consider there is nothing to prohibit Italian Government passing new decree to achieve settlement by referendum. The Italian Government might be appropriately advised that they should consider the revision of the present decree; and that such revision would be a sign of the Government's desire to assist the Allied Governments in discharging their declared commitments to enable the Italian people to choose freely their permanent form of government.

5. It is improbable that complete voters lists on which proper referendum could be founded could be ready before ^{the middle of November,} ~~next spring.~~

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

7. Directions are accordingly requested.

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Italian Government might be appropriately advised that they should consider the revision of the present decree; and that such revision would be a sign of the Government's desire to assist the Allied Governments in discharging their declared commitments to enable the Italian people to choose freely their permanent form of government.

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

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(48a)

~~SECRET~~

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

Ref: AC/1/27/LG

18 JUL 45

SUBJECT: Consulta.

TO: Executive Commissioner

- 1 As reported at the Chief Commissioner's meeting this morning, I have had a long discussion with Brosio over the formation of the Consulta and he raised one difficult and important question over the representation of Venezia Giulia.
- 2 Briefly speaking, by the combined effects of Art. 2 of D.L.L. of the 30 April 1944, as supplemented by a Decree which has been passed but not yet published by the Government, each of the 6 parties in Venezia Giulia make 2 nominations for the Consulta, such nominations being made after the Provincial Committees of Liberation have been consulted.
- 3 These decrees will not be implemented in Venezia Giulia but I do not think this affects the position because if, as a matter of policy, it is thought to be desirable, there is nothing to prevent these nominations in Venezia Giulia being de-facto selected and sent to Rome.
- 4 Brosio is, of course, anxious that such nominations should be selected in Venezia Giulia and sent to Rome but he raised a further difficulty, namely, that there are in existence in Venezia Giulia 2 Provincial Committees of Liberation in each Province: firstly the Yugoslav-Communist Committee, and secondly, a true Italian Committee representative of the 6 parties. When I was in Trieste this latter Committee was an underground organisation but it may since have emerged into daylight.
- 5 It is a matter for the Political Advisers to advise as to whether, as a matter of policy, it is desirable that any representation on the Consulta should be allowed from Venezia Giulia. From a purely administrative and legal point of view I am of opinion that we should do all we can to help the Italians in this respect and to make it possible for representatives to be sent to Rome. Venezia Giulia is still part of Italy and entitled to have its say in the deliberations of the Consulta.

(H8)

Seen by CC [Signature]

1050

- 2 -

- 6 Assuming as a matter of policy it is decided that representation from Venezia Giulia is desirable, I am of opinion that selection of the representatives in accordance with the Decrees should be carried out entirely through the SCAO, Venezia Giulia, and that there should be no direct communication between Brosio and the representatives in Venezia Giulia. I do not think this should be difficult to arrange.
- 7 Brosio is, of course, extremely anxious to proceed in this matter as quickly possible but has agreed to do nothing pending further discussion with myself. As you are going to Trieste tomorrow would you be good enough to discuss this matter with Col. Bowman.

G.R. UFFON, Brig.,
VF CA Section.

Copy to: Political Adviser (A)
Political Adviser (B)

48

1052

Translation

The President of the Council of Ministers
546

Rome, July 1945

My dear Admiral,

I greatly appreciate the kind offer of the Allied Commission to collaborate in the studies concerning the ways and systems for the election of the Costituente, which will have to decide about the institutional forms of the Italian State.

The liberation of the national territory has rendered the problem urgent, and a new Ministry has been formed to this purpose (I enclose a copy of the regulation), and entrusted to one of the Vice-Presidents of the Council.

I will keep you well informed of the studies made and of the regulations issued; up to now, there is nothing concrete, but for the regulations already issued and already well known to the Allied commission, on the suspension of electoral rights, contained in the legislation on sanctions against fascism.

I remain, my dear Admiral,

Truly yours,

S. Ferruccio Parri

Admiral Ellery W. Stone
Chief Commissioner
Allied Commission
Rome

cc List - 19 July 45

Action: CA Sec 12)

INFO: Chief Clerk

Exec Clerk

POL. ADVSR (A)

POL. ADVSR (B)

47th
e/o
Pol Advisors 17-17
OK
20/7/45

CA Sec
to LUT US
HAWKERY
OF THEIR
TRANSLATION

JUL 19 1945
CC Files
1705

57

20/7/45

TRANSLATION No 637

MINISTRE DU SAUVAGE
PRINCE OF PELOUPE - LE GENERAL OF THE
HUNDOON

NEW TEXT OF LEGISLATION INSTITUTING THE MINISTRY FOR THE CONSTITUTION

ART 1

The Ministry for the "Constituents" is hereby instituted.

ART 2

The Ministry for the Constituents shall have the task or arranging for the assembly of the Assemblée Constituente contemplated by D.L. 151 of 25 June 1944 and preparing the material for the study of the new constitution which will be required to establish the political order of the State and the course followed by its economic and social action.

ART 3

In the Ministry for the Constituents shall be constituted a legislative office and a general affairs office.

ART 4

The legislative office shall coordinate the operations of the Commissions contemplated in the following article.

The general affairs office shall administer all matters concerning the personnel and the conducting of services.

ART 5

In the Ministry for the Constituents shall be instituted a Commission for compiling the political electoral law, and examining Commissions for preparing the materials referred to in Art 2. These Commissions will be appointed by decrees of the Minister of the Constituents, after consulting the Council of Ministers.

ART 6

The Ministry for the Constituents shall provide for its service requirements with personnel drawn from other State departments and with temporary personnel employed in accordance with the rules of D.L. 100 of 4 Feb 1937 and subsequent amendments. The rules of D.L. 335 of 17 November 1944 and subsequent amendments shall apply to the Cabinet of the Minister for the Constituents.

The lists of reallocated and temporary personnel shall be approved by the Minister for the Constituents, in agreement with the Minister of the Interior.

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ART 2

The Ministry for the Constituent shall have the task of arranging for the assembly of the Assemblée Constituante contemplated by DML 154 of 25 June 1944 and preparing the material for the study of the new constitution which will be required to establish the political order of the State and the course followed by its economic and social action.

ART 3

In the Ministry for the Constituent shall be constituted a legislative office and a general affairs office.

ART 4

The legislative office shall coordinate the operations of the Commissions contemplated in the following article.

The general affairs office shall administer all matters concerning the personnel and the conducting of services.

ART 5

In the Ministry for the Constituent shall be instituted a Commission for compiling the political electoral law, and nominating Commissions for preparing the materials referred to in Art 2. These Commissions will be appointed by decrees of the Minister of the Constituent, after consulting the Council of Ministers.

ART 6

The Ministry for the Constituent shall provide for its service requirements with personnel drawn from other State departments and with temporary personnel employed in accordance with the rules of DML 100 of 4 Feb 1937 and subsequent amendments.

The rules of DML 335 of 17 November 1944 and subsequent amendments shall apply to the Cabinet of the Minister for the Constituent.

The lists of reallocated and temporary personnel shall be approved by the Minister of the Constituent, in agreement with the Minister of the Treasury.

ART 7

The main office of accounts for the services of the Ministry for the Constituent is hereby instituted.

ART 8

The present decree shall be effective on the day following its publication in the Official Gazette.

14702
CA Section
21 July 45

F.C. Bug Up the a
Suggest Bug Up the a
Col. Cripps
Translation

CC 1230

Council of Ministers
 The Vice President and Minister for the Constituents
 n. 91/100

Rome, 10 July 1945

To Admiral E. Stone

Allied Commission

Rome

I take the liberty of informing you that I have entrusted Dr. Ernesto Romita, official of the Interior Department, attached to the Cabinet of this Vice Presidency, with the task of contacting the offices of this Commission for the questions concerning this Vice-Presidency.

I shall be most grateful if you will kindly let me know the office and the name of the person that Dr. Romita can contact and, if possible, fix the date of a first meeting.

Sincerely Yours,

The Vice President

G. Pietro Menzi

e/o

E.C. DIST - 20 JULY

ACTION - C.A. SECTION
 INFO - CHIEF COMMR.
 - EX COMMR.

Ans File AC/9/8/46

21 July *[Signature]*

47a

1049

[Signature]

RE/45/8/19

8 July 1945

My dear Mr. Prime Minister:

The intention of your Government to call together the Constituent Assembly at the earliest possible date, as evidenced by committing to one of the Vice-Presidents of the Council of Ministers the task of preparing the requisite measures to this end, is a matter of the highest interest to the Allies, who have followed and will follow with the closest attention the progress towards this, the first democratic consultation of the people for so many years. I should accordingly value it if the Italian Government would, from time to time, keep me informed as to the development of their plans in this connection. The departments of the Government charged with the preparatory studies will no doubt formulate projects upon such matters as the franchise to be adopted and the disqualifications for voting that are to be applied, the electoral system to be adopted and the mechanism to be prescribed for the recording of votes.

It is my earnest desire that there should be the closest possible exchange of information and collaboration between your Government and the Allied Commission on all such matters to the intent that our common desire and objective may be fully and speedily realized, namely, that the Italian people as a whole pronounce upon their future constitution under conditions of the greatest possible freedom, independence and authority.

Yours very truly,

17a
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ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio PARRI
President of the Council of Ministers
R O M E

10/8

(47)

0086

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

785015

Major S -
Tell Lippold
to work at
himself or
Cripps
Lm

Col Benjamin Carter informed
10 July

[Signature]

Translation

Council of Ministers
The Vice President

C. 200 - 2

Rome, 7 July 1945

JUL 9 RECD
CC 1735

Dear Admiral,

referring to and confirming the interview I had with you on the 5th, I want to tell you that during the meeting of the 4th, the Council of Ministers has approved a scheme of legislative decree concerning the integration of the Consulta Nazionale after the liberation of the whole national territory. The main criterions which inspire the integrating decree are the following:

- 1) the regional representation of the parties of the Committee for National Liberation is extended to the regions of North Italy for such parties as are in the regional committees for liberation.
- 2) the designations allotted to the Associazioni Naz. Partigiane d'Italia (A.N.P.I.) are raised from 6 to 16.
- 3) the number of anti-fascist members of parliament to be summoned to participate in the Consulta is raised to a maximum of 80.

I shall be most grateful if you will kindly obtain the collaboration of the Allied Authorities for whatever may be necessary for the rapid formation of the Consulta; will you please let me know the name of the person with whom one of my functionaries could make the necessary agreements.

I enclose a copy of the integrative decree and also of the previous decrees concerning the Consulta.

I remain, my dear Admiral,

Yours truly,

S. M. Brosio

Admiral Gallery W. Stone
Chief Commissioner
Allied Commission
Rome

46

EC 1115 - 9 JUL 45
Action 104 A SEC 121
INFO: [unclear] [unclear]
[unclear] [unclear]

0088

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

785015

G-5 AMH

1267

5 July 45

Priority

SECRET

REFERENCE GEORGE FIVE ZERO NINE ONE ONE ITALY OF TWENTYSIXTH JUNE AND
GEORGE FIVE ZERO NINE ONE ONE ITALY OF THIRTIETH JULY 45

PLEASE TO GEORGE FIVE ZERO NINE ONE ONE ITALY OF THIRTIETH JULY 45.

SUBJECT ITALIAN INTERNATIONAL POSITION IN THE CASUALTY WITH
POSITION ~~IN~~ SET OUT IN PARAGRAPH THREE OF MR. HENRI'S MEMORANDUM OF
THE TWENTYTH JUNE MEMORANDUM ONE FIVE ZERO ONE ONE ITALY OF THIRTIETH JULY 45

Copy to: b. Commissioner

Office of Executive Commissioner

300

E. Talbot

Lt. Col.

200/2

10:00

46

C O P Y

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 091.1 ITALY

2 July 1945

SUBJECT: Italian Institutional Question

TO : Headquarters, Allied Commission, APO 394.
(Attention Chief Commissioner)

1. Reference is made to G-5: 091.1 Italy of 26 June.
2. It is requested you will indicate when you expect to be in a position to reply.

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

See (46)

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(45)

10:3

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SECRET.

HEADQUARTERS ALLIED COMMISSION

APC 394

Office of the Chief Commissioner

Ref: 310/11/20.

30 June 1945.

SUBJECT: Italian Institutional Question.

TO : Supreme Allied Commander,
Allied Force Headquarters.

1. In discussing the question of the method of determination of the future form of government of Italy, it is assumed that the primary consideration is the maintenance of the pledges of the Governments of the United States and Great Britain toward the Italian people of a free and untrammelled choice of the permanent form of their Government, and the guarantee that, insofar as possible, the will of the majority of the Italian people shall be carried out (Aide Memoire of British Embassy in Washington to Department of State on May 15, 1945 and Department of State's reply of May 26).

2. Under present conditions in Italy, it would appear that the ultimate decision affecting the institutional question might be most justly brought about by means of a referendum rather than by entrusting the decision to the constituent assembly. Although it is the opinion of the Legal Sub-Commission of the Allied Commission that Decree Law 151 of June 25, 1944 precludes the Government from deciding this question by a referendum (ACC/4005/L of 6 Oct 1944), paragraph 4 of the same opinion points out that this Decree Law can be at any time abrogated by the enactment of a subsequent similar piece of legislation. Furthermore, since the original legislation was passed without consultation with the Allied Commission, it would appear to be not out of the question to suggest to the Italian Government that a revision of this legislation might be desirable as an expression of the will of the Italian Government to assist the Allied Governments in carrying out their commitments regarding the free and untrammelled choice by the Italian people of their permanent form of Government. The revised legislation might provide that the referendum should be held as soon as the lists of voters for the whole of Italy other than Venezia Giulia have been completed - in other words, that it might take place at the same time as the provincial and communal elections and not await the elections for the Constituent Assembly.

3. Were an effort of this nature to be undertaken, it would be important to review the reasons, not necessarily those of a legal nature, why a referendum would ensure to the Italian people, in practice, a freer and fairer choice in this important matter. In this connection, the President of the Council, Signor Bottai, expressed to the Chief Commissioner

1. In discussing the question of the method of determination of the future form of government of Italy, it is assumed that the primary consideration is the maintenance of the pledges of the Governments of the United States and Great Britain toward the Italian people of a free and untrammelled choice of the permanent form of their Government, and the guarantee that, insofar as possible, the will of the majority of the Italian people shall be carried out (Aide Memoire of British Embassy in Washington to Department of State on May 15, 1945 and Department of State's reply of May 26).

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3. Were an effort of this nature to be undertaken, it would be important to review the reasons, not necessarily those of a legal nature, why a referendum would ensure to the Italian people, in practice, a freer and fairer choice in this important matter. In this connection, the President of the Council, Signor Bonomi, expressed to the Chief Commissioner subsequent to the Yalta Conference, the hope that the Allied Governments would require in the peace treaty or otherwise that the Italian institutional question be determined by referendum rather than by constituent assembly "in order to avoid the danger of having this question decided by less than a majority of the Italian people" (6506/COS, CC200 of 31 March 1945) while as early as July 3, 1944, the Chief Commissioner, in commenting to the Supreme Allied Commander on Decree Law 151, stated that it was clear to him and to his advisers that a referendum offered the best chance of a fair decision on the institutional question since it was unrealistic to expect that no attempt would be made to interfere with the result and since it would be immeasurably more difficult to interfere with a referendum (see ACC memo of July 3, 1944 to SACMED). It should further be pointed out that the same memorandum contains the result of conversations between the Allied Commission and members

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E.O. 11652, Sec. 3.3 and 5.01 or 1.6

-1-

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See 480

-2-

of the Italian Government in which the letter offer assurances that Decree Law 151 does not, in its intent, offer any closed solution to the method of determination of Italy's permanent form of Government. It is hardly necessary to add that events and public statements over the past year have shown that if the institutional question were to be decided by the constituent assembly, strong political interests would undertake a concerted campaign to ensure the result desired by them, perhaps without sincere reference to the needs of the Italian people. Without in any way whatsoever taking sides in this question, it would seem that these utterances seriously prejudice an impartial solution thereof.

4. Therefore, it would appear that only through a properly supervised referendum can the Italian people be assured of the fairest expression of their will, and that this would be the most desirable line of action, given the present circumstances and conditions in ITALY.

Elmer W. Storie

ELMER W. STORIE
Rear Admiral, USNR
Chief Commissioner

Copy to: US Ambassador
Br Ambassador
US Polad, AFHQ
Br Resmin, AFHQ
G-5, AFHQ (2) (Your G-5: 094.1 ITALY of 26 June 45 refers).
Pol Adv (A)
Pol Adv (B)
CA Section (2)
File
Flocat
Spare (5)

43a

COPY

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 512

G-5: 091.1 ITALY

26 June 1945

SUBJECT: Italian Institutional Question

TO : Headquarters, Allied Commission, APO 394
(Attention Chief Commissioner)

1. Attached is a copy of Memo 150/9/3 of 25 June.
2. It is requested you will forward your comments urgently on the above.

(sgd) V. S. Jackling, Col

for CHARLES M. SPOTFORD,
Brigadier General, G.I.C.
Assistant Chief of Staff, G-5

Incl: As above.

2001

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43a

COPY

URGENT

Office of the Resident Minister,
Central Mediterranean,
AFHQ.

136/9/3

25th June 1945

TO: G-5

FROM: Mr. A. Russell

Copy: US Foled.

Subject: Italian Institutional Question.

His Majesty's Ambassador in Washington has notified the Foreign Office that the State Department feel that the subject of the ban on the "institutional" question requires urgent reconsideration. They feel that the British and American Governments are bound to be the object of considerable criticism if the present ban is maintained and point out that the "New York Times" correspondent in Rome has already reported in despatches that Allied action is preventing the Italians from exercising a free choice in the matter of the kind of Government under which they wish to live.

2. To forestall such criticism, the State Department are tentatively considering a public statement pointing out that the present stand-still arrangements as regards the institutional question are in fact sanctioned by an Italian decree law (Decreto-Legge Lucifanoriano No. 151 of June 25th 1944) and does not represent a state of affairs proposed by the Allies alone by virtue of the military position they occupy in Italy.

3. The Foreign Office instructs us that, subject to the views of AFHQ and His Embassy Rome, they have no objection to the public statement suggested by the State Department. The Foreign Office add that indeed they see some advantage provided that the statement makes it clear that the present stand-still arrangement was intended to safeguard the interests not only of the Allies but also of the Italian people who have hitherto been unable freely to express their wishes. The Foreign Office have instructed us to obtain your urgent views on this question.

Sgd/ A. RUSSELL

1368

132

Il Presidente
del Consiglio dei Ministri

To: Rear Admiral Ellery W. Stone, USNR,
Chief Commissioner,
Allied Commission,
APO 594.

Without the prior consent of the Allied Governments
the Royal Italian Government undertakes not to re-open the
institutional question until such time as Italy has been
liberated and the Italian people have the opportunity of
themselves determining the form of Government.-

Rome, 22 June 1945

PRESIDENT OF THE COUNCIL OF MINISTERS

/s/ Ferruccio Parri

CERTIFIED A TRUE COPY:

L. W. Stearns
L. W. STEARNS
Major, AGF

1012

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(1)

my phone

CC 225-8

12 June 1945.

My dear Mr. Prime Minister,

I have been instructed by Field Marshal Alexander, Supreme Allied Commander, Mediterranean Theater, that any new Italian Government would be requested to confirm adherence to the obligations under the terms of surrender subject to the reservations made in the Macmillan Aide-Memoire of 24 February 1945. The obligation with respect to the terms of surrender which your Government gave 18 June 1944 and again on 10 December 1944 will therefore be modified as above indicated and is attached hereto in the form of enclosure "A".

I am also instructed by the Supreme Allied Commander that any new Italian Government will be required to give the same undertaking regarding the institutional question as was given by your Government on 18 June 1944 and 10 December 1944, a copy of which is attached as enclosure "B".

I am further instructed by the Supreme Allied Commander that appointments to the positions of Minister of War, Minister of Marine, and Minister of Air and to certain other positions having military significance will require the approval of the Supreme Allied Commander as set forth in Appendix "A" to the Macmillan Aide-Memoire of 24 February 1945, a copy of which is attached hereto as enclosure "C".

Very truly yours,

ELDER W. STONE
Rear Admiral, USNR
Chief Commissioner

His Excellency Ivanoe Bonomi,
The President of the Council of Ministers,
Italian Government,
Rome.

cc: American Ambassador
British Ambassador
G-5, AFHQ
Excc. Comm.
CC Files

13

200/100

20/1

IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI

ENCLOSURE "A"

To: Rear Admiral Ellery W. Stone, USN,
Chief Commissioner,
Allied Commission,
APO 394.

On behalf of the Royal Italian Government I accept all obligations towards the allies entered into by the former Italian Governments since the conclusion of the Armistice signed on the 3rd September, 1943. It is understood that the rights under the Armistice and surrender instrument with respect to control of the Italian Government will be held in reserve in the matter of day to day administration, subject to overriding military needs.

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 29th September 1943.

ROME, June 1945.

PRESIDENT OF THE COUNCIL
OF MINISTERS

1020

113 inc 'A'

IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI

ENCLOSURE "B"

To: Rear Admiral Ellery W. Stone, USNR,
Chief Commissioner,
Allied Commission,
APO 394.

Without the prior consent of the Allied Governments
the Royal Italian Government undertakes not to re-open the
institutional question until such time as Italy has been
liberated and the Italian people have the opportunity of
themselves determining the form of Government.

ROME, _____ July 1945.

PRESIDENT OF THE COUNCIL OF MINISTERS

10.9

43 INCL "B"

ENCLOSURE "C"

Minister of War

Minister of Marine

Minister of Air

Any other Minister of Armed Forces who may be created

Under Secretary for Telecommunications

Director of Railroads

Director General of Pubblica Sicurezza

Commanding General, CG.RR

Chief of Staff, CG.RR

Commanding General, CG.FF.

Appointments in the Army, Navy, and Air Force in accordance with current practice.

10.8

(43) INCL "C"

F 74574
MAY 1222138

E/552
MAY 130930
PRIORITY

AFHQ SIGNED SACRED GITE PHED.
HQ ALCON ROME.

SECRET.

Refer ACOM 7111

In accordance with para 2 C of FAM 487 any new Italian Government will be requested to confirm adherence to obligations under armistice. Consider it appropriate, however, that at same time to reaffirm the general principle of FAM 437. Accordingly undertaking will include following sentence: "It is understood that the rights under the armistice and surrender instrument with respect to control of the Italian Government will be held in reserve in the matter of day to day administration, subject to overriding military needs".

2. Undertaking regarding institutional question required as heretofore.

3. Terms of FAM 487 will be followed regarding SACRED approval of service ministers and appointments.

DIST
ACTION - CX COM2
INFO - A/PRESIDENT
CHIEF COMMISSIONER
FILE

1022

200/CC
(see 225000)

424

TOP SECRET

CROSS INDEX SHEET

AC Cable 7111

6 May 1945

CITE: ACEXO

TO: AFHQ G-5

In event of change of government, shall new government be
required to give usual assurances as to INSTITUTIONAL QUESTION,
adherence to ARMISTICE TERMS, and prior approval of service
appointments by SACMED according to FAN 487?

Document filed in: CC 225-7

x - 200
202
203

See

H3

200/cc

TOP SECRET

1050

H2

SECRET

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

SECRET

CC 200

11 April 1945

SUBJECT: Italian Institutional Question.

TO : Supreme Allied Commander, Mediterranean Theater.

1. There is forwarded herewith for the information of your Political Advisors a Memorandum of an interview with Foreign Secretary de Gasperi, with whom I met on 9 April 1945.

2. Copies have been sent to the American and British Ambassadors.

HENRY B. STONE
Rear Admiral, USNR
Chief Commissioner

Copy to: U.S. Ambassador
British Ambassador
G-5 AFHQ

1 ea. Acting President
Political Advisors Office (A) & (B)
Exec. Commissioner
CC Files ✓

Copy to SACMED +
Copy to G-5 AFHQ
were delivered by
hand of Admiral Stone
12 April 45. D.F.F.

200/ea

1053

SECRET

~~SECRET~~

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

~~SECRET~~

CC 225

11 April 1945.

MEMORANDUM:

M.E. de Gasperi, Minister for Foreign Affairs, called on me on the afternoon of April 9th to discuss a number of matters, the most important of which was the recent move by Togliatti to reopen the institutional question at this time.

De Gasperi stated that Togliatti contended that the commitment given by the first Bonomi government on June 18, 1944, ended with the liberation of Northern Italy. Bonomi and de Gasperi argued that the institutional question could not be reopened "until such time as Italy has been liberated and the Italian people have the opportunity of themselves determining the form of Government", which is the language of the commitment.

De Gasperi was apparently unaware that the Prince Minister had renewed this commitment on December 10, 1944, at the time he formed his second government. Moreover, Bonomi informed me on April 6th that he had been unable to find his own file copy of the December 10th commitment and asked me to supply him with a copy, which I have done.

De Gasperi asked if the Allies were disposed to agree with Togliatti's contention that the institutional question could be reopened as soon as the North had been liberated. I told him that the language of the December 10th commitment, which is identical with the language of the commitment of June 18th, was unequivocal and was not limited purely to the question of liberation, that the Government had committed itself to that language both in June and again in December, and that I did not see how the question was debatable.

I asked him what change in the present institutional setup was being advocated by Togliatti, and de Gasperi replied that Togliatti was proposing a three-man Regency for the Throne and the abolition of the position of Luogotenente. None of the Regents would be of royal blood, but would be three outstanding figures, of whom Croce and Sforza might be two. Togliatti argues that the position of Luogotenente is inconsistent with the commitment not to reopen the institutional question—stating that the functioning of the Prince as Luogotenente was constantly reopening the institutional question.

I pointed out to de Gasperi that the first Bonomi government

- 1 - SECRET

SECRET

SECRET
MEMORANDUM

11 April 1945

commitment had been given just five days after the appointment of the Prince as Luogotenente so that the undertaking "not to reopen the institutional question" would appear to mean the continuation of that particular solution of the monarchical question which had just been placed into effect.

He asked me informally what my personal views were as to the reaction of the Allied Governments if the Italian Government should ask permission to reopen the institutional question immediately upon the liberation of the North and before the Italian people had an "opportunity of themselves determining the form of government". I replied that my private and personal opinion was that I imagined that the British Government would oppose any modification of the existing institutional commitment, that the Russian Government might well be favorable (since I did not believe that Togliatti would be pressing this subject without the approval of Moscow), and that I could not hazard a guess as to the views of the United States Government.

HILBERT W. STONE
Rear Admiral, USNR
Chief Commissioner

COMMENT: It might be possible that the Russian Government, through Togliatti, is preparing the ground for requesting a consultation with the U.S. and British Governments on Italy, pursuant to the Crimean Agreement for consultations on liberated countries, as an offset to the Polish and Rumanian situations. There is evidence of Communist concern arising from the recent increasingly favorable receptions which the Luogotenente has had from Italian Patriots, regular troops, and civilians both at the front and in rear areas. This was particularly noticeable at Taranto where he was warmly received by the recently repatriated Garibaldi Division. The soldiers of the Garibaldi Division showed marked anti-Communist feelings and strong support of the Monarchy.

E.W.S.

SECRET

0105

785015

TOP SECRET

TOP SECRET
 Auth: Chief Com-
 missioner, AC
 31 Mar 45

6505/008
 CC 200

31 March 1945.

SUBJECT: Italian Institutional Question.

TO: Allied Force Headquarters, AFHQ 512.
 Attention: G-5.

1. Attention is directed to my letter of 17 November 1944, File 6505/008 to AFHQ (marked for attention of General Wilson), and my letter of 9 January 1945, file 6503/37/008, addressed to G-5 AFHQ on the subject of determination of the Italian institutional question either through the medium of a constituent assembly or by a referendum (plebiscite).

2. In a recent meeting since the Malta Conference, the Italian Prime Minister unofficially expressed his personal hope that the Allied Governments would require that the Italian institutional question be determined by referendum in order to avoid the danger of having this question decided by less than a majority of the Italian people. Such a decision of the Allied Governments, he felt, would be the most effective method to secure abrogation of D.L. No. 151 of 25 June 1944. Since my previous letters on this subject, the right of suffrage has been extended to women.

3. Consideration of this question by the Advisory Council for Italy is not recommended.

/s/ Ellery W. Stone

ELDERY W. STONE
 Rear Admiral, USNR
 Chief Commissioner

Copy No. To:
 1 - 2 G-5, AFHQ
 3 A/President, AC
 4 U.S. Ambassador
 5 British Ambassador
 6 U.S. Political Advisor, AC
 7 British Political Advisor, AC
 8 Executive Commissioner, AC
 9 Chief Commissioner, AC

TOP SECRET

0106

785015

Ref. 6905/37/000.

9 January 1945

Subject: Constituent Assembly.

To: C-5, AMST.

37

Copies of our DC 200 dated 12 Dec 44, subject as above, to Prime Minister Forward together with a copy of his reply 23204/1/1.25 dated 3 Jan 45 are forwarded for information.

For the Chief Commissioner:

38

Capt. E. S. Morden

Brigadier,
Chief of Staff.

Secy

40

1022

39

200/cc

Translation

The President of the Council of Ministers

23201/1.25

ROME, 3 January 1945

Dear Admiral,

(37)

I answer your letter of December 12th, about the formation and functions of the Constitutive Assembly which, as it is foreseen by art. 1 of the law-decree of the Lieutenant June 25th, n. 191 - will have to discuss the new constitution of the state.

I have had the opportunity of noting the various and a somewhat interpretations about the importance of this regulation and the effective duties that the constituent will have to fulfill. In my mind, the fact that there are still different opinions about this regulation and that sharp contrasts are to be noticed, cannot be surprising. It is a matter which is of particular interest to the various political currents, like that which deals with the choice of the future institutional forms of the country.

In spite of these discussions, the principle which has been so clearly expressed by the mentioned law remains established; in the present circumstances, I am glad to confirm what I already told you verbally on this subject.

As you requested that the successive legal regulations needed for the election of the said Assembly should be submitted to the approval of the Allied Commission, I want to inform you that until now, no such regulation has been studied. Besides, the drafting of such regulations would be premature, for, on the one hand, the election of the constituent Assembly will have to take place after the complete liberation of the whole national territory.

As you know, the instructions which are necessary for the compilation of the electoral lists have been issued lately, by the Ministerial decree of October 21st, on the basis of the legislative decree of the Lieutenant 25 September 1944, n. 217. I want to make quite clear that these lists will be prepared principally in view of the administrative elections (ie for the election of the organs of the provinces and municipalities); it isn't yet known if and with what adaptations, the lists themselves can be used for the elections for the constituent Assembly. Nor do these regulations contain any reference, even indirect, to the electoral process mechanism.

I can never clearly assure you that the regulations which will have to be issued about this matter will be prepared in close understanding with the Allied organs.

I remain, my dear Admiral,

Truly yours,

S. I. Bonomi

To Admiral Stone
Allied Commission

COS Hist 6 Jan

ACTION: CASEL
INFO: CHIEF COMMRCOS
6-5-39

200/100

1031

(38)

Translation

The President of the Council of Ministers

23201/1.25

Chile: Commr.

23201/1.25

Dear Admiral,

(37)

I answer your letter of December 12th, about the formation and functions of the Constitutive Assembly which, as it is foreseen by art. 1 of the law-decree of the Lieutenant June 25th, n. 191 - will have to discuss the new constitution of the State.

I have had the opportunity of noting the various and serious interpretations about the importance of this regulation and the effective duties that the Constituent will have to fulfill. Every kind, the fact that there are violent discussions about this argument and that sharp contrasts are to be noticed, cannot be surprising. It is a matter which is of particular interest to the various political currents, like that which deals with the choice of the future institutional form of the country.

In spite of these discussions, the principles which are seen so clearly expressed by the mentioned law decree are published; in the present circumstance, I am glad to confirm what I already told you verbally on this subject.

As you requested that the successive legal regulations needed for the election of the said Assembly should be admitted at the approval of the Allied Commission, I want to inform you that till now, no such regulation has been studied. Besides, the drafting of such regulations would be premature, for, as from the law, the election of the Constituent Assembly will have to take place after the complete liberation of the whole national territory.

As you know, the instructions which are necessary for the compilation of the electoral lists have been issued lately, by the Ministerial Decree of October 21th, on the basis of the legislative decree of the Lieutenant 28 September 1944, n. 247. I want to make quite clear that these lists will be prepared principally in view of the administrative elections (ie for the election of the organs of the provinces and municipalities); it isn't yet known if and with what exceptions, the lists themselves can be used for the elections for the Constituent Assembly. Nor do these regulations contain any reference, even indirect, to the electoral proceeding mechanism.

I can nevertheless assure you that the regulations which will have to be issued about this matter will be prepared in close understanding with the Allied organs.

I remain, my dear Admiral,

Cos Dist 6 Jan
Action CASAC

38

200/00

that there are violent discussions about this question and that stop contrasts are to be noticed, cannot be surprising. It is a matter which is of particular interest to the various political currents, like that which deals with the choice of the future institutional forms of the country.

In spite of these discussions, the principle which has been so clearly expressed by the mentioned law is being established; in the present circumstance, I am glad to confirm what I already told you verbally on this subject.

As you requested that the successive legal regulations needed for the election of the said Assembly should be submitted to the approval of the Allied Commission, I want to inform you that till now, no such regulation has been studied. Besides, the drafting of such regulations would be premature, for, as from the law, the election of the Constituent Assembly will have to take place after the complete liberation of the whole national territory.

As you know, the instructions which are necessary for the compilation of the electoral lists have been issued lately, by the Ministerial Decree of October 24th, on the basis of the legislative decree of the Lieutenant 28 September 1944, n. 247. I want to make quite clear that these lists will be prepared principally in view of the administrative elections (ie for the election of the organs of the provinces and municipalities); it isn't yet known if and with what exceptions, the lists themselves can be used for the elections for the Constituent Assembly. For do these regulations contain any reference, even indirect, to the electoral proceedings?

I can never else assure you that the regulations which will have to be issued about this matter will be agreed in close understanding with the Allied organs.

I remain, my dear Admiral,

To Admiral Stone
Allied Commission

Truly yours, S. I. Scazzani

Cos Hist 6 Jan

Action: CASAL

INFO: CHIEF COMMR

COS 5-89

200/00

38

005

BWS/hjp

GC 200

12 December 1944.

Dear Mr. Prime Minister,

You will recall the verbal assurances which you have given to me upon the interpretation and scope of DLL No. 151 of the 25th June, 1944, setting up the Constituent Assembly. Nevertheless you are no doubt aware that widely different interpretations have been placed on this decree in different quarters, and the true effect of Article 1 and the functions of the Constituent Assembly have been variously construed.

In view of the concern of the Allies in this matter I should appreciate it if you would submit for the prior approval of the Allied Commission any legislation which it is proposed to pass dealing with the methods and procedure to be adopted to enable the Italian people to select the regime and constitution of the State and to elect the members of the Constituent Assembly.

Yours very truly,

EMERY W. STONE
Commodore, USNR
Chief Commissioner

His Excellency Ivanoe Bonomi
The President of the Council of Ministers
Italian Government
Rome

200/ccc

See (38)
aj G-5 AFHd - See (39) 1020

(37)

FILES A

IL PRESIDENTE DEL CONSIGLIO
DEI MINISTRI

TO: Commodore Ellery W. Stone, USNR
Chief Commissioner
Allied Commission
AIO 394

without the prior consent of the Allied Governments the
Royal Italian Government undertakes not to re-open the institutional
question until such time as Italy has been liberated and the Italian
people have the opportunity of themselves determining the form of
Government.

ROME, 10 December 1944.

/s/ Ivanoe Bonomi

PRESIDENT OF THE COUNCIL OF MINISTERS

200/c

1058

36

EWS/dfe

CC 200

6 December 1944

Dear Mr. Kirk:

32

This is in reply to your letter of November 20 forwarding telegram from the Department of State requesting information regarding Decree Law 151 of June 25.

34

I have submitted this question to our Legal Subcommittee and enclose herewith a copy of its opinion.

It was because the Decree in question was not submitted to this Commission before its adoption by the Council of Ministers, that I called on the President of the Council and the Undersecretary for Foreign Affairs for an explanation of the Government's intent in this matter. 17

This was reported in my original letter on this subject dated July 3rd to AFHQ, as supplemented by my letter of 17 November to AFHQ, copies of both of which letters were sent to you. 31

200/c

Sincerely,

W. J. A. Bueyler
for
ELLERY W. STONE
Commodore, USNR
Chief Commissioner

The Hon. Alexander Kirk
U. S. Ambassador
Via Vittorio Veneto, 119
Rome

1053

35 cc: DCOS, Civil Affairs
Safes
A Files

FILES A

CC-1016
29/11/44HEADQUARTERS ALLIED COMMISSION
AFO 394
LEGAL SUB-COMMISSION

AC/4117/1/L.

29 November 1944.

SUBJECT : D.L.L. No. 151 of 25 June 1944.

TO : Chief Commissioner, HQ, AC.

32 1. This Sub-Commission has considered the letter from Ambassador Kirk of 20 Nov 44 and has seen the letters to AFHQ dated 3 Jul and 17 Nov 44 which set out the views of the President of the Council and the Under-Secretary of Foreign Affairs.

2. In spite of the views expressed by the Ministers, however, there can be no doubt that the question of the construction of the Decree Law is a question which must be determined according to Italian canons of construction and according to the principles of Italian Law rather than the avowed intentions of certain ministers at the time when they enacted the Decree.

3. For this reason and in view of the doubts of the State Department this Sub-Commission has consulted independently seven of the most eminent jurists in Rome and has obtained their opinions upon this question. It might be added that these jurists hold widely separated political views. The jurists in question are :-

Prof. Avv. Roberto AGO Professor of Milan University and
Secretary of the International
Institute for the Unification of Law.

Prof. Avv. Filippo VASSALLI. Professor of Rome University.

Prof. Avv. Giuseppe FERRI. Professor of Pisa University.

Prof. Avv. Pasquale CHIOMENTI. Professor of Genoa University.

Prof. Avv. Mario SCERNI. Professor of Genoa University.

Prof. Avv. Giuliano VASSALLI. Professor of Genoa University. 102.

Prof. Avv. Vezio CRISAFULLI. Professor of Trieste University.

34 4. These jurists unanimously and unhesitatingly agree that it is the function of the elected Constituent Assembly to decide the constitutional question - that is, the question of monarchical or non-monarchical government. They disagree entirely with the State Department upon the construction of the words "le forme istituzionali" in Article 1; further they point out that

since Article 3 restricts Ministers from committing "until the convocation of the Constituent Assembly" acts which may prejudice the solution of the institutional question, this Article makes it clear by necessary implication that the institutional question must be resolved by that Assembly.

5. The jurists point out that the rules for the election and composition of the Constituent Assembly have not been framed. These rules might be framed in such a way (e.g., through elaborate proportional representation) as to ensure that the institutional question was in fact decided by the Constituent Assembly with the same effect as though it had been decided by referendum. It should be observed, however, that the rules have not yet been framed - and in any event it will still be true that the decision is made by the Constituent Assembly and not by direct vote of the people.

6. The views expressed by the President of the Council as set out in the letter of 17th November 1944 do not appear to affect the issue. In the first place these views do not correctly follow the wording of the decree; secondly, the distinction between "form" and "type" of Government is misleading. The term "forme istituzionali" or "forms of government" is generic, e.g., monarchy or republic, while the term "types of government" which would be rendered in Italian "tipi" would be specific, e.g., conservative, liberal or labor. In my opinion, therefore, the views expressed and reasons given by the President of the Council are not in accordance with the true interpretation of the decree.

7. As mentioned in the previous opinion of the Legal S/C, it is open to the Italian Government to pass a further decree to vary the terms of the present enactment.

8. It should be added that the jurists consulted were not unanimous on the question whether the Constituent Assembly once elected may decide to determine the issue by a further appeal to the people through a referendum. They say that this is open to doubt and depends on the rules of procedure to be established. Some say that it would in any event be contrary with the spirit of the law.

9. On the further question raised by the State Department there is no evidence either in the files of the Legal S/C or in the memories of its present or past members that this sub-commission was consulted on the decree before October 1944.

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

1320

0115

785015

TOP SECRET

Office of the Chief Commissioner

D.L.L. No. 151 of 25 June 1944

CC 200

28 November 4

Colonel W. E. Behrens, Deputy Chief
Legal Advisor, Legal Sub-Commission, Hq AC

(31)

1. Attached is copy of a memorandum 6505/COS of 17 Nov to SACMED from Commodore Stone.

2. Commodore Stone requests that you consider your memorandum AC/4117/1/L in the light of this letter as well as of the memorandum of July 3rd incorporating the fact that you have done so in your text. You may or may not thereafter find it necessary to amend your own letter.

(34)

J. A. QUAYLE
Major, R. A.
Staff Officer to CC

TOP SECRET

200/CC

1820

FILES A

(33)

0116

785015

UNITED STATES REPRESENTATIVE
ADVISORY COUNCIL FOR ITALYc.c. 950
21/11/44.

Rome, November 20, 1944

My dear Commodore Stone:

I have received a telegram from the Department of State requesting further information regarding Decree Law 151 of June 25. The Department states that it is not clear from Article I of the Decree Law, or from the Legal Sub-Commission's interpretation thereof, as set forth in the memorandum enclosed with your letter to me of October 14, that the Constituent Assembly must decide the institutional as well as the constitutional question. In the Department's opinion, the Decree Law does not specifically empower the Constituent Assembly to decide whether Italy is to be a monarchy or a republic but rather to "decide the new constitution" as well as institutional "forms". In this connection the Department refers to the interpretation of the Decree Law expressed to you by the President of the Council and reported by you in your memorandum of July 3 to Allied Force Headquarters. (29)

The Department of State feels that in view of the Allied pledge to guarantee the Italian people an untrammelled choice of government, this point is exceedingly important. It therefore desires that it be clarified. In this connection the Department also desires to know whether, in giving its approval to the Decree Law the Allied Commission understood that a choice was being made between decision by referendum and decision by elected representatives. (17)

With best wishes,

Sincerely yours,

R. Kil

Commodore Ellery W. Stone,
Chief Commissioner,
Allied Commission,
Rome.

See 35

1024

cc: DCOS, CA Section
c/s
'A' Files ✓

(32)

Major Q -
 Pls Trace
 for action
 Gms

XXXXXXXXXXXXXXXXXXXX
 XXXXXXXXXXXXXXXXXXXX

Office of Chief Commissioner

Italian Constitutional Question

CC 200

DCOS Civil Affairs Section

21 November

4

I am passing the attached letter from Ambassador Kirk to you for your consideration today as the Chief Commissioner will no doubt wish to discuss it with you on his return from Caserta tomorrow morning.

J. A. QUAYLE
 Major, R.A.
 Staff Officer to CC

1 Incl:
 Ltr from Alexander Kirk,
 dated 20 November 1944

cc: CofS
 'A' Files

32

1020

FILED IN

200/CC

TOP SECRET

A File

BKS/cfe

6505/COS

17 November 1944

MEMORANDUM

To: Allied Force Headquarters
 (Attention: General Sir Henry Daitland Wilson, GCH, GMB, DSO, ADC)

1. Reference is made to my letter 2/OS OWL.1 of 3 July 1944 with reference to the determination of the Italian institutional question through the medium of a Constituent Assembly or a referendum (plebiscite).

2. The question has arisen again through publication in the New York "Times" recently of an interview with the Lieutenant General of the House in which the Lieutenant General expressed the view that a more accurate expression of popular will could be secured through the medium of a referendum, rather than that of a Constituent Assembly.

3. When news of the publication in America was received in Rome, the Parties of the Left objected and proposed that a resolution be adopted by the Council of Ministers in which the Lieutenant General was severely criticized. The personal attack on the Lieutenant General was deleted and the following resolution adopted and issued as a communique:

"The Government, having considered the declarations which appeared in a report of an audience granted by the Lieutenant General of the House to a journalist, reaffirms that the political Parties, from which the Government is constituted, are the expression of the will and of the aspirations of the Italian people fighting for its freedom and reaffirms the solemn pledge to decide about the institutional issue through the vote of a Constituent Assembly, as it has been established by a State Law."

4. Since the communique appeared to be at variance with the assurances I had received from the President of the Council and the Undersecretary for Foreign Affairs, set forth in para 2 of my letter of 3 July -- namely, that the question as to the means by which the Italian people might decide the institutional question would be left for future determination -- I called on the President of the Council and the Undersecretary for Foreign Affairs on November 9 for an explanation.

5. They were frank in setting forth the strong resistance of the Parties of the Left to permitting a determination by referendum as to whether Italy should be a constitutional monarchy or a republic, particularly as it is believed universal suffrage will be in effect at the time. They stated that the parties of the Left desire a republic and feel that they are more certain to attain their objective if the determination is made through the medium of a Constituent Assembly.

TOP SECRET

CG 230, 17 Nov 44, to AFHQ (continued):

6. Notwithstanding the language of the communique, the President of the Council pointed out that the words in the communique "to decide about the institutional issues through the vote of a Constituent Assembly" were limited by the following words "as it has been established by a State law". The law in question, he argued, stated that the form of the Government would be determined by the Constituent Assembly and not the type of Government. In other words, he continued, the law still does not preclude the possibility that the type of Government -- monarchy or republic -- could be determined by referendum and the precise form of monarchy or republic, that is to say the Constitution, would be worked out by the Constituent Assembly.

7. He added that in any case there was nothing to prevent the adoption of a new decree which would clarify this point and he expressed the personal wish that the Allied Governments might ask that the institutional question be decided by referendum. I told him that I doubted that the Allied Governments would be inclined to take any position at this time, except to say that the assurances previously given me and referred to in my letter of 3 July should be maintained.

8. Should the Allied Governments ultimately desire to take and enforce a position in this matter, it has been suggested that the particular means by which the Italian people should have the right to determine whether they desire a monarchical or republican type of government might be laid down as a clause in the final peace treaty.

ELMER W. STONE
Commodore, USN
Chief Commissioner

cc: British Ambassador
U.S. Representative, A.C.I.
British Resident Minister
U.S. Political Adviser
Chief of Staff, AC
Political Section, AC

A. F. [unclear]

1021

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News agencies are forbidden, the latest care should be taken not to show our material to stray from your hands. It is STRICTLY for foreign correspondents in Italy. There should be no leak.

SERVIZIO INFORMAZIONI
PER LA STAMPA ESTERA
Via San Basilio 45 - Roma
Telefono 41746

BULLETIN N° 338

November 7, 1944.
1600 h.

Government's answer to Prince Humbert.

CABINET REAFFIRMS THAT CONSTITUENT ASSEMBLY
AND NOT PLEBISCITE WILL DECIDE MONARCHY'S FATE.

The Cabinet reaffirmed today in an official communiqué the solemn pledge to decide about the constitutional issue by means of a vote of a Constituent Assembly and not through a plebiscite. The statement has been provoked by the declarations made by the Lieutenant General of the Realm to the Rome correspondent of the "New York Times" Herbert Matthews. Prince Humbert told the American correspondent that a plebiscite would reflect the will of the people better than a Constituent Assembly. When the Borghese Government was constituted, after the liberation of Rome, the Ministers accepted to take part in the King's Government at condition that the constitutional question should be referred after the war to a Constituent Assembly. This decision has been strongly criticised both by the Monarchist movement (newspaper "Italia Nuova" of the Italian Democratic Party) and by the Republicans (newspaper "Voce Repubblicana") which are outside the coalition of the six Government Parties. The Monarchists think that a plebiscite would give more chances to the Crown, as the bulk of the peasants, who are supposed to be traditionally Monarchists, is not represented in any Party. The Republicans oppose the monopolisation of the political power by the six Government Parties and fear that the Parties' representatives, who would form the Constituent Assembly, can be individually influenced in favour of the Monarchy. They particularly mistrust the Christian Democrats and the Liberals who have not yet taken an open stand against the Crown.

The official communiqué says: "The Government, having considered the declarations which appeared in a report of an audience granted by the Lieutenant General of the Realm to a journalist, re-affirms that the political Parties, from which the Government is constituted, are the expression of the will and of the aspirations of the Italian people fighting for its freedom and re-affirms the solemn pledge to decide about the constitutional issue through the vote of a Constituent Assembly, as it has been established by a State law."

2001

1820

See 17

EWS/afe

A/CC 000.1-2

14 October 1944

(27) AND (28)

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,

EMERY W. STONE
Commodore, USNR
Acting Chief Commissioner

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

cc: Hon. Alexander Kirk (in original) /
Chief of Staff Section
Civil Affairs Section
'A' Files ✓
Political Section

See (32)

000.1-2

1019

(29)

C O P Y

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4005/L.

WEB/pa.
6 Oct 44.

SUBJECT: Constituent Assembly
TO : Deputy Chief of Staff, Civil Affairs Section

(27)

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, GAC,
for Chief Legal Advisor.

(28)

1018

(28)

AM 10

C O P YHEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

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.L. No.151 of the 25th 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.

/c/ G.R. UPJHON

/t/ G.R. UPJHON, Brigadier,
V.P. Civil Affairs Section.

GRU/ymb.

10175

(27)

A/cc 476

AP 629 JO/mlm

SECRETAUTH : SAC, MT
Initials:
28 September 1944

ALLIED FORCE HEADQUARTERS

APO 512

AG 014/071 GEG-0

SUBJECT : Italian Constitutional Developments.

TO : Deputy President, Allied Control Commission, APO 394
ATTENTION : Acting Chief Commissioner.2.4
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 Addresses
- 1 - SGS
- 1 - CAO
- 1 - C/S NATO
- 1 - British Resident Minister
- 1 - AMPOLAD
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- 1 - G-5
- 1 - PWB
- 1 - IS & PS
- 2 - AG Records
- 1 - AG M & D

H.V. ROBERTS,
Colonel, AGD,
Adjutant General.ACC CHIEF OF STAFF SECTION DIST. 4 October 1944.Mr. Alexander Kirk, U.S. Ambassador.
Br. High Commissioner.
A/CC "A" File.
Political Section

- 1 -

SECRET

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E.O. 11652, Sec. 3(E) and 3(D) or (E)

By: _____ (NARS) Date: _____

FILES (A) X

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

EWS/hjp

A/CC 000.1-2

6 September 1944

(24)

My dear Sir Noel:

Attached is copy of letter received today from AFHQ which
is self-explanatory.

Sincerely,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

1 Incl:
Ltr, AFHQ, 4 Sept 44
AG 014/071 GEG-O

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

000.1-2

Hq ACC Sec'y Gen.
DISPATCHED
Date-Time 7 Oct 1944
Via Capt. [Signature]
[Signature]

(24)

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E.O. 11652, Sec. 3(E) and 5(D) or (E)
By _____ NARS, Date _____

FILES (AFB)
\$1010

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

785015

SECRET

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

EMS/hjp

A/CC 000.1-2

6 September 1944

(4)

My dear Mr. Ambassador:

Attached is copy of letter received today from AFHQ which
is self-explanatory.

Sincerely,

EMERY N. STONE
Captain, USNR
Acting Chief Commissioner

1 Incl:
Ltr, AFHQ, 4 Sept 44
AG 014/071 GEG-C

The Honorable Alexander Kirk
U.S. Delegate to the
Advisory Council for Italy
Via Vittorio Veneto, 119
Rome

15

Hq ACC Sec'y Gen.
DISPATCHED
Date-Time 7 Sept 1944
By Capt. Slaughter
Initials JS

FILES (A-B)
100

~~SECRET~~

0127

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

785015

U.S. SECRET ~~COUALS~~ BRITISH MOST SECRET

SECRET

AP 420

/gem

80/8

ALLIED FORCE HEADQUARTERS
APO 512

13

AG 014/071 GEG-0

HO AGO, APO 394

59 Sec Y Gen

Rec'd 5 Sep 1945

By DRR

: : : : :
: S E C R E T :
: Auth: GAO, WT :
: Initials: /RRR :
: 4 September 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, GMS/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, AGD,
Actg Adjutant General.

DISTRIBUTION:

2-Each Addressee
1-SCS
1-CAO
1-C/S HATO
1-British Resident Minister
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E.O. 11652, Sec. 3(L) and 5(D) or (E)

By NAPS, Date

SECRET

U.S. SECRET ~~EQUALS~~ BRITISH MOST SECRET

TOP SECRET

Files (A) (B)

SIS/ajp

A/OS 000.1

6 August 1944

SUBJECT: Italian Constitutional Developments

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

Hq ACC Sec'y Gen.
DISPATCHED
Date Time 7 Aug 1944
Via AS
Initials DER

1. Monist is acknowledged of your memorandum 101/107/117 of the 29th July, informing us of the desire of the Supreme Allied Commander that the Advisory Council should be apprised of my letter A/OS 001.1 of the 3rd 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. Our main reason for making this request is the following. In my previous conversations with the President of the Council and the Under-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 many pressing problems of administration that confronted them. By this means he hoped that he would be able to weld his government, made up as it is of six disparate elements, into a team. Any other course and in particular, debate of such problems as the institutional question, would, he felt, tend 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 improbable that the Italian Government would long remain unscathed 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. When 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 the discussion in Rome

1013

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EX-100-20-201 and 201 (E)

101-1-1

Files (A) (B) 7000

TOP SECRET

A/CC 000.1

6 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.

ELBERT W. STONE
Captain, USNR
Acting Chief Commissioner

Copies to:

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

(23)

0130

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

785015

LWS/dfc

A/CC

091.1

4 August 1944

(23)

SU 703

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,

ELLERY W. STONE
Captain, USNR
Acting Chief Commissioner

1/KL

The Hon. Alexander Kirk
The American Ambassador
Rome

see (23)

cc: Sir Noel Charles

(in original form)

(22)

Files A-B

Hq ACC - Sec'y Gen.
DISPATCHED
Date: 4 Aug 1944
Via: 96 Special Message
Initials: J.H.

Files AHB/1012

000.1 Mr. P. L. L. L.

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, 3 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?

ELLEN W. STONE
Captain, USNR
Acting Chief Commissioner

2 Incls:
as in para 1 above

DECLASSIFIED
E.O. 11652, Sec. 3(E) and 5(D) or (E)
By _____ Date _____

Hq ACC - Secy Gen.
DISPATCH
Date - Time 3 Aug 0730
Via 56 Mgr
Initials [Signature]

SECRET

Rec 000.1
3 Aug

1011
Aug 10
177
file (H) B/401

000.1 for Political

SECRET

C.S.O.

ALLIED FORCE HEADQUARTERS
G-5 Section
APO 312

CHS/CF/JJR

A 1984
29 July 1944

SUBJECT: Italian Constitutional Developments.

HQ ACC, APO 394

357 S. Y. Gen.

Recd 2 Aug 1944

By: [Signature]

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.

[Signature]
CHARLES M. SPOTTON

Colonel, G.S.C.

Asst. Chief of Staff, G-5.

Copy to:-

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

HEADQUARTERS

2 AUG 1944

C.S.O.

DECLASSIFIED
E.O. 11652, Sec. 2(E) and 5(D) or (F)

By: [Signature] NARS, Date: [Signature]

1310

File 11/13/1
A08

000.1 Ital Politics

29 July

SECRET

AFHQ FOR ACTION G-5

ACC ADVANCE
454

July 13, 44

SECRET
ROUTINE
POLITICAL

THE OATH FOR MEMBERS OF THE GOVERNMENT WAS REFERRED TO IN GENERAL
 MACFARLANE APOSTROPHE SUGAR TELEGRAM MIKE TWO THREE NINE OF JUNE
 ONE ZERO PD PAREN TO AFHQ ACTION GEORGE FIVE FROM ACC ADVANCE
 FROM STONE CITE ACC ADV FOUR FIVE FOUR REFERENCE FOX XRAY SEVEN
 ZERO SEVEN SIX THREE JULY ONE ZERO CITE GEG PAREN THE FULL TEXT
 READS AS FOLLOWS PARA QUOTE WE SWEAR UPON OUR HONOR TO EXERCISE
 OUR FUNCTIONS IN THE HIGHEST INTEREST OF THE STATE AND CMA UNTIL THE
 CONVOCATION OF THE CONSTITUENT ASSEMBLY CMA TO REFRAIN FROM ACTS
 WHICH MIGHT IN ANY WAY PREJUDICE THE SOLUTION OF THE INSTITUTIONAL
 PROBLEM END QUOTE

1005

000.1 Jul 1944

File/gmf

19

Formula del giuramento prestato dai componenti del
Governo Bonomi a S.A.R. il Luogotenente Generale del
Regno all'atto dell'insediamento del nuovo Ministero

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

1008

(19)

ALLIED CONTROL COMMISSION
INCOMING MESSAGE

lv 629

Sec Gen 2

Action: ACC MAIN, INFO: AFHQ ADV CP FOR ACTING CHIEF COMMISSIONER
TO: _____
FROM: AFHQ SGD SACMED
REFERENCE No: FX-70763
DATE AND TIME OF ORIGIN: JUL 101027
SIGNAL MESSAGE CENTER No: _____
CLASSIFICATION: _____
PRECEDENCE: *Routine*
OFFICE OF ORIGIN: CITE FHGEC

17

A 1679
15 JUL 1944

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.

for AAI (by DR)

ACC ADV DIST

ACTION SEC GEN - 2
FILE

Rec'd Ttys Room

Rec'd Code Room: 0920 & cleared 1145

Rec'd by Bureau at 11/12 1600

Rec'd Sec'y Gen 1645

1007

18

DATE and Time of RECEIPT JUL 110028

Distribution:

F 70763

10 Jul 44

File 1/44

(AYB)

000.1 per action

0136

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

785015

Stone acc. to
Hilborn at H2,
3 Jul 44
XVI - 25 -

TOP SECRET

H30

1/00 W1.1

3 July 1944

3 JUL 1944

PLAIN

To: Allied Force Headquarters

GCB, GBL, DSO, ADC

(attention: General Sir Henry Maitland Wilson, GCB, GBL, DSO, ADC)

1. In the communique of the 3rd June published after the first meeting of the new Government on 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 communique 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 explicit 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 communique 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 duties that 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 communique 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

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E.O. 12958, Sec. 1.4 and 1.5(D) or (F)

By: 1

NAHS: DWH

- 1 -

21

TOP SECRET AND PERSONAL

drawn up.

3. In taking note of this explanation, I made it plain that the subject was one of considerable interest to the Allied Governments. Both Prime Minister Churchill and President Roosevelt had on a number of occasions affirmed their intention that the Italian people should be free to choose in this matter at the proper moment. The Italian Government should therefore presume that the Allied Governments would wish for full details of any scheme under consideration before it becomes law. In order that this point shall be on record and should not be lost sight of, the Under-Secretary for Foreign Affairs has made a minute for the files of the President of the Council.

4. At this stage I would only make one comment. It is clear to me and my advisers that the best chance of a fair decision of the issue between monarchy and republic would be a referendum or plebiscite—preferably under Allied supervision. Even if Allied supervision is not deemed expedient, we are all of the opinion that a referendum under Italian auspices would still be preferable to the election of delegates to a Constituent Assembly, with the double duty of deciding both the principle and the exact form of Government. The reason is simple. In countries such as Italy, with limited experience in recent years of democratic government, and under the circumstances presently existing here, it is unrealistic to expect that no attempt will be made by domestic or external interests to secure the result desired by them. It will be clearly far more difficult to manipulate a referendum throughout the whole country than to lobby and cajole the members of a Constituent Assembly.

5. It is to be hoped that the Italian Government will maintain their resolve not to discuss this question further for the time being. But sooner or later they will do so and I shall be grateful for instructions on the line which the Control Commission should adopt.

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.

WJ
 HARRY W. STONE
 Captain, USMC
 Acting Chief Commissioner

1000

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

See (32)

0-139

785015

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

BWS/hjp

3 July 1944

My dear Mr. Ambassador:

(17)

Before releasing the original of this memorandum to
SACMED and the other addressees, I should be grateful if you
would let me know by telephone if you see any objection to
its being forwarded.

ELLENY W. STONE
Captain, USNR
Acting Chief Commissioner

The Honorable Alexander Kirk
The American Ambassador
Naples, Italy

180*

(16)

COPY

M239

ACC MAIN (GEN MACFARLANE C COMB)

10th June 1944

TOP SECRET

v16

URGENT

GEN MACFARLANE

AFHQ RPTD AAI

EXTRACT

***** PARA THREE PD ON TUESDAY OR WEDNESDAY CABINET WILL TAKE THE OATH PD
IT HAS BEEN MUTUALLY AGREED THAT PRIME MINISTER WILL TAKE OATH TO THE CROWN PD
THE OTHER MEMBERS OF THE CABINET WILL TAKE OATH TO THE COUNTRY INCLUDING AN
UNDERTAKING THAT THE INSTITUTIONAL QUESTION WILL NOT BE CHANGED UNTIL ITALY
HAS BEEN LIBERATED PD PARA FOUR *****

EXTRACT

NOEL MASON MACFARLANE
Lieutenant-General,
Chief Commissioner

~~TOP SECRET~~

1800

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E.O. 11652, Sec. 2(E) and 5(D) or (F)

By: _____ NARS, Date: _____

15

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785015

COPY

INCOMING

(36/09)
(40/09)

3714

JUNE 08 NPT

JUNE 091105 (SG)

TOP SECRET

EMERGENCY OPERATIONS

FIFTH ARMY (MACFARLANE)

FREEDOM FOR SAC US POLITICAL ADVISER BRITISH RESIDENT MINISTER G-5
RPTD AAI FOR GEN ALEXANDER, ACC MAIN FOR PERRY FOR KIRK AND CHARLES

My immediately preceding telegram. Political meeting in Rome today was attended by following. * * * * * Before the meeting started I gave short address in which I called on the meeting to sink party disputes and form representative coalition government. I reminded them also of their obligations to the Allies both as regards all engagements now in force and the institutional question. I then left them to it.

TOP SECRET

1002

19

COPY

FREEDOM FOR SAC US POLITICAL ADVISER BRITISH RESIDENT MINISTER G-5
 RPTD AMI FOR GEN ALEXANDER AND ACC MAIN FOR FERRY FOR EIRK AND CHARLES

5 ARMY FROM MACFARLANE

8 June

NC 3713

NONE SHOWN

TOP SECRET

OF PRIORITY

Meeting took place in Rome today between Badoglio and seven members of his
 cabinet and leaders of 6 parties in Rome. * * * * *

After Badoglio had seen Lieut I saw Lieut and (am?) impressed upon him that the
 Allied Governments insisted that any Italian government should reaffirm the
 undertakings given by Badoglio last government on the subject of obligations
 to Allies and the institutional question. * * * * *

Dist

Action - Secy Gen
 Info Dep CC CA Br
 Pol Sec File Float

Recvd 091125

~~TOP SECRET~~

10

(13)

0143

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

785015

4926
132100DSN 843
18 MAR 1944

FATIMA (ADV. COUNCIL)

May 13, 1944

RESTRICTED

10384

PRIORITY

REGIS

STATE DEPARTMENT

FROM TO STATE DEPARTMENT FROM FATIMA FROM KIRK SIGNEE MASTARLANE FATEH
FOUR FOUR THIRTYEIGHT PD / IN CONFORMITY WITH A REGIONAL ORDER OF THE ALLIED
MILITARY GOVERNMENT CMA DATED MARCH FIFTEEN NINETEEN FORTY FOUR PROVIDING
FOR A GRADUAL RESTORATION OF LOCAL SELF-GOVERNMENT ABOLISHED UNDER THE
FASCIST REGIME CMA A COUNCIL OF ALDERMEN REPRESENTING QUOTE THE VARIOUS
POLITICAL TENDENCIES OF THE COMMUNITY CMA LABOR CMA AGRICULTURE CMA INDUSTRY
CMA AND THE PROFESSIONS END QUOTE WAS INSTALLED IN NAPLES ON MAY TWELVE
FARA THE COUNCIL WILL ACT IN AN ADVISORY CAPACITY TO THE MAYOR OF NAPLES
CMA GUSTAVO INGROSSO END PD THE MEMBERS WERE APPOINTED BY THE DIRECTOR OF
NAPLES PROVINCE CMA FRANCESCO SERIAGGI CMA WITH THE APPROVAL OF THE ALLIED
MILITARY GOVERNMENT FARA IT IS POINTED OUT THAT THE ESTABLISHMENT OF THE
NEAPOLITAN CITY COUNCIL IS MERELY ONE OF A SERIES OF SIMILAR COUNCILS
ESTABLISHED IN OTHER PARTS OF THE THREE PROVINCES OF ANO REGION TIERRE

ODA 200

1030

94

NOTE

RESTRICTED

4926

13 May 44

L.F. MORGANT, JR.
2ND LIEUT. AND
ADJUTANT

000-1 Action Office

4924

132100

FATIMA (ADVISORY COUNCIL)

MAY 19, 1944

RESTRICTED

1212A

PRIORITY

RUCSIS

URGENT

DSB 844
18 MAG 1944

FAREN TO RESSTATE FROM FATIMA FROM KING DICED RACPARLAK FAREN FOUR TWO THIRTYSEVEN
 PARA THE COMMITTEE NOMINATED BY THE ITALIAN CABINET ON MAY ONE ONE TO STUDY THE QUESTION
 OF THE IMPERMENT AND FORMS OF A CONSULTATIVE BODY FAREN SEE MY THREE NINE MAY TWELVE
 FAREN HAS ALREADY RECEIVED A FORMAL RECOMMENDATION FROM THE NAPLES LIBERATION COMMITTEE
 READING AS FOLLOWS QUOTE CONSIDERING THAT THE PRESENT GOVERNMENT IS THE EXPRESSION OF THE
 COMMITTEE OF NATIONAL LIBERATION AND CONVINCED OF THE NECESSITY FOR THE CONVENIENT CMA
 UNTIL THE HOLDING OF A LEGITIMATE CONSTITUENT ASSEMBLY TO BE ASSISTED AND CONTROLLED BY A
 NATIONAL ORGAN WITH CONSULTATIVE POWERS CMA BE IT RESOLVED CMA THAT THE COMMITTEES OF
 LIBERATION IN THE CAPITAL CITIES OF THE PROVINCES CMA WHEN CALLED TOGETHER CMA SHALL BE
 RECOGNIZED LEGALLY AS THE SUBQUOTE PERMANENT NATIONAL CONSULTATIVE ASSEMBLY ANDSUBQUOTE
 AND THAT REPRESENTATIVES FROM THE PROVINCES YET TO BE RESTORED BY VICTORY TO FREE ITALY
 SHALL AUTOMATICALLY TAKE PART IN IT ANDSUBQUOTE PARA IN THIS CONNECTION IT IS POINTED OUT
 THAT IT IS THE DUTY OF THE CABINET COMMITTEE TO STUDY ALL PROPOSALS ON THIS QUESTION
 AND IN DUE COURSE SUBMIT ITS OWN REPORT AND RECOMMENDATION TO THE CABINET FOR CONSIDERATION

0001 action 10/1/44

993

(11)

none

RESTRICTED

 I. T. MONTAG, JR.
 2ND LIEUT AND
 ADJUTANT
4924
13 January

COPY

AGC MAIN

CONFIDENTIAL

PRIORITY

MAY 12 1944

4767

Political Section

AFHQ

EXTRACT

* * * * The cabinet also appointed a committee to study the constitution
of a consultative assembly * * * * *

Authenticated By:

L. T. MONTANT JR
2nd Lt AGD
Adjutant

~~CONFIDENTIAL~~

998

10

DECLASSIFIED

E.O. 11652, Sec. 3(e) and 5(0) or (E)

By _____ DATE _____

ENGLISH TRANSLATION OF GOVERNMENT DECLARATION

1 May 1944

The Presidency of the Council of Ministers communicates:

"The Council of Ministers, after full discussions, approved unanimously the following declaration which embodies the Government program:

"The program of the present government is basically that of its origin and composition. Formed by representatives of the anti-Fascist parties, it is not the Government of those parties in competition among themselves but one of union for the good and honour of the Fatherland, to the end of bringing our full strength to the proper settlement of the vital and urgent problems of the hour.

"Many proposals which are well-known and of the utmost importance must be put aside now because they are not timely. First among these is the institutional form of the State, which cannot be decided until the country is fully liberated and the war ended. Then the Italian people shall be called together in free public meetings and, acting under universal suffrage, shall elect a constituent and legislative assembly.

"The Government will in due course present an electoral law inspired by the concepts.

* * * * *

SECRET

INT/rj

DSU 630
28 APR 1944

SF

Ref. CC/G/291

26th. April, 1944.

MEMORANDUM;

TO: Allied Force Headquarters.
(ATTENTION: M.G.S.)Reference your FC1721 MEMO of April 13th..

1. I enclose herewith in original an acknowledgement by Marshal Badoglio that his Government is in agreement with the S.A.C. on the question of the binding nature of the existing situation between the Government and the King. The last paragraph of your above quoted telegram refers.
2. Please acknowledge safe receipt.

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

390

(8)

26 Apr.

TRANSLATION

File No. 1246

Salerno, 24 April 1944

.....
Hq ACC, APO 394
Sec'y Gen
Rec'd 25 Apr 1530
By H.D.
.....

Dear General,

The Government over which I preside believes that the agreement reached with the King must be regarded as obligatory until the time when the Italian people will be able to freely express their decision, and this is in perfect agreement with the belief of the Mediterranean Allied Supreme Commander.

Sincerely and cordially yours,

(Sgd) BADOGLIO

To General
Sir Noel Mason MacFarlane
Chief of Allied Control Commission
Naples

993

TOP SECRET

FATIMA M175

FATIMA (GEN MACFARLANE C COMB)

25th. April, 1944.

TOP SECRET

V16

PRIORITY

GEN MACFARLANE

FREEDOM REPEATED HEADQUARTERS A.A.I.

I SAW BAILOGLIO THIS MORNING PD PARAN TO FREEDOM FOR NOS (MA BRITISH RESIDENT MINISTERS
OFFICE AND AMERICAN POLITICAL ADVISER REPEATED HEADQUARTERS AAI FOR GENERAL ALEXANDER
AND MACMILLAN FROM FATIMA FROM MACFARLANE PERSONAL PARAN HE TOLD ME THAT THE SWEARING
 IN OF HIS GOVERNMENT HAD BEEN CARRIED OUT YESTERDAY PD HIS FIRST CABINET MEETING WILL BE
 HELD THURSDAY TWENTYSEVENTH PD ALL THE MINISTERS WITHOUT PORTFOLIO ARE TODAY MEETING
 AT SONRENTO TO DRAFT STATEMENT OF THE GOVERNMENT'S POLICY FOR APPROVAL BY THE CABINET
 AND PUBLICATION THEREAFTER PD STATEMENT OF POLICY WILL BE ON FOLLOWING LINES CLM FIRST
 PD THE GOVERNMENT IS A WAR GOVERNMENT PD ITS PRIMARY OBJECT WILL BE TO PROSECUTE THE
 WAR WITH MAXIMUM FORCE WITH THE HELP OF THE ALLIES PD SECOND PD CONTINUE THE PURGE OF
 FASCISTS WITH INCREASED VIGOUR PD THIRD PD DEVELOP AGRICULTURE PRODUCTION TO THE
 MAXIMUM AND ASSURE AN EQUAL DISTRIBUTION OF FOOD PD FOURTH PD RECONSTRUCTION GENERALLY
 GIVING PRIORITY TO COMMUNICATIONS AND PUBLIC BUILDINGS PD FARA ACCORDING TO BAILOGLIO THE
 GOVERNMENT DOES NOT CONSIDER THAT IT SHOULD CONCERN ITSELF WITH MAKING RADICAL
 ALTERATIONS TO EXISTING INSTITUTIONAL ECONOMIC AND POLITICAL STRUCTURE OF THE STATE PD
 THE GOVERNMENT WILL HOWEVER INTRODUCED ELECTORAL LEGISLATION WHICH WILL COME INTO FORCE
 AS SOON AS POSSIBLE AFTER ITALY HAS BEEN LIBERATED PD WHEN THIS OCCURS THE GOVERNMENT

394

(7)

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

785015

TOP SECRET

FAPMA M175 - 2

WILL CONSIDER ITS TASK FINISHED AND WILL RESIGN

AUTHENTICATED:

NOEL MASON MACFARLANE
Lieutenant-General
Chief Commissioner.

TOP SECRET

7

COPY

CC/P/220

DSH 608
25 APR 1944

22 April 1944

With reference to our recent conversation, I should be grateful if you would be good enough to communicate to the members of the new Italian Government that in the opinion of the Supreme Allied Commander, Mediterranean Theater, the arrangements entered into between the new Government and the King are to be regarded as binding until such a time as the Italian people can freely express their views. It is the view of the Allied Governments that it will not be in the interests of the war effort to raise the institutional question again until that time.

NOEL MASON MACFARLANE
Lieutenant-General
Chief Commissioner

S. E. Marshal Pietro Badoglio,
Capo del Governo.

0001

99.

6

See cable
Hy Acc int 3732

22 April

0152

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FATIMA (GEN MACFARLANE C COMM)

FATIMA M168

TOP SECRET

V16

OPERATIONAL PRIORITY

GEN MACFARLANE

FREEDOM REPEATED HEADQUARTERS AAI

BADOGGIO CALLED AT MY OFFICE THIS MORNING * * * * *
PARA SIX PD BADOGGIO PROMISED TO SEND ME AT ONCE A FORMAL UNDERTAKING ON
BEHALF OF HIS NEW GOVERNMENT TO ASSUME ALL THE OBLIGATIONS TOWARDS THE
ALLIES ENTERED INTO BY HIS LATE GOVERNMENT PD HE IS ALSO GOING TO INFORM
HIS GOVERNMENT THAT THE EXISTING ARRANGEMENTS AS REGARDS THE KING MUST BE
REGARDED AS BINDING UNTIL SUCH TIME AS THE ITALIAN PEOPLE CAN FREELY EXPRESS
THEIR VIEWS PD * * * * *

22 April

NOEL MASON MACFARLANE
Lieutenant-General
Chief Commissioner

~~TOP SECRET~~

(5)

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E.O. 11652, Sec. 3(E) and 5(D) or (E)
By _____ NARS, Date _____

SECRET

36/13

25 APR 1944

SECRET

APR 131958B

PRIORITY

APR 131725B

FREEDOM SIGNED CINC PERSONAL FROM WILSON

F31721

FATIMA FOR MACFARLANE REPEATED HQ MAAT

FMCS- FIDIC

I HAVE BEEN CONSIDERING THE MANNER IN WHICH ALLIED INTERESTS SHOULD BE SAFEGUARDED IN THE EVENT OF THE FORMATION OF A NEW ITALIAN GOVERNMENT.

THE MOST IMPORTANT CONSIDERATION IS THAT THE NEW GOVERNMENT, WHATEVER ITS COMPOSITIONS, SHOULD ACCEPT ALL THE OBLIGATIONS TOWARDS THE ALLIES ENTERED INTO BY THE OLD "TOP SECRET" GOVERNMENT, INCLUDING BOTH SETS OF ARMISTICE TERMS AND ALL THE SUBSEQUENT UNDERTAKINGS. PLEASE THEREFORE MAKE IT CLEAR TO MARSHAL BADOLIO AT ONCE THAT WE WILL NOT AGREE TO DEAL WITH ANY NEW GOVERNMENT WHICH DOES NOT FORMALLY DECLARE ITSELF WILLING TO ASSUME ALL THE OBLIGATIONS TOWARDS THE ALLIES ENTERED INTO BY ITS PREDECESSOR.

YOU SHOULD ALSO INFORM MARSHAL BADOLIO THAT WHATEVER ARRANGEMENTS MAY BE ENTERED INTO BETWEEN THE NEW GOVERNMENT AND THE KING MUST BE REGARDED AS BINDING UNTIL SUCH TIME AS THE ITALIAN PEOPLE CAN FREELY EXPRESS THEIR VIEWS. IT WILL NOT BE IN THE INTERESTS OF THE WAR EFFORT THAT THE INSTITUTIONAL QUESTION SHOULD BE RAISED AGAIN UNTIL THAT TIME AND YOU SHOULD MAKE THIS CLEAR TO THE MARSHAL.

ACC DISTRIBUTION:
CC (Gen MacFarlane).

392

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SECRET

FATIMA M 147

SF

FATIMA (GEN MACPARKANE C COMM)

13 APRIL 1944

SECRET

PRIORITY

FRENCH

AFTER KING'S ANNOUNCEMENT GIUNTA HELD MEETING YESTERDAY AFTERNOON AT WHICH IT WAS DECIDED TO HOLD A FURTHER MEETING AT THREE P.M. NIKH ON APRIL ONE FIVE TO CONSIDER FOLLOWING FOUR MAIN QUESTIONS PARA

(2) PARA TO APHC FOR GENERAL WILSON BRITISH MILITARY MINISTER AND CIVIL AFFAIRS FROM FATIMA FROM MACPARKANE PERSONAL REFERENCE FATIMA MIKE

M 1 4 5 1 2 ONE FOUR FIVE APRIL ONE TWO PARA FIRST WHETHER THE GIUNTA SHOULD

ACCEPT THE KING'S PROPOSAL AS A SOLUTION OF THE INSTITUTIONAL PROBLEM

SECOND WHETHER THEY SHOULD ENTER A REORGANIZED GOVERNMENT

UNDER BAIOSLIO THIRD WHETHER THE PARTIES SHOULD NEGOTIATE

SINGLY OR COLLECTIVELY THROUGH THE GIUNTA CONCERNING PARTICIPATION

IN A REORGANIZED GOVERNMENT ^{FOURTH} ANY SUGGESTIONS BY THE INDIVIDUAL

PARTIES FOR THE POLITICAL PROGRAM FOR ANY REORGANIZED GOVERNMENT

PARA CHOC AND SPORNA AS WELL AS PROGLI AND BODING CHRISTIAN DEMOCRAT

LEADER ARE TO BE INVITED TO ATTEND THE MEETING ON APRIL ONE FIVE

99

RECEIVED
14 APR 1944

030 030

NOEL MASON MACPARKANE
Lieutenant General
Chief Commissioner

0155

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

785015

TOP SECRET

FATIMA M 145

FATIMA (GEN MACFARLANE C COMM)

12th. April, 1944.

TOP SECRET

v16

URGENT

GEN MACFARLANE

FREEDOM REPEATED HEADQUARTERS A.A.I.

ON TENTH INST I WAS PRESENT AT INTERVIEW WITH KING OF ITALY WITH MACMILLAN CMA
 MURPHY AND CHARLES PD PARIN TO AFHQ FOR GENERAL WILSON CMA BRITISH RESIDENT MINISTER'S
OFFICE AND CIVIL AFFAIRS REPEATED HEADQUARTERS AAI FOR GOC IN C FROM FATIMA FROM
MACFARLANE PERSONAL PARIN AFTER DISCUSSIONS IN WHICH AQUARONE CMA PRUNAS AND FINALLY
 BALOGGIO TOOK PART CMA THE KING ISUED TODAY A FORMAL ANNOUNCEMENT OF WHICH TEXT IS
 GIVEN IN SEPARATE TELEGRAM PD THIS STATEMENT IS IN EFFECT A FORMAL ANNOUNCEMENT BY
 THE KING OF THE PLAN WHICH HE COMMUNICATED TO ME ON TWENTYFIRST FEBRUARY AND WHICH
 I COMMUNICATED TO YOU IN MY FATIMA TWO ^{2 3 5 8} THREE FIVE EIGHT OF THAT DATE

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NOEL MASON MACFARLANE

Lieutenant-General,
Chief Commissioner.

TOP SECRET

CLASS: MOST SECRET

M/C NO 7/21

PREC: OPERATIONAL PRIORITY

REF NO 2358

FROM: FATIMA

FILED FEB 21

TO: FREEDOM PERSONAL FOR CINC

REC'D 212225A

Count Acquarone saw me in Salerno this afternoon. He told me that the King wished to make a very important communication to me and gave me the gist of what the King wished to say. We proceeded at once to Ravello and saw the King. (To Freedom personal for the eyes only of the Commander in Chief, British Resident Minister, and Civil Affairs from Fatima signed Macfarlane.) The King asked me to inform the Allied Governments that owing to the fact that the Allies had permitted him to be openly discredited and attacked through PWB and our lax censorship, he felt his position had become almost impossible. He therefore proposed to create a lieutenancy in accordance with precedent and to nominate the Crown Prince as Lieutenant of the Realm with full power. He was prepared to make the announcement at once, but the lieutenancy would come into operation only when we reach Rome. The King desired this postponement because he wished to re-enter Rome himself and it would be easier for the Crown Prince to form a Government there. On reaching Rome the Badoglio Government would resign and the Crown Prince would be able to form another Government. He mentioned the names of Di Nicola, Bonomi, and Orlando. The King stated that he made this proposal on the understanding that he would be given an undertaking that

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there would be no more publicity given to attacks upon him by press or radio in Italy. He said that he was making a very great personal sacrifice in the interest of his country and that he would not go an inch further. If he had to abdicate he would not permit the Crown Prince or his grandson to succeed him and the House of Savoy would come to an end. The King said that he had discussed the above proposal with Di Nicola who was in favor of it. The only people on the Italian side who know it has been definitely made are Umberto, Acquarone, and Ferrero of the Italian Foreign Ministry. I promised the King to forward his proposal and to let him know the reaction of the Allied Governments in due course.

Comments: (1) This proposal is principally of interest as being the first indication that the King has really been impressed by the weight of the attacks made upon him.

(2) We should treat with reserve his categorical statement that this is the limit to which he will go.

(3) There is no evidence to show that the King's proposal might be acceptable to more than the right wing of the anti-Fascist groups.

380

AUTHENTICATED:

(signed) Roger E. Derby

Roger E. Derby
1st Lt. ACD
AG

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ITALIAN CONSTITUTIONAL QUESTION
FEB. 1944 - APR. 1946
(1 OF 2)

Form 1043 (Old No. 400)
Revised July 30, 1918

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INSTRUCTIONS.—When papers on a subject become numerous they will be numbered serially and brief entries made on this form.

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By *[Signature]*
NARS, Date 4/26/77

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
49a	Parri, 5/46	20 Jul 45	Stone	IG will inform AC of plans for Constit.
50	AC/1/27/LG, Upjohn	21 Jul 45	RCa, Brosio	Formation of the National Consultative Assembly.
51	AC/9/8/LG, Upjohn	21 Jul 45	Nenni	Romita to 'L'Espresso' with IG S/C, on matters of Vice-Presidency (Costituenti)
51a	Articolo, Il Reporter	22 Jul 45		Nenni speech - condensation.
51b	Cbl AC CC, 2358	23 Jul 45	AFHQ	Nenni speech.
51c	SAC (P) 6	24 Jul 45		Inst Question - Nenni's speech.
52	AC/45/8/LG, Stone	25 Jul 45	Parri	Thx for copy of decree; IG S/C will maintain liaison with Romita.
53	SAC (45) 1st Meeting	26 Jul 45	(Min. 8)	Nenni speech.
54	Cbl AFHQ, NAF-1048	26 Jul 45	CCS	Nenni speech.
55	Cbl AFHQ, F-31793	3 Aug 45	AC	US-UK discussing at diplomatic level NAF-1043 recommendation that question be by referendum - per TAM-649.
56	SAC (45) 2nd Meeting	4 Aug 45	(Min. 5)	Nenni speech.
57	Cbl AC CAS, 4420	28 Aug 45	AMG XIII	VG to seat reps on Nat'l Consulta.
58	AC/4117/1/L, Behrens	30 Aug 45	CC	Legal S/C's comments on Constituent Assembly, as seen by 4 Ital jurists.
58a	Ltr, Stone	31 Aug 45	Alex Kirk	Legal's comments on Const. Assembly.
59	Ltr, CC	3 Sep 45	Parri 12	Info needed on powers/machinery of opn of IG once Assembly is convened.
60	Newspaper article digest	4 Sep 45		Nenni's speech as reported in Avanti!
61	AC/1/27/LG, White	11 Sep 45	SCAO VG	Consulta Nazionale in Venezia Giulia.
62	Ltr, Mr Hopkinson	12 Sep 45	CC	Br Polad views, comments on Constituent, as seen by 4 Ital jurists & Legal.
62a	Jug Del ACT, 1373/45, Pov. br	12 Sep 45	AC	Jug protest appt of "VG Consultants".
63	Consulta Ministry 592-3	15 Sep 45	AC	Transport for National Consultants.

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LIST OF PAPERS

Office of the
Chief Commissioner

File under No. 200 ITALIAN CONSTITUTIONAL QUESTION

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Page 4

SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
40	6505/COS, CC-200 Stone	31 Mar 45	AFHQ, G-5	Bonomi personally hopes Allies will require plebiscite; consideration of the question by Advisory Council NOT recommended
41	CC 200, Stone	11 Apr 45	SACMED	Memo on Meeting CC-De Gasperi, 9 Apr.
42	Cbl AC ExC, 7111	6 May 45	AFHQ	In event of chg, shd new govt be required give assurances on question, etc.
42a	Cbl AFHQ, F-74570	12 May 45	AC	Undertakings to be signed by any new IG with re to Inst Question, Armistice.
43	CC 225-8, Stone	12 Jun 45	Bonomi	Undertakings to be sgd by any new IG re Inst Question, Armistice, Appts.
--- 43(1)	Ltr Parri	22 Jun 45	Stone	Obligation not to reopen const. quest.
43a	AFHQ G-5: 091.1 Italy	26 Jun 45	AC	State Dept proposed statement.
44	310/11/EC, Stone	30 Jun 45	SACMED	Question can most justly be decided by referendum than by Constituent.
45	AFHQ G-5: 091.1 Italy	2 Jul 45	AD	State Dept proposed statement.
46	Cbl AC Ex E, 1267	9 Jul 45	AFHQ	State Dept proposed statement.
46a	Ltr C 200 - 2 Prozio	7 Jul 45	Stone	Leg. Decree on Set-up of Consulta
47	AC/15/8/LG, Stone	8 Jul 45	Parri 12	Allies highly interested in IG plans for calling Constituent Assembly.
47a	91/100, Nenni	10 Jul 45	Stone	Parri to 'liaise' with IG S/C.
47b	Parri, 546	18 Jul 45	Stone	IG will keep AC informed on plans & regulations for Constituent Assembly.
48	AC/1/27/LG, Upjohn	18 Jul 45	Ex-C	Venezia Giulia representation in the Consulta.
48a	SAC (P) (45) 35	17 Jul 45		Discussion on CC ltr of 30 Jun.
48b	SAC (P) (45) 16th Mtg	19 Jul 45	(Min. 10)	Discussion on CC ltr of 30 Jun - D/SAC's instructions.
49	Cbl AFHQ, NAP-10/3	20 Jul 45	CCS, DCS, AC	Question can most justly be decided by referendum rather than by Constituent. Policy guidance requested.

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Chief Commissioner

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
29	Ltr A/CC 000.1-2 Stone	14 Oct 44	Noel Charles & Alex. Kirk	Atchd ltrs fr CA Sec on new Con stituent Assembly & affect on the right of Govt to referendum fwwd
30	SI Bulletin 338	7 Nov 44	Foreign Correspo- ndents	Government reaffirms that Consti- tuent Assembly and not Plebiscite will decide monarchy's fate.
31	Ltr Stone 6505/COS	17 Nov 44	AFHQ	Question re-arisen by interview by Umberto to NY Times; Govt issue communique at variance with previ- ous assurance given to ACC.
32	Ltr, Alex Kirk	20 Nov 44	Stone	State Dept requests clarification of RDL 151 and Legal S/C's inter- pretation thereof.
33	Ltr 200, Quayle	28 Nov 44	Behrens	You might reconsider answer to State Dept's request in view of...
34	Ltr, Behrens AC/4117/1/L	29 Nov 44	CC	Construction of RDL must be de- termined by Ital Law rather than a- vowed intentions of certain minis- ters at time of enactment....
35	Ltr 200, Stone	6 Dec 44	Kirk	Legal S/C's views forwarded in reply State Dept request.
36	Ltr Bonomi	10 Dec 44	Stone 12.5	Ital Govt undertakes not reopen institutional question without prior consent Allied Governments.
37	Ltr 200, Stone	12 Dec 44	Bonomi	AC shd be consulted prior pass decree on Assembly and methods/pro- cedure to be followed on matter.
38	Ltr Bonomi 23201/1/1.25	3 Jan 45	Stone	No regulation yet studied; when ready, it will be correlated w/AC.
39	Ltr 6505/37/COS	9 Jan 45	G-5 AFHQ	Copies of ff. 38 & 37 forwarded

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Chief Commissioner

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
14	Cbl 3714 MacFarlane	8 Jun 44	AFHQ etc	Pol mtg Rome today. Reminded parties of obligations on inst que
15	Cbl Putina M 239 MacFarlane	10 Jun 44	AFHQ & AAI	Cabinet will take the oath including an undertaking on constitutional question.
16	Ltr Stone	3 Jul 44	Kirk	Any objection to this draft.
17	Ltr A/CC 091.1 Stone	3 Jul 44	AFHQ for Wilson	Memo on pending action by Ital Govt on legislation for calling a constituent assembly after war.
18	Cbl AFHQ FX 70763 SACLED	10 Jul 44	ACC for A/CC	Question raised by you 3 July being submitted to CCS. Meantime there will be no discussion of it or planning for it by Ital Govt.
19	Cbl ACC Adv 454 Political Sec	13 Jul 44	AFHQ G-5	Oath for members of Ital Govt is as follows. Ital text APPENDED
20	Ltr AFHQ G-5 Spefford	29 Jul 44	ACC for A/CC	Constitutional Developments. CCS reply that matter should be referred to Adv Council for action.
21	Ltr A/CC 000.1 Stone	3 Aug 44	Political Section	Ref submission of question to Adv Council, pls draft letter.
22	Ltr Stone	4 Aug 44	Kirk & Charles	Atchd is draft for comment.
23	Ltr A/CC 000.1 Stone	6 Aug 44	AFHQ G-5	Press for postponement of submission of It constitutional question to Adv Council.
24	Ltr AG 014/071 GEG-O AFHQ G-5	4 Sep 44	ACC for ¹² A/C-C*	Views on postponement provisionally accepted. CCS being asked to agree. Do not submit matter to ACI
25	Ltr A/CC 000.1-2	6 Sep 44	Kirk & Charles	Encl is copy of ltr 4 Sep from AFHQ G-5 on postponement.
26	Stone			
26a	Ltr AFHQ 014/071	28 Sep 44	A/CC	CCS approve postponement of action
27	Ltr 9/16.1/CA	5 Oct 44	Chief Legal O	DL No 151 prejudice right of referendum on constituent assembly?
28	Ltr 4005/L Legal	6 Oct 44	DCS CA Sec	DL # 151 does preclude Govt fr determining const. quest. by referendum. Assembly could do it itself

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ALLIED COMMISSION

File under No. 200 ITALIAN CONSTITUTIONAL QUESTION

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SERIAL NUMBER	FROM—	DATE	TO—	SYNOPSIS
1	Cbl Fatima 2358 MacFarlane	21 Feb 44	Freedom CINC	King proposes to abdicate and give full power to Crown Prince.
2	Cbl Fatima M 145 MacFarlane	12 Apr 44	Freedom & AAI	Formal announcement of plan of 2358 issued by King.
3	Cbl Fatima M 147 MacFarlane	13 Apr 44	Freedom	Giunta wondering whether to accept King's proposal as solution to the constitutional question.
4	Cbl AFHQ F 31721 Gen Wilson	13 Apr 44	ACC for FNM	Manner of safeguarding allied interests if new govt formed. 1) armistice must be agreed to; 2) make it clear that institutional question must not be raised until It people can freely express their views.
5	Cbl Fatima M 168 MacFarlane	22 Apr 44	Freedom	Badoglio promises to hold to commitment on constitutional question
6	Ltr CC/P/220 MacFarlane	22 Apr 44	Badoglio	Institutional question not to be raised until It people can freely express their views.
7	Cbl Fatima M 175 MacFarlane	25 Apr 44	Freedom & AAI	New govt does not wish to concern itself with institutional changes
8	Ltr CC/G/231 MacFarlane	26 Apr 44	AFHQ MGS	Ref F 31721. Encl is undertaking by Badoglio not to raise constitutional question. ENCLOSURE 24 Apr
9	Declaration, Ital Government	1 May 44		Institutional question cannot yet be raised.
10	Cbl ACC 4767 Political Sec	12 May 44	AFHQ	Cabinet has appointed committee to study consultative assembly.
11	Cbl ACC 4924 Regis, Adv Council	13 May 44	Sec of State USA	Committee nominated to study consultative body.
12	Cbl ACC 4926 Regis Adv Council	13 May 44	Sec of State USA	Gradual restoration of self-government. Naples experiment.
13	Cbl MC 3713 MacFarlane	8 Jun 44	AFHQ etc	Mtg Rome today. Made clear no raising of institutional question.

TOP SECRET

1 March 1946.

My dear Mr. Prime Minister,

Thank you sincerely for your letter of this date in which you informed me that agreement had been reached on a draft legislative decree interpreting and modifying the DLL 25/6/44.

I fully appreciate that the proof of the provisions which you enclosed with the letter may be subject to some small modification before final passage.

Very truly yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dr. Alcide de Gasperi
The President of the Council of Ministers
Italian Government
Rome.

12.2

Longtin
200/cc

15 November 1945

Dear Mr. Ross:

Thank you for your letter of the 13th enclosing the samples of pamphlets which USIS has produced in connection with the educational campaign prior to the forthcoming Italian elections.

I will advise you later as to the possibility of mass distribution of the pamphlets through the Allied Commission.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. Jerome D. Ross
Deputy Chief
United States Information Service, Italy
ROME

Copy to E.C.

12.1

Handwritten
200

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Deputy Chief
United States Information Service, Italy
ROME

Copy to E. C.

12.1

Ind. for
200/10

ACC-I-Italy
 RG 331
 Folder 10000/136/88 [1 document/2 pages]

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10000/136/88

Date

H.Q. Alcom Access From Admiral Stone
Alpha for Sauced George five etc.

From

To

March 19462 pages

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☐ Otherwise Restricted Information

JCS
 Authority

4/74
 Date

WITHDRAWAL NOTICE

14 January 1946

Subject: Constituent Assembly

My dear Mr. Prime Minister:

On 3 September 1945, I wrote your predecessor, Professor Parri, as follows:

"With reference to the Constituent Assembly to be convened pursuant to Bill No. 151 of 25 June 1944, it would be helpful to the Allied Commission if you would advise me of your Government's views as to the powers and machinery of operation of the Italian Government once the Constituent Assembly has been convened.

"I should be most grateful, my dear Mr. Prime Minister, for the favor of an early reply."

On 20 September, Professor Parri wrote to me, but in view of the indefiniteness of his letter, I should be grateful to you if you would write me specifically in response to my letter of 3 September -- namely, requesting "your Government's views as to the powers and machinery of operation of the Italian Government once the Constituent Assembly has been convened."

Sincerely yours,

ELBERT W. STONE
Rear Admiral, USN
Chief Commissioner

Dr. Alcide de Gasperi
The President of the Council of Ministers
Italian Government
Rome

Handwritten:
200/c

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Sincerely yours,

ELLEN W. STONE
Rear Admiral, USNR
Chief Commissioner

Dr. Alcide de Gasperi
The President of the Council of Ministers
Italian Government
Rome

1160

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Chief Commissioner

Dr. Alcide de Gasperi
The President of the Council of Ministers
Italian Government
Rome

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To: Alcom Rome for Admiral Stone

Date

From

To

29 March 1946

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Date

WITHDRAWAL NOTICE

15 November 45

MEMORANDUM:

TO : Civil Affairs Section
(Attention: Brigadier Carr)

1. The Chief Commissioner invites your attention to the enclosed letter from USIS and the samples of the information pamphlets attached thereto.
2. You will note that the matter of assisting the Italian Government in educating the Italians in the basic principles of the free democratic nations was specifically referred to in paragraphs 10 and 11 of the Chief Commissioner's secret paper "Future Policy Toward Italy," dated 23 June 45, file CC 1001.
3. It is requested that the possibility of handling mass distribution of these pamphlets through Allied Commission be carefully investigated by you as soon as possible and appropriate recommendations made to the Chief Commissioner.

~~for L. W. Stearns~~

L. W. STEARNS
Lt Col, AGD
Staff Officer to CC

1 Incl.

cc Efec Commr.

1130

200/CC

CG 200

27 November 1945

My dear Mr. Ross:

Further to my letter of 15 November concerning the distribution of pamphlets which USIS produced in connection with the educational campaign prior to the forthcoming Italian elections. I have had the possibility of mass distribution through the Allied Commission thoroughly investigated. It is felt that the United States Embassy and USIS are the most appropriate bodies to make the distribution.

An issue of 50 of each of the documents will be appreciated so that the Commission may distribute them to Regional Headquarters for the information of Regions.

Yours very truly,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. Jerome D. Ross
Deputy Chief
United States Information Service
Rome

1132

Stone

A/C Italy
R-331
Folder 10000/136/88
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File Designation Alcom From Admiral Stone

Date Apr 46

From _____

To _____

4 pages

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JCS
Authority

4/74
Date

WITHDRAWAL NOTICE

SUBJECT: Report on Elections Program in Execution by USIS, Rome
FROM : USIS Headquarters, Rome

In line with the special Guidance issued in March by OIC, Washington, we are committed to a "continuing interest in the creation in Italy of those political habits which are essential to democratic rule - primarily the habit of voting". The preparation and dissemination of material of interest to Italians in connection with their own elections began last summer; there is planned an intensification of our activities with the inclusion of specific new programs in April and from then on until the political elections take place two months later. The News section has been preparing material on how America votes, the role of a citizen in a democracy, and similar topics since June, 1945. Thus there is a background of USIS activity antedating the present intensified campaign. Accordingly, this report will cover what has been done to date by the various USIS sections, and what is planned after April 1st.

I. Material already in execution:

Special projects: Miss Raccanelli, Acting Chief, has obtained from the League of Women Voters informative material in quantity which she has distributed to the Alleanza Femminile Italiana Democratica, and the Federazione Italiana Donne Art. Professioni ed Affari (an affiliate of the American Assn. of Business and Professional Women). The Italian organizations have now been put in direct touch with the American and are

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organization here, one which will give unsalted facts about the candidates, so that the individual voter can make up his mind as to the candidate's merits.

This section, in conjunction with Mr. Davies (Photographic) and Mr. Fornari (Exhibits) has been preparing five sets of panels (identical in content). These sets show the electoral process and the mechanics of voting in the USA. The individual exhibits are ready and are being sent to Milan, Genoa, Florence, Rome and Naples.

Publications: During September and October, the printing of a series of four booklets on various phases of the American democratic system was completed by the Publications Section. These were: Elections in the USA, Documents of Liberty, making the US Constitution, and How the US Government works. Distribution of the booklets (the print order of which was: Elections - 100,000 the other three - 100,000), has been handled in part by EMAL (35,000 of each booklet), by Ministry of Education (25,000 of each), by the Ministry for the Constituent Assembly (1,000 of each), and by educational groups and institutions (Centro di Studi Socialisti, Amici di Critica Sociale, AFID and UDI). There is a residuum of 70,000 of the elections booklet and about 30,000 of the other three. It is planned to distribute a copy of each booklet after April 1 to every newspaper and weekly whose content indicates that it might draw on our material. Each outpost has received its quota of the booklets.

News and Features: A master lecture has been prepared which has been made available to those most frequently called upon to

2424

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News and Features: A master lecture has been prepared which has been made available to those most frequently called upon to lecture in Italian. A series of four special features ^{was} ~~was~~ written by Mr. Fleischer. All these have been prepared and adapted in Italian for publication by the Bollettino del Ministero della Costituente. (The Bollettino is obtainable gratis in the book room of our home library and copies of it have been sent to the outposts). Three of them have already appeared and

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the fourth is due out in April. The Bollettino has taken several features on women and the vote which they have out down and used in their notiziario section, so that some mention of woman's role in the voting procedure has appeared in every issue. In addition, a total of thirty-six new features of varying lengths and content is available, and past features are used at lectures as handouts at the conclusion of the conversation. Thus we have found that every bit of election material processed by News and Features has been used in the maximum number of ways. However, the most important need is for more adaptable articles and notes from the New York Office.

Photographs. Possible prints which tie in with the electoral features are still inadequate. All available subjects have been paired with the corresponding text material and response is high. For example, in all cases where the feature on woman's acquisition of the right to vote in the USA has been used, at least two of the prints (five in the series) have appeared too. However, the number of times such material can be printed is limited, and new pictures would be useful. Photographs have been used in preparing the panels described under Special Projects and a large choice of pictures was used in Miss Baccanelli's previous exhibit on Women in the USA, especially in the panels on Women in Politics and Women in Labor, both of which tie in with the election material. The choice of photographs for the current voting exhibit was inspected by Dr. Paolo Schweitzer of the Ministero della Costituente, by Dr. Pietro Ramballi of the Centro Studi Socialisti, and by Mrs. Anna Caritano of Radio Rome. The latter mentioned the coming exhibits over her radio programs, describing briefly the choice of photographs.

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Radio: To date, little has been done in the specific field of elections from this end, although plans for the post-April first date are outlined below.

Exhibits and Films Section: As mentioned previously, a special exhibit on American elections and the mechanics of voting in a democracy has been prepared from available photographs, which have been appropriately captioned and mounted. Five sets of this exhibit were prepared for circulation by all branch offices.

Branch Offices: Palermo, under Julian Fromer, has been particularly active in the distribution of the four election booklets, described above under Publications. Reception of the booklets has been most appreciative and stirring. Letters of appreciation, none solicited, have been received from Prefects, Mayors, political parties, editors, etc. In addition, the Palermo office has given morning showings on Sundays of our film strips before student audiences, and Fromer has begun discussions with various political parties to offer use of the election film (First Tuesday in November) at various party rallies, which are usually held in movie houses in the various small towns. Already the Christian Democratic party has taken several of the films for out-of-town showings.

Library: The same Library has had on constant display for the past four months the following publications: Books: The New American Government and Its Work, by James Young, American

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Library: The Rome Library has had on constant display for the past four months the following publications: Books: The New American Government and Its Work, by James Young, American Parties and the Elections, by Edward McChesney Sait, County Government and Administration, by John Fairlie and Charles Kneier, The American Party System, by Charles Merriam and Harold Gosnell, American Government, by William Anderson, American Political Parties, their Natural History, by Wilfred Binkley, The Middle Classes in American Politics, by Arthur Holcombe, and a Dictionary of American Politics, edited by

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- 5 -

Edward Smith and Arnold Zurcher; Pamphlets: Ballot Analysis and Ballot Changes since 1930, by Spencer Albright, Registration for Voting in the U.S., by John Johnson and Irving Lewis, Constitutional Amendments and Direct Legislation, Government Printing Office, 1940, Presidential Elections, Department of State, The Electoral College, Edwin Halsey, Rural County Government in the U.S., Office of War Information, Our American Government, What it is and How it Functions, in two parts, one taken from the second session of the 77th Congress, the other from the first session of the 79th Congress, Politics and the Electoral College, by William Starr Myers, Our Constitutional Freedoms, by Robert Cushman, and A Model Registration System, by Joseph Harris. Although most of these books are available in the branch libraries, not all the pamphlets are and the office plans to make them available as soon as possible, supplementing them both in Rome and in the field with the pamphlets of the League of Women Voters. The request for this material is very high and the books get constant use. Particularly those pamphlets containing simple graphs and explanatory figures have been found useful.

II. Material Planned after April 1, 1946:

Special Projects: Miss Paccanelli has prepared a suggested guidance for Outposts on use of Elections in America panels. This material will not be exhibited before the first of April and will be circulated thereafter in all the larger communities and transient facilities can reach until June, the date set

2430

Declassified E.O. 12356 Section 3.3/NND No. 785015

Government in the U.S., Office of War Information, Our American Government, What it is and How it Functions, in two parts, one taken from the second session of the 77th Congress, the other from the first session of the 79th Congress, Politics and the Electoral College, by William Starr Myers, Our Constitutional Freedoms, by Robert Cushman, and A Model Registration System, by Joseph Harris. Although most of these books are available in the branch libraries, not all the pamphlets are and the office plans to make them available as soon as possible, supplementing them both in Rome and in the field with the pamphlets of the League of Women Voters. The request for this material is very high and the books get constant use. Particularly those pamphlets containing simple graphs and explanatory figures have been found useful.

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Special Projects: Miss Baccanelli has prepared a suggested guidance for Outposts on use of Elections in America panels. This material will not be exhibited before the first of April and will be circulated thereafter in all the larger communities our transport facilities can reach until June, the date set for the political elections. In addition to delivering lectures on voting procedure in America, Miss Baccanelli has agreed to obtain radio interviews, preferably on the same program, of two prominent women of such completely different political orientation as Mrs. Togliatti (Communist) and Mrs. Cingolani (Christian-Democrat).

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- 6 -

News and Features: Continuous preparation of new features has been entrusted to Mr. De Gregorio who is specializing in the application of our electoral procedure to the Italian scene. His work is only hampered by a shortage of new material, but Mr. Di Domenico, News Chief, has cabled repeatedly for supplementary basic material. A new list of ten features is ready for release on April first and thereafter the material will be staggered so that we shall not run out of new features during the next two months. The features will be distributed as backgrounders to the daily papers, then, after a week's time, if none of them has been published in toto, they will be released as exclusives to any one of a dozen weeklies in Rome, and after Rome publication they are available for regional publication. Through the distribution system of the News desk, the four elections booklets will be sent to all Rome dailies and weeklies.

Photographs: Increased use of this section depends on receipt of material from New York and Washington. For the present, material has been asked also from local sources to see if any of it may be adapted to our features.

Radio: Recorded interviews have been planned and will be immediately written and voiced. It is hoped that the following may be interviewed, especially as all are familiar with the electoral procedure in the United States: Sforza, Pacciardi, Cianca, Vacirca, Lupis, and possibly certain of the Ministers who are in a position to discuss their opinions on US electoral procedure. An interview is planned for an Italian PW who has

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- 7 -

Exhibit and Film Section: A shortage of film material still exists, although Mr. Fornari has had made six copies of First Tuesday in November. Other films available are Freedom to Learn, and Democracy in Action, each of which has scant election material. The chief contribution of the section has been, accordingly, the help in preparing the five exhibits planned by the Special Projects section on Elections in the USA.

It is planned to open the election campaign on April 1 with the photo exhibits. They will be shown in the central sectors of each city first and then will be circulated to the outskirts. Particular attention will be paid to worker's districts. Where possible, the exhibits will be opened by a lecture by one of the Italian-speaking members of the USIS staff, and in all cases copies in quantity of the election features will be available for free distribution.

Distribution of the Election film will be made, when feasible, on the same basis with an accompanying talk and distribution of mimeographed features. However, the panels and the film are available to interested groups (when their use of the material does not conflict with our schedule) without the presence of any of our personnel.

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HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

CC 200

19 March 1946.

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

19 : G-5, AFHQ.

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

19/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Enc.

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

DISTRIBUTION:
US Ambassador
Br Ambassador
US Polad
Br Polad
VP GA Section
Ex Commr
CC ✓

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1179

ACC Italy
 NL 331
 Folder 10000/136/88
 1 document 12 pages

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation

10000/136/88

Date

HQ from AISA from Admin Stone

From

AFHQ for Sacred George Five etc.

To

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

☒ Security-Classified Information

☐ Otherwise Restricted Information

JCS

Authority

4/74

Date

WITHDRAWAL NOTICE

TRANSLATION

16 March 1946

Dear Mr. President,

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

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

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

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

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

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

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

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

/s/ UMBERTO DI SAVOIA

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

(13) a

1151

Final copy
16 Nov 46

Signor Presidente,

Le restituisco muniti della mia sanzione i provvedimenti con i quali si indice il referendum sulla forma istituzionale dello Stato e si convoca l'Assemblea Costituente che dovrà decidere della nuova Costituzione.

Nel compiere quest'atto sento d'interpretare le tradizioni millenarie della mia Casa che sempre ha tratto dalla volontà popolare la sua legittimità e il suo prestigio. Soprattutto quando, attraverso eventi memorabili indissolubilmente legati alla storia d'Italia, la Monarchia poté suggellare l'unità della Patria, i plebisciti furono l'espressione della volontà popolare e il fondamento del nuovo Stato unitario.

Questo ossequio alla volontà popolare dettò la decisione del mio Augusto Genitore di ritirarsi irrevocabilmente dalla vita pubblica per facilitare - come Egli stesso affermò - l'unità nazionale. Il medesimo pensiero mi indusse a sanzionare il decreto del 24 giugno 1944, che rimetteva al popolo italiano la scelta delle forme istituzionali.

La sanzione di oggi è dunque il coronamento di una costante tradizione che sta a base del patto fra popolo e monarchia e che lo ha sempre illuminato nel lungo cammino della storia.

In questo solenne momento non posso fare a meno di rivolgere un commosso pensiero ai nostri fratelli ancora prigionieri e internati, ai cittadini tutti di ogni terra italiana, i quali - per ragioni indipendenti dalla nostra volontà e che per rispetto della giustizia devono considerarsi contingenti - non potranno partecipare alla consultazione che dovrà decidere anche del loro avvenire.

Confido che il Governo saprà provvedere affinché le elezioni

11.6

- 2 -

si svolgano nella massima libertà degli individui e delle coscienze: per assicurare quest'ultima, ho dato, con le disposizioni testé sanzionate, libertà di voto a quanti sono legati da giuramento.

Io, profondamente unito alle vicende del Paese, rispetterò come ogni altro italiano le libere determinazioni del popolo, che, ne sono certo, saranno ispirate al migliore avvenire della Patria.

Voglia, Signor Presidente, comunicare ai Signori Ministri questa mia lettera, che considero un doveroso contributo alla serenità della consultazione popolare.

Roma, 16 marzo 1946

F.to Umberto di Savoia

On. Dott. Alcide DE GASPERI
Presidente del Consiglio dei Ministri

R O M A

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Copia Definitiva Second
Copy

Signor Presidente,

Le restituisco, muniti della mia sanzione, i provvedimenti con i quali si indice il referendum sulla forma istituzionale dello Stato e si convoca l'Assemblea Costituente che dovrà decidere della nuova Costituzione.

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La sanzione di oggi è dunque il coronamento di una tradizione che sta a base del patto fra popolo e monarchia, patto che, se confermato, dovrà costituire il fondamento di una monarchia rinnovata, la quale attui pienamente l'autogoverno popolare e la giustizia sociale.

In questo solenne momento non posso fare a meno di rivolgere un commosso pensiero ai nostri fratelli ancora prigionieri e internati, ai cittadini tutti di ogni terra italiana, i quali - per ragioni indipendenti dalla nostra volontà e che per rispetto della giustizia devono considerarsi contingenti -

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- 2 -

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Roma, 16 marzo 1946

Aff.mo

Umberto di Savoia

On. Dott. Alcide DE GASPERI
Presidente del Consiglio dei Ministri

R O M A

(13) a

Copie

Il Sovrano ha indirizzato il seguente proclama al popolo italiano:

" Il popolo italiano sa che sono stato sempre al suo fianco nelle ore gravi e nelle ore liete. Sa che otto mesi or sono ho posto fine al regime fascista e ho portato l'Italia, nonostante ogni pericolo e rischio, a fianco delle Nazioni Unite nella lotta di liberazione contro il nazismo.

L'Esercito, la Marina, l'Aeronautica, rispondendo al mio appello, si battono intrepidamente da otto mesi contro il nemico fianco a fianco con le truppe alleate. Il nostro contributo alla vittoria, è, e sarà, progressivamente più grande.

Verrà il giorno in cui, guarito le nostre profonde ferite, riprenderemo il nostro posto, da popolo libero accanto a nazioni libere.

200/0

Tenendo in atto quanto ho già comunicato alle autorità alleate ed al mio Governo, ho deciso di ritirarmi dalla vita pubblica nominando luogotenente Generale mio figlio Principe di Piemonte.

Tale nomina diventerà effettiva mediante il passaggio materiale dei poteri, lo stesso giorno in cui le truppe alleate entreranno in Roma.

Questa mia decisione, che ho ferma fiducia faciliterà l'unità nazionale, è definitiva e irrevocabile.

12 Aprile 1944

VITTORIO EMANUELE

Capo

Il Sovrano ha indirizzato il seguente proclama al popolo italiano:

" Il popolo italiano sa che sono stato sempre al suo fianco nelle ore gravi e nelle ore liete. Sa che otto mesi or sono ho posto fine al regime fascista e ho portato l'Italia, nonostante ogni pericolo e rischio, a fianco delle Nazioni Unite nella lotta di liberazione contro il nazismo.

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Verrà il giorno in cui, guarite le nostre profonde ferite, riprenderemo il nostro posto, da popolo libero accanto a nazioni libere.

Ponendo in atto quanto ho già comunicato alle autorità alleate ed al mio Governo, ho deciso di ritirarmi dalla vita pubblica nominando Luogotenente Generale mio figlio Principe di Piemonte.

Tale nomina diventerà effettiva mediante il passaggio materiale dei poteri, lo stesso giorno in cui le truppe alleate entreranno in Roma.

Questa mia decisione, che ho ferma fiducia faciliterà l'unità nazionale, è definitiva e irrevocabile.

12 Aprile 1944

VITTORIO EMANUELE

Il Sovrano ha indirizzato il seguente problema al popolo
Italiano:

" Il popolo italiano sa che sono stato sempre al suo fianco nelle ore gravi e nelle ore liete. Sa che otto mesi or sono ho posto fine al regime fascista e ho portato l'Italia, nono- stante ogni pericolo e rischio, a fianco delle Nazioni Unite nella lotta di liberazione contro il nazismo.

L'Esercito, la Marina, l'Aviazione, rispondendo al mio ap- pel- lo, si battono intrepidamente da otto mesi contro il nemico fianco a fianco con le truppe alleate. Il nostro contributo alla vittoria, è, e sarà, progressivamente più grande.

Verrà il giorno in cui, guarite le nostre profonde ferite, riprenderemo il nostro posto, da popolo libero accanto a na- zioni libere.

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Tale nomina diventerà effettiva mediante il passaggio mate- riale dei poteri, lo stesso giorno in cui le truppe alleate en- treranno in Roma.

Questa mia decisione, che ho ferma fiducia faciliterà l'uni- tà nazionale, è definitiva e irrevocabile.

12 Aprile 1944

VITTORIO EMANUELE

- 1, 3

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ACC-Italy
RB 331
Folder 10000/136/88
1 document / 2 pages

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation

10000/136/88
HQ Admin Assoc From Admin Stone

Date

From

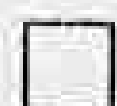
March 1946

To

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:



Security-Classified Information



Otherwise Restricted Information

JCS

Authority

4/74
Date

WITHDRAWAL NOTICE

HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

CC 200

14 March 1946.

SUBJECT: Transmittal of Draft Decree Law on Institutional Question.

TO : G-5, AFHQ.

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

HUBERT W. STONE
Rear Admiral, USNR
Chief Commissioner

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

DISTRIBUTION:

US Ambassador
BR Ambassador
US Polad
BR Polad
VP CA Section
Exec Commr
CC Files ✓

See (90) for letter
of 1 March for the types
& its enclosures Draft of a
legislative decree of the AFHQ

1171

(92)

cc file
Held for review
to be made

1 March 1946

My dear Mr. Prime Minister:

Thank you sincerely for your letter of this date in which you informed me that agreement had been reached on a draft legislative decree interpreting and modifying the DDL 25/6/44. (90)

I fully appreciate that the proof of the provisions which you enclosed with the letter may be subject to some small modifications before final passage.

Very truly yours,

/s/ Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dr. Alcide de Gasperi
The President of the Council of Ministers
Italian Government
Rome

200/20

(91)

Confidential

Ref: 311/38/1.

13 February 1946.

SUBJECT: Italian Institutional Question.

TO : 4-5 Section, 4571.

1. Reference your 4-5: 091.1 1241Y dated 13 January 1946.
2. The following comments are made on the points raised in your letter:

(a) Para 2 (a)

1241Y clearly envisages the possibility of holding a referendum without Allied supervision and therefore circumstances in this respect have not changed.

(b) Para 2 (b)

It is considered that there has been no change in circumstances which alters the basic opinion that a referendum would provide "the best chance of a fair decision". The word "essential" is not used in this connection in 1241Y.

(c) Para 3

It is agreed that a Constituent elected without the institutional question having been publicly aired beforehand would not be fully representative.

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

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

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

(d) Para 4.....

(a) para 1

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

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

M. S. LUSH

Brigadier,
Acting Chief Commissioner.

Copy to: Folad A -
" B
CI Section

Ex. Com.

Sir,

I spoke to Major Temple regarding the Chief Com's query.

Major Temple says that the information was requested by the Russian Rep. As the information is also given out at the VP's meetings and as the Russian Rep. makes a weekly visit to Major Temple regarding such matters, he (Major Temple) saw no reason why he should not be given a copy of the letter.

[Signature]
Sgt. G.

Chief Commissions

Please see above minute.

Wrong procedure which

we will correct.

[Signature] 11/21/2

E. C. Personat.

How did
this come to
be sent to
USSR ap?

$\frac{19}{2}$

Enc cc

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

FEB 14 RECD

AC/45/38/16.

Tel: 473706

SUBJECT : Report on Local Elections

13 February 1946

TO : Vice-President, Civil Affairs Section

1. Attached hereto is a population analysis of the 437 Communes which are scheduled to hold local elections on 10 March 1946. As indicated, over 70% of the Communes have a population of less than 5000 inhabitants.
2. Our latest information is that 915 Communes are scheduled to hold local elections on 17 March, and 390 on 24 March. The total of the three dates therefore is 2242. This is not final as supplementary lists are expected to come in. The population analysis will be compiled when the information is final.
3. Geographically the distribution is well scattered for the election on the 10th March. I have had a map prepared which graphically presents the distribution.
4. Several days ago the Ministry of Interior set Sunday, 7 April as an additional date for the holding of local elections and all Prefects were so informed.
5. So far as the preparation of electoral lists is concerned the latest information is that 13,359 lists (or 92% of the total) have been compiled, and 6,093 lists (or 42% of the total) have been approved. The total number of lists for Italy excluding Venetia Giulia is 14,428. A fuller report on progress is being prepared.

R. R. Temple
Major

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

RRT/ww

Distribution :- Chief Commissioner
Executive Commissioner
Polad A
Polad B
U.S.S.R. Representative
45/21

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1108

COMMUNES VOTING ON THE 10TH OF MARCH

Population % ratio as per definitive list.

Total Number of Communes: 437.

0 - 999	22 communes	5.05%
1000 - 1999	95 "	21.8%
2000 - 2999	79 "	18%
3000 - 3999	65 "	14.95%
4000 - 4999	51 "	11.30%

5000 - 5999	30 "	6.88%
6000 - 6999	21 "	4.80%
7000 - 7999	15 "	3.44%
8000 - 8999	8 "	1.92%
9000 - 9999	8 "	1.92%

10,000 - 10,999	5 "	1.12%
11,000 - 11,999	6 "	1.34%
12,000 - 12,999	5 "	1.12%
13,000 - 13,999	3 "	.67%
14,000 - 14,999	4 "	.90%
15,000 - 15,999	1 "	.23%
16,000 - 16,999	3 "	.67%
17,000 - 17,999	2 "	.46%
18,000 - 18,999	3 "	.67%
20,000 - 20,999	2 "	.46%
21,000 - 21,999	2 "	.46%
23,000 - 23,999	1 "	.23%
26,000 - 26,999	1 "	.23%
28,000 - 28,999	1 "	.23%

4.80%
3.44%
1.92%
1.92%

21 "
15 "
8 "
8 "

10,000 - 10,999	5	"	1.12%
11,000 - 11,999	6	"	1.34%
12,000 - 12,999	5	"	1.12%
13,000 - 13,999	3	"	.67%
14,000 - 14,999	4	"	.90%
15,000 - 15,999	1	"	.23%
16,000 - 16,999	3	"	.67%
17,000 - 17,999	2	"	.46%
18,000 - 18,999	3	"	.67%
20,000 - 20,999	2	"	.46%
21,000 - 21,999	2	"	.46%
23,000 - 23,999	1	"	.23%
26,000 - 26,999	1	"	.23%
28,000 - 28,999	1	"	.23%
29,000 - 29,999	2	"	.46%

1188

34,000 - 34,999	1	"	.23%
39,000 - 39,999	1	"	.23%

72.10% of the Communes voting on March 10th have less than 5,000 inhabitants.
18.96% of the Communes " " " more than 5,000 but less than 10,000 inhabitants.

.46% of the Communes voting on March 10th have more than 30,000 inhabitants.

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

88

FEB 7 - RECD

6. Corner

Ref: 2006/202/20.6. February 1946.

SUBJECT: Elections in INHERIA.

TO : US Embassy.
British Embassy.

Herewith is forwarded copy of a letter dated 15th January received from the Italian Prime Minister concerning elections which took place in that part of INHERIA South of the River DRAGONIA. The matter was raised with Polaris (A) and (B) who consider that it might be referred to your Government in case it may wish to take the matter up with its Missions in BELGRADE.

For the Chief Commissioner:

Brigadier,
Executive Commissioner.

Copy to: CA Section.

58

1188

6. *Comer* - FEB 7 - RECD

5. February 1946.

TO : Allied Force Headquarters.
Attn: G-5 Section.

1. Herewith is forwarded copy of a letter dated 15 January received from the Italian Prime Minister concerning elections which took place in that part of ISTRIA south of the River DRAGONA. The letter deals with a subject outside the jurisdiction of this Commission.
2. Copies of the Prime Minister's letter have also been forwarded to the US and British Embassies who will, it is understood, take the matter up with their respective Governments. The Governments may wish to take the matter up with their missions in BELGRADE.

For the Chief Commissioner:

M. S. EL-SHAAR

Brigadier,
Executive Commissioner.

Copy to: CA Section.

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Memorandum to be used as basis of conversation with
Italian Prime Minister *by American Ambassador*

The views of the Government of the United States concerning the holding of local (administrative) elections were communicated to the Italian Prime Minister (Signor Parri) on August 24 and September 11, 1945 (copies of memoranda of conversations on those occasions attached). Signor De Gasperi received similar communications at that time in his capacity as Minister for Foreign Affairs.

The Government of the United States has continued to follow with closest interest preparations for elections in Italy. While it is disappointing that local elections have not yet been held in any towns or cities, it is gratifying to know that dates have been set for elections both national and local. The Government of the United States hopes that the Prime Minister will press forward with these plans; that electoral laws which are now under discussion will guarantee the Italian people's choice of the form of democratic government which they desire and a full and free expression of their will. It is further hoped that all political parties will cooperate to ensure the holding, in an orderly manner, of free elections.

200/cc

The Government of the United States is keenly alive to its responsibility to the Italian people in the matter of elections by reason of the reiterated promise that the Italian people would have the free and untrammelled right to choose by constitutional means their own form of democratic government, first given during hostilities and affirmed in the joint statement of the President of the United States and the British and Russian Prime Ministers on October 13, 1943, and in the Moscow Declaration of November 1, 1943. With this responsibility in mind, the Government of the United States has instructed its Ambassador to bring to the attention of the Italian Prime Minister its views with respect to the powers and limitations of the Constituent Assembly to be elected by the Italian people during the coming months. They are as follows:

Italian constitutional law cannot determine the functions and nature of the Constituent Assembly since constitutional law, strictly speaking, is based on statutes. The only legal government of Italy is the present one with ultimate law-making powers vested in the Council of Ministers and the Lieutenant General of the Realm. Except for self-imposed limitations and those arising from the instrument of surrender, the

powers

26

-2-

powers of the present Italian Government are without legal limits. The present Italian Government, having power to create the Assembly, also has authority to limit the Assembly to its fundamental task of framing a new constitution. The decree-law of June 25, 1944 (no. 151), did in fact do just this. But while, in broadest interpretation, Italian constitutional law might be understood to include Italian and foreign precedents for the Assembly, the phrase "constituent assembly" as used in modern Italy, has varied interpretations and there are hardly any relevant Italian precedents. The interpretation of "constituent assembly" as an organization which both creates a new constitution and governs the country is based on European precedents where break-downs of the previously existing legal regimes or revolutions occur, thus necessitating the two different functions of drafting a new constitution and of governing being performed by the assembly. Since a legal regime exists in Italy, competent to administer the country during the convention of the assembly and also under obligations to the Allied Governments, the case of Italy is not parallel. The Constituent Assembly would have to confine itself to one task under a strict construction of decree-law no. 151 of June 25, 1944, which provides only for a new constitution to be drawn up by the Constituent Assembly and attributes no other functions to it. The decree-law contemplates the continuance of the Council of Ministers as the governing authority until a new Parliament is formed. The term "new Parliament" which is mentioned therein, means the Parliament to be created by the Assembly. Furthermore, the joint declaration of October 13, 1943, which established the right of the Italian people to choose, by constitutional means, a democratic form of government, must provide the framework within which the institutional question will be solved, and this requires that there be observed legal continuity. Constitutional conventions, such as have been held in the United States, might be relevant foreign precedents for such procedure. Constitutional assemblies of this nature do not attempt to govern but confine themselves strictly to constitution-making.

The American Ambassador is sending to Signor De Gasperi for study by experts in his Government a detailed study made by the Department of State on which it based its conclusions set forth above.

The

-3-

The Government of the United States looks to the Government of Italy to discharge its grave obligations by laying the foundations for a state based on the sovereign will of the Italian people which will command the respect of the world and which will be worthy of the best Italian tradition.

Rome, January 24, 1946

JWJ/ajl

1182

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As soon as honest balloting may be possible, the Government of the United States desires to see Italy commence the reconstruction of its government on an elective basis. With the view to holding national elections as soon as electoral machinery established for local elections is in operation throughout the country, it is felt that the Italian Government should consider immediately the holding of local elections, commune by commune, as quickly as preparations are completed. The United States Government advocates this course as the best guarantee of national democracy and as the most feasible in overcoming material difficulties precisely because the United States Government recognizes the serious responsibilities as well as privileges accruing to the Government of Italy in holding the first elections since the pre-fascist period. Such a course will provide already tested machinery for the national elections and would restore to the community, which is the foundation of the state, democratic responsibility. Although the Government of the United States is getting ready to conclude a treaty of peace with Italy, on the assumption that it is a democratic state, it is not possible up to the present time to point to a single commune which has a popularly elected organ of government, even in that territory early liberated and restored to Italian jurisdiction. Consequently it is the earnest hope of the Government of the United States that at least communal elections will have been held throughout Italian metropolitan territory before the end of 1945.

Aug. 24, 1945

1181

The Government of the United States desires to reiterate its views that administrative elections demonstrate the workability of electoral machinery and, therefore, in the opinion of the Government of the United States, should commence at once and should precede national elections. Furthermore, the arguments sighted for the postponement of elections have not impressed the Government of the United States.* It is felt that a Government which insists upon its democratic character should take the initial step of seeing that at least local officials in some sections of the nation should have achieved their powers through election by their fellow citizens. Likewise, no reason is seen why local elections in such countries as were first returned to the administration of the Italian Government should be further postponed, while the Council of Ministers is debating the question of first holding national elections. It is noted in addition that the law for the Constituent Assembly is still being discussed, and that therefore the national elections could not be held immediately, while on the other hand local elections in some of the countries could begin at once, and it would thus seem most desirable to begin holding these local elections immediately in the light of the many previous statements on this subject by the Italian Government. In this connection, it is finally noted that if the decision is later taken that the national elections should be held at once, a suspension of local elections would be desirable until such time as national balloting might be completed.

The Government of the United States, in conclusion, will watch with interest the steps taken by the Italian Government with regard to this matter.

* On August 24th the President of the Council of Ministers informed the American Ambassador that the Italian Government has not as yet been able to reach an agreement as to when the elections should be held and also indicated the danger of local uprisings and Government crises during the elections.

September 11, 1945.

The Government of the United States desires to reiterate its views that administrative elections demonstrate the workability of electoral machinery and, therefore, in the opinion of the Government of the United States, should commence at once and should precede national elections. Furthermore, the arguments sighted for the postponement of elections have not impressed the Government of the United States.* It is felt that a Government which insists upon its democratic character should take the initial step of seeing that at least local officials in some sections of the nation should have achieved their powers through election by their fellow citizens. Likewise, no reason is seen why local elections in such communes as were first returned to the administration of the Italian Government should be further postponed, while the Council of Ministers is debating the question of first holding national elections. It is noted in addition that the law for the Constituent Assembly is still being discussed, and that therefore the national elections could not be held immediately, while on the other hand local elections in some of the communes could begin at once, and it would thus seem most desirable to begin holding these local elections immediately in the light of the many previous statements on this subject by the Italian Government. In this connection, it is finally noted that if the decision is later taken that the national elections should be held at once, a suspension of local elections would be possible until such time as national balloting might be completed.

The Government of the United States, in conclusion, will watch with interest the steps taken by the Italian Government with regard to this matter.

* On August 24th the President of the Council of Ministers informed the American Ambassador that the Italian Government has not as yet been able to reach an agreement as to when the elections should be held and also indicated the danger of local uprisings and Government crimes during the elections.

September 11, 1945.

118.

(86

E.C. Reisand

Pls note &
return.

Not for
circulation

plus

M.8/26/1 CC

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

JAN 1 1946

CONFIDENTIAL

Ref: 591/42/10.

17 January 1946.

SUBJECT: Italian Institutional Question.

TO : Polns (4)
 S-Int (4)
 CA Section
~~General Division~~

1. Reference C-31 191.1 1942 from C-3, ATG dated 15 January 46, copy of which is attached.
2. Will you please let this office have your comments on the matter as soon as possible.

F. H. McCLEARY

Lt. Colonel,
 Acting Executive Commissioner.

Incl.

200/cc

1158

85

14 January 1946

Subject: Constituent Assembly

My dear Mr. Prime Minister:

On 3 September 1945, I wrote your predecessor, Professor Parri, as follows:

"With reference to the Constituent Assembly to be convened pursuant to D.L. No. 151 of 25 June 1944, it would be helpful to the Allied Commission if you would advise me of your Government's views as to the powers and machinery of operation of the Italian Government once the Constituent Assembly has been convened.

"I should be most grateful, my dear Mr. Prime Minister, for the favor of an early reply."

On 20 September, Professor Parri wrote to me, but in view of the indefiniteness of his letter, I should be grateful to you if you would write me specifically in response to my letter of 3 September -- namely, requesting "your Government's views as to the powers and machinery of operation of the Italian Government once the Constituent Assembly has been convened."

Sincerely yours,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Dr. Alcide de Gasperi
The President of the Council of Ministers
Italian Government
Rome

Copy to: Polad (A)
Polad (B)

ACC Italy
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Folder 136/88
1 document 1 page

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4/74
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WITHDRAWAL NOTICE

HEADQUARTERS ALLIED COMMISSION
APO 394
LOCAL GOVERNMENT SUB COMMISSION

AC/45/21/LG.

15 January 1946

Analysis of Progress of Electoral Work in Italian Government and AMG Territory. (Based on Ministry of Interior Report for period ending 31 Dec. 1945).

NOTE: For the purpose of this analysis territory is shown as "I.G." or "A.M.G." Territory in accordance with the situation prior to 31 Dec. 1945.

(A) Italian Government Territory

Total No. of Communes : 3586
No. reported on : 3533

1. Compilation of Draft Lists (Elenchi).

Male lists compiled : 2481 - i.e.

(70% of I.G. communes reported on, or
(69% of all I.G. communes have male
(lists compiled.

Female lists compiled : 3442 - i.e.

(97% of I.G. communes reported on, or
(96% of all I.G. communes have female
(lists compiled.

Total : 5923 - i.e.

(84% of I.G. communal lists reported on,
(or 83% of all I.G. communal lists
(have been compiled.

2. Approval of Definitive Lists.

Male lists approved : 1124 - i.e.

(32% of I.G. communes reported on, or
(31% of all I.G. communes have male
(lists approved.

Female lists approved : 1365 - i.e.

(39% of I.G. communes reported on, or
(38% of all I.G. communes have female
(lists approved.

Total : 2489 - i.e.

(35% of I.G. communal lists reported on,
(or 35% of all I.G. communal lists have
(been approved.

(B) A.M.G. Territory (excluding Venezia Giulia)

Total No. of Communes : 3628
No. reported on : 3340

1. Compilation of Draft Lists (Elenchi).

Male lists compiled : 235 - i.e.

(28% of AMG communes reported on, or
(26% of all AMG communes have male
(lists compiled.

Male lists compiled : 2481 - i.e.
 (70% of I.G. communes reported on, or
 69% of all I.G. communes have male
 lists compiled.)

Female lists compiled : 3442 - i.e.
 (97% of I.G. communes reported on, or
 96% of all I.G. communes have female
 lists compiled.)

Total : 5923 - i.e.
 (84% of I.G. communal lists reported on,
 or 83% of all I.G. communal lists
 have been compiled.)

Male lists approved : 1124 - i.e.
 (32% of I.G. communes reported on, or
 31% of all I.G. communes have male
 lists approved.)

Female lists approved : 1365 - i.e.
 (39% of I.G. communes reported on, or
 38% of all I.G. communes have female
 lists approved.)

Total : 2489 - i.e.
 (35% of I.G. communal lists reported on,
 or 35% of all I.G. communal lists have
 been approved.)

(B) A.M.G. Territory (excluding Venezia Giulia)

Total No. of Communes : 3628
 No. reported on : 3340

1. Compilation of Draft Lists (Elenchi).

Male lists compiled : 235 - i.e.
 (28% of AMG communes reported on, or
 26% of all AMG communes have male
 lists compiled.)

Female lists compiled : 2600 - i.e.
 (78% of AMG communes reported on, or
 72% of all AMG communes have female
 lists compiled.)

Total : 2835 - i.e.
 (53% of AMG communal lists reported on,
 or 49% of all AMG communal lists have
 been compiled.)

25

20/11

- 2 -

2. Approval of Definitive Lists.Male lists approved : 92 - i.e.(2.8% of AMG communes reported on, or
(2.5% of all AMG communes have male lists
(approved.Female lists approved : 185 - i.e.(5.5% of AMG communes reported on, or
(5.1% of all AMG communes have female
(lists approved.Total : 277 - i.e.(4.1% of AMG communal lists reported on,
(or 3.8% of all AMG communal lists have
(been approved.(C) I.G. and A.M.G. Territories combined.Total No. of Communes (less Venezia Giulia) : 7214
Total No. reported on : 6873

1. Total No. of Draft Lists(Elenchi)(male and female)compiled :

2458 - i.e.(69% of communal lists reported on, or
(65% of all communal lists have been
(compiled.

2. Total No. of Definitive Lists(male and female)approved :

2766 - i.e.(20% of communal lists reported on, or
(19% of all communal lists have been
(approved.Note : The following provincial capitals have both male and female lists compiled and
approved : AVELLINO, CASERTA, COSENZA, GROSSETO, ENNA and RAGUSA.

JLR/ww

RALPH R. TEMPLE
Major

Director

Local Government Sub Commission

(C) I.G. and A.M.G. Territories combined.

Total No. of Communes (less Venezia Giulia) : 7214
Total No. reported on : 6873

1. Total No. of Draft Lists(Elenchi)(male and female)compiled :
2458 - i.e. (69% of communal lists reported on, or
(65% of all communal lists have been
(compiled.
2. Total No. of Definitive Lists(male and female)approved :
2766 - i.e. (20% of communal lists reported on, or
(19% of all communal lists have been
(approved.

Note : The following provincial capitals have both male and female lists compiled and
approved : AVELLINO, CASERTA, COSENZA, GROSSETO, ENNA and RAGUSA.

[Signature]
RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

JLR/ww

1150

(85)

2470

ADQUARERS ALLIED COMMISSION
AFO 394
LOCAL GOVERNMENT SUB COMMISSION

AG/45/21/LG

tele: 478190

Analysis of progress of Electoral work in the Italian Government and Northern Provinces territory (Based on Ministry of the Interior report for the period ending 16 January 1946)
NOTE: for the purpose of this analysis territory is shown as I.G. & N.P. territory in accordance with the situation prior to 31 December 1945

(A) Italian government territory

Total No. of Communes : 3586
No reported on : 3585

1. Compilation of draft list (elenchi)

Male lists compiled : 2801 - ie. { 78% of all I.G. communes have male lists compiled.
Female lists compiled : 3492 - ie. { 97.5 % of all I.G. communes have female lists compiled.
Total : 6293 - ie. { 88% of all I.G. communes have communal lists compiled

2. Approval of definitive lists

Male lists approved: 1397 - ie. { 59% of all I.G. communes have male lists approved
Female lists approved: 1695 - ie. { 47.3 % of all I.G. communes have female lists approved
Total : 3092 - ie. { 43 % of all I.G. communes have male & female lists approved

(B) Northern Provinces territory as recently handed over to the Italian government (including UDRE but excluding VENEZIA GIULIA)

Total No. of Communes: 3628
No. reported on : 3586

1. Compilation of draft lists (elenchi)

Male lists compiled : 1487 - i.e. { 41% of all communes in N.P. territory and 41.5% of communes reported on have male lists compiled.

Female lists compiled :

3054 - i.e. { 85% of all communes in N.P. territory and 85.5% of communes reported on have female lists compiled

200/c

Total No. of Communes : 3536
No reported on : 3585

1. Compilation of draft list (elenchi)

Male lists compiled :

Female lists compiled

Total

2804 -ie. { 78% of all I.G. communes have
male lists compiled.
3492 - ie. { 97.5% of all I.G. communes have
female lists compiled.
6293 - ie. { 88% of all I.G. communes have
communal lists compiled

2. Approval of definitive lists.

Male lists approved:

Female lists approved:

Total

1597 - ie. { 39% of all I.G. communes have
male lists approved
1695 - ie. { 47.3% of all I.G. communes have
female lists approved
3092 - ie. { 45% of all I.G. communes have
male & female lists approved

(3) Northern Provinces territory as recently
handed over to The Italian Government (including
ROME but excluding VENEZIA GIULIA)

Total No. of Communes: 3628
No. reported on : 3586

1. Compilation of draft lists (Elenchi)

Male lists compiled :

Female lists compiled :

Total

1487 - i.e. { 41% of all communes in M.P.
territory and 41.5% of com-
munes reported on have male
lists compiled.

3054 - i.e. { 85% of all communes in M.P.
territory and 85.5% of com-
munes reported on have fe-
male lists compiled

4341 - i.e. { 62.5% of all communal lists
reported on and 62% of all
communal lists compiled

2. Approval of definitive lists

Male lists approved :

225 - i.e. { 6.21% of all M.P. territory
communes and 6.28% of all
communes reported on have
male lists approved

244

Added by you
M.C.

Female lists approved : 372 - i.e. { 10.2% of all N.P. territory
communes and 10.4% of com-
munes reported on have fe-
male lists approved

Total : 597 - i.e. { 7.9% of all N.P. territory
communes and 8% of communes
reported on have been
(approved)

(C) I.G. and N.P. territories combined

Total No. of communes : 7214 (less Venezia Giulia)
Total No. reported on : 7171

1. Total No. of draft lists (Elmichi) Male and Female compiled :
10,844 - i.e. { 70.5% of communal lists
reported on or 70.5% of all
communal lists have been
compiled
2. Total No. of definitive lists (male and female) approved :
3,689 - i.e. { 24.2% of communal lists
reported on or 24% of all
communal lists have been
(approved)

Note 1: The total number of Communes in all Italy (less Venezia Giulia) which have completed both male and female lists and had them approved by the Electoral Commissions is: 1456.

Note 1: The following provincial capitals have had both lists compiled and approved:

Avellino	Cosenza	Frosinone
Brindisi	Cremona	Grosseto
Caserta	Enna	Ragusa

R. R. Temple, Major

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

RA/mm/ragn/rbe

1100

Total No. of Communes : 724 (less Venezia Giulia)
Total No. reported on : 7171

- 1. Total No. of draft lists (Elendchi) Male and Female compiled :
10,844 - i.e. { 70.5% of communal lists
 { reported on or 70.5% of all
 { communal lists have been
 { compiled
- 2. Total No. of definitive lists (male and female) approved :
3,689 - i.e. { 24.2% of communal lists
 { reported on or 24% of all
 { communal lists have been
 { approved

Note 1: The total number of Communes in all Italy (less Venezia Giulia) which have completed both male and female lists and had them approved by the Electoral Commissions is: 1456.

Note 1: The following provincial capitals have had both lists compiled and approved:

Avellino	Cosenza	Frosinone
Brindisi	Crotone	Grosseto
Caserta	Enna	Reggio

R. R. Temple, Major

RAUL R. TEMPLE
Major
Director
Local Government Sub Commission

RA/mm/ragn/rbe

1100

24a

7 January 1946

My dear Mr. Ambassador:

Thank you for your letter of 2 January enclosing a copy of a despatch which you received from the American Consul General in Genoa regarding the progress of preparations for Italian elections in that city.

Sincerely yours,

ELLERY W. STONE,
Rear Admiral, USNR
Chief Commissioner

H.E. Hon. Alexander Kirk,
American Ambassador,
Via Veneto 119,
Rome.

34

1152

HQ ALCON

05 0900 JAN 46

(1) AMB VERONICA GIALIA

99.38

ROUTINE

SUBJECT IS PREPARATION OF ELECTORAL ROLLS PD

PARA ONE PD RNF YOUR RIGHT STROKE SEVEN TWO STROKE TWO OF ONE NINE DECEMBER PD MAJOR
CLERUM REPORTED THIS SUB COMMISSION THREE ONE DECEMBER WITH DRAFT ORDER FOR PREPARATI
OF ELECTORAL ROLLS PD HE HAS NOT BEEN SEEN SINCE PD INFORMED HE HAS BEEN POSTED TO
CASERTA PD

PARA TWO PD THIS SUB COMMISSION HAS EXAMINED DRAFT ORDER AND IS HOLDING CONSULTATIONS
WITH ITALIAN TECHNICAL EXPERTS ON THE SUBJECT PD MEANWHILE SUGGEST THAT ANOTHER LEGAL
OFFICER BE ASSIGNED TO TASK AND SENT TO ROME WITH DOTTOR CECOVINI PD

200/100

ROUTINE

LOCAL GOVERNMENT SUB COMMISSION

286

83

Cpl. S. I. (Translation)
Send CC to Polada HOB

JAN 11 RECD

ee 1715

Rome, 4 January 1946

Dear Admiral,

Following the examination by the "Commissione per gli affari politici ed amministrativi" of the Consulta, the Council of Ministers approved on the 2nd instant, in its definitive text, the electoral draft law for the reconstitution of the communal councils.

As it has already been officially announced, the provisions concerning the election of the provincial councils have been omitted from the project, since the Government decided to provide thereto in due course by separate legislation.

I gladly welcome the occasion to assure you that the new law has entirely accepted the remarks made by your Allied Commission as to the adoption of the State ballot paper, the anticipated publication of the lists of candidates, the extension of the term between the issuance of the decree convoking the electoral meetings and the date set for the election, in order to allow the public to get acquainted with the lists in question, as well as the abolition of the article concerning the modalities for the implementation of the law in the territories under the Allied Military Government jurisdiction.

Please accept, dear Admiral, my cordial regards,

/s/ De Gasperi

To: Admiral ELDER W. STONE
 Chief of the Allied Commission
 Rome

EC-11 Jan. 1946

ACTION - CAPA

INFO - CC

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- EC

1152

Trans. An.

COPIAIL PRESIDENTE
DEL CONSIGLIO DEI MINISTRI

Roma, 4 gennaio 1946

Caro Ammiraglio.

In seguito all'esame della Commissione per gli affari politici ed amministrativi della Consulta, il Consiglio dei Ministri ha approvato il 2 corrente, nel testo definitivo, lo schema di legge elettorale per la ricostruzione dei Consigli comunali.

Come è stato già reso noto in via ufficiale, dal progetto sono state stralciate le norme concernenti la elezione dei Consigli provinciali, essendosi il Governo riservato di provvedere al riguardo in separata sede.

Mi è assai gradita l'occasione per assicurarla che la nuova legge ha accolto integralmente i rilievi formulati da codesta Commissione Alleata per l'adozione della scheda di Stato, la preventiva pubblicazione delle liste dei candidati, la proroga dell'intervallo tra il decreto di convocazione dei comizi e la data delle elezioni, al fine di consentire al pubblico la conoscenza delle liste in parola, nonché per l'abolizione dell'articolo riguardante le modalità di attuazione della legge nei territori sottoposti al Governo Militare Alleato.

Gratisca, caro Ammiraglio, vivissime cordialità.

f/ De Gasperi

All'Ammiraglio
MILITARY W. STONE
Capo della Commissione Alleata
ROMA

(82) 6

1150



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

JAN 7 1946
1500

Rome, January 2, 1946

CONFIDENTIAL

Dear Admiral Stone,

I am enclosing a copy of a despatch which I have received from the American Consul General in Genoa regarding the progress of preparations for Italian elections in his district, which may prove of interest to you and the officers of the Local Government SubCommission.

Sincerely yours,

A. L. H.

Enclosure

Rear Admiral Ellery W. Stone,
Chief Commissioner,
Allied Commission,
Rome.

200/CC

11.5

82a

CONFIDENTIAL

Report by the American Consul General at Genoa, dated November 27, 1945.

Avvocato Augusto Solari, number two man of the local Christian Democratic party, during the course of an interview on November 26 expressed great indignation and considerable alarm at the "scandalous" methods which he said were being used by the Left elements in Genoa to warp the forthcoming elections. It should here be said that reports have previously come to the attention of this Consulate General to the effect that Communist infiltration has not spared the city's organization which is charged with drawing up the electoral lists.

Solari explained that these lists are based on the "anagrafe" (or vital statistics registers), from which the essential data is taken and transcribed upon the electoral registers. On account of the large number of displaced Italians, an elector's residence, as distinct from his legal domicile, determines the place where he is to vote. When the electoral register of a given locality is ready, the fact is locally publicized and according to a central government law every elector thereafter has ten days in which to inspect the register which is available at the town hall of his residence and to file a formal protest in case his name has been omitted.

Before discussing the situation in Genoa, Solari strongly criticized the foregoing law, the adoption of which he attributes to the preponderant influence of the Left parties, who fear a large vote at election time. The time limit for protests was fifteen days under the law in force when elections were abolished by Fascism. In view of the confused conditions existing in Italy today, the lost or incomplete records and of the vast number of displaced Italians, the time limit should logically not have been reduced by one third but should instead have been considerably extended. The reduction of the time limit is particularly serious in the case of women voters for whom the franchise is an innovation and who are therefore utterly unfamiliar with the mechanism of voting, electoral lists, et cetera. In this law Solari sees a "plot" on the part of the Lefts to effectively eliminate a large number of women electors whose vote it is generally believed will be overwhelmingly conservative.

Turning to the local situation, Solari stated that he believes (although he could not so affirm) that in Greater Genoa the clerical work of transcribing the date from the anagrafe to the electoral registers has been largely an

view on November 20 expressed great concern. A considerable alarm at the "scandalous" methods which he said were being used by the Left elements in Genoa to warp the forthcoming elections. It should here be said that reports have previously come to the attention of this Consulate General to the effect that Communist infiltration has not spared the city's organization which is charged with drawing up the electoral lists.

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Turning to the local situation, Solari stated that he believes (although he could not so affirm) that in Greater Genoa the clerical work of transcribing the date from the "anagrafe" to the electoral registers has been largely entrusted to unemployed ex-Partisans, many of whom are Communists. This state of affairs would seem to explain the following facts, which Solari declared he knew to be exact. When the electoral lists for the women voters were nearing completion, the Christian Democratic party, in collaboration with the Centro Italiano Femminile (the Catholic counterpart of the Communist "Unione Donne Italiane"), set up an office which after November 10, when the women's electoral lists were officially declared to be in readiness, on its own initiative gratuitously checked the registration of women voters belonging to the Christian Democratic party and to various organizations affiliated with the Church. According to Solari, approximately 25,000 checks were made and

the

the names of some 7,500 women (that is, 30%) were found to have been omitted from the register. During the course of these investigations, Solari came upon about 100 cases of families consisting of more than one female member where the name of only one of the women was listed. He said that analogous omissions were found in cases of religious institutions and cited one notable example of a convent in Genoa where only five out of forty nuns were listed. He said that in the town-hall of Genoa there is only one copy of the women's electoral register, which is composed of pages written in longhand. This single copy is supposed to be open for the inspection of the 254,000 women voters of greater Genoa for the period of only ten days. In spite of several requests, the Socialist mayor of Genoa has pleaded his inability to have the register printed or to furnish any additional copies.

As the total number of women's names appearing on the register corresponds to the actual number of women voters, Solari expressed his conviction that the names of the women which have been omitted from the register have been replaced by names of women who are dead or displaced or who are purely imaginary, but all of whom "will appear in the flesh" to vote on election day.

According to Solari, any extension of the time limit in which to file objections in any given city or town may only be granted by the central government. The mayor has repeatedly been requested to intervene in Rome in order to obtain the necessary authority, but on each occasion has flat-footedly refused to take any action.

22 December 1945

FROM : Local Government Sub-Commission

TO : Chief Commissioner

DEC 21 1945

1. Please see attached folio for your information. It sets forth the present position regarding the preparation of the electoral lists.
2. Since the last report (Nov 15) 1919 more lists have been compiled and 715 more approved. They still have a long way to go (last analysis is on AC/45/21/LG - copy sent to you).

(78)

Ralph R. Temple
MajorDirector
Local Government S/CCol. S. L.
Summarize - pls

ms

LL

29
12

(32)

Noted by CC
"Chart etc"
6675
11/20
ALLIED COMM. NO. 1
ART. 1

1. 128 Comm. 30

3553 1.9

3633 1.9

7316 all 1.9

AGE 394

LOCAL GOVERNMENT AND COMMISSION

10/15/21/10

Analysis of Progress of Electoral Work in Italian Government and AMG Territory. (Based on Ministry of Interior Report for period ending 14 Dec. 1945)

(A) Italian Government Territory (3555 Comm. Total)

1. Compilation of Draft Lists (Municipal).

Male lists compiled: 2217 - 1.9.

Female lists compiled: 2257 - 1.9.

Total: 5474 - 1.9.

2. Approval of Definitive Lists.

Male lists approved: 570 - 1.9.

Female lists approved: 1014 - 1.9.

Total: 1584 - 1.9.

(B) A.M.O. Territory

1. Compilation of Draft Lists (Municipal).

Male lists compiled: 548 - 1.9.

Female lists compiled: 1876 - 1.9.

3553 1.9

3633 1.9

7316 all 1.9

AGE 394

LOCAL GOVERNMENT AND COMMISSION

10/15/21/10

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Female lists compiled: 1876 - 1.9.

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3633 1.9

7316 all 1.9

AGE 394

LOCAL GOVERNMENT AND COMMISSION

10/15/21/10

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(A) Italian Government Territory (3555 Comm. Total)

1. Compilation of Draft Lists (Municipal).

Male lists compiled: 2217 - 1.9.

Female lists compiled: 2257 - 1.9.

Total: 5474 - 1.9.

2. Approval of Definitive Lists.

Male lists approved: 570 - 1.9.

Female lists approved: 1014 - 1.9.

Total: 1584 - 1.9.

(B) A.M.O. Territory

1. Compilation of Draft Lists (Municipal).

Male lists compiled: 548 - 1.9.

Female lists compiled: 1876 - 1.9.

Male lists compiled: 2257 - i.e.
 Total : 2644 - i.e.
 200%

2. Approval of Definitive Lists.

Male lists approved : 670 - i.e.

Female lists approved: 1024 - i.e.

Total : 1694 - i.e.

(3) A.M.O. Territories

1. Compilation of Draft Lists (Males).

Male lists compiled : 648 - i.e.

Female lists compiled: 1876 - i.e.

Total : 2524 - i.e.

2. Approval of Definitive Lists.

Male lists approved : 28 - i.e.

Female lists approved: 72 - i.e.

Total : 100 - i.e.



(25 of I.G. communes reported on, or
 94 of all I.G. communes have female
 lists compiled.)

(80 of I.G. communal lists reported on
 or 79 of all I.G. communal lists have
 been compiled.)

(25 of I.G. communes reported on, or
 24 of all I.G. communes have male
 lists approved.)

(30 of I.G. communes reported on, or
 29 of all I.G. communes have female
 lists approved.)

(27 of I.G. communal lists reported on
 or 27 of all I.G. communal lists have
 been approved.)

(24 of AMO communes reported on, or
 17 of all AMO communes have male
 lists compiled.)

(72 of AMO communes reported on, or
 52 of all AMO communes have female
 lists compiled.)

(43 of all AMO communal lists reported
 on, or 34 of all AMO communal lists
 have been compiled.)

(approx. 1% of AMO communes reported on
 or less than 1% of all AMO communes
 have male lists approved.)

(3% of AMO communes reported on, or
 2 of all AMO communes have female
 lists approved.)

(2 of AMO communal lists reported on,
 or 1 of all AMO communal lists have
 been approved.)

(C) I.C. and A.C. Territories combined.

1. Total No. of Draft Lists (Mendhi) compiled:

2012 - i.o.
{ 66% of communal lists reported on, or
57% of all communal lists have been
(compiled)
2. Total No. of Definitive Lists approved:

2012 - i.o.
{ 16% of communal lists reported on, or
14% of all communal lists have been
(approved)

John H. Bessy

Major
Director
Local Government and Communities

JLR/ma

HEADQUARTERS ALLIED COMMISSION

APO 394

Office of the Executive Commissioner

Chief Commissioner.

Chief du Cabinet of the P.M. told me
yesterday that elections had been fixed
as follows:-

Administrative - On each of 4 Sundays in
March

Provincial - April 28th 11:00

-MS (18/XU/45-

(80)

97

200/100

C O P Y

From: The President of the Council of Ministers
Rome, December 1945

Dear Admiral,

I have examined the observations of the Allied Commission, communicated by you to my predecessor with letter 8 November 1945, concerning the drafts of legislative provisions for the political and administrative elections.

The remarks as to the first draft law can be summarized as follows:

- 1) lack of a provision forbidding the electoral propaganda in the vicinity of the electoral sections;
- 2) failure of setting forth a term for carrying out the obligation, foreseen by art. 16, of posting the manifest containing the lists of the candidates in all the communes of the circumscription;
- 3) the necessity that in articles 5 and 6, where mention is made of the Provincial Commissions who are called upon to take steps for the disenfranchisement of the electoral right for political unworthiness, reference should be made in addition to art. 2 of DLL 26 April 1945, n. 149, also to art. 8 of DLL 27 July 1944, n. 159, as on the basis of the latter the aforesaid Commissions have been set up in the Provinces still under AMG due to failure of extending DLL 26 April 1945 referred to above to them.

I am glad to be able to inform you that, in agreement with the Ministry for the Costituente, said remarks have been fully accepted and that, consequently, the variations contained in enclosure have been applied to the text of the draft decree which the Government has submitted to the Consulta Nazionale, so that the Assembly will examine the draft already completed on the lines suggested by the Allied Commission.

As far as the remarks on the legislative project for the administrative elections are concerned, I shall communicate to you as soon as possible the definitive thought of the Italian Government, while I wish to assure you that personally as a matter of principle I am in favor of the adoption, also in this field of State ballot paper: on this problem in the meantime, the attention of the Consulta Nazionale has been called in connection with the examination it will have to make with regard of the aforesaid project.

Once this point has been solved - and its solution is connected also to the practical possibilities to provide for the supply of the ballot papers - the other questions outlined by you in this matter will be settled taking special account of the recommendation of the Allied Commission.

Please accept, Dear Admiral, my best and cordial

2488

- 1) lack of a provision forbidding the electoral propaganda in the vicinity of the electoral sections;
- 2) failure of setting forth a term for carrying out the obligation, foreseen by art. 16, of posting the manifest containing the lists of the candidates in all the communes of the circumscription;
- 3) the necessity that in articles 5 and 6, where mention is made of the Provincial Commissions who are called upon to take steps for the disenfranchisement of the electoral right for political unworthiness, reference should be made in addition to art. 2 of DLL 26 April 1945, n. 149, also to art. 8 of DLL 27 July 1944, n. 159, as on the basis of the latter the aforesaid Commissions have been set up in the Provinces still under AMG due to failure of extending DLL 26 April 1945 referred to above to them.

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Once this point has been solved - and its solution is connected also to the practical possibilities to provide for the supply of the ballot papers - the other questions outlined by you in this matter will be settled taking special account of the recommendation of the Allied Commission.

Please accept, Dear Admiral, my best and cordial regards.

/s/ De Gasperi

Trans.AN.
17/12/45

E.C. D/157 - 19 Re.

Aut. Trans.: C. A. L. (2)

Fufs.: C.C.
E.C.

AMENDMENTS TO THE POLITICAL ELECTORAL LAW PROJECT FOR THE CONSTITUENT ASSEMBLY

1. Art. 32 - At the beginning of this article provisions of art. 43 of the law project for administrative elections, concerning the banning of all electoral propaganda in the neighbourhood of the Sections have been integrally inserted.
2. Art. 16 - after the word "...in other public places" the following additional words have been added "within the twentieth day preceding the date of the elections", for the purpose of insuring the timely publication of the notice with the lists of the candidates.
3. Articles 5 and 6. - Reference to art. 8 of DIL 27 July 1944, n. 159 has been inserted.

additional words have been added "within the twentieth day preceding the date of the elections", for the purpose of insuring the timely publication of the notice with the lists of the candidates.

3. Articles 5 and 6. - Reference to art. 8 of DIL 27 July 1944, n. 159 has been inserted.

(179) R

2492

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: 2506/EC.

14 December 1945.

Chief Commissioner.

Administrative Elections.

1. You wrote on 8 Nov making certain suggestions on Administrative Law.
2. At a conference on 17 Nov agreement was reached on points raised by you with one exception - the form of ballot. *See INCLOSURE*
3. No progress during crisis.
4. At meeting on 13 Dec the head of the Electoral Service (Minister of Interior) told Local Government Sub-Commission that he has prepared a report which, owing to the crisis, he had not yet been able to submit to the Italian Government. He had prepared schemes for the form of ballot which are acceptable to us.
5. Although we asked the Italian Government on 5 Nov for a reply and have received none, no action has been taken by IC which can be possibly construed as holding up anything at all. The delay has been due to the crisis which has prevented the dept. of the Minister of Interior finding anyone to read the report.

200/EC

MSL

✓

MSL/JG.

1111

2493

785015

1. You wrote on 8 Nov making certain suggestions on Administrative Law.

2. At a conference on 17 Nov agreement was reached on points raised by you with one exception - the form of ballot.

3. No progress during crisis.

4. At meeting on 13 Dec the head of the Electoral Service (Minister of Interior) told Local Government Sub-Commission that he has prepared a report which, owing to the crisis, he had not yet been able to submit to the Italian Government. He had prepared schemes for the form of ballot which are acceptable to us.

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200/ee

MSL

MSL/JG.

✓

1111

79

45/15/A/LG

SUBJECT: Note of interview - Ministry of the Interior

DATE : 13 December 1945 - 11,30 hrs.

PRESENT: Dott. CALERACCI - Chief of the Cabinet, Ministry of the Interior
Dott. STRANO - Head of the Electoral Service, Ministry of the Interior
Major R.R. Temple - Director Local Government S/C.
Mr. A. Nice, interpreter.

1. Dr. STRANO explained to me that he had prepared his report for the President of the Council of Ministers following our conference on the 17th November which had been suggested in the Chief Commissioner's letter to the Prime Minister of the 8th November. The Government crisis however had prevented its transmission to the Office of the Presidency, and that consequently the letter from the Prime Minister to the Chief Commissioner dealing with the electoral laws was not ready to be despatched.
2. He agreed however that there was nothing to prevent an immediate response from the Italian Government dealing with the Constituent Assembly Law, inasmuch as there had been complete agreement with that Ministry on all points raised by the Allied Commission concerning that law, and in fact the Ministry for the Costituente had included the agreed changes in their draft to be presented to the Consulta.
3. Dr. STRANO showed me 2 sample ballots which he had prepared for consideration by the President of the Council, one based on the majority system in use in Communes under 30000, the other based on the proportionate representation list system used in Communes over 30000. Both followed the suggestion which I made at the interview on the 17th November. Dr. STRANO said that they would be submitted for consideration at a conference which he expected would take place as soon as the President read his report.
4. Dr. STRANO said that the semi-monthly report indicating the situation with regard to progress in compilation of electoral registers would be sent to us in a few days.
5. He stated that the situation according to the latest returns is as follows:-
2905 male lists and 5233 female lists compiled, making a total of 8138.
Lists approved are 898 male and 1116 female lists, making a total of 2014.
(there are 14120 lists involved in Italy).
6. Dr. STRANO expressed the opinion that the laws themselves had to be discussed by the Consulta and then passed by the Council of Ministers, and he hoped that the local elections might take place before the end of February. He hoped that by then the lists would be ready in most of Central and Southern Italy.
7. He did not expect the Local Elections' Law to be enacted before the end of January.

29
RRT/ww

1105
R. R. Temple
RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

HEADQUARTERS ALLIED COMMISSION
APO 394

Suspense _____

Date

14 Dec. '45

FROM	TO	FROM	TO
Staff Officer to CC		Transportation	
Executive Commissioner	✓	Political Advisors	
Message Center		Establishment Section	
Liaison Division		Executive Officer (A)	
Civil Affairs Section		Executive Officer (B)	
Dis Pers & Repat		G-1 (A)	
✓ Local Govt		G-1 (A) Civilian Emp.	
Patriots Branch		G-1 (B)	
Public Safety		G-4 (A)	
Security Division		G-4 (B)	
Public Health		2675th Regt	
Legal		Headquarters Commandant	
Education		Allied Civ Pers Director	
Monuments & Fine Arts		Adjutant, Allied Commission	
Economic Section		Navy	
Requisition Branch		Land Forces (MMIA)	
Agriculture		Air	
Commerce		Communications	
Coal Div		Civil Censorship Group	
Finance		W.M.D. & P.O.W.	
Property Control Div		Motor Transport Group	
Food		Public Relations Branch	
Industry		Information Div	
Mining Div		Archivist	
Labor		U.N.R.R.A.	
Public Works & Utilities		I.G.C.R.	
Shipping			

Signature _____

Remarks & Recommendations _____

Information _____

Approval/Disposal _____

Appropriate Action _____

Investigation & Report _____

Dispatch _____

Remarks:

Sir:-

The attached note of interview
which took place yesterday, 13 Dec. 45,
states the present position regarding
electoral laws.

Ralph L. Temple, Major
Director Int. Govt. S/c

29

HEADQUARTERS ALLIED COMMISSION
A/C 324
LOCAL GOVERNMENT SUB COMMISSION

AC/45/21/LG

20 November 1945

Analysis of Progress of Electoral Work in Italian Government and AMG Territory. (Based on Ministry of Interior Report for period ending 15 November 1945)

(A) Italian Government Territory

1. Compilation of Draft Lists (Elenco).

Male lists compiled: 1991 - i.e.

{ 60% of communes reported on, or
35% of all Italian Government communes
(have compiled male lists.

Female lists compiled: 2405 - i.e.

{ 92% of communes reported on, or
85% of all Italian Government communes
(have compiled female lists.

Total :

5034 - i.e.

{ 76% of communal/communes reported on, or
73% of all Italian Government communal
lists

2. Approval of Definitive Lists.

Male lists approved: 523 - i.e.

{ 18% of communes reported on, or
17% of all Italian Government communes
(have had male lists approved.

Female lists approved: 704 - i.e.

{ 24% of communes reported on, or
20% of all Italian Government communes
(have had female lists approved.

Total :

1297 - i.e.

{ 19% of communal/communes reported on, or
18% of all Italian Government communal
lists

(B) A.M.G. Territory

1. Compilation of Draft Lists (Elenco).

Male lists compiled: 286 - i.e.

{ 20% of communes reported on, or
8% of all AMG communes have compiled
(male lists.

Female lists compiled: 892 - i.e.

{ 64% of communes reported on, or
26% of all AMG communes have compiled
(female lists

Total :

1178 - i.e.

lists

1178

200/cc

200/cc

Female lists compiled: 2013 - i.e.

Total: 5024 - i.e.

2. Approval of Definitive Lists.

Male lists approved: 593 - i.e.

Female lists approved: 704 - i.e.

Total: 1297 - i.e.

(B) A.M.C. Territory

1. Compilation of Draft Lists (March).

Male lists compiled: 286 - i.e.

Female lists compiled: 992 - i.e.

Total: 1105 - i.e.

2. Approval of Definitive Lists.

Male lists approved: 1

Female lists approved: 1

(C) I.C. AND ANG Territories combined

1. Total No. of Draft Lists (March) compiled:

6219 - i.e.

2. Total No. of Definitive Lists approved:

1292 - i.e.

noted by Ralph R. Langley, Mfg. Director 2/1/4

John L. Russell, Capt.

{56% of all Italian Government communes have compiled male lists.

{92% of communes reported on, or {85% of all Italian Government communes have compiled female lists.

{76% of communal/reported on, or {70% of all Italian Government communal lists

{18% of communes reported on, or {17% of all Italian Government communes have had male lists approved.

{21% of communes reported on, or {20% of all Italian Government communes have had female lists approved.

{19% of communal/reported on, or {16% of all Italian Government communal lists

{20% of communes reported on, or {8% of all ANG communes have compiled male lists.

{64% of communes reported on, or {26% of all ANG communes have compiled female lists

{42% of communal/reported on, or {17% of all ANG communal lists

{67% of communal/reported on, or {44% of all communal lists

{14% of communal/reported on, or {3% of all communal lists.


S

Villa Valguarnera
Bagheria
Sicily
S. 12. 45

To Admiral Stone
Rome

Permit me to convey to you
the desire of many Sicilians
that America should end the
horrible plight our country
is in, taking under their control
and immediately promoting the
Italian elections with the spirit
of true democracy that only
can be obtained by ^{Italy} ~~Italy~~
(which is American's) ~~participation~~
P.S. ~~to~~

200/100

Free and Controlled Votation

I permit myself to observe that it is the Allies interest to prevent Russia's infiltration through communism in Italy.

A speedy votation can prevent this. "L'Homme Quinque" a strong force will surely conquer if all possible moral support should be afforded it. It's a party of order, discipline and the spirit of democratic freedom.

I am nothing, still I think that every single citizen should add his grain of sand for a land of peace, order and liberty.

With all consideration
Sonia di Salaparuta

2500

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

785015

*Duchessa Luisa Allata
di Salaparuta*

Villa Valguarnera

Bagheria

UNITED STATES INFORMATION SERVICE

of the Office of War Information

NOV 29 REC'D

ROME DIVISION

November 28, 1945

TO : Ellery W. Stone
Rear Admiral, USNP
Chief Commissioner, AC

FROM : Jerome D. Ross
Deputy Chief, USIS

Dear Admiral Stone:

Thank you for your letter of 27 November regarding distribution of elections pamphlets. USIS is arranging mass distribution of these throughout Italy through E.N.A.L., the workers' organization, the Ministry of Public Instruction, and our own lists of teachers, technicians, etc.

Under separate cover I am sending to your office the fifty copies of each of the publications which you requested.

Very sincerely

Jerome D. Ross
Jerome D. Ross

200/ee

1/200

(77)

CC 200

27 November 1945

My dear Mr. Ross:

Further to my letter of 15 November concerning the distribution of pamphlets which USIS produced in connection with the educational campaign prior to the forthcoming Italian elections. I have had the possibility of mass distribution through the Allied Commission thoroughly investigated. It is felt that the United States Embassy and USIS are the most appropriate bodies to make the distribution.

An issue of 50 of each of the documents will be appreciated so that the Commission may distribute them to Regional Headquarters for the information of Regions.

Yours very truly,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. Jerome D. Ross
Deputy Chief
United States Information Service
Rome

1124

(76)

202 198-

15 November 1945

Dear Mr. Ross:

Thank you for your letter of the 13th enclosing the samples of pamphlets which USIS has produced in connection with the educational campaign prior to the forthcoming Italian elections.

I will advise you later as to the possibility of mass distribution of the pamphlets through the Allied Commission.

Yours very truly,

[s] Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Mr. Jerome D. Ross
Deputy Chief
United States Information Service, Italy
ROME

(75)
Copy to F.C.

1150

15 November 45

MEMORANDUM:

TO : Civil Affairs Section
(Attention: Brigadier Carr)

1. The Chief Commissioner invites your attention to the enclosed letter from USIS and the samples of the information pamphlets attached thereto.

2. You will note that the matter of assisting the Italian Government in educating the Italians in the basic principles of the free democratic nations was specifically referred to in paragraphs 10 and 11 of the Chief Commissioner's secret paper "Future Policy Toward Italy," dated 23 June 45, file CG 1001.

3. It is requested that the possibility of handling mass distribution of these pamphlets through Allied Commission be carefully investigated by you as soon as possible and appropriate recommendations made to the Chief Commissioner.

1 Incl.

L. W. STEARNS
Lt Col, AGO
Staff Officer to CC

cc Efec Commr.

See 206

(7)

112

203 199.

C O P Y

UNITED STATES INFORMATION
SERVICE
of the Office of War Information

Rome Division

November 13, 1945

Rear Admiral E. K. Stone
Chief Commissioner
Allied Commission
Rome

Dear Admiral Stone:

Mr. Stewart Brown has left for a short trip to the States, and has asked me to send you these samples of the pamphlets which USIS has produced in connection with the educational campaign anent the forthcoming Italian elections.

All four pamphlets have just come off the presses in the following quantities: 150,000 copies of "Come Si Vota Negli Stati Uniti", and 100,000 copies each of the other three. These we are distributing in quantity to members of the Italian Government, to members of the entire school system through the Ministry of Public Instruction, and to working class groups through E.N.A.L.

Mr. Brown suggests that if you want any mass distribution through AC will you kindly let me know.

Very cordially,

/s/ Jerome D. Ross
/t/ JEROME D. ROSS
Deputy Chief
USIS, Italy

Att. 73

1234

C. Clark

Attached have
already been seen by
CC on our file. They
are now forwarded for
your files.

[Signature]
SH

2507

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

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E.C. 110
C.L.A.

SEP 14 RECD
CC 0950

BRITISH EMBASSY,
ROME.

337/46/45

PNR
GWS
CC

12th September, 1945.

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With the compliments of

Mr. H.L.S.A.Hopkinson

me 17/9

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Pass to CAS
C.L.A.

MS (146)

Rear Admiral Ellery W. Stone,
USNR,
Allied Commission,
Rome.

RETURN TO
Chief Commissioner

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File

AC/15/3/1/16

8 November 1945

My dear Mr. Prime Minister,

I am now in a position to communicate the observations of the Allied Commission upon the Draft of the Political Election Law for the Constituent Assembly and upon the Draft Law for the reconstitution of Communal and Provincial Administration on an Elective Basis, both of which were considered by the Council of Ministers on 30 October and 1 November.

I have noted with pleasure that both Drafts are in several respects an advance upon previous Italian electoral legislation in the direction of modern development of democratic practice. There are consequently but few matters to which I consider I should draw the attention of your Government.

To deal first with the Draft Law for the Elections to the Constituent Assembly, I have noted the absence from it of any provision forbidding electoral propaganda in the neighborhood of the polling station or section office. The Draft Law for administrative elections on the other hand has made a suitable provision for this in Article 43. I trust that a similar provision will be made for the political elections.

I have also observed in the Draft Law for elections to the Constituent Assembly the provision in Article 15 for the lists of candidates to be presented to the Court of Appeal not later than the fortieth day before the election and in Article 16 for the Court of Appeal to complete the verification of the lists not later than the thirtieth day before polling day. Thereupon, provision is made for the printing of the lists, the transmission of them to the Sindaco and for the Sindaco to exhibit them in public places. No time-limit is stated, however, for the completion of this important duty on the part of the Sindaco. It is of great importance that the public should receive official notification of the candidates duly nominated in ample time before the election. With this object, I suggest a provision requiring the Sindaco to affix in public places the notice comprising the lists of candidates as verified by the Court of Appeal not later than the twentieth day before the election.

Turning now to the Draft Law for the administrative elections, I do not find in it any provision for the exhibition in public places of the names of candidates nominated. Provision is only made for such names to be posted in the voting room on the day of the election. It is of equal importance in the administrative elections that official notice of the candidates be given to the public in good time before the election. I would advise, therefore, the inclusion of appropriate provisions for this purpose. As in the case of the political elections, it is considered that public notice of the duly nominated candidates after verification by the Electoral Commission ought to be given at least 20 days before the election. For this purpose, therefore,

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- 2 -

the periods of 15 days fixed by Article 26 and 20 days fixed by Article 63 should be considerably extended. These periods appear in any case to be very short in comparison with the period of 70 days allowed for the political elections and having regard to the tasks to be performed and the objects to be attained.

I have also noted with particular attention the provisions of the Draft Law on administrative elections as to ballot-papers. Whereas for the political elections due provision has been made for a State ballot-paper, for the administrative elections this is not proposed. The Draft Law confines itself merely to prescribing the type of the ballot-paper to which these provided--presumably by political parties or by the voters themselves--must conform. That the ballot-paper should be printed by public authority and delivered by the officials of the section office to the elector when he presents himself to vote is a matter of cardinal importance, both as a precaution against fraud and as a means of ensuring to the elector the actual receipt of a ballot and a genuine freedom of choice. I consider that the provision of an official ballot is as necessary for the administrative elections as for the political elections and I would urge the Italian Government to dispose accordingly.

Before concluding this letter, I think it necessary to refer to the rendering executive of these two Laws in such parts of Italy as may still be under Allied Military Government at the time when the Laws are promulgated. It is the intention of the Allied Commission to give them immediate implementation by the quickest means possible. To that end I would ask the Italian Government to provide for their publication in a supplement to the Official Gazette in which can also be inserted the ordinance making them executive. In order to enable the Laws to be put into force in this way, it is necessary to request that an assessment of a technical nature be made in each of them. A Memorandum on the amendments desired for this purpose is enclosed.

I trust I may hear from you in the near future that the suggestions made above are accepted by the Italian Government and that they will be incorporated in the versions of the Laws that will be submitted to the Consultative Assembly. In this letter I have dealt in general terms only. For the purpose of determining the exact phrasing of any modifications agreed to, it may be desirable that the technicians of the Italian Government and the Local Government Sub-Commission should confer so as to avoid any unnecessary delays.

Yours very truly,

Distribution:

Chief Commissioner
Executive Commissioner
Polad (A)
" (B)

AC/45/B/1/LG

AC/45/B/2/LG

Professor Fortunato Parrini
President of the Council of Ministers
Italian Government
Rome

W. Ellery W. Stone

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Draft Political and Administrative Electoral Laws

Memorandum on the Modifications Required for the Purpose of Rendering the Laws Executive in Military Government Territory

A - Political Electoral Law

1. In Article 5, No. 12, provision is made for excluding from franchise those deprived of electoral rights by sentences of the Provincial Commissions referred to in Article 2 of D.L. 26 April 1945 No. 149. The last paragraph of Article 6 provides that a particular class of persons otherwise excluded from the franchise may be admitted to the exercise of the right to vote by judgment of the same Provincial Commissions provided for in Article 2 of the same D.L.
2. D.L. 26 April 1945 No. 149 has not been rendered executive in Military Government Territory. Instead, Provincial Commissions are being established throughout the North under D.L. 27 July 1944 No. 159 and a procedure has been agreed with the Italian Government for the appointments of the Presidents and other members of these Commissions under that Decree.
3. Articles 5 and 6 of the Draft Law on the political elections should therefore refer to the Provincial Commissions established under either D.L. 27 July 1944 No. 159 or D.L. 26 April 1945 No. 149.

B - Administrative Electoral Law

4. Article 102 states that in territory not yet returned to the Italian administration, the date for the election of Communal and Provincial Councils is to be fixed by Allied Military Government in agreement with the Prefect and the First President of the Court of Appeal.
5. International law authorizes Allied Military Government to take administrative action (such as fixing the date for the administrative elections) under the law without any express provision for the purpose. Likewise, Allied Military Government is not required to consult any Italian official before so doing.
6. If it should become necessary for Allied Military Government to exercise powers under this law, it is their intention to proceed in close cooperation with the Italian Government and to obtain the advice of the appropriate administrative and judicial officials in the territory under their control. The Italian Government however is not competent, as a matter of law, to prescribe a procedure for Allied Military Government to follow.
7. Article 102 should therefore be omitted. It should be replaced by the usual clause declaring that the law will come into force on the day after its publication in the Official Gazette.

HEADQUARTERS ALLIED COMMISSION

APO 394

LOCAL GOVERNMENT SUB COMMISSION

Supplemental Report on the Draft Law for Elections to the Constituent Assembly

1. Since this Sub Commission's report of 28 October, a complete set of the papers has been received--the remaining Schedules and, more particularly, the Majority and Minority reports of the Drafting Commission. The writer has also had long conferences with the experts of the Ministry of the Interior on technical and drafting points. In the result it appears necessary to modify in some respects the previous report of the Sub-Commission.
2. A brief indication of the contents of the Minority Report seems first to be desirable. The Majority Report does not need particular reference as it deals with the Draft Law as drawn up and this Draft has already been examined in the previous report of the Sub-Commission.
3. The Minority Report addresses itself to two questions--the size of the constituencies and the restrictions on the exercise of the preference vote.
4. The signatories of the Minority Report propose the splitting of the 9 largest regional constituencies (Piemonte, Lombardia, Veneto, Emilia, Toscana, Lazio, Campania, Puglia and Sicilia) so as to raise the number of constituencies from 19 to 30, each constituency, however, still consisting of a group of complete provinces and being wholly comprised within a given region. Under this proposal, the number of Deputies per constituency would vary from 7 to 28 instead of from 7 to 73.
5. The minority also propose an alteration as to the preference vote. The Draft gives the voter one such vote in constituencies having up to 15 Deputies--~~to~~ 2 preference votes in constituencies with 16 to 30 Deputies--and ~~to~~ 3 in constituencies returning more than 30 Deputies. The minority suggest one preference vote in constituencies having up to 10 Deputies--2 in those having 11 to 20--and 3 in those having more than 20 Deputies.
6. One Commissioner has put in yet another minority report recommending compulsory voting. It does not seem necessary to do more than mention this.
7. It is considered that the points raised in the Minority Report are all matters which, though arguable, should be left exclusively to Italian decision. They do not affect the basic principles of a democratic election.
8. In the previous report, reference was made to the period of 70 days which, according to the Draft Law, must elapse between the proclamation of the election and the election day and it was suggested that this period might be reduced. As a result of an examination in point with the Italian Government's technicians, it is desired to withdraw this suggestion. It is not considered that 70 days will be too long in view of the practical difficulties which Italian official agencies will have to overcome in performing their tasks. This applies particularly to the printing of ballot-papers.
9. The discussions above-mentioned have also clarified a point of some importance as to the nomination of candidates. It has now been made clear that the Draft Law does make provision for the posting in public places of the names of those duly nominated before the Election Day and throughout the constituency. The Sindaco is not however required to perform this duty within any stated time. It is recommended that a time-limit should be fixed.
10. The effect of the foregoing observations is to leave only two points...

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10. The effect of the foregoing observations is to leave only two points as to which it is recommended that observations be made to the Italian Government:--
 - (a) the absence from the Draft Law of any provision forbidding political propaganda in the vicinity of the Polling Station:
 - (b) the absence of any dead-line for giving public notice of the names of the duly nominated candidates.

CGRW/pec

2 November 1945

Distribution: Chief Commissioner
 Exec. Commissioner
 VP CA Section
 Polad (A)
 Polad (B)
 AC/45/B/1/IG

Sum by c.c.
Sum 5/11/45

RALPH R. TEMPLE, Major
 Director
 Local Government Sub Commission

R. R. Temple

200/00

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HEADQUARTERS ALLIED COMMISSION

APO 394

LOCAL GOVERNMENT SUB COMMISSION

Report on the Draft Law as to Local Elections

1. This Draft presents more complications than that on the elections for the Constituent Assembly and it has been thought best to present first some very brief notes on the outstanding features of the Draft under its main headings, i.e.:-

Organs of Communal and Provincial Administration.

The Electorate and Eligibility.

Election of Councils in Communes of less than 30,000 population.

Elections in Communes of 30,000 population or more.

Election of Provincial Councils.

and then to examine how far the Draft meets the "four points" raised by the CC in previous correspondence with the PK.

2. Organs of Provincial and Communal Administration. The Draft would restore the Provincial and Communal Councils, their subordinate administrative structures and their powers, as provided for in the 1915 Law. The principal variations made in the Draft are two.

3. The number of Councillors in relation to population is altered so that the large and medium Communes and Provinces will have smaller Councils than they did 30 years ago. The object is to take account of the increase of population in the interval and to avoid an excessive number of large Councils. Similar adjustments are made in the numerical composition of the standing Executive Committees, i.e. "Giunta Comunale" and the "Deputazione Provinciale".

4. The Draft reverts to separate Presidents of the Provincial Council and the Provincial Deputation. The earlier draft or "Blue Book" produced by the Ministry of the Interior in June last proposed to amalgamate these offices. The explanation is that the Provincial Council functions in the manner of a small Parliament. It is considered necessary to have a President of the Council to act as a sort of "Speaker" and a separate President of the Provincial Deputation to act as "Leader of the House".

5. There is nothing in this part of the Draft which is not acceptable.

6. Electorate and Eligibility. The provisions regulating those entitled to vote are defined so as to follow the "Costituente" Election Law on the subject and therefore require no further comment than has been made in this Sub Commission's report on that Draft Law. The "poverty disqualifications" are abolished and the disfranchisement of Fascists tightened up.

7. Provision has been made for granting soldiers the abstract right to vote at elections--abstract because in practice only those soldiers will be able to use their vote who happen to be stationed or on leave in their Commune of residence at the time. It is known that the Italian Government's experts have examined the possibility of postal or proxy voting and in fact have requested and been supplied with information on the subject by this Sub Commission. The Italian experts have concluded that anything of this kind is impracticable.

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7. Provision has been made for granting soldiers the abstract right to vote at elections--abstract because in practice only those soldiers will be able to use their vote who happen to be stationed or on leave in their Commune of residence at the time. It is known that the Italian Government's experts have examined the possibility of postal or proxy voting and in fact have requested and been supplied with information on the subject by this Sub Commission. The Italian experts have concluded that anything of this kind is impracticable in present circumstances and this Sub Commission must reluctantly agree with them.
8. As to eligibility, anyone can be a Communal or Provincial Councillor who is a registered elector and can read and write. It seems curious that a literacy qualification has been introduced here but not into the Draft Law on "Costituente" elections; that Draft makes eligible to be Deputies of the "Costituente" all Italian citizens over 25. The opposite would seem to be more realistic. The discrepancy probably arises from the fact that the two drafts have been prepared by two different people. In any event, there is no point here to be taken by AC.
9. The Draft would make women eligible for all local public office, thus representing yet a further advance upon the proposals of the June "Blue Book", which admitted them only to membership of the Councils and their Executive Committees. The present Draft allows a woman to be a Sindaco, or a President of the Council or Provincial Deputation.

10. This part of the Draft also seems quite unobjectionable.
11. Election Procedure. Two separate procedures are proposed according to the size of the Commune, as follows:
- (a) in the smaller Communes the election would be on the majority system with limited voting as was the case under the 1917 Law, i.e., the voter may vote for only 4/5 of the seats.
- (b) in the larger Communes, the system would be proportional representation with preference votes, as in the Constituent Assembly elections, but with the additional faculty for the voter to cancel names from the list.

The draftsmen have fixed the dividing line at the 30,000 population mark, which is a figure for consideration by the Council of Ministers and not a recommendation.

12. Elections in Communes under 30,000 population. The first point to note is that there is no division of the Commune into constituencies. The elector votes for the whole number of the members of the Council. There is, however, power (on local request from Communes divided into fractions) to constitute the fractions into constituencies, each electing a fixed number of the Councillors.
13. The Prefect fixes the date for the election of the Deputies 15 days in advance. The candidates must be nominated six days before the election and their nominations examined the next day by the Electoral Commission, i.e., five days before the election. This period is considered by the Sub-Commission to be too short. It will certainly be too short if the recommendations made below as to public notice of nominations and official ballots are adopted. It is considered that nominations should be completed and published at least 20 days before the election. The point should be taken up with the Italian Government.
14. The names of duly nominated candidates are posted up in the Polling Station on election day, but there is no provision--as there is in the "Costituente" Election Law--for giving public notice of the duly nominated candidates throughout the Commune and in advance of election day. The names are posted only in the Polling Station where the voter sees them for the first time on election day. This is considered to be a point of substance. One of the main objects of prior nomination of candidates is to enable the elector to have official assurance as to who is running in good time before the election, so that he can weigh the merits of the candidates and come to an informed decision. It is believed that any practical difficulties, e.g. provision of paper and printing, can and ought to be overcome.
15. The provisions as to ballot-papers are not considered satisfactory. According to the Draft, the elector provides himself with his own ballot-paper which he brings into the Polling Station. It must conform to the pattern annexed to the Draft and it may be written or printed or partly one and partly the other. In practice, therefore, the Parties will probably provide the ballots.
16. There are evident practical difficulties against the official printing of ballots for local elections such as the obtaining of paper and the absence of means

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16. There are evident practical difficulties against the official printing of ballots for local elections such as the obtaining of paper and the absence of means for printing at the disposal of the smaller Communes. These are not considered insurmountable. On the other hand, the official ballot is an important precaution against fraud and a factor in insuring a genuine freedom of choice.

17. It is accordingly suggested that the lack of provision for publication of nominations or for official ballot-papers be raised with the Italian Government.

18. Elections in Communes of 30,000 population or more. As the procedure here is the same as that proposed for Constituent Assembly elections, it only appears necessary to note the principal points of variation from those proposed under the national system.

19. It is first to be observed that in this class of elections also, there is no provision for the official publication, in good time before the election day, of the names of the duly nominated candidates.

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- 3 -

20. Under this procedure also, the Prefect fixes the date of the election 20 days ahead. Nominations have to be presented 6 days before the election and the Electoral Commission transmits to the Sindaco the lists of those duly nominated 3 days only before the voting. As in para 13 above, it is considered that the candidates running should be officially notified to the public at least 20 days before the voting takes place. AC should advise the Italian Government to extend the period accordingly.

21. Neither is there provision for an official ballot-paper, the voter being supposed to provide his own and the ballots provided being required to conform to the prescribed pattern. The observations made in paras 16 and 17 above likewise apply.

22. The only important difference between national and the local procedures under proportional representation is the provision in the Draft Law on Local Elections which allows the voter to strike out names. For this purpose, the ballot contains at the head the symbol of the list it represents and beneath it the names of the candidates on that particular list. The elector votes:--

(a) for the list--by presenting the ballot relating to the list and bearing its symbol;

(b) for those he wishes to see preferred--by putting an "X" against their names on his ballot.

(c) Against those he does not want elected--by drawing a horizontal line through their names on his ballot. As in the "Costituente" Election Law, there is no provision for adding names.

23. No point should be raised with the Italian Government on this difference.

24. Elections for Provincial Councils. These are to be conducted according to the system adopted for the smaller Communes, i.e. according to the majority system and with limited vote. The limited vote is likewise the same, i.e. the voter can only vote for four-fifths of the seats. It seems strange that the system of proportional representation is not provided for in the Draft.

25. The Province, unlike the Commune, is divided into constituencies, each "mandamento" or Judicial District forming a constituency and Councillors being assigned to each "mandamento" in proportion to population.

26. It is provided that the elections of Provincial Councillors are normally to take place on the same day as those of the Communal Councillors and that, therefore, elections in all Communes in the same "mandamento" are to take place on the same day.

27. As the election procedure is the same, the exceptions taken in connection with Communes under 30,000 population are to be taken also in connection with the election of Provincial Councils.

28. The "four points". The extent to which the Draft Law has dealt with three of the four points made in previous correspondence has been noted in the foregoing paragraphs. It remains to allude to the fourth point and to summarize the position as to all of them.

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28. The "four points". The extent to which the Draft Law has dealt with three of the four points made in previous correspondence has been noted in the foregoing paragraphs. It remains to allude to the fourth point and to summarize the position as to all of them, as follows:--

(a) Prior nomination of candidates:--This has been partly met but not adequately--paras. 14, 19 and 27 above.

(b) Official ballot-papers:--The substance of this point has not been met at all--paras 15-17, 21 and 27 above.

(c) Forbidding electioneering near Polling Stations:--an article (43) has been inserted in the Draft forbidding all electoral propaganda within 200 metres of the entrance to a Polling Station. This is satisfactory.

(d) Soldier Voting:--This has been met as far as it is possible to do so--para 7 above.

(11)

29. Conclusion. It is accordingly recommended that it be suggested to the Italian Government that, for all types of elections contemplated by this Draft report:--
before election day:

- (a) official publicity be given to the duly nominated candidates in due time
- (b) adequate time between nomination of candidates and election day be allowed;
- (c) official ballot-papers be provided.

CQK/pec

2 November 1945

Distribution: Chief Commissioner
Exec. Commissioner
VP CA Section
Polad (A)
" (B)
AC/45/B/2/LG

R. R. Temple

RALPH R. TEMPLE
Major
Director
Local Government Sub Commission

2520

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

785015

Local Government Sub Commission

3 November 1945

Distribution: Chief Commissioner
Exec. Commissioner
VP CA Section
Polad (A)
" (B)
AC/45/B/2/LG

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HEADQUARTERS ALLIED COMMISSION

AEO 394

LOCAL GOVERNMENT SUB COMMISSION

Report as to Implementation of the Draft Laws on Elections

1. The Northern provinces may not have been returned to Italian control by the time these two laws have been made and promulgated. In any event, there are provinces which may be retained under Allied Military Government after the bulk of the North has been transferred. It is therefore necessary to consider policy as to implementation.
2. It is submitted that it is in the Allied interest to give the most immediate implementation to both laws, if only as evidence of the continued intention to encourage the holding of elections as soon as possible and to facilitate the achievement of that objective in every possible way. For this purpose, it is further submitted that arrangements be made for each law to be published simultaneously with the implementation order relating to it and in a supplement to the Official Gazette. It is recommended that the Italian Government be requested to agree to this course.
3. The two Drafts have accordingly been examined to determine if they are as drafted as to admit of implementation. An amendment seems to be required in each.
4. Constituent Assembly Elections Law : - Art. 5 disfranchises those adjudged to lose their civil rights by Provincial Commissions for the disfranchisement of Fascists established under DIL 159. Art. 6 denies the right to vote to those who have been Fascist party political secretaries of towns having over 10,000 inhabitants but they may be admitted to the franchise if their behaviour in office is adjudged free from faction, intemperance or fascist malpractices by a Provincial Commission established under the same DIL. This DIL is not in force in Military Government Territory and the Provincial Commissions in question have been set up throughout the North under DIL 159. If the Draft is left in its present form, the authority of the Provincial Commissions in the North to act under Articles 5 and 6 may be questioned.
5. It is recommended that the Italian Government be desired to take cognizance of the situation (well known to and accepted by them) of these Provincial Commission in the North and to include in the Draft the requisite references to DIL 159.
6. Local Elections Law - An Article (102) has been inserted which purports to confer on AMG the power to fix the date of communal and provincial elections in the North and to require AMG first to consult the Prefect and the First President of the Court of Appeal. This is misconceived. It should be deleted and its place taken by the usual clause bringing the law into force on the day after its publication.

immediate implementation to both laws, if only as evidence of the continued intention to encourage the holding of elections as soon as possible and to facilitate the achievement of that objective in every possible way. For this purpose, it is further submitted that arrangements be made for each law to be published simultaneously with the implementation order relating to it and in a supplement to the Official Gazette. It is recommended that the Italian Government be requested to agree to this course.

3. The two Drafts have accordingly been examined to determine if they are so drafted as to admit of implementation. An amendment seems to be required in each.

4. Constituent Assembly Elections Law : - Art. 5 disfranchises those adjudged to lose their civil rights by Provincial Commissions for the Disfranchisement of Fascists established under DIL 159. Art. 6 denies the right to vote to those who have been Fascist party political secretaries of towns having over 10,000 inhabitants but they may be admitted to the franchise if their behaviour in office is adjudged free from faction, intemperance or fascist malpractices by a Provincial Commission established under the same DIL. This DIL is not in force in Military Government Territory and the Provincial Commissions in question have been set up throughout the North under DIL 159. If the Draft is left in its present form, the authority of the Provincial Commissions in the North to act under Articles 5 and 6 may be questioned.

5. It is recommended that the Italian Government be desired to take cognisance of the situation (well known to and accepted by them) of these Provincial Commission in the North and to include in the Draft the requisite references to DIL 159.

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cc/aw/cs,

Distribution :

- Chief Commissioner
- Executive Commissioner
- Polad (A)
- Polad (B)
- Legal Sub Commission
- AC/45/B/1/LG
- AC/45/B/2/LG

R. R. Temple
Major,
Director,
Local Government Sub Commission.

(11)

F.C.

PNR

WWS

CC

Dear Sir:

HEADQUARTERS ALLIED COMMISSION

Office of Political Adviser (A)

NOV 1 1945

Subject: Joint Statement of October 13, 1943, concerning
Italian Co-Belligerency.

To : Chief Commissioner

→ With reference to your memorandum of October 29,
1945, enclosing a paraphrase of a telegram from the De-
partment of State with respect to the powers and purposes
of the Constituent Assembly, there is enclosed, in com-
pliance with your request, a copy of the Joint Declaration
of October 13, 1943, referred to therein.

J. Wesley Jones
J. Wesley Jones
Political Adviser (A)

Enclosure

Rome, November 1, 1945

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COPY

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The following is a joint statement by the President of the United States, the Prime Minister of Great Britain, and the Prime Minister of the Union of Soviet Socialist Republics, re declaration of war by Italy against Germany:

The Governments of Great Britain, the United States and the Soviet Union acknowledge the position of the Royal Italian Government as stated by Marshal Badoglio and accept the active cooperation of the Italian nation and armed forces as a co-belligerent in the war against Germany. The military events since September eighth and the brutal maltreatment by the Germans of the Italian population, culminating in the Italian declaration of war against Germany have in fact made Italy a co-belligerent and the American, British and Soviet Governments will continue to work with the Italian Government on that basis. The three Governments acknowledge the Italian Government's pledge to submit to the will of the Italian people after the Germans have been driven from Italy, and it is understood that nothing can detract from the absolute and untrammelled right of the people of Italy by constitutional means to decide on the democratic form of government they will eventually have.

The relationship of co-belligerency between the Governments of Italy and the United Nations Governments cannot of itself affect the terms recently signed, which retain their full force and can only be adjusted by agreement between the Allied Governments in the light of the assistance which the Italian Government may be able to afford to the United Nations' cause.

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Translation

OCT 31 1945
cc 0835

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The President of the Council of Ministers

Rome, 29 October 1945

Dear Admiral,

I answer your letter of October 27th concerning the drafts of law for the political and administrative elections. To my mind, the Allied Commission must be able to express its objections, if any, about both law drafts and let them know to the Italian Government before the said drafts are discussed by the plenary assembly of the Consulta. The assembly will probably discuss this matter only after the commission of consultants concerned (commission for political and administrative affairs) has already examined the law drafts, and in any case, not for several weeks.

To my mind, it would be advisable for the Allied commission to send its possible objections to the Italian Government before that time. Should the Government deem it advisable to make modifications in accordance with these objections, it can insert them as part of the text that will then be submitted to the Consulta in plenary assembly.

I think it advisable for the possible objections of the Allied commission to be sent to the government if possible before November 12th.

I remain,

Yours very truly,

S. Ferruccio Parri

Admiral Hilary E. Stone
Chief Commissioner
Allied Commission
Rome

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Active - C. H. C. (2)
Info - Chief Comm
Ex Comm R

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29 October 1945

My dear Mr. Ambassador:

I thank you for your letter of 26 October enclosing a paraphrase of a telegram which was received from the Department of State containing its views with respect to the powers and purposes of the Constituent Assembly.

Yours very truly,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

The Hon. Alexander Kirk
American Ambassador
Via Veneto 119
Rome

cc-Exc. Commr.

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HEADQUARTERS ALLIED COMMISSION

Office of the Chief Commissioner

APO 394

29 October 1945.

MEMORANDUM TO: Executive Commissioner.
Vice President, Civil Affairs Section.
U.S. Political Advisor.
British Political Advisor.
Chief Legal Advisor.

There is forwarded herewith a paraphrase of a telegram which has been received from the Department of State with respect to the powers and purpose of the Constituent Assembly and which was sent in response to the Embassy's report of 6 September informing the Department of the views of the U.L.A. as expressed in his memorandum of 30 August.

It would be appreciated if the British or American Embassy could supply the Commission with a copy of the joint declaration of 13 October 1943.

ELIJAH W. STONE
Rear Admiral, USMC
Chief Commissioner

(69)

The opinion of the Chief Legal Adviser of the Allied Commission (Embassy's telegram of September 6) on the Constituent Assembly is not concurred in by the Department of State, whose view is that Italian constitutional law cannot determine the functions and nature of the Assembly since constitutional law, strictly speaking, is based on statutes. The only legal government of Italy is the present one with ultimate law-making powers vested in the Council of Ministers and the Lieutenant General of the Realm. Except for self-imposed limitations and those arising from the instrument of surrender, the powers of the present Italian Government are without legal limits. The present Italian Government, having power to create the Assembly, also has authority to limit the Assembly to its fundamental task of framing a new constitution. The decree-law of June 25, 1944 (no. 151), did in fact do just this. But while, in broadest interpretation, Italian constitutional law might be understood to include Italian and foreign precedents for the Assembly, the phrase "constituent assembly" as used in modern Italy has varied interpretations and there are hardly any relevant Italian precedents. The interpretation of "constituent assembly" as an organization which both creates a new constitution and governs the country is based on European precedents where break-downs of the previously existing legal regimes or revolutions occur, thus necessitating the two different functions of drafting a new constitution and of governing being performed by the assembly. Since a legal regime exists in Italy, competent to administer the country during the convention of the assembly and also under obligations to the Allied Governments, the case of Italy is not parallel. The Constituent Assembly would have to confine itself to one task under a strict construction of decree-law no. 151 of June 25, 1944, which provides only for a new constitution to be drawn up by the Constituent Assembly and attributes no other functions to it. The decree-law contemplates the continuance of the Council of Ministers as the governing authority until a new Parliament is formed. The term "new Parliament" which is mentioned therein, means the Parliament to be created by the Assembly. Furthermore, the joint declaration of October 13, 1943, which established the right of the Italian people to choose, by constitutional means, a democratic form of government, must provide the framework within which the institutional question will be solved, and this requires that there be observed legal continuity. Constitutional conventions, such as have been held in the United States, might be relevant foreign precedents for such procedure. Constitutional assemblies of this nature do not attempt to govern but confine themselves strictly to constitution-making.

Since it is the opinion here that the pledges of the Allied Governments to the Italian people require continued efforts on the part of the Government of the United States to ensure that the new Italian state is established on democratic principles and to promote democratic processes in Italy, the British Government is being informed of the foregoing views looking forward to the initiation of discussions with the Italian Government on this subject. The Allied Commission should meanwhile be apprised

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Since it is the opinion here that the pledges of the Allied Governments to the Italian people require continued efforts on the part of the Government of the United States to ensure that the new Italian state is established on democratic principles and to promote democratic processes in Italy, the British Government is being informed of the foregoing views. Looking forward to the initiation of discussions with the Italian Government on this subject. The Allied Commission should meanwhile be apprised informally of the Department's views.

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Declassified E.O. 12356 Section 3.3/NND No. 785015

APPENDIX "A"

Disqualifications for Voting--Differences from Law or Compilation of Electoral Lists

I - Disqualifications which are Cancelled

- (i) Being habitually in receipt of public assistance.
- (ii) Conviction for begging.
- (iii) Political Secretaries of the PNF can be allowed to vote by the Provincial Commissions for Disfranchisement of Fascists.
- (iv) "Black-shirt" officers are not disqualified if they belong to technical branches, e.g. Railway Militia, Forest Militia, University Militia, etc..

II - Additional Disqualifications

- (i) National Councillors, i.e. members of the Chamber of Fasci and Corporations.
- (ii) Fascist Ministers and Under-Secretaries and Fascist Deputies.
- (iii) Political Secretaries of the PNF in Communes with over 10,000 inhabitants. (N.B. The Law on electoral lists confines the disqualification to Political Secretaries of Communes with 20,000 or more inhabitants.)
- (iv) The female equivalent of Federal Secretary, Federal Inspector and Political Secretary in the PNF.
- (v) Musketeers of the Duce.
- (vi) Members of the Special and Extraordinary Tribunals of the pseudo-Social Republic--Chiefs of Provinces and Questori appointed by the pseudo-Republican Government--officers of the armed forces who have served the Republican Government.

"B"
APPENDIX

Proposed Colleges (i.e. Constituencies or Election Districts)

<u>Colleges</u>	<u>Population</u>	<u>Number of Deputies</u>
Piemonte	3,421,341	43
Valle d'Aosta	84,793	1
Liguria	1,466,915	18
Lombardia	5,836,342	73
Venezia Tridentina	669,029	8
Veneto	4,267,806	54
Venezia Giulia and Zara	977,257	12
Emilia	3,339,058	42
Toscana	2,974,439	37
Marche	1,278,071	16
Umbria	725,918	9
Lazio	2,647,088	33
Abruzzi and Molise	1,589,804	20
Campania	3,709,522	46
Puglie	2,637,022	33
Lucania	543,262	7
Calabria	1,771,651	22
Sicilia	4,000,078	50
Sardegna	<u>1,034,206</u>	<u>13</u>
<u>Total Colleges - 19</u>	<u>42,993,602</u>	<u>537</u> Deputies

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

785015

APPENDIX "C"

Brief Description of the Procedure in the Polling Station

1. The Polling Station is divided into two compartments by a barrier with a gap in the middle. In the first compartment (where the entrance to the street is) the voters may stand and watch the proceedings. Here are affixed the lists of candidates, a copy of the voters' register, etc.. In the other compartment the officials are seated round a table with two ballot boxes on it--one holds the stamped and numbered ballot-papers ready for voting, and the other the ballot-papers which have been used for voting. The screened polling booths are also in this compartment. Electors can only pass the barrier to vote. The officials consist of a Presiding Officer, 5 clerks and a secretary.
2. At 1600 hours on the day before the election, the officials meet in the Polling Station to number the ballot-papers serially and sign them.
3. At 0700 hours on the election day, the officials mark the ballot-papers with the official stamp.
4. The poll opens at 0900 hours and closes at 2300 hours.
5. Electors desiring to vote must:--

(a) produce their certificates of registration in the electors' list. The Sindaco prepares and sends these to the voter at least 40 days before the election.

(b) prove their identity by:--

- (i) producing an official identity card, provided it bears a photograph;
- (ii) being known personally to one of the officials who certifies accordingly;
- (iii) producing another elector known to the officials who can certify identity--and any elector who has already voted is assumed to be known.

The Presiding Officer then removes the detachable slip from the registration certificate so that the elector cannot attempt to vote twice.

6. The Presiding Officer then draws a ballot-paper--calls out its serial number--which is entered against the voter's name in the electors' list.
7. The elector goes to the booth and with the pencil provided puts a mark on the ballot-paper over the symbol of the list for which he wants to vote. If he wishes, he also writes on the ballot-paper the names of those candidates of the list he has voted for to whom he wishes preference to be given. He then folds and seals up the ballot-paper (which is gummed for the purpose like an envelope) and hands it to the Presiding Officer. The latter tears off the appendix containing the serial number and puts the ballot-paper in the second ballot-box.

8. At 2300 hours, the Polling Station is closed, but electors already

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8. At 2300 hours, the Polling Station is closed, but electors already inside are allowed to vote.

APPENDIX "D"Time-Tables

NOTE (1)---"D" = the date of publication of the Decree proclaiming the elections.

(2)---"E" = the day of the elections.

<u>"D" Plus</u>	<u>"E" Minus</u>	<u>Action to be taken</u>
10	E - 60	Last day for military etc. Commanders to apply to Sindaci for certificates of registration in the electors lists for their troops.
15	E - 55	Last day for the "Giunta Comunale" to have ready stamps, ballot-boxes, tables, etc. for Polling Stations.
20	E - 50	Last day for Sindaco to complete preparation of registration certificates.
(30	E - 40)	Last day for delivery of registration certificates to electors.
(30	E - 40)	Last day for lists of candidates to be lodged.
40	E - 30	Last day for examination and approval of lists of candidates.
60	E - 10	Last day for Electoral Commissions to transmit the electoral lists to the Sindaco.
(62	E - 8)	Between these dates the "Giunta Comunale" must
(66	E - 4)	appoint the Polling Station clerks.
63	E - 1	Last day for lodging the appointments of the candidates' polling and counting agents.
70	E	Election Day

Report on the Draft Law for Elections to the Constituent Assembly

1. The "Four Points"

Three of the four principal criticisms taken up by the CC in correspondence with the PM have been met.

2. As to prior nomination of candidates, this is met by following the system of the 1919 Law whereby the Parties' lists of candidates have to be deposited at the Court of Appeal (which examines and approves them) 40 days before election day, together with the necessary declarations of acceptance of candidature, etc.

3. As to provision of an official ballot-paper, this point has been met. There is an improvement in this respect over the 1919 Law which only provided for an official envelope, leaving the Parties to print a ballot-paper in standard form which the elector brought into the Polling Station and put in the envelope.

4. As to soldier voting, the franchise is to be extended to NCOs and men as well as officers. They will vote in the place where they happen to be stationed. It is the duty of their Commanding Officer to obtain for them the requisite certificates of registration in the electors' lists (which every elector has to present at the Polling Station) by applying to the Sindaco of the Commune where the soldier is registered 60 days before the election.

5. As to prohibiting electioneering in the vicinity of Polling Stations, this point has not been met. This is the more surprising as in the Draft Law for Local Elections a clause has been inserted forbidding propaganda within 200 metres of the Polling Station. The 2 Draft Laws have, however, been prepared by different people.

6. The remainder of this report draws attention to the more important features of the Draft Law bearing upon the universality of the franchise, the freedom of choice of the elector and the secrecy of the ballot.

7. As to the extent of the franchise, the Draft Law reproduces the disqualifications listed in the Law as to the compilation of electoral lists but with alterations. These alterations are indicated in appendix "A". The disqualifications for Fascism have been enlarged, with particular references to the Republican Fascist Party. On the other hand, disqualifications for "poverty" have been removed. On the whole, the new Draft Law is more liberal in this respect than previous legislation.

It is to be noted, however, that the removal of "poverty" disqualifications may delay still further the preparation of the electoral lists. Those Communes that have already compiled their lists will have to prepare supplementary ones to include those persons who were omitted because they were habitually in receipt of public assistance or had been convicted for mendicancy. As convictions for mendicancy have to be notified by Judicial Record Offices--a notorious bottleneck--the consequent delay may be appreciable.

It is nevertheless considered that the progressive spirit manifested by the abolition of the "poverty" disqualifications is more important than the practical difficulties of completing the electoral lists.

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It is nevertheless considered that the progressive spirit manifested by the abolition of the "poverty" disqualifications is more important than the practical difficulties of completing the electoral lists.

8. The Draft Law also lists the disqualifications for being elected to the Constituent Assembly. In general, these disqualifications are notably less restrictive than those enacted by the 1919 Law as to membership of the Chamber of Deputies. In particular, the 1919 Law disqualified all State officials with very few exceptions (e.g. Ministers, high-ranking judges and army officers and university professors): but under the new Draft Law all State officials are eligible, with very few exceptions. (e.g. the Chief and Vice-Chief of Police, Ministers, Chiefs of Cabinet, Prefects within their provinces and the High Commissioners for Sicily and Sardinia within their Regions). Even these are eligible if they resign 20 days after publication of the Law.

The reason for this marked departure from precedent is to be found, of course, in the number of political non-career appointments to State offices made in the last two years.

9. To turn to the freedom of choice of the elector, it is to be noted that the Draft Law provides for proportional representation with remarkably large election districts or "colleges". Particulars of these election districts are given at Appendix "B". The desirability of these Regional election districts and their suitability to present conditions in Italy are open to argument; but it cannot be alleged there is anything fundamentally undemocratic in the proposal.

Large elections districts, consisting of one or more provinces, were provided for in the 1919 Law and the number of Deputies assigned to each varied between 5 and 20. Moreover, election districts of sufficiently large size and with a corresponding number of representatives are essential to the particular system of proportional representation adopted by the 1919 Law and repeated in essentials in the present Draft.

10. This system of proportional representation is well-known and is effectual to distribute among the Parties the seats allotted to each election district, in proportion to the votes cast for each Party. The desirability of proportional representation is, like the size of the election districts, open to argument. It is equally true that the system cannot be attacked as fundamentally undemocratic.

11. The elector has to vote for all the candidates on the list of his choice. The Draft Law does ~~not~~, however, provide for him to express his preference as to which of the candidates put forward by the Party he would prefer to see elected. In this respect, the new Draft is more restrictive than the 1919 Law. The number of preference votes the elector may give is reduced. Moreover, the elector's preference vote is a nullity unless the candidate he selects receives a total of preference votes equivalent to 20% of those given to the list in which he figures. There is a further point of difference between the new Draft and the 1919 Law which, it is considered, reduces the voter's freedom of choice. If a political party put in a list of candidates containing less names than there were seats to be filled, the elector could make up the difference by adding names. The names so added, however, had to be those of candidates from other lists. This provision is not repeated in the new Draft.

Even the 1919 Law contained no provision for the elector to delete names from the list of his choice and to substitute (if desired) names from the other lists--a provision which would certainly enlarge the voter's freedom to choose his representatives.

12. The very large election districts, the system of proportional representation adopted, the absence of "additional votes" and the restrictions of "preferential votes" all tend, in the writer's opinion, to minimize the part to be played by the individual voter and to magnify the influence of well-organized political Parties. Nevertheless, it cannot be advised that any of these features go to the root principles of democracy so as to justify being taken.

13. On the question of the secrecy of the ballot, Appendix "C" contains a brief description of what the voter actually will do--under the Draft Law--at the Polling Station. It is considered that the guarantees

with a corresponding number of representatives are essential to the particular system of proportional representation adopted by the 1919 Law and are repeated in essentials in the present Draft.

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13. On the question of the secrecy of the ballot, Appendix "C" contains a brief description of what the voter actually will do--under the Draft Law--when he goes into the Polling Station. It is considered that the guarantees for secrecy may be regarded as adequate, both in the Polling Station and before and in the counting of votes.

14. Attention is drawn to the provision in the Draft Law whereby 70 days must elapse from publication of the Decree proclaiming the elections and the election day. Appendix "D" gives a time-table of the principal operations which have to be performed during this interval. The period of 70 days is not too long if it is assumed that no preparatory steps will be taken before the election day is proclaimed. There does not seem, however, to be any need to assume this. For instance, the Sindaci could proceed with writing up the registration certificates ^{with} the compilation of the electoral lists.

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Likewise, the political Parties can begin to draw up their lists of candidates and to collect the candidates' birth certificates and acceptances of candidature, etc. as soon as the election law is published in the Gazette.

15. The period between the proclamation of the elections and the actual election day will, no doubt, be one of acute political fever, during which the risk of breaches of public order will be at its greatest. Indeed, on the broadest grounds, it is not desirable that the day of elections should be postponed one day later than is strictly necessary.

16. Against this, it could be urged that, as the Governmental and local agencies concerned with the elections are lacking both in re-organization and in experience, ample time must be allowed them for their various tasks.

17. It is for consideration, therefore, whether the Italian Government might not be asked to consider a shortening of this period of 70 days.

18. Conclusions.

From the foregoing, it would seem proper to make observations to the Italian Government upon two points only:--

(a) they should be recommended to include a provision forbidding political propaganda within a given distance of Polling Stations:

(b) they should be recommended to consider a reduction in the period of 70 days from the proclamation of the elections to the election day.

19. A separate report ^{will be} submitted on the questions which arise in relation to the implementation in Military Government Territory of the Draft Law on elections to the Constituent Assembly.

28 OCT 1945

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Chief Commissioner
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C. G. R. WILLIAMS
Major
Executive Officer
Local Government Sub Commission

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agencies concerned with the elections are lacking both in re-organization and in experience, ample time must be allowed them for their various tasks.

17.

It is for consideration, therefore, whether the Italian Government might not be asked to consider a shortening of this period of 70 days.

18.

Conclusions.

From the foregoing, it would seem proper to make observations to the Italian Government upon two points only:--

(a) they should be recommended to include a provision forbidding political propaganda within a given distance of Polling Stations:

(b) they should be recommended to consider a reduction in the period of 70 days from the proclamation of the elections to the election day.

19. A separate report ^{will be} submitted on the questions which arise in relation to the implementation in Military Government Territory of the Draft Law on elections to the Constituent Assembly.

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OCT 29

17 October 1945

My dear Mr. Prime Minister,

It has been reported to me that there has just been delivered to the Local Government Sub-Commission a copy of the draft law for the elections to the Constituent Assembly and likewise a copy of the draft law for the administrative elections.

Officials of the Italian Government have informed my officers that these two drafts will be considered at a special meeting of the Council of Ministers on 30 October next, after which they will be submitted to the Consultative Assembly.

I observe that the two draft laws contain respectively 74 and 104 articles and, with the relative reports, extend to over 100 pages. It is evident that these two drafts, which it has taken the Italian Government several months to prepare with that care which the importance of the subject demands, cannot be examined by the Allied Commission in the few days before the meeting of the Council of Ministers on 30 October 1945.

I am not at present able to say whether the Allied Commission will have any observations to make on these draft laws. That must await a proper study of the text. It is assumed that the Italian Government will receive and consider such observations as the Allied Commission may have to make.

/ I should also assume ...

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I should also assume that if, as a result of any observations which the Allied Commission may possibly make, the Government reach the conclusion that an amendment of the draft laws is desirable in any respect, any such amendment would be incorporated into the text of the law and submitted to the Consultative Assembly as an integral part of the law proposed by the Government.

I should be glad to have your views on these points.

Yours very truly,

ELLERY W. STONE
Rear Admiral, USNR
Chief Commissioner

Professor Ferruccio Parri
President of the Council of Ministers
Italian Government
Rome

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